

**PUBLIC INFORMATION WEBSITE REVISIONS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: Deidre M. Henderson

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**LONG TITLE**

**General Description:**

This bill amends provisions related to certain public information websites.

**Highlighted Provisions:**

This bill:

▸ requires the Division of Archives and Records Service to create and maintain the Utah Open Records Portal Website to serve as a point of access for Government

Records Access and Management Act requests;

▸ renumbers and modifies provisions applicable to the Utah Public Notice Website, administered by the Division of Archives and Records Service;

▸ clarifies provisions relating to the membership and duties of the Utah Transparency Advisory Board;

▸ requires the Department of Technology Services to create and maintain the Utah Open Data Portal Website to serve as a point of access for public information;

▸ renumbers and modifies provisions applicable to the Utah Public Finance Website, administered by the state auditor; and

▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

- 30 **4-21-106**, as last amended by Laws of Utah 2019, Chapters 370 and 456
- 31 **4-22-107**, as last amended by Laws of Utah 2019, Chapters 370 and 456
- 32 **4-30-106**, as renumbered and amended by Laws of Utah 2017, Chapter 345
- 33 **7-1-706**, as last amended by Laws of Utah 2010, Chapter 90
- 34 **10-2-406**, as last amended by Laws of Utah 2019, Chapter 255
- 35 **10-2-407**, as last amended by Laws of Utah 2019, Chapter 255
- 36 **10-2-415**, as last amended by Laws of Utah 2019, Chapter 255
- 37 **10-2-418**, as last amended by Laws of Utah 2019, Chapter 255
- 38 **10-2-419**, as last amended by Laws of Utah 2019, Chapter 255
- 39 **10-2-501**, as last amended by Laws of Utah 2019, Chapter 255
- 40 **10-2-502.5**, as last amended by Laws of Utah 2019, Chapter 255
- 41 **10-2-607**, as last amended by Laws of Utah 2019, Chapter 255
- 42 **10-2-703**, as last amended by Laws of Utah 2019, Chapter 255
- 43 **10-2-708**, as last amended by Laws of Utah 2019, Chapter 255
- 44 **10-2a-207**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended  
45 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 46 **10-2a-210**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended  
47 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 48 **10-2a-213**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended  
49 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 50 **10-2a-214**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended  
51 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 52 **10-2a-215**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended  
53 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 54 **10-2a-405**, as last amended by Laws of Utah 2016, Chapter 176
- 55 **10-3-301**, as last amended by Laws of Utah 2019, Chapters 258 and 305
- 56 **10-3-818**, as last amended by Laws of Utah 2010, Chapter 90
- 57 **10-5-107.5**, as enacted by Laws of Utah 2017, Chapter 71
- 58 **10-5-108**, as last amended by Laws of Utah 2017, Chapter 193

- 59 [10-6-113](#), as last amended by Laws of Utah 2017, Chapter 193
- 60 [10-6-135.5](#), as enacted by Laws of Utah 2017, Chapter 71
- 61 [10-7-19](#), as last amended by Laws of Utah 2019, Chapter 255
- 62 [10-8-2](#), as last amended by Laws of Utah 2019, Chapter 376
- 63 [10-8-15](#), as last amended by Laws of Utah 2019, Chapter 413
- 64 [10-9a-203](#), as last amended by Laws of Utah 2015, Chapter 202
- 65 [10-9a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 66 [10-9a-205](#), as last amended by Laws of Utah 2017, Chapter 84
- 67 [10-9a-208](#), as last amended by Laws of Utah 2019, Chapter 384
- 68 [10-18-203](#), as last amended by Laws of Utah 2010, Chapter 90
- 69 [10-18-302](#), as last amended by Laws of Utah 2014, Chapter 176
- 70 [11-13-204](#), as last amended by Laws of Utah 2015, Chapter 265
- 71 [11-13-509](#), as enacted by Laws of Utah 2015, Chapter 265
- 72 [11-13-531](#), as enacted by Laws of Utah 2015, Chapter 265
- 73 [11-13-603](#), as last amended by Laws of Utah 2019, Chapter 370
- 74 [11-14-202](#), as last amended by Laws of Utah 2019, Chapter 255
- 75 [11-14-318](#), as last amended by Laws of Utah 2009, First Special Session, Chapter 5
- 76 [11-36a-501](#), as enacted by Laws of Utah 2011, Chapter 47
- 77 [11-36a-503](#), as enacted by Laws of Utah 2011, Chapter 47
- 78 [11-36a-504](#), as last amended by Laws of Utah 2017, Chapter 84
- 79 [11-42-202](#), as last amended by Laws of Utah 2018, Chapter 197
- 80 [11-42-402](#), as last amended by Laws of Utah 2015, Chapter 396
- 81 [11-58-502](#), as last amended by Laws of Utah 2019, Chapter 399
- 82 [11-58-801](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 83 [11-59-401](#), as enacted by Laws of Utah 2018, Chapter 388
- 84 [17-27a-203](#), as last amended by Laws of Utah 2009, Chapter 188
- 85 [17-27a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 86 [17-27a-205](#), as last amended by Laws of Utah 2017, Chapter 84
- 87 [17-27a-208](#), as last amended by Laws of Utah 2019, Chapter 384
- 88 [17-27a-306](#), as last amended by Laws of Utah 2015, Chapter 352
- 89 [17-27a-404](#), as last amended by Laws of Utah 2018, Chapter 218

- 90 **17-36-12**, as last amended by Laws of Utah 2017, Chapter 193
- 91 **17-36-26**, as last amended by Laws of Utah 2017, Chapter 193
- 92 **17-41-304**, as last amended by Laws of Utah 2019, Chapter 227
- 93 **17-41-405**, as last amended by Laws of Utah 2019, Chapter 227
- 94 **17-50-303**, as last amended by Laws of Utah 2019, Chapter 376
- 95 **17B-1-106**, as last amended by Laws of Utah 2013, Chapter 445
- 96 **17B-1-211**, as last amended by Laws of Utah 2013, Chapter 265
- 97 **17B-1-303**, as last amended by Laws of Utah 2019, Chapters 40 and 255
- 98 **17B-1-306**, as last amended by Laws of Utah 2019, Chapter 255
- 99 **17B-1-413**, as last amended by Laws of Utah 2010, Chapter 90
- 100 **17B-1-417**, as last amended by Laws of Utah 2010, Chapter 90
- 101 **17B-1-505.5**, as enacted by Laws of Utah 2017, Chapter 404
- 102 **17B-1-609**, as last amended by Laws of Utah 2015, Chapter 436
- 103 **17B-1-643**, as last amended by Laws of Utah 2016, Chapter 273
- 104 **17B-1-1204**, as last amended by Laws of Utah 2010, Chapter 90
- 105 **17B-1-1307**, as last amended by Laws of Utah 2010, Chapter 90
- 106 **17B-2a-705**, as last amended by Laws of Utah 2019, Chapter 255
- 107 **17B-2a-1110**, as last amended by Laws of Utah 2016, Chapter 176
- 108 **17C-1-207**, as last amended by Laws of Utah 2019, Chapter 376
- 109 **17C-1-601.5**, as last amended by Laws of Utah 2018, Chapter 101
- 110 **17C-1-804**, as last amended by Laws of Utah 2019, Chapter 376
- 111 **17C-1-806**, as last amended by Laws of Utah 2018, Chapter 364
- 112 **17C-2-108**, as last amended by Laws of Utah 2016, Chapter 350
- 113 **17C-3-107**, as last amended by Laws of Utah 2016, Chapter 350
- 114 **17C-4-109**, as last amended by Laws of Utah 2016, Chapter 350
- 115 **17C-4-202**, as last amended by Laws of Utah 2016, Chapter 350
- 116 **17C-5-110**, as enacted by Laws of Utah 2016, Chapter 350
- 117 **17C-5-113**, as enacted by Laws of Utah 2016, Chapter 350
- 118 **17C-5-205**, as last amended by Laws of Utah 2019, Chapter 376
- 119 **17D-3-107**, as last amended by Laws of Utah 2019, Chapter 370
- 120 **17D-3-305**, as last amended by Laws of Utah 2019, Chapter 255

121 [19-2-109](#), as last amended by Laws of Utah 2012, Chapter 360  
122 [20A-1-512](#), as last amended by Laws of Utah 2019, Chapter 40  
123 [20A-3-604](#), as last amended by Laws of Utah 2019, Chapter 255  
124 [20A-4-104](#), as last amended by Laws of Utah 2019, Chapter 255  
125 [20A-4-304](#), as last amended by Laws of Utah 2019, Chapters 255 and 433  
126 [20A-5-101](#), as last amended by Laws of Utah 2019, Chapter 255  
127 [20A-5-405](#), as last amended by Laws of Utah 2019, Chapter 255  
128 [20A-7-204.1](#), as last amended by Laws of Utah 2019, Chapters 255, 275 and last  
129 amended by Coordination Clause, Laws of Utah 2019, Chapter 275  
130 [20A-7-401.5](#), as enacted by Laws of Utah 2019, Chapter 203  
131 [20A-7-402](#), as last amended by Laws of Utah 2019, Chapters 203, 255 and last  
132 amended by Coordination Clause, Laws of Utah 2019, Chapter 203  
133 [20A-9-203](#), as last amended by Laws of Utah 2019, Chapters 142, 255, 258, and 305  
134 [26-61a-303](#), as renumbered and amended by Laws of Utah 2018, Third Special Session,  
135 Chapter 1  
136 [32B-8a-302](#), as last amended by Laws of Utah 2017, Chapters 455, 471 and last  
137 amended by Coordination Clause, Laws of Utah 2017, Chapter 471  
138 [45-1-101](#), as last amended by Laws of Utah 2019, Chapter 274  
139 [49-11-1102](#), as enacted by Laws of Utah 2016, Chapter 281  
140 [52-4-202](#), as last amended by Laws of Utah 2016, Chapter 77  
141 [52-4-203](#), as last amended by Laws of Utah 2018, Chapter 425  
142 [53-13-114](#), as last amended by Laws of Utah 2012, Chapter 196  
143 [53B-7-101.5](#), as last amended by Laws of Utah 2010, Chapter 90  
144 [53B-8a-103](#), as last amended by Laws of Utah 2019, Chapters 370 and 456  
145 [53D-1-103](#), as last amended by Laws of Utah 2019, Chapters 370 and 456  
146 [53E-3-705](#), as last amended by Laws of Utah 2019, Chapters 186 and 370  
147 [53E-4-202](#), as last amended by Laws of Utah 2019, Chapters 186 and 324  
148 [53G-3-204](#), as renumbered and amended by Laws of Utah 2018, Chapter 3  
149 [53G-4-204](#), as last amended by Laws of Utah 2019, Chapter 293  
150 [53G-4-402](#), as last amended by Laws of Utah 2019, Chapters 83, 293, and 451  
151 [53G-5-504](#), as last amended by Laws of Utah 2019, Chapter 293

152 [53G-7-1105](#), as last amended by Laws of Utah 2019, Chapter 293  
153 [54-8-10](#), as last amended by Laws of Utah 2010, Chapter 90  
154 [54-8-16](#), as last amended by Laws of Utah 2010, Chapter 90  
155 [57-11-11](#), as last amended by Laws of Utah 2011, Chapter 340  
156 [59-2-919](#), as last amended by Laws of Utah 2019, Chapters 322 and 450  
157 [59-2-919.2](#), as last amended by Laws of Utah 2010, Chapter 90  
158 [59-12-1102](#), as last amended by Laws of Utah 2016, Chapter 364  
159 [63A-3-103](#), as last amended by Laws of Utah 2019, Chapter 370  
160 [63A-5a-202](#), as enacted by Laws of Utah 2019, Chapter 195  
161 [63A-12-100](#), as last amended by Laws of Utah 2010, Chapter 258  
162 [63A-12-101](#), as last amended by Laws of Utah 2019, Chapter 254  
163 [63E-2-109](#), as last amended by Laws of Utah 2019, Chapter 370  
164 [63G-4-107](#), as enacted by Laws of Utah 2016, Chapter 312  
165 [63G-9-303](#), as last amended by Laws of Utah 2016, Chapter 118  
166 [63H-1-701](#), as last amended by Laws of Utah 2018, Chapter 101  
167 [63H-2-502](#), as last amended by Laws of Utah 2018, Chapter 101  
168 [63H-4-108](#), as last amended by Laws of Utah 2019, Chapters 370 and 456  
169 [63H-5-108](#), as last amended by Laws of Utah 2019, Chapters 370 and 456  
170 [63H-6-103](#), as last amended by Laws of Utah 2019, Chapters 370 and 456  
171 [63H-7a-104](#), as enacted by Laws of Utah 2019, Chapter 456  
172 [63H-7a-803](#), as last amended by Laws of Utah 2019, Chapters 370 and 509  
173 [63H-8-204](#), as last amended by Laws of Utah 2019, Chapter 370  
174 [63I-1-263](#), as last amended by Laws of Utah 2019, Chapters 89, 246, 311, 414, 468,  
175 469, 482 and last amended by Coordination Clause, Laws of Utah 2019, Chapter  
176 246  
177 [63I-2-263](#), as last amended by Laws of Utah 2019, Chapters 182, 240, 246, 325, 370,  
178 and 483  
179 [63M-4-402](#), as enacted by Laws of Utah 2014, Chapter 294  
180 [72-3-108](#), as last amended by Laws of Utah 2010, Chapter 90  
181 [72-5-105](#), as last amended by Laws of Utah 2017, First Special Session, Chapter 2  
182 [73-1-16](#), as last amended by Laws of Utah 2010, Chapter 90

183 73-5-14, as last amended by Laws of Utah 2010, Chapter 90  
184 75-1-401, as last amended by Laws of Utah 2010, Chapter 90

185 ENACTS:

186 63A-12-114, Utah Code Annotated 1953  
187 63A-16-101, Utah Code Annotated 1953  
188 63A-16-102, Utah Code Annotated 1953  
189 63A-16-202, Utah Code Annotated 1953  
190 63F-1-108, Utah Code Annotated 1953

191 RENUMBERS AND AMENDS:

192 63A-12-201, (Renumbered from 63F-1-701, as last amended by Laws of Utah 2016,  
193 Chapter 233)  
194 63A-12-202, (Renumbered from 63F-1-702, as enacted by Laws of Utah 2007, Chapter  
195 249)  
196 63A-16-201, (Renumbered from 63A-1-203, as renumbered and amended by Laws of  
197 Utah 2019, Chapter 370)  
198 67-3-12, (Renumbered from 63A-1-202, as last amended by Laws of Utah 2019,  
199 Chapter 214 and renumbered and amended by Laws of Utah 2019, Chapter 370)

200 REPEALS:

201 63A-1-201, as renumbered and amended by Laws of Utah 2019, Chapter 370  
202 63A-1-204, as renumbered and amended by Laws of Utah 2019, Chapter 370  
203 63A-1-205, as renumbered and amended by Laws of Utah 2019, Chapter 370  
204 63A-1-206, as renumbered and amended by Laws of Utah 2019, Chapter 370



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

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

208 **4-21-106. Exemption from certain operational requirements.**

209 (1) The council is exempt from:

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

211 (b) Title 63A, Utah Administrative Services Code~~[, except as provided in Subsection~~

212 ~~(2)(c)];~~

213 (c) Title 63G, Chapter 6a, Utah Procurement Code, but the council shall adopt

214 procedures to ensure that the council makes purchases:

- 215 (i) in a manner that provides for fair competition between providers; and
- 216 (ii) at competitive prices;
- 217 (d) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 218 (e) Title 67, Chapter 19, Utah State Personnel Management Act.
- 219 (2) The council is subject to:
  - 220 (a) Title 51, Chapter 7, State Money Management Act;
  - 221 (b) Title 52, Chapter 4, Open and Public Meetings Act;
  - 222 (c) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);
  - 223 (d) Title 63G, Chapter 2, Government Records Access and Management Act;
  - 224 (e) other Utah Code provisions not specifically exempted under Subsection
  - 225 [4-21-106\(1\)](#); and
  - 226 (f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
  - 227 legislative auditor pursuant to Section [36-12-15](#).

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

229 **4-22-107. Exemption from certain operational requirements.**

- 230 (1) The commission is exempt from:
  - 231 (a) Title 51, Chapter 5, Funds Consolidation Act;
  - 232 (b) Title 51, Chapter 7, State Money Management Act;
  - 233 (c) [~~except as provided in Subsection (2)(b);~~] Title 63A, Utah Administrative Services
  - 234 Code;
  - 235 (d) Title 63G, Chapter 6a, Utah Procurement Code, but the commission shall adopt
  - 236 procedures to ensure that the commission makes purchases:
    - 237 (i) in a manner that provides for fair competition between providers; and
    - 238 (ii) at competitive prices;
    - 239 (e) Title 63J, Chapter 1, Budgetary Procedures Act; and
    - 240 (f) Title 67, Chapter 19, Utah State Personnel Management Act.
- 241 (2) The commission is subject to:
  - 242 (a) Title 52, Chapter 4, Open and Public Meetings Act;
  - 243 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#); and
  - 244 (c) Title 63G, Chapter 2, Government Records Access and Management Act.



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

246 **4-30-106. Hearing on license application -- Notice of hearing.**

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

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

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

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

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

258 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

259 Section 4. Section **7-1-706** is amended to read:

260 **7-1-706. Application to commissioner to exercise power -- Procedure.**

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

263 (a) issue any rule or order;

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

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

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

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

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

275 (4) (a) If a hearing is held concerning the request, the commissioner shall publish

276 notice of the hearing at the applicant's expense:

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

279 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
280 three weeks before the date of the hearing.

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

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

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

287 (i) the application;

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

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

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

292 (i) the applicant;

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

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

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

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

298 (b) protect its shareholders or members; and

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

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

301 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

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

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

- 307 (A) the area proposed for annexation; and
- 308 (B) the unincorporated area within 1/2 mile of the area proposed for annexation;
- 309 (ii) if there is no newspaper of general circulation in the combined area described in
- 310 Subsections (1)(a)(i)(A) and (B), no later than 10 days after the day on which the municipal
- 311 legislative body receives the notice of certification, by posting one notice, and at least one
- 312 additional notice per 2,000 population within the combined area, in places within the combined
- 313 area that are most likely to give notice to the residents within, and the owners of real property
- 314 located within, the combined area; or
- 315 (iii) no later than 10 days after the day on which the municipal legislative body
- 316 receives the notice of certification, by mailing the notice to each residence within, and to each
- 317 owner of real property located within, the combined area described in Subsections (1)(a)(i)(A)
- 318 and (B);
- 319 (b) in accordance with Section [45-1-101](#), for three weeks, beginning no later than 10
- 320 days after the day on which the municipal legislative body receives the notice of certification;
- 321 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
- 322 three weeks, beginning no later than 10 days after the day on which the municipal legislative
- 323 body receives the notice of certification;
- 324 (d) within 20 days after the day on which the municipal legislative body receives the
- 325 notice of certification, by mailing written notice to each affected entity; and
- 326 (e) if the municipality has a website, on the municipality's website for the period of
- 327 time described in Subsection (1)(c).
- 328 (2) The notice described in Subsection (1) shall:
- 329 (a) state that a petition has been filed with the municipality proposing the annexation of
- 330 an area to the municipality;
- 331 (b) state the date of the municipal legislative body's receipt of the notice of certification
- 332 under Subsection [10-2-405\(2\)\(c\)\(i\)](#);
- 333 (c) describe the area proposed for annexation in the annexation petition;
- 334 (d) state that the complete annexation petition is available for inspection and copying at
- 335 the office of the city recorder or town clerk;
- 336 (e) state in conspicuous and plain terms that the municipality may grant the petition
- 337 and annex the area described in the petition unless, within the time required under Subsection

338 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and  
339 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing  
340 municipality;

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

343 (g) state that the area proposed for annexation to the municipality will also  
344 automatically be annexed to a local district providing fire protection, paramedic, and  
345 emergency services or a local district providing law enforcement service, as the case may be, as  
346 provided in Section 17B-1-416, if:

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

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

351 (B) in the creation of which an election was not required because of Subsection  
352 17B-1-214(3)(c); and

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

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

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

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

363 (B) in the creation of which an election was not required because of Subsection  
364 17B-1-214(3)(c); and

365 (ii) the proposed annexing municipality is not within the boundaries of the local  
366 district.

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

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

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

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

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

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

380 **10-2-407. Protest to annexation petition -- Planning advisory area planning**  
381 **commission recommendation -- Petition requirements -- Disposition of petition if no**  
382 **protest filed.**

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

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

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

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

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

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

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

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

395 (a) be filed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

429 (ii) the commission; and

430 (iii) each entity that filed a protest.

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

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

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

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

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

445 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
446 seven days before the day of the public hearing;

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

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

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

452 **10-2-415. Public hearing -- Notice.**

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

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

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

461 (ii) allow those present to ask questions of the feasibility consultant regarding the study

462 results; and

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

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

466 (a) (i) at least once a week for two successive weeks before the public hearing in a  
467 newspaper of general circulation within the area proposed for annexation, the surrounding 1/2  
468 mile of unincorporated area, and the proposed annexing municipality;

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

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

476 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
477 two weeks before the day of the public hearing;

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

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

484 (e) if the municipality has a website, on the municipality's website for two weeks  
485 before the day of the public hearing.

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

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

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

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

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

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



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

494 (iii) a mailing address and telephone number.

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

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

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

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

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

508 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
509 14 days before the day of the hearing;

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

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

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

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

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

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

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

518 (8) In considering protests, the commission shall consider whether the proposed  
519 annexation:

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

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

523 (c) if the proposed annexation includes urban development, will have an adverse tax

524 consequence on the remaining unincorporated area of the county.

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

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

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

531 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
532 **Hearing.**

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

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

540 (a) (i) the area to be annexed consists of one or more unincorporated islands within or  
541 unincorporated peninsulas contiguous to the municipality;

542 (ii) the majority of each island or peninsula consists of residential or commercial  
543 development;

544 (iii) the area proposed for annexation requires the delivery of municipal-type services;  
545 and

546 (iv) the municipality has provided most or all of the municipal-type services to the area  
547 for more than one year;

548 (b) (i) the area to be annexed consists of one or more unincorporated islands within or  
549 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800  
550 residents; and

551 (ii) the municipality has provided one or more municipal-type services to the area for at  
552 least one year;

553 (c) (i) the area consists of:

554 (A) an unincorporated island within or an unincorporated peninsula contiguous to the

555 municipality; and

556 (B) for an area outside of the county of the first class proposed for annexation, no more  
557 than 50 acres; and

558 (ii) the county in which the area is located, subject to Subsection (4)(b), and the  
559 municipality agree that the area should be included within the municipality; or

560 (d) (i) the area to be annexed consists only of one or more unincorporated islands in a  
561 county of the second class;

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

563 (iii) the county legislative body in which the municipality is located provides notice to  
564 each property owner within the area to be annexed that:

565 (A) the county legislative body will hold a public hearing, no less than 15 days after the  
566 day on which the county legislative body provides the notice; and

567 (B) after the public hearing the county legislative body may make a recommendation of  
568 annexation to the municipality whose expansion area includes the area to be annexed.

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

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

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

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

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

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

585 (i) the majority of the total private land area within the area proposed for annexation;

586 and

587 (ii) private real property equal to at least one half the value of private real property  
588 within the area proposed for annexation.

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

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

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

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

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

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

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

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

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

616 (iii) at least three weeks before the day of the public hearing, by mailing notice to each

617 residence within, and each owner of real property located within, the combined area described  
618 in Subsection (6)(a)(i);

619 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
620 three weeks before the day of the public hearing;

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

623 (d) by sending written notice to:

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

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

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

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

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

632 (i) states that the municipal legislative body has adopted a resolution indicating its  
633 intent to annex the area proposed for annexation;

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

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

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

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

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

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

646 (b) the first publication of the notice described in Subsection (6)(a) occurs within 14  
647 days after the day on which the municipal legislative body adopts a resolution under Subsection

648 (5)(a).

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

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

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

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

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

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

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

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

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

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

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

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

685 (A) existing development in the area;

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

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

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

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

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

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

698 (v) Upon the effective date under Section [10-2-425](#) of an annexation approved by an  
699 ordinance adopted under Subsection (8)(c)(i), the area annexed is conclusively presumed to be  
700 validly annexed.

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

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

709 Section 9. Section [10-2-419](#) is amended to read:

710 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

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

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

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

729 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
730 three weeks before the day of the public hearing;

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

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

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

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



741 State Developmental Center; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

768 (B) in the creation of which an election was not required because of Subsection  
769 [17B-1-214\(3\)\(c\)](#); and

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

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

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

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

778 (B) in the creation of which an election was not required because of Subsection  
779 17B-1-214(3)(c); and

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

782 (5) The first publication of the notice described in Subsection (3)(a)(i) shall be within  
783 14 days after the day on which the municipal legislative body adopts a resolution under  
784 Subsection (2)(a).

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

790 (7) The municipal legislative body shall comply with the requirements of Section  
791 10-2-425 as if the boundary adjustment were an annexation.

792 (8) (a) An ordinance adopted under Subsection (6) becomes effective when each  
793 municipality involved in the boundary adjustment has adopted an ordinance under Subsection  
794 (6).

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

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

798 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**  
799 **Requirements upon filing request.**

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

801 (a) one or more persons who:

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

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

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

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

810 (b) Each request for disconnection shall:

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

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

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

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

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

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

821 (ii) if there is no newspaper of general circulation in the municipality, at least three  
822 weeks before the day of the public hearing described in Section [10-2-502.5](#), by posting one

823 notice, and at least one additional notice per 2,000 population of the municipality, in places  
824 within the municipality that are most likely to give notice to the residents within, and the

825 owners of real property located within, the municipality, including the residents who live in the  
826 area proposed for disconnection; or

827 (iii) at least three weeks before the day of the public hearing described in Section  
828 [10-2-502.5](#), by mailing notice to each residence within, and each owner of real property located  
829 within, the municipality;

830 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
831 three weeks before the day of the public hearing described in Section [10-2-502.5](#);

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

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

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

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

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

841 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**  
842 **legislative body -- Petition in district court.**

843 (1) No sooner than seven calendar days after, and no later than 30 calendar days after,  
844 the last day on which the petitioner publishes the notice required under Subsection  
845 [10-2-501\(3\)\(a\)](#), the legislative body of the municipality in which the area proposed for  
846 disconnection is located shall hold a public hearing.

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

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

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

852 (ii) if there is no newspaper of general circulation within the municipality, at least  
853 seven days before the hearing date, by posting one notice, and at least one additional notice per  
854 2,000 population of the municipality, in places within the municipality that are most likely to  
855 give notice to residents within, and the owners of real property located within, the municipality;

856 or

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

859 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
860 seven days before the hearing date;

861 (d) in accordance with Section [45-1-101](#), for seven days before the hearing date; and

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

864 (3) In the public hearing, any person may speak and submit documents regarding the

865 disconnection proposal.

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

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

868 (b) if the municipality determines to grant the request, adopt an ordinance approving

869 disconnection of the area from the municipality.

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

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

872 (i) the petitioner; or

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

874 (b) Each petition under Subsection (5)(a) shall include a copy of the request for

875 disconnection.

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

877 **10-2-607. Notice of election.**

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

879 their attachments substantially conform with the requirements of this part, the county

880 legislative bodies shall publish notice of the election for consolidation to the voters of each

881 municipality that would become part of the consolidated municipality:

882 (1) (a) in a newspaper of general circulation within the boundaries of the municipality

883 at least once a week for four consecutive weeks before the election;

884 (b) if there is no newspaper of general circulation in the municipality, at least four

885 weeks before the day of the election, by posting one notice, and at least one additional notice

886 per 2,000 population of the municipality, in places within the municipality that are most likely

887 to give notice to the voters in the municipality; or

888 (c) at least four weeks before the day of the election, by mailing notice to each

889 registered voter in the municipality;

890 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for

891 at least four weeks before the day of the election;

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

893 election; and

894 (4) if the municipality has a website, on the municipality's website for at least four

895 weeks before the day of the election.

896 Section 13. Section **10-2-703** is amended to read:

897 **10-2-703. Publication of notice of election.**

898 (1) Immediately after setting the date for the election, the court shall order for  
899 publication notice of the:

900 (a) petition; and

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

902 (2) The notice described in Subsection (1) shall be published:

903 (a) (i) for at least once a week for a period of four weeks before the election in a  
904 newspaper of general circulation in the municipality;

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

909 (iii) at least one month before the day of the election, by mailing notice to each  
910 registered voter in the municipality;

911 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
912 four weeks before the day of the election;

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

915 (d) if the municipality has a website, on the municipality's website for four weeks  
916 before the day of the election.

917 Section 14. Section **10-2-708** is amended to read:

918 **10-2-708. Notice of disincorporation -- Publication and filing.**

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

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

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

927 residents and owners within the municipality that is dissolved; or

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

930 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
931 four weeks;

932 (3) in accordance with Section 45-1-101, for four weeks; and

933 (4) on the county's website for four weeks.

934 Section 15. Section **10-2a-207** is amended to read:

935 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

936 (1) If the results of the feasibility study or supplemental feasibility study comply with  
937 Subsection 10-2a-205(6)(a), the lieutenant governor shall, after receipt of the results of the  
938 feasibility study or supplemental feasibility study, conduct at least two public hearings:

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

940 (b) at least seven days apart;

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

943 (d) within or near the proposed municipality;

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

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

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

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

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

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

951 (d) allow the public to ask the feasibility consultant questions about the feasibility  
952 study.

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

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

957 (ii) if there is no newspaper of general circulation in the proposed municipality, at least

958 three weeks before the day of the first public hearing, by posting one notice, and at least one  
959 additional notice per 2,000 population of the proposed municipality, in places within the  
960 proposed municipality that are most likely to give notice to the residents within, and the owners  
961 of real property located within, the proposed municipality; or

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

964 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
965 three weeks before the day of the first public hearing;

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

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

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

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

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

980 (i) the lieutenant governor's website;

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

982 (iii) a mailing address and telephone number.

983 Section 16. Section **10-2a-210** is amended to read:

984 **10-2a-210. Incorporation election.**

985 (1) (a) If the lieutenant governor certifies a petition under Subsection [10-2a-209](#)(1)(b),  
986 the lieutenant governor shall schedule an incorporation election for the proposed municipality  
987 described in the petition to be held on the date of the next regular general election described in  
988 Section [20A-1-201](#), or the next municipal general election described in Section [20A-1-202](#), that



989 is at least 65 days after the day on which the lieutenant governor certifies the petition.

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

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

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

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

998 (ii) if there is no newspaper of general circulation in the area proposed to be  
999 incorporated, at least three weeks before the day of the election, by posting one notice, and at  
1000 least one additional notice per 2,000 population of the area proposed to be incorporated, in  
1001 places within the area proposed to be incorporated that are most likely to give notice to the  
1002 voters within the area proposed to be incorporated; or

1003 (iii) at least three weeks before the day of the election, by mailing notice to each  
1004 registered voter in the area proposed to be incorporated;

1005 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
1006 three weeks before the day of the election;

1007 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the election;  
1008 and

1009 (d) on the county's website for three weeks before the day of the election.

1010 (3) (a) The notice required by Subsection (2) shall contain:

1011 (i) a statement of the contents of the petition;

1012 (ii) a description of the area proposed to be incorporated as a municipality;

1013 (iii) a statement of the date and time of the election and the location of polling places;

1014 and

1015 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in  
1016 Subsection [10-2a-205](#)(3)(c) and a statement that a full copy of the study is available on the  
1017 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1018 (b) The last notice required to be published under Subsection (2)(a)(i) shall be  
1019 published at least one day, but no more than seven days, before the day of the election.

1020 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the notice  
1021 may include a statement that specifies the following sources where a registered voter in area  
1022 proposed to be incorporated may view or obtain a copy the feasibility study:

- 1023 (i) the lieutenant governor's website;
- 1024 (ii) the physical address of the Office of the Lieutenant Governor; and
- 1025 (iii) a mailing address and telephone number.

1026 (4) An individual may not vote in an incorporation election under this section unless  
1027 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the  
1028 boundaries of the proposed municipality.

1029 (5) If a majority of those who vote in an incorporation election held under this section  
1030 cast votes in favor of incorporation, the area shall incorporate.

1031 Section 17. Section 10-2a-213 is amended to read:

1032 **10-2a-213. Determination of number of council members -- Determination of**  
1033 **election districts -- Hearings and notice.**

1034 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days  
1035 after the day on which the county conducts the canvass of the election under Section  
1036 10-2a-212:

1037 (a) for the incorporation of a city:

1038 (i) if the voters at the incorporation election choose the council-mayor form of  
1039 government, determine the number of council members that will constitute the city council of  
1040 the city; and

1041 (ii) if the voters at the incorporation election vote to elect council members by district,  
1042 determine the number of council members to be elected by district and draw the boundaries of  
1043 those districts, which shall be substantially equal in population; and

1044 (b) for the incorporation of any municipality:

1045 (i) determine the initial terms of the mayor and members of the municipal council so  
1046 that:

1047 (A) the mayor and approximately half the members of the municipal council are  
1048 elected to serve an initial term, of no less than one year, that allows the mayor's and members'  
1049 successors to serve a full four-year term that coincides with the schedule established in  
1050 Subsection 10-3-205(1); and

1051 (B) the remaining members of the municipal council are elected to serve an initial  
1052 term, of no less than one year, that allows the members' successors to serve a full four-year  
1053 term that coincides with the schedule established in Subsection [10-3-205\(2\)](#); and

1054 (ii) submit in writing to the county legislative body the results of the determinations  
1055 made by the sponsors under Subsections (1)(a) and (b)(i).

1056 (2) A newly incorporated town shall operate under the five-member council form of  
1057 government as defined in Section [10-3b-102](#).

1058 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition  
1059 sponsors shall hold a public hearing within the future municipality on the applicable issues  
1060 described in Subsections (1)(a) and (b)(i).

1061 (4) The petition sponsors shall publish notice of the public hearing described in  
1062 Subsection (3):

1063 (a) (i) in a newspaper of general circulation within the future municipality at least once  
1064 a week for two successive weeks before the public hearing;

1065 (ii) if there is no newspaper of general circulation in the future municipality, at least  
1066 two weeks before the day of the public hearing, by posting one notice, and at least one  
1067 additional notice per 2,000 population of the future municipality, in places within the future  
1068 municipality that are most likely to give notice to the residents within, and the owners of real  
1069 property located within, the future municipality; or

1070 (iii) at least two weeks before the day of the public hearing, by mailing notice to each  
1071 residence within, and each owner of real property located within, the future municipality;

1072 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
1073 two weeks before the day of the public hearing;

1074 (c) in accordance with Section [45-1-101](#), for at least two weeks before the day of the  
1075 public hearing; and

1076 (d) on the county's website for two weeks before the day of the public hearing.

1077 (5) The last notice required to be published under Subsection (4)(a)(i) shall be  
1078 published at least three days before the day of the public hearing described in Subsection (3).

1079 Section 18. Section **10-2a-214** is amended to read:

1080 **10-2a-214. Notice of number of commission or council members to be elected and**  
1081 **of district boundaries -- Declaration of candidacy for municipal office.**

1082 (1) Within 20 days after the day on which a county legislative body receives the  
1083 petition sponsors' determination under Subsection [10-2a-213](#)(1)(b)(ii), the county clerk shall  
1084 publish, in accordance with Subsection (2), notice containing:

1085 (a) the number of municipal council members to be elected for the new municipality;

1086 (b) except as provided in Subsection (3), if some or all of the municipal council  
1087 members are to be elected by district, a description of the boundaries of those districts;

1088 (c) information about the deadline for an individual to file a declaration of candidacy to  
1089 become a candidate for mayor or municipal council; and

1090 (d) information about the length of the initial term of each of the municipal officers.

1091 (2) The county clerk shall publish the notice described in Subsection (1):

1092 (a) (i) in a newspaper of general circulation within the future at least once a week for  
1093 two consecutive weeks;

1094 (ii) if there is no newspaper of general circulation in the future municipality, by posting  
1095 one notice, and at least one additional notice per 2,000 population of the future municipality, in  
1096 places within the future municipality that are most likely to give notice to the residents in the  
1097 future municipality; or

1098 (iii) by mailing notice to each residence in the future municipality;

1099 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
1100 two weeks;

1101 (c) in accordance with Section [45-1-101](#), for two weeks; and

1102 (d) on the county's website for two weeks.

1103 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the  
1104 notice may include a statement that specifies the following sources where a resident of the  
1105 future municipality may view or obtain a copy the district:

1106 (a) the county website;

1107 (b) the physical address of the county offices; and

1108 (c) a mailing address and telephone number.

1109 (4) Notwithstanding Subsection [20A-9-203](#)(3)(a), each individual seeking to become a  
1110 candidate for mayor or municipal council of a municipality incorporating under this part shall  
1111 file a declaration of candidacy with the clerk of the county in which the future municipality is  
1112 located and in accordance with:

1113 (a) for an incorporation held on the date of a regular general election, the deadlines for  
1114 filing a declaration of candidacy under Section 20A-9-202; or

1115 (b) for an incorporation held on the date of a municipal general election, the deadlines  
1116 for filing a declaration of candidacy under Section 20A-9-203.

1117 Section 19. Section 10-2a-215 is amended to read:

1118 **10-2a-215. Election of officers of new municipality -- Primary and final election**  
1119 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1120 (1) For the election of municipal officers, the county legislative body shall:

1121 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a  
1122 primary election; and

1123 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a  
1124 final election.

1125 (2) Each election described in Subsection (1) shall be held:

1126 (a) consistent with the petition sponsors' determination of the length of each council  
1127 member's initial term; and

1128 (b) for the incorporation of a city:

1129 (i) appropriate to the form of government chosen by the voters at the incorporation  
1130 election;

1131 (ii) consistent with the voters' decision about whether to elect city council members by  
1132 district and, if applicable, consistent with the boundaries of those districts as determined by the  
1133 petition sponsors; and

1134 (iii) consistent with the sponsors' determination of the number of city council members  
1135 to be elected.

1136 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),  
1137 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

1138 (i) regular primary election described in Subsection 20A-1-201.5(1); or

1139 (ii) municipal primary election described in Section 20A-9-404.

1140 (b) The county shall hold the primary election, if necessary, on the next election date  
1141 described in Subsection (3)(a) that is after the incorporation election conducted under Section  
1142 10-2a-210.

1143 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in

1144 Subsection (1)(b):  
1145 (i) on the following election date that next follows the date of the incorporation  
1146 election held under Subsection [10-2a-210\(1\)\(a\)](#);  
1147 (ii) a regular general election described in Section [20A-1-201](#); or  
1148 (iii) a regular municipal general election under Section [20A-1-202](#).  
1149 (b) The county shall hold the final election on the earliest of the next election date that  
1150 is listed in Subsection (4)(a)(i), (ii), or (iii):  
1151 (i) that is after a primary election; or  
1152 (ii) if there is no primary election, that is at least:  
1153 (A) 75 days after the incorporation election under Section [10-2a-210](#); and  
1154 (B) 65 days after the candidate filing period.  
1155 (5) The county clerk shall publish notice of an election under this section:  
1156 (a) (i) in accordance with Subsection (6), at least once a week for two consecutive  
1157 weeks before the election in a newspaper of general circulation within the future municipality;  
1158 (ii) if there is no newspaper of general circulation in the future municipality, at least  
1159 two weeks before the day of the election, by posting one notice, and at least one additional  
1160 notice per 2,000 population of the future municipality, in places within the future municipality  
1161 that are most likely to give notice to the voters within the future municipality; or  
1162 (iii) at least two weeks before the day of the election, by mailing notice to each  
1163 registered voter within the future municipality;  
1164 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
1165 two weeks before the day of the election;  
1166 (c) in accordance with Section [45-1-101](#), for two weeks before the day of the election;  
1167 and  
1168 (d) on the county's website for two weeks before the day of the election.  
1169 (6) The last notice required to be published under Subsection (5)(a)(i) shall be  
1170 published at least one day but no more than seven days before the day of the election.  
1171 (7) Until the municipality is incorporated, the county clerk:  
1172 (a) is the election officer for all purposes related to the election of municipal officers;  
1173 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions  
1174 related to the election of municipal officers for a new municipality that are not otherwise

1175 contrary to law;

1176 (c) shall require and determine deadlines for municipal office candidates to file  
1177 campaign financial disclosures in accordance with Section 10-3-208; and

1178 (d) shall ensure that the ballot for the election includes each office that is required to be  
1179 included in the election for officers of the newly incorporated municipality, including the term  
1180 of each office.

1181 (8) An individual who has filed as a candidate for an office described in this section  
1182 shall comply with:

1183 (a) the campaign finance disclosure requirements described in Section 10-3-208; and

1184 (b) the requirements and deadlines established by the county clerk under this section.

1185 (9) Notwithstanding Section 10-3-201, the officers elected at a final election described  
1186 in Subsection (4)(a) shall take office:

1187 (a) after taking the oath of office; and

1188 (b) at noon on the first Monday following the day on which the election official  
1189 transmits a certificate of nomination or election under the officer's seal to each elected  
1190 candidate in accordance with Subsection 20A-4-304(4)(b).

1191 Section 20. Section 10-2a-405 is amended to read:

1192 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**  
1193 **election and incorporation issues -- Rural real property excluded.**

1194 (1) The legislative body of a county of the first class shall before an election described  
1195 in Section 10-2a-404:

1196 (a) in accordance with Subsection (3), publish notice of the public hearing described in  
1197 Subsection (1)(b);

1198 (b) hold a public hearing; and

1199 (c) at the public hearing, adopt a resolution:

1200 (i) identifying, including a map prepared by the county surveyor, all unincorporated  
1201 islands within the county;

1202 (ii) identifying each eligible city that will annex each unincorporated island, including  
1203 whether the unincorporated island may be annexed by one eligible city or divided and annexed  
1204 by multiple eligible cities, if approved by the residents at an election under Section 10-2a-404;  
1205 and

1206 (iii) identifying, including a map prepared by the county surveyor, the planning  
1207 townships within the county and any changes to the boundaries of a planning township that the  
1208 county legislative body proposes under Subsection (5).

1209 (2) The county legislative body shall exclude from a resolution adopted under  
1210 Subsection (1)(c) rural real property unless the owner of the rural real property provides written  
1211 consent to include the property in accordance with Subsection (7).

1212 (3) (a) The county clerk shall publish notice of the public hearing described in  
1213 Subsection (1)(b):

1214 (i) by mailing notice to each owner of real property located in an unincorporated island  
1215 or planning township no later than 15 days before the day of the public hearing;

1216 (ii) at least once a week for three successive weeks in a newspaper of general  
1217 circulation within each unincorporated island, each eligible city, and each planning township;  
1218 and

1219 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#),  
1220 for three weeks before the day of the public hearing.

1221 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least  
1222 three days before the first public hearing required under Subsection (1)(b).

1223 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation  
1224 within an unincorporated island, an eligible city, or a planning township, the county clerk shall  
1225 post at least one notice of the hearing per 1,000 population in conspicuous places within the  
1226 selected unincorporated island, eligible city, or planning township, as applicable, that are most  
1227 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or  
1228 planning township.

1229 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before  
1230 the hearing under Subsection (1)(b).

1231 (d) The notice under Subsection (3)(a) or (c) shall include:

1232 (i) (A) for a resident of an unincorporated island, a statement that the property in the  
1233 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by  
1234 an eligible city, including divided and annexed by multiple cities if applicable, and the name of  
1235 the eligible city or cities; or

1236 (B) for residents of a planning township, a statement that the property in the planning



1237 township shall be, pending the results of the election held under Section 10-2a-404,  
1238 incorporated as a city, town, or metro township;

1239 (ii) the location and time of the public hearing; and  
1240 (iii) the county website where a map may be accessed showing:

1241 (A) how the unincorporated island boundaries will change if annexed by an eligible  
1242 city; or

1243 (B) how the planning township area boundaries will change, if applicable under  
1244 Subsection (5), when the planning township incorporates as a metro township or as a city or  
1245 town.

1246 (e) The county clerk shall publish a map described in Subsection (3)(d)(iii) on the  
1247 county website.

1248 (4) The county legislative body may, by ordinance or resolution adopted at a public  
1249 meeting and in accordance with applicable law, resolve an issue that arises with an election  
1250 held in accordance with this part or the incorporation and establishment of a metro township in  
1251 accordance with this part.

1252 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public  
1253 meeting, change the boundaries of a planning township.

1254 (b) A change to a planning township boundary under this Subsection (5) is effective  
1255 only upon the vote of the residents of the planning township at an election under Section  
1256 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the  
1257 boundaries of the planning township before the election.

1258 (c) The county legislative body:

1259 (i) may alter a planning township boundary under Subsection (5)(a) only if the  
1260 alteration:

1261 (A) affects less than 5% of the residents residing within the planning advisory area; and  
1262 (B) does not increase the area located within the planning township's boundaries; and  
1263 (ii) may not alter the boundaries of a planning township whose boundaries are entirely  
1264 surrounded by one or more municipalities.

1265 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an  
1266 annexation or an incorporation process that, if approved, would change the boundaries of a  
1267 planning township.

1268 (7) (a) As used in this Subsection (7), "rural real property" means an area:  
1269 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and  
1270 (ii) that does not include residential units with a density greater than one unit per acre.  
1271 (b) Unless an owner of rural real property gives written consent to a county legislative  
1272 body, rural real property described in Subsection (7)(c) may not be:  
1273 (i) included in a planning township identified under Subsection (1)(c); or  
1274 (ii) incorporated as part of a metro township, city, or town, in accordance with this  
1275 part.  
1276 (c) The following rural real property is subject to an owner's written consent under  
1277 Subsection (7)(b):  
1278 (i) rural real property that consists of 1,500 or more contiguous acres of real property  
1279 consisting of one or more tax parcels;  
1280 (ii) rural real property that is not contiguous to, but used in connection with, rural real  
1281 property that consists of 1,500 or more contiguous acres of real property consisting of one or  
1282 more tax parcels;  
1283 (iii) rural real property that is owned, managed, or controlled by a person, company, or  
1284 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more  
1285 contiguous acres of rural real property consisting of one or more tax parcels; or  
1286 (iv) rural real property that is located in whole or in part in one of the following as  
1287 defined in Section [17-41-101](#):  
1288 (A) an agricultural protection area;  
1289 (B) an industrial protection area; or  
1290 (C) a mining protection area.  
1291 Section 21. Section **10-3-301** is amended to read:  
1292 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**  
1293 **office -- Mayor and recorder limitations.**  
1294 (1) As used in this section:  
1295 (a) "Absent" means that an elected municipal officer fails to perform official duties,  
1296 including the officer's failure to attend each regularly scheduled meeting that the officer is  
1297 required to attend.  
1298 (b) "Principal place of residence" means the same as that term is defined in Section

1299 [20A-2-105](#).

1300 (c) "Secondary residence" means a place where an individual resides other than the  
1301 individual's principal place of residence.

1302 (2) (a) On or before May 1 in a year in which there is a municipal general election, the  
1303 municipal clerk shall publish a notice that identifies:

1304 (i) the municipal offices to be voted on in the municipal general election; and

1305 (ii) the dates for filing a declaration of candidacy for the offices identified under  
1306 Subsection (2)(a)(i).

1307 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

1308 (i) on the Utah Public Notice Website established by Section [~~63F-1-701~~] [63A-12-201](#);

1309 and

1310 (ii) in at least one of the following ways:

1311 (A) at the principal office of the municipality;

1312 (B) in a newspaper of general circulation within the municipality at least once a week  
1313 for two successive weeks in accordance with Section [45-1-101](#);

1314 (C) in a newsletter produced by the municipality;

1315 (D) on a website operated by the municipality; or

1316 (E) with a utility enterprise fund customer's bill.

1317 (3) (a) An individual who files a declaration of candidacy for a municipal office shall  
1318 comply with the requirements described in Section [20A-9-203](#).

1319 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of  
1320 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in  
1321 Subsections [20A-9-203](#)(3)(a)(i) and (c)(i) unless the date occurs on a:

1322 (A) Saturday or Sunday; or

1323 (B) state holiday as listed in Section [63G-1-301](#).

1324 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that  
1325 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection  
1326 (3)(b)(i) without maintaining office hours by:

1327 (A) posting the recorder's or clerk's contact information, including a phone number and  
1328 email address, on the recorder's or clerk's office door, the main door to the municipal offices,  
1329 and, if available, on the municipal website; and

1330 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),  
1331 via the contact information described in Subsection (2)(b)(ii)(A).

1332 (4) An individual elected to municipal office shall be a registered voter in the  
1333 municipality in which the individual is elected.

1334 (5) (a) Each elected officer of a municipality shall maintain a principal place of  
1335 residence within the municipality during the officer's term of office.

1336 (b) Except as provided in Subsection (6), an elected municipal office is automatically  
1337 vacant if the officer elected to the municipal office, during the officer's term of office:

1338 (i) establishes a principal place of residence outside the municipality;

1339 (ii) resides at a secondary residence outside the municipality for a continuous period of  
1340 more than 60 days while still maintaining a principal place of residence within the  
1341 municipality;

1342 (iii) is absent from the municipality for a continuous period of more than 60 days; or

1343 (iv) fails to respond to a request, within 30 days after the day on which the elected  
1344 officer receives the request, from the county clerk or the lieutenant governor seeking  
1345 information to determine the officer's residency.

1346 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the  
1347 consent of the municipal legislative body in accordance with Subsection (6)(b) before the  
1348 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1349 (i) reside at a secondary residence outside the municipality while still maintaining a  
1350 principal place of residence within the municipality for a continuous period of up to one year  
1351 during the officer's term of office; or

1352 (ii) be absent from the municipality for a continuous period of up to one year during  
1353 the officer's term of office.

1354 (b) At a public meeting, the municipal legislative body may give the consent described  
1355 in Subsection (6)(a) by majority vote after taking public comment regarding:

1356 (i) whether the legislative body should give the consent; and

1357 (ii) the length of time to which the legislative body should consent.

1358 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or  
1359 treasurer.

1360 (b) The recorder of a municipality may not also serve as the municipal treasurer.

1361 (c) An individual who holds a county elected office may not, at the same time, hold a  
1362 municipal elected office.

1363 (d) The restriction described in Subsection (7)(c) applies regardless of whether the  
1364 individual is elected to the office or appointed to fill a vacancy in the office.

1365 Section 22. Section **10-3-818** is amended to read:

1366 **10-3-818. Salaries in municipalities.**

1367 (1) The elective and statutory officers of municipalities shall receive such  
1368 compensation for their services as the governing body may fix by ordinance adopting  
1369 compensation or compensation schedules enacted after public hearing.

1370 (2) Upon its own motion the governing body may review or consider the compensation  
1371 of any officer or officers of the municipality or a salary schedule applicable to any officer or  
1372 officers of the city for the purpose of determining whether or not it should be adopted, changed,  
1373 or amended. In the event that the governing body decides that the compensation or  
1374 compensation schedules should be adopted, changed, or amended, it shall set a time and place  
1375 for a public hearing at which all interested persons shall be given an opportunity to be heard.

1376 (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least  
1377 seven days before the meeting by publication:

1378 (i) at least once in a newspaper published in the county within which the municipality  
1379 is situated and generally circulated in the municipality; and

1380 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

1381 (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be  
1382 given by posting this notice in three public places in the municipality.

1383 (4) After the conclusion of the public hearing, the governing body may enact an  
1384 ordinance fixing, changing, or amending the compensation of any elective or appointive officer  
1385 of the municipality or adopting a compensation schedule applicable to any officer or officers.

1386 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality  
1387 establishing a salary or compensation schedule for its elective or appointive officers and any  
1388 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the  
1389 municipality has enacted an ordinance pursuant to the provisions of this chapter.

1390 (6) The compensation of all municipal officers shall be paid at least monthly out of the  
1391 municipal treasury provided that municipalities having 1,000 or fewer population may by

1392 ordinance provide for the payment of its statutory officers less frequently. None of the  
1393 provisions of this chapter shall be considered as limiting or restricting the authority to any  
1394 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,  
1395 Section 5, to determine the salaries of its elective and appointive officers or employees.

1396 Section 23. Section **10-5-107.5** is amended to read:

1397 **10-5-107.5. Transfer of enterprise fund money to another fund.**

1398 (1) As used in this section:

1399 (a) "Budget hearing" means a public hearing required under Section [10-5-108](#).

1400 (b) "Enterprise fund accounting data" means a detailed overview of the various  
1401 enterprise funds of the town that includes:

1402 (i) a cost accounting breakdown of how money in the enterprise fund is being used to  
1403 cover, as applicable:

1404 (A) administrative and overhead costs of the town attributable to the operation of the  
1405 enterprise for which the enterprise fund was created; and

1406 (B) other costs not associated with the enterprise for which the enterprise fund was  
1407 created; and

1408 (ii) specific enterprise fund information.

1409 (c) "Enterprise fund hearing" means the public hearing required under Subsection

1410 (3)(d).

1411 (d) "Specific enterprise fund information" means:

1412 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1413 (ii) the percentage of the total enterprise fund expenditures represented by each transfer  
1414 to another fund.

1415 (2) Subject to the requirements of this section, a town may transfer money in an  
1416 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose  
1417 that is not directly related to the goods or services provided by the enterprise for which the  
1418 enterprise fund was created.

1419 (3) The governing body of a town that intends to transfer money in an enterprise fund  
1420 to another fund shall:

1421 (a) provide notice of the intended transfer as required under Subsection (4);

1422 (b) clearly identify in a separate section or document accompanying the town's

1423 tentative budget or, if an amendment to the town's budget includes or is based on an intended  
1424 transfer, in a separate section or document accompanying the amendment to the town's budget:

- 1425 (i) the enterprise fund from which money is intended to be transferred; and  
1426 (ii) the specific enterprise fund information for that enterprise fund;  
1427 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and  
1428 (d) hold an enterprise fund hearing before the adoption of the town's budget or, if  
1429 applicable, the amendment to the budget.

1430 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body  
1431 shall:

1432 (i) provide the notice described in Subsection (4)(b) by:

1433 (A) mailing a copy of the notice to users of the goods or services provided by the  
1434 enterprise for which the enterprise fund was created, if the town regularly mails users a  
1435 periodic billing for the goods or services;

1436 (B) emailing a copy of the notice to users of the goods or services provided by the  
1437 enterprise for which the enterprise fund was created, if the town regularly emails users a  
1438 periodic billing for the goods or services;

1439 (C) posting the notice on the Utah Public Notice Website created in Section  
1440 ~~[63F-1-701]~~ [63A-12-201](#); and

1441 (D) if the town has a website, prominently posting the notice on the town's website  
1442 until the enterprise fund hearing is concluded; and

1443 (ii) if the town communicates with the public through a social media platform, publish  
1444 notice of the date, time, place, and purpose of the enterprise fund hearing using the social  
1445 media platform.

1446 (b) The notice required under Subsection (4)(a)(i) shall:

1447 (i) explain the intended transfer of enterprise fund money to another fund;

1448 (ii) include specific enterprise fund information for each enterprise fund from which  
1449 money is intended to be transferred;

1450 (iii) provide the date, time, and place of the enterprise fund hearing; and

1451 (iv) explain the purpose of the enterprise fund hearing.

1452 (5) (a) An enterprise fund hearing shall be separate and independent from a budget  
1453 hearing and any other public hearing.

1454 (b) At an enterprise fund hearing, the governing body shall:  
1455 (i) explain the intended transfer of enterprise fund money to another fund;  
1456 (ii) provide enterprise fund accounting data to the public; and  
1457 (iii) allow members of the public in attendance at the hearing to comment on:  
1458 (A) the intended transfer of enterprise fund money to another fund; and  
1459 (B) the enterprise fund accounting data.  
1460 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is  
1461 based on a transfer of money from an enterprise fund to another fund, the governing body shall:  
1462 (i) within 60 days after adopting the budget or budget amendment:  
1463 (A) mail a notice to users of the goods or services provided by the enterprise for which  
1464 the enterprise fund was created, if the town regularly mails users a periodic billing for the  
1465 goods or services; and  
1466 (B) email a notice to users of the goods or services provided by the enterprise for  
1467 which the enterprise fund was created, if the town regularly emails users a periodic billing for  
1468 the goods or services;  
1469 (ii) within seven days after adopting the budget or budget amendment:  
1470 (A) post enterprise fund accounting data on the town's website, if the town has a  
1471 website;  
1472 (B) using the town's social media platform, publish notice of the adoption of a budget  
1473 or budget amendment that includes or is based on a transfer of money from an enterprise fund  
1474 to another fund, if the town communicates with the public through a social media platform; and  
1475 (iii) within 30 days after adopting the budget, submit to the state auditor the specific  
1476 enterprise fund information for each enterprise fund from which money will be transferred.  
1477 (b) A notice required under Subsection (6)(a)(i) shall:  
1478 (i) announce the adoption of a budget or budget amendment that includes or is based  
1479 on a transfer of money from an enterprise fund to another fund; and  
1480 (ii) include the specific enterprise fund information.  
1481 (c) The governing body shall maintain the website posting required under Subsection  
1482 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).  
1483 Section 24. Section **10-5-108** is amended to read:  
1484 **10-5-108. Budget hearing -- Notice -- Adjustments.**



1485 (1) Prior to the adoption of the final budget or an amendment to a budget, a town  
1486 council shall hold a public hearing to receive public comment.

1487 (2) The town council shall provide notice of the place, purpose, and time of the public  
1488 hearing by publishing notice at least seven days before the hearing:

1489 (a) (i) at least once in a newspaper of general circulation in the town; or

1490 (ii) if there is no newspaper of general circulation, then by posting the notice in three  
1491 public places at least 48 hours before the hearing;

1492 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

1493 (c) on the home page of the website, either in full or as a link, of the town or metro  
1494 township, if the town or metro township has a publicly viewable website, until the hearing  
1495 takes place.

1496 (3) After the hearing, the town council, subject to Section [10-5-110](#), may adjust  
1497 expenditures and revenues in conformity with this chapter.

1498 Section 25. Section **10-6-113** is amended to read:

1499 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1500 At the meeting at which each tentative budget is adopted, the governing body shall  
1501 establish the time and place of a public hearing to consider its adoption and shall order that  
1502 notice of the public hearing be published at least seven days prior to the hearing:

1503 (1) (a) in at least one issue of a newspaper of general circulation published in the  
1504 county in which the city is located; or

1505 (b) if there is not a newspaper as described in Subsection (1)(a), in three public places  
1506 within the city;

1507 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

1508 (3) on the home page of the website, either in full or as a link, of the city or metro  
1509 township, if the city or metro township has a publicly viewable website, until the hearing takes  
1510 place.

1511 Section 26. Section **10-6-135.5** is amended to read:

1512 **10-6-135.5. Transfer of enterprise fund money to another fund.**

1513 (1) As used in this section:

1514 (a) "Budget hearing" means a public hearing required under Section [10-6-114](#).

1515 (b) "Enterprise fund accounting data" means a detailed overview of the various

1516 enterprise funds of the city that includes:

1517 (i) a cost accounting breakdown of how money in the enterprise fund is being used to  
1518 cover, as applicable:

1519 (A) administrative and overhead costs of the city attributable to the operation of the  
1520 enterprise for which the enterprise fund was created; and

1521 (B) other costs not associated with the enterprise for which the enterprise fund was  
1522 created; and

1523 (ii) specific enterprise fund information.

1524 (c) "Enterprise fund hearing" means the public hearing required under Subsection  
1525 (3)(d).

1526 (d) "Specific enterprise fund information" means:

1527 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1528 (ii) the percentage of the total enterprise fund expenditures represented by each transfer  
1529 to another fund.

1530 (2) Subject to the requirements of this section, a city may transfer money in an  
1531 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose  
1532 that is not directly related to the goods or services provided by the enterprise for which the  
1533 enterprise fund was created.

1534 (3) The governing body of a city that intends to transfer money in an enterprise fund to  
1535 another fund shall:

1536 (a) provide notice of the intended transfer as required under Subsection (4);

1537 (b) clearly identify in a separate section or document accompanying the city's tentative  
1538 budget or, if an amendment to the city's budget includes or is based on an intended transfer, in  
1539 a separate section or document accompanying the amendment to the city's budget:

1540 (i) the enterprise fund from which money is intended to be transferred; and

1541 (ii) the specific enterprise fund information for that enterprise fund;

1542 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and

1543 (d) hold an enterprise fund hearing before the adoption of the city's budget or, if  
1544 applicable, the amendment to the budget.

1545 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body  
1546 shall:

- 1547 (i) provide the notice described in Subsection (4)(b) by:
- 1548 (A) mailing a copy of the notice to users of the goods or services provided by the
- 1549 enterprise for which the enterprise fund was created, if the city regularly mails users a periodic
- 1550 billing for the goods or services;
- 1551 (B) emailing a copy of the notice to users of the goods or services provided by the
- 1552 enterprise for which the enterprise fund was created, if the city regularly emails users a periodic
- 1553 billing for the goods or services;
- 1554 (C) posting the notice on the Utah Public Notice Website created in Section
- 1555 [~~63F-1-701~~] [63A-12-201](#); and
- 1556 (D) if the city has a website, prominently posting the notice on the city's website until
- 1557 the enterprise fund hearing is concluded; and
- 1558 (ii) if the city communicates with the public through a social media platform, publish
- 1559 notice of the date, time, place, and purpose of the enterprise fund hearing using the social
- 1560 media platform.
- 1561 (b) The notice required under Subsection (4)(a)(i) shall:
- 1562 (i) explain the intended transfer of enterprise fund money to another fund;
- 1563 (ii) include specific enterprise fund information for each enterprise fund from which
- 1564 money is intended to be transferred;
- 1565 (iii) provide the date, time, and place of the enterprise fund hearing; and
- 1566 (iv) explain the purpose of the enterprise fund hearing.
- 1567 (5) (a) An enterprise fund hearing shall be separate and independent from a budget
- 1568 hearing and any other public hearing.
- 1569 (b) At an enterprise fund hearing, the governing body shall:
- 1570 (i) explain the intended transfer of enterprise fund money to another fund;
- 1571 (ii) provide enterprise fund accounting data to the public; and
- 1572 (iii) allow members of the public in attendance at the hearing to comment on:
- 1573 (A) the intended transfer of enterprise fund money to another fund; and
- 1574 (B) the enterprise fund accounting data.
- 1575 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is
- 1576 based on a transfer of money from an enterprise fund to another fund, the governing body shall:
- 1577 (i) within 60 days after adopting the budget or budget amendment:

1578 (A) mail a notice to users of the goods or services provided by the enterprise for which  
1579 the enterprise fund was created, if the city regularly mails users a periodic billing for the goods  
1580 or services; and

1581 (B) email a notice to users of the goods or services provided by the enterprise for  
1582 which the enterprise fund was created, if the city regularly emails users a periodic billing for  
1583 the goods or services;

1584 (ii) within seven days after adopting the budget or budget amendment:

1585 (A) post enterprise fund accounting data on the city's website, if the city has a website;

1586 (B) using the city's social media platform, publish notice of the adoption of a budget or  
1587 budget amendment that includes or is based on a transfer of money from an enterprise fund to  
1588 another fund, if the city communicates with the public through a social media platform; and

1589 (iii) within 30 days after adopting the budget, submit to the state auditor the specific  
1590 enterprise fund information for each enterprise fund from which money will be transferred.

1591 (b) A notice required under Subsection (6)(a)(i) shall:

1592 (i) announce the adoption of a budget or budget amendment that includes or is based  
1593 on a transfer of money from an enterprise fund to another fund; and

1594 (ii) include the specific enterprise fund information.

1595 (c) The governing body shall maintain the website posting required under Subsection  
1596 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).

1597 Section 27. Section **10-7-19** is amended to read:

1598 **10-7-19. Election to authorize -- Notice -- Ballots.**

1599 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or  
1600 the board of trustees of any incorporated town, may aid and encourage the building of railroads  
1601 by granting to any railroad company, for depot or other railroad purposes, real property of the  
1602 city or incorporated town, not necessary for municipal or public purposes, upon the limitations  
1603 and conditions established by the board of commissioners, city council, or board of trustees.

1604 (2) A board of commissioners, city council, or board of trustees may not grant real  
1605 property under Subsection (1) unless the grant is approved by the eligible voters of the city or  
1606 town at the next municipal election, or at a special election called for that purpose by the board  
1607 of commissioners, city council, or board of trustees.

1608 (3) If the question is submitted at a special election, the election shall be held as nearly

1609 as practicable in conformity with the general election laws of the state.

1610 (4) The board of commissioners, city council, or board of trustees shall publish notice  
1611 of an election described in Subsections (2) and (3):

1612 (a) (i) in a newspaper of general circulation in the city or town once a week for four  
1613 weeks before the election;

1614 (ii) if there is no newspaper of general circulation in the city or town, at least four  
1615 weeks before the day of the election, by posting one notice, and at least one additional notice  
1616 per 2,000 population of the city or town, in places within the city or town that are most likely to  
1617 give notice to the voters in the city or town; or

1618 (iii) at least four weeks before the day of the election, by mailing notice to each  
1619 registered voter in the city or town;

1620 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
1621 four weeks before the day of the election;

1622 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;  
1623 and

1624 (d) if the municipality has a website, on the municipality's website for at least four  
1625 weeks before the day of the election.

1626 (5) The board of commissioners, city council, or board of trustees shall cause ballots to  
1627 be printed and provided to the eligible voters, which shall read: "For the proposed grant for  
1628 depot or other railroad purposes: Yes. No."

1629 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,  
1630 city council, or board of trustees shall convey the real property to the railroad company.

1631 Section 28. Section **10-8-2** is amended to read:

1632 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**  
1633 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1634 (1) (a) A municipal legislative body may:

1635 (i) appropriate money for corporate purposes only;

1636 (ii) provide for payment of debts and expenses of the corporation;

1637 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and  
1638 dispose of real and personal property for the benefit of the municipality, whether the property is  
1639 within or without the municipality's corporate boundaries, if the action is in the public interest

1640 and complies with other law;

1641 (iv) improve, protect, and do any other thing in relation to this property that an  
1642 individual could do; and

1643 (v) subject to Subsection (2) and after first holding a public hearing, authorize  
1644 municipal services or other nonmonetary assistance to be provided to or waive fees required to  
1645 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1646 (b) A municipality may:

1647 (i) furnish all necessary local public services within the municipality;

1648 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities  
1649 located and operating within and operated by the municipality; and

1650 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property  
1651 located inside or outside the corporate limits of the municipality and necessary for any of the  
1652 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,  
1653 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1654 (c) Each municipality that intends to acquire property by eminent domain under  
1655 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

1656 (d) Subsection (1)(b) may not be construed to diminish any other authority a  
1657 municipality may claim to have under the law to acquire by eminent domain property located  
1658 inside or outside the municipality.

1659 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to  
1660 the provisions of Subsection (3).

1661 (b) The total amount of services or other nonmonetary assistance provided or fees  
1662 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the  
1663 municipality's budget for that fiscal year.

1664 (3) It is considered a corporate purpose to appropriate money for any purpose that, in  
1665 the judgment of the municipal legislative body, provides for the safety, health, prosperity,  
1666 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality  
1667 subject to this Subsection (3).

1668 (a) The net value received for any money appropriated shall be measured on a  
1669 project-by-project basis over the life of the project.

1670 (b) (i) A municipal legislative body shall establish the criteria for a determination

1671 under this Subsection (3).

1672 (ii) A municipal legislative body's determination of value received is presumed valid  
1673 unless a person can show that the determination was arbitrary, capricious, or illegal.

1674 (c) The municipality may consider intangible benefits received by the municipality in  
1675 determining net value received.

1676 (d) (i) Before the municipal legislative body makes any decision to appropriate any  
1677 funds for a corporate purpose under this section, the municipal legislative body shall hold a  
1678 public hearing.

1679 (ii) The municipal legislative body shall publish a notice of the hearing described in  
1680 Subsection (3)(d)(i):

1681 (A) in a newspaper of general circulation at least 14 days before the date of the hearing  
1682 or, if there is no newspaper of general circulation, by posting notice in at least three  
1683 conspicuous places within the municipality for the same time period; and

1684 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at  
1685 least 14 days before the date of the hearing.

1686 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the  
1687 municipality shall perform a study that analyzes and demonstrates the purpose for an  
1688 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

1689 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at  
1690 the municipality for review by interested parties at least 14 days immediately before the public  
1691 hearing described in Subsection (3)(d)(i).

1692 (iii) A municipality shall consider the following factors when conducting the study  
1693 described in Subsection (3)(e)(i):

1694 (A) what identified benefit the municipality will receive in return for any money or  
1695 resources appropriated;

1696 (B) the municipality's purpose for the appropriation, including an analysis of the way  
1697 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,  
1698 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1699 (C) whether the appropriation is necessary and appropriate to accomplish the  
1700 reasonable goals and objectives of the municipality in the area of economic development, job  
1701 creation, affordable housing, elimination of a development impediment, job preservation, the

1702 preservation of historic structures and property, and any other public purpose.

1703 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,  
1704 to make an appropriation.

1705 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district  
1706 court within 30 days after the day on which the municipal legislative body makes a decision.

1707 (iii) Any appeal shall be based on the record of the proceedings before the legislative  
1708 body.

1709 (iv) A decision of the municipal legislative body shall be presumed to be valid unless  
1710 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1711 (g) The provisions of this Subsection (3) apply only to those appropriations made after  
1712 May 6, 2002.

1713 (h) This section applies only to appropriations not otherwise approved pursuant to Title  
1714 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform  
1715 Fiscal Procedures Act for Utah Cities.

1716 (4) (a) Before a municipality may dispose of a significant parcel of real property, the  
1717 municipality shall:

1718 (i) provide reasonable notice of the proposed disposition at least 14 days before the  
1719 opportunity for public comment under Subsection (4)(a)(ii); and

1720 (ii) allow an opportunity for public comment on the proposed disposition.

1721 (b) Each municipality shall, by ordinance, define what constitutes:

1722 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1723 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1724 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire  
1725 real property for the purpose of expanding the municipality's infrastructure or other facilities  
1726 used for providing services that the municipality offers or intends to offer shall provide written  
1727 notice, as provided in this Subsection (5), of its intent to acquire the property if:

1728 (i) the property is located:

1729 (A) outside the boundaries of the municipality; and

1730 (B) in a county of the first or second class; and

1731 (ii) the intended use of the property is contrary to:

1732 (A) the anticipated use of the property under the general plan of the county in whose



1733 unincorporated area or the municipality in whose boundaries the property is located; or

1734 (B) the property's current zoning designation.

1735 (b) Each notice under Subsection (5)(a) shall:

1736 (i) indicate that the municipality intends to acquire real property;

1737 (ii) identify the real property; and

1738 (iii) be sent to:

1739 (A) each county in whose unincorporated area and each municipality in whose

1740 boundaries the property is located; and

1741 (B) each affected entity.

1742 (c) A notice under this Subsection (5) is a protected record as provided in Subsection

1743 [63G-2-305](#)(8).

1744 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality  
1745 previously provided notice under Section [10-9a-203](#) identifying the general location within the  
1746 municipality or unincorporated part of the county where the property to be acquired is located.

1747 (ii) If a municipality is not required to comply with the notice requirement of  
1748 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide  
1749 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real  
1750 property.

1751 Section 29. Section **10-8-15** is amended to read:

1752 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

1753 (1) As used in this section, "affected entity" means a:

1754 (a) county that has land use authority over land subject to an ordinance or regulation  
1755 described in this section;

1756 (b) local health department, as that term is defined in Section [26A-1-102](#), that has  
1757 jurisdiction pursuant to Section [26A-1-108](#) over land subject to an ordinance or regulation  
1758 described in this section;

1759 (c) municipality that has enacted or has the right to enact an ordinance or regulation  
1760 described in this section over the land subject to an ordinance or regulation described in this  
1761 section; and

1762 (d) municipality that has land use authority over land subject to an ordinance or  
1763 regulation described in this section.

1764 (2) A municipality may construct or authorize the construction of waterworks within or  
1765 without the municipal limits, and for the purpose of maintaining and protecting the same from  
1766 injury and the water from pollution the municipality's jurisdiction shall extend over the territory  
1767 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used  
1768 in and necessary for the construction, maintenance and operation of the same, and over the  
1769 stream or other source from which the water is taken, for 15 miles above the point from which  
1770 it is taken and for a distance of 300 feet on each side of such stream and over highways along  
1771 such stream or watercourse within said 15 miles and said 300 feet.

1772 (3) The jurisdiction of a city of the first class shall additionally be over the entire  
1773 watershed within the county of origin of the city of the first class and subject to Subsection (6)  
1774 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or  
1775 source; and provided further, that the city of the first class shall provide a highway in and  
1776 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not  
1777 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any  
1778 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners  
1779 of the city may enact ordinances placing under police regulations the manner of driving such  
1780 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over  
1781 which the city has jurisdiction.

1782 (4) A municipality may enact all ordinances and regulations necessary to carry the  
1783 power herein conferred into effect, and is authorized and empowered to enact ordinances  
1784 preventing pollution or contamination of the streams or watercourses from which the  
1785 municipality derives the municipality's water supply, in whole or in part, for domestic and  
1786 culinary purposes, and may enact ordinances prohibiting or regulating the construction or  
1787 maintenance of any closet, privy, outhouse or urinal within the area over which the  
1788 municipality has jurisdiction, and provide for permits for the construction and maintenance of  
1789 the same.

1790 (5) In granting a permit described in Subsection (4), a municipality may annex thereto  
1791 such reasonable conditions and requirements for the protection of the public health as the  
1792 municipality determines proper, and may, if determined advisable, require that all closets,  
1793 privies and urinals along such streams shall be provided with effective septic tanks or other  
1794 germ-destroying instrumentalities.

1795 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the  
1796 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all  
1797 municipalities and counties that have jurisdiction over the area where the watershed is located.

1798 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance  
1799 or regulation under the authority of this section shall:

1800 (i) hold a public hearing on the proposed ordinance or regulation; and

1801 (ii) give notice of the date, place, and time of the hearing, as described in Subsection  
1802 (7)(b).

1803 (b) At least ten days before the day on which the public hearing described in  
1804 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

1805 (i) mailed to:

1806 (A) each affected entity;

1807 (B) the director of the Division of Drinking Water; and

1808 (C) the director of the Division of Water Quality; and

1809 (ii) published:

1810 (A) in a newspaper of general circulation in the county in which the land subject to the  
1811 proposed ordinance or regulation is located; and

1812 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

1813 (c) An ordinance or regulation adopted under the authority of this section may not  
1814 conflict with:

1815 (i) existing federal or state statutes; or

1816 (ii) a rule created pursuant to a federal or state statute governing drinking water or  
1817 water quality.

1818 (d) A municipality that enacts an ordinance or regulation under the authority of this  
1819 section shall:

1820 (i) provide a copy of the ordinance or regulation to each affected entity; and

1821 (ii) include a copy of the ordinance or regulation in the municipality's drinking water  
1822 source protection plan.

1823 Section 30. Section **10-9a-203** is amended to read:

1824 **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**  
1825 **plan amendments in certain municipalities.**

1826 (1) Before preparing a proposed general plan or a comprehensive general plan  
1827 amendment, each municipality within a county of the first or second class shall provide 10  
1828 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general  
1829 plan amendment:

- 1830 (a) to each affected entity;
- 1831 (b) to the Automated Geographic Reference Center created in Section [63F-1-506](#);
- 1832 (c) to the association of governments, established pursuant to an interlocal agreement  
1833 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;

1834 and  
1835 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

- 1836 (2) Each notice under Subsection (1) shall:
- 1837 (a) indicate that the municipality intends to prepare a general plan or a comprehensive  
1838 general plan amendment, as the case may be;
  - 1839 (b) describe or provide a map of the geographic area that will be affected by the general  
1840 plan or amendment;

- 1841 (c) be sent by mail, e-mail, or other effective means;
- 1842 (d) invite the affected entities to provide information for the municipality to consider in  
1843 the process of preparing, adopting, and implementing a general plan or amendment concerning:

- 1844 (i) impacts that the use of land proposed in the proposed general plan or amendment  
1845 may have; and
- 1846 (ii) uses of land within the municipality that the affected entity is considering that may  
1847 conflict with the proposed general plan or amendment; and

- 1848 (e) include the address of an Internet website, if the municipality has one, and the name  
1849 and telephone number of a person where more information can be obtained concerning the  
1850 municipality's proposed general plan or amendment.

1851 Section 31. Section **10-9a-204** is amended to read:

1852 **10-9a-204. Notice of public hearings and public meetings to consider general plan**  
1853 **or modifications.**

- 1854 (1) Each municipality shall provide:
- 1855 (a) notice of the date, time, and place of the first public hearing to consider the original  
1856 adoption or any modification of all or any portion of a general plan; and

- 1857 (b) notice of each public meeting on the subject.
- 1858 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
- 1859 days before the public hearing and shall be:
- 1860 (a) (i) published in a newspaper of general circulation in the area; and
- 1861 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~
- 1862 63A-12-201;
- 1863 (b) mailed to each affected entity; and
- 1864 (c) posted:
- 1865 (i) in at least three public locations within the municipality; or
- 1866 (ii) on the municipality's official website.
- 1867 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
- 1868 before the meeting and shall be:
- 1869 (a) (i) submitted to a newspaper of general circulation in the area; and
- 1870 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~
- 1871 63A-12-201; and
- 1872 (b) posted:
- 1873 (i) in at least three public locations within the municipality; or
- 1874 (ii) on the municipality's official website.
- 1875 Section 32. Section **10-9a-205** is amended to read:
- 1876 **10-9a-205. Notice of public hearings and public meetings on adoption or**
- 1877 **modification of land use regulation.**
- 1878 (1) Each municipality shall give:
- 1879 (a) notice of the date, time, and place of the first public hearing to consider the
- 1880 adoption or any modification of a land use regulation; and
- 1881 (b) notice of each public meeting on the subject.
- 1882 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
- 1883 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
- 1884 (b) posted:
- 1885 (i) in at least three public locations within the municipality; or
- 1886 (ii) on the municipality's official website; and
- 1887 (c) (i) (A) published in a newspaper of general circulation in the area at least 10

1888 calendar days before the public hearing; and  
1889 (B) published on the Utah Public Notice Website created in Section [~~63F-1-701~~  
1890 [63A-12-201](#)], at least 10 calendar days before the public hearing; or  
1891 (ii) mailed at least 10 days before the public hearing to:  
1892 (A) each property owner whose land is directly affected by the land use ordinance  
1893 change; and  
1894 (B) each adjacent property owner within the parameters specified by municipal  
1895 ordinance.  
1896 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
1897 before the meeting and shall be posted:  
1898 (a) in at least three public locations within the municipality; or  
1899 (b) on the municipality's official website.  
1900 (4) (a) A municipality shall send a courtesy notice to each owner of private real  
1901 property whose property is located entirely or partially within a proposed zoning map  
1902 enactment or amendment at least 10 days before the scheduled day of the public hearing.  
1903 (b) The notice shall:  
1904 (i) identify with specificity each owner of record of real property that will be affected  
1905 by the proposed zoning map or map amendments;  
1906 (ii) state the current zone in which the real property is located;  
1907 (iii) state the proposed new zone for the real property;  
1908 (iv) provide information regarding or a reference to the proposed regulations,  
1909 prohibitions, and permitted uses that the property will be subject to if the zoning map or map  
1910 amendment is adopted;  
1911 (v) state that the owner of real property may no later than 10 days after the day of the  
1912 first public hearing file a written objection to the inclusion of the owner's property in the  
1913 proposed zoning map or map amendment;  
1914 (vi) state the address where the property owner should file the protest;  
1915 (vii) notify the property owner that each written objection filed with the municipality  
1916 will be provided to the municipal legislative body; and  
1917 (viii) state the location, date, and time of the public hearing described in Section  
1918 [10-9a-502](#).

1919 (c) If a municipality mails notice to a property owner in accordance with Subsection  
1920 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this  
1921 Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather  
1922 than sent separately.

1923 Section 33. Section **10-9a-208** is amended to read:

1924 **10-9a-208. Hearing and notice for petition to vacate a public street.**

1925 (1) For any petition to vacate some or all of a public street or municipality utility  
1926 easement the legislative body shall:

1927 (a) hold a public hearing; and

1928 (b) give notice of the date, place, and time of the hearing, as provided in Subsection  
1929 (2).

1930 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative  
1931 body shall ensure that the notice required under Subsection (1)(b) is:

1932 (a) mailed to the record owner of each parcel that is accessed by the public street or  
1933 municipal utility easement;

1934 (b) mailed to each affected entity;

1935 (c) posted on or near the public street or municipal utility easement in a manner that is  
1936 calculated to alert the public; and

1937 (d) (i) published on the website of the municipality in which the land subject to the  
1938 petition is located until the public hearing concludes; and

1939 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)  
1940 [63A-12-201](#).

1941 Section 34. Section **10-18-203** is amended to read:

1942 **10-18-203. Feasibility study on providing cable television or public**  
1943 **telecommunications services -- Public hearings.**

1944 (1) If a feasibility consultant is hired under Section [10-18-202](#), the legislative body of  
1945 the municipality shall require the feasibility consultant to:

1946 (a) complete the feasibility study in accordance with this section;

1947 (b) submit to the legislative body by no later than 180 days from the date the feasibility  
1948 consultant is hired to conduct the feasibility study:

1949 (i) the full written results of the feasibility study; and

- 1950 (ii) a summary of the results that is no longer than one page in length; and
- 1951 (c) attend the public hearings described in Subsection (4) to:
- 1952 (i) present the feasibility study results; and
- 1953 (ii) respond to questions from the public.
- 1954 (2) The feasibility study described in Subsection (1) shall at a minimum consider:
- 1955 (a) (i) if the municipality is proposing to provide cable television services to
- 1956 subscribers, whether the municipality providing cable television services in the manner
- 1957 proposed by the municipality will hinder or advance competition for cable television services
- 1958 in the municipality; or
- 1959 (ii) if the municipality is proposing to provide public telecommunications services to
- 1960 subscribers, whether the municipality providing public telecommunications services in the
- 1961 manner proposed by the municipality will hinder or advance competition for public
- 1962 telecommunications services in the municipality;
- 1963 (b) whether but for the municipality any person would provide the proposed:
- 1964 (i) cable television services; or
- 1965 (ii) public telecommunications services;
- 1966 (c) the fiscal impact on the municipality of:
- 1967 (i) the capital investment in facilities that will be used to provide the proposed:
- 1968 (A) cable television services; or
- 1969 (B) public telecommunications services; and
- 1970 (ii) the expenditure of funds for labor, financing, and administering the proposed:
- 1971 (A) cable television services; or
- 1972 (B) public telecommunications services;
- 1973 (d) the projected growth in demand in the municipality for the proposed:
- 1974 (i) cable television services; or
- 1975 (ii) public telecommunications services;
- 1976 (e) the projections at the time of the feasibility study and for the next five years, of a
- 1977 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
- 1978 facilities necessary to provide the proposed:
- 1979 (i) cable television services; or
- 1980 (ii) public telecommunications services; and



1981 (f) the projections at the time of the feasibility study and for the next five years of the  
1982 revenues to be generated from the proposed:

1983 (i) cable television services; or

1984 (ii) public telecommunications services.

1985 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),  
1986 the feasibility consultant shall assume that the municipality will price the proposed cable  
1987 television services or public telecommunications services consistent with Subsection  
1988 [10-18-303\(5\)](#).

1989 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection  
1990 [10-18-202\(3\)](#), the legislative body, at the next regular meeting after the legislative body  
1991 receives the results of the feasibility study, shall schedule at least two public hearings to be  
1992 held:

1993 (a) within 60 days of the meeting at which the public hearings are scheduled;

1994 (b) at least seven days apart; and

1995 (c) for the purpose of allowing:

1996 (i) the feasibility consultant to present the results of the feasibility study; and

1997 (ii) the public to:

1998 (A) become informed about the feasibility study results; and

1999 (B) ask questions of the feasibility consultant about the results of the feasibility study.

2000 (5) (a) Except as provided in Subsection (5)(b), the municipality shall publish notice of  
2001 the public hearings required under Subsection (4):

2002 (i) at least once a week for three consecutive weeks in a newspaper of general  
2003 circulation in the municipality and at least three days before the first public hearing required  
2004 under Subsection (4); and

2005 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2006 three weeks, at least three days before the first public hearing required under Subsection (4).

2007 (b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general  
2008 circulation in the municipality, for each 1,000 residents, the municipality shall post at least one  
2009 notice of the hearings in a conspicuous place within the municipality that is likely to give  
2010 notice of the hearings to the greatest number of residents of the municipality.

2011 (ii) The municipality shall post the notices at least seven days before the first public

2012 hearing required under Subsection (4) is held.

2013 Section 35. Section **10-18-302** is amended to read:

2014 **10-18-302. Bonding authority.**

2015 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the  
2016 legislative body of a municipality may by resolution determine to issue one or more revenue  
2017 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide  
2018 to subscribers:

2019 (a) a cable television service; or

2020 (b) a public telecommunications service.

2021 (2) The resolution described in Subsection (1) shall:

2022 (a) describe the purpose for which the indebtedness is to be created; and

2023 (b) specify the dollar amount of the one or more bonds proposed to be issued.

2024 (3) (a) A revenue bond issued under this section shall be secured and paid for:

2025 (i) from the revenues generated by the municipality from providing:

2026 (A) cable television services with respect to revenue bonds issued to finance facilities  
2027 for the municipality's cable television services; and

2028 (B) public telecommunications services with respect to revenue bonds issued to finance  
2029 facilities for the municipality's public telecommunications services; and

2030 (ii) notwithstanding Subsection (3)(b) and Subsection **10-18-303(3)(a)**, from revenues  
2031 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

2032 (A) notwithstanding Subsection **11-14-201(3)** and except as provided in Subsections  
2033 (4) and (5), the revenue bond is approved by the registered voters in an election held:

2034 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title  
2035 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

2036 (II) notwithstanding Subsection **11-14-203(2)**, at a regular general election;

2037 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the  
2038 revenue bond; and

2039 (C) the municipality or municipalities annually appropriate the revenues described in  
2040 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

2041 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the  
2042 origination, financing, or other carrying costs associated with the one or more revenue bonds

2043 issued under this section from the town or city, respectively, general funds or other enterprise  
2044 funds of the municipality.

2045 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created  
2046 pursuant to an agreement:

2047 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

2048 (ii) to which a municipality is a party.

2049 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or  
2050 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal  
2051 entity that issues revenue bonds, if:

2052 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is  
2053 a member of a municipal entity that is issuing revenue bonds has published the first notice  
2054 described in Subsection (4)(b)(iii);

2055 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that  
2056 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge  
2057 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in  
2058 this Subsection (4)(b)(ii);

2059 (iii) the municipality that is issuing the revenue bonds or the municipality that is a  
2060 member of the municipal entity that is issuing the revenue bonds has:

2061 (A) held a public hearing for which public notice was given by publication of the  
2062 notice:

2063 (I) in a newspaper published in the municipality or in a newspaper of general  
2064 circulation within the municipality for two consecutive weeks, with the first publication being  
2065 not less than 14 days before the public hearing; and

2066 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2067 two weeks before the public hearing; and

2068 (B) the notice identifies:

2069 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding  
2070 Act;

2071 (II) the purpose for the bonds to be issued;

2072 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will  
2073 be pledged in any fiscal year;

2074 (IV) the maximum number of years that the pledge will be in effect; and  
2075 (V) the time, place, and location for the public hearing;  
2076 (iv) the municipal entity that issues revenue bonds:  
2077 (A) adopts a final financing plan; and  
2078 (B) in accordance with Title 63G, Chapter 2, Government Records Access and  
2079 Management Act, makes available to the public at the time the municipal entity adopts the final  
2080 financing plan:  
2081 (I) the final financing plan; and  
2082 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,  
2083 Chapter 2, Government Records Access and Management Act;  
2084 (v) any municipality that is a member of a municipal entity described in Subsection  
2085 (4)(b)(iv):  
2086 (A) not less than 30 calendar days after the municipal entity complies with Subsection  
2087 (4)(b)(iv)(B), holds a final public hearing;  
2088 (B) provides notice, at the time the municipality schedules the final public hearing, to  
2089 any person who has provided to the municipality a written request for notice; and  
2090 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all  
2091 interested parties; and  
2092 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not  
2093 more than 50% of the average annual debt service of all revenue bonds described in this section  
2094 to provide service throughout the municipality or municipal entity may be paid from the  
2095 revenues described in Subsection (3)(a)(ii).  
2096 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply  
2097 to a municipality that issues revenue bonds if:  
2098 (a) the municipality that is issuing the revenue bonds has:  
2099 (i) held a public hearing for which public notice was given by publication of the notice:  
2100 (A) in a newspaper published in the municipality or in a newspaper of general  
2101 circulation within the municipality for two consecutive weeks, with the first publication being  
2102 not less than 14 days before the public hearing; and  
2103 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2104 14 days before the public hearing; and

- 2105 (ii) the notice identifies:
- 2106 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
- 2107 Bonding Act;
- 2108 (B) the purpose for the bonds to be issued;
- 2109 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
- 2110 pledged in any fiscal year;
- 2111 (D) the maximum number of years that the pledge will be in effect; and
- 2112 (E) the time, place, and location for the public hearing; and
- 2113 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
- 2114 more than 50% of the average annual debt service of all revenue bonds described in this section
- 2115 to provide service throughout the municipality or municipal entity may be paid from the
- 2116 revenues described in Subsection (3)(a)(ii).
- 2117 (6) A municipality that issues bonds pursuant to this section may not make or grant any
- 2118 undue or unreasonable preference or advantage to itself or to any private provider of:
- 2119 (a) cable television services; or
- 2120 (b) public telecommunications services.
- 2121 Section 36. Section **11-13-204** is amended to read:
- 2122 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
- 2123 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**
- 2124 **lieutenant governor -- Recording requirements -- Public Service Commission.**
- 2125 (1) (a) An interlocal entity:
- 2126 (i) shall adopt bylaws, policies, and procedures for the regulation of its affairs and the
- 2127 conduct of its business;
- 2128 (ii) may:
- 2129 (A) amend or repeal a bylaw, policy, or procedure;
- 2130 (B) sue and be sued;
- 2131 (C) have an official seal and alter that seal at will;
- 2132 (D) make and execute contracts and other instruments necessary or convenient for the
- 2133 performance of its duties and the exercise of its powers and functions;
- 2134 (E) acquire real or personal property, or an undivided, fractional, or other interest in
- 2135 real or personal property, necessary or convenient for the purposes contemplated in the

2136 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;

2137 (F) directly or by contract with another:

2138 (I) own and acquire facilities and improvements or an undivided, fractional, or other  
2139 interest in facilities and improvements;

2140 (II) construct, operate, maintain, and repair facilities and improvements; and

2141 (III) provide the services contemplated in the agreement creating the interlocal entity  
2142 and establish, impose, and collect rates, fees, and charges for the services provided by the  
2143 interlocal entity;

2144 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other  
2145 obligations and secure their payment by an assignment, pledge, or other conveyance of all or  
2146 any part of the revenues and receipts from the facilities, improvements, or services that the  
2147 interlocal entity provides;

2148 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or  
2149 other obligations issued by the interlocal entity;

2150 (I) sell or contract for the sale of the services, output, product, or other benefits  
2151 provided by the interlocal entity to:

2152 (I) public agencies inside or outside the state; and

2153 (II) with respect to any excess services, output, product, or benefits, any person on  
2154 terms that the interlocal entity considers to be in the best interest of the public agencies that are  
2155 parties to the agreement creating the interlocal entity; and

2156 (J) create a local disaster recovery fund in the same manner and to the same extent as  
2157 authorized for a local government in accordance with Section [53-2a-605](#); and

2158 (iii) may not levy, assess, or collect ad valorem property taxes.

2159 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(ii)(G) may, to  
2160 the extent provided by the documents under which the assignment, pledge, or other conveyance  
2161 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes  
2162 payable to the state or its political subdivisions.

2163 (2) An energy services interlocal entity:

2164 (a) except with respect to any ownership interest it has in facilities providing additional  
2165 project capacity, is not subject to:

2166 (i) Part 3, Project Entity Provisions; or

2167 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to  
2168 Pay Corporate Franchise or Income Tax Act; and

2169 (b) may:

2170 (i) own, acquire, and, by itself or by contract with another, construct, operate, and  
2171 maintain a facility or improvement for the generation, transmission, and transportation of  
2172 electric energy or related fuel supplies;

2173 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary  
2174 services, transmission, and transportation services, and supplies of natural gas and fuels  
2175 necessary for the operation of generation facilities;

2176 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,  
2177 and others, whether located in or out of the state, for the sale of wholesale services provided by  
2178 the energy services interlocal entity; and

2179 (iv) adopt and implement risk management policies and strategies and enter into  
2180 transactions and agreements to manage the risks associated with the purchase and sale of  
2181 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,  
2182 and other instruments.

2183 (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or  
2184 an amendment to that agreement may provide that the agreement may continue and the  
2185 interlocal entity may remain in existence until the latest to occur of:

2186 (a) 50 years after the date of the agreement or amendment;

2187 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its  
2188 indebtedness;

2189 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed  
2190 or transferred all of its interest in its facilities and improvements; or

2191 (d) five years after the facilities and improvements of the interlocal entity are no longer  
2192 useful in providing the service, output, product, or other benefit of the facilities and  
2193 improvements, as determined under the agreement governing the sale of the service, output,  
2194 product, or other benefit.

2195 (4) (a) Upon execution of an agreement to approve the creation of an interlocal entity,  
2196 including an electric interlocal entity and an energy services interlocal entity, the governing  
2197 body of a member of the interlocal entity under Section 11-13-203 shall:

2198 (i) within 30 days after the date of the agreement, jointly file with the lieutenant  
2199 governor:  
2200 (A) a copy of a notice of an impending boundary action, as defined in Section  
2201 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and  
2202 (B) if less than all of the territory of any Utah public agency that is a party to the  
2203 agreement is included within the interlocal entity, a copy of an approved final local entity plat,  
2204 as defined in Section 67-1a-6.5; and  
2205 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section  
2206 67-1a-6.5:  
2207 (A) if the interlocal entity is located within the boundary of a single county, submit to  
2208 the recorder of that county:  
2209 (I) the original:  
2210 (Aa) notice of an impending boundary action;  
2211 (Bb) certificate of creation; and  
2212 (Cc) approved final local entity plat, if an approved final local entity plat was required  
2213 to be filed with the lieutenant governor under Subsection (4)(a)(i)(B); and  
2214 (II) a certified copy of the agreement approving the creation of the interlocal entity; or  
2215 (B) if the interlocal entity is located within the boundaries of more than a single  
2216 county:  
2217 (I) submit to the recorder of one of those counties:  
2218 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and  
2219 (Cc); and  
2220 (Bb) a certified copy of the agreement approving the creation of the interlocal entity;  
2221 and  
2222 (II) submit to the recorder of each other county:  
2223 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb),  
2224 and (Cc); and  
2225 (Bb) a certified copy of the agreement approving the creation of the interlocal entity.  
2226 (b) Upon the lieutenant governor's issuance of a certificate of creation under Section  
2227 67-1a-6.5, the interlocal entity is created.  
2228 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the



2229 recorder of each county in which the property is located, a newly created interlocal entity may  
2230 not charge or collect a fee for service provided to property within the interlocal entity.

2231 (5) Nothing in this section may be construed as expanding the rights of any  
2232 municipality or interlocal entity to sell or provide retail service.

2233 (6) Except as provided in Subsection (7):

2234 (a) nothing in this section may be construed to expand or limit the rights of a  
2235 municipality to sell or provide retail electric service; and

2236 (b) an energy services interlocal entity may not provide retail electric service to  
2237 customers located outside the municipal boundaries of its members.

2238 (7) (a) An energy services interlocal entity created before July 1, 2003, that is  
2239 comprised solely of Utah municipalities and that, for a minimum of 50 years before July 1,  
2240 2010, provided retail electric service to customers outside the municipal boundaries of its  
2241 members, may provide retail electric service outside the municipal boundaries of its members  
2242 if:

2243 (i) the energy services interlocal entity:

2244 (A) enters into a written agreement with each public utility holding a certificate of  
2245 public convenience and necessity issued by the Public Service Commission to provide service  
2246 within an agreed upon geographic area for the energy services interlocal entity to be  
2247 responsible to provide electric service in the agreed upon geographic area outside the municipal  
2248 boundaries of the members of the energy services interlocal entity; and

2249 (B) obtains a franchise agreement, with the legislative body of the county or other  
2250 governmental entity for the geographic area in which the energy services interlocal entity  
2251 provides service outside the municipal boundaries of its members; and

2252 (ii) each public utility described in Subsection (7)(a)(i)(A) applies for and obtains from  
2253 the Public Service Commission approval of the agreement specified in Subsection (7)(a)(i)(A).

2254 (b) (i) The Public Service Commission shall, after a public hearing held in accordance  
2255 with Title 52, Chapter 4, Open and Public Meetings Act, approve an agreement described in  
2256 Subsection (7)(a)(ii) if it determines that the agreement is in the public interest in that it  
2257 incorporates the customer protections described in Subsection (7)(c) and the franchise  
2258 agreement described in Subsection (7)(a)(i)(B) provides a reasonable mechanism using a  
2259 neutral arbiter or ombudsman for resolving potential future complaints by customers of the

2260 energy services interlocal entity.

2261 (ii) In approving an agreement, the Public Service Commission shall also amend the  
2262 certificate of public convenience and necessity of any public utility described in Subsection  
2263 (7)(a)(i) to delete from the geographic area specified in the certificate or certificates of the  
2264 public utility the geographic area that the energy services interlocal entity has agreed to serve.

2265 (c) In providing retail electric service to customers outside of the municipal boundaries  
2266 of its members, but not within the municipal boundaries of another municipality that grants a  
2267 franchise agreement in accordance with Subsection (7)(a)(i)(B), an energy services interlocal  
2268 entity shall comply with the following:

2269 (i) the rates and conditions of service for customers outside the municipal boundaries  
2270 of the members shall be at least as favorable as the rates and conditions of service for similarly  
2271 situated customers within the municipal boundaries of the members;

2272 (ii) the energy services interlocal entity shall operate as a single entity providing  
2273 service both inside and outside of the municipal boundaries of its members;

2274 (iii) a general rebate, refund, or other payment made to customers located within the  
2275 municipal boundaries of the members shall also be provided to similarly situated customers  
2276 located outside the municipal boundaries of the members;

2277 (iv) a schedule of rates and conditions of service, or any change to the rates and  
2278 conditions of service, shall be approved by the governing board of the energy services  
2279 interlocal entity;

2280 (v) before implementation of any rate increase, the governing board of the energy  
2281 services interlocal entity shall first hold a public meeting to take public comment on the  
2282 proposed increase, after providing at least 20 days and not more than 60 days' advance written  
2283 notice to its customers on the ordinary billing and on the Utah Public Notice Website, created  
2284 by Section [~~63F-1-701~~] [63A-12-201](#); and

2285 (vi) the energy services interlocal entity shall file with the Public Service Commission  
2286 its current schedule of rates and conditions of service.

2287 (d) The Public Service Commission shall make the schedule of rates and conditions of  
2288 service of the energy services interlocal entity available for public inspection.

2289 (e) Nothing in this section:

2290 (i) gives the Public Service Commission jurisdiction over the provision of retail

2291 electric service by an energy services interlocal entity within the municipal boundaries of its  
2292 members; or

2293 (ii) makes an energy services interlocal entity a public utility under Title 54, Public  
2294 Utilities.

2295 (f) Nothing in this section expands or diminishes the jurisdiction of the Public Service  
2296 Commission over a municipality or an association of municipalities organized under Title 11,  
2297 Chapter 13, Interlocal Cooperation Act, except as specifically authorized by this section's  
2298 language.

2299 (g) (i) An energy services interlocal entity described in Subsection (7)(a) retains its  
2300 authority to provide electric service to the extent authorized by Sections [11-13-202](#) and  
2301 [11-13-203](#) and Subsections [11-13-204](#)(1) through (5).

2302 (ii) Notwithstanding Subsection (7)(g)(i), if the Public Service Commission approves  
2303 the agreement described in Subsection (7)(a)(i), the energy services interlocal entity may not  
2304 provide retail electric service to customers located outside the municipal boundaries of its  
2305 members, except for customers located within the geographic area described in the agreement.

2306 Section 37. Section [11-13-509](#) is amended to read:

2307 **11-13-509. Hearing to consider adoption -- Notice.**

2308 (1) At the meeting at which the tentative budget is adopted, the governing board shall:

2309 (a) establish the time and place of a public hearing to consider its adoption; and

2310 (b) except as provided in Subsection (2) or (5), order that notice of the hearing:

2311 (i) be published, at least seven days before the day of the hearing, in at least one issue  
2312 of a newspaper of general circulation in a county in which the interlocal entity provides service  
2313 to the public or in which its members are located, if such a newspaper is generally circulated in  
2314 the county or counties; and

2315 (ii) be published at least seven days before the day of the hearing on the Utah Public  
2316 Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

2317 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
2318 required in Subsection (1)(b):

2319 (a) may be combined with the notice required under Section [59-2-919](#); and

2320 (b) shall be published in accordance with the advertisement provisions of Section  
2321 [59-2-919](#).

2322 (3) Proof that notice was given in accordance with Subsection (1)(b), (2), or (5) is  
2323 prima facie evidence that notice was properly given.

2324 (4) If a notice required under Subsection (1)(b), (2), or (5) is not challenged within 30  
2325 days after the day on which the hearing is held, the notice is adequate and proper.

2326 (5) A governing board of an interlocal entity with an annual operating budget of less  
2327 than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

2328 (a) mailing a written notice, postage prepaid, to each voter in an interlocal entity; and

2329 (b) posting the notice in three public places within the interlocal entity's service area.

2330 Section 38. Section **11-13-531** is amended to read:

2331 **11-13-531. Imposing or increasing a fee for service provided by interlocal entity.**

2332 (1) The governing board shall fix the rate for a service or commodity provided by the  
2333 interlocal entity.

2334 (2) (a) Before imposing a new fee or increasing an existing fee for a service provided  
2335 by an interlocal entity, an interlocal entity governing board shall first hold a public hearing at  
2336 which interested persons may speak for or against the proposal to impose a fee or to increase an  
2337 existing fee.

2338 (b) Each public hearing under Subsection (2)(a) shall be held on a weekday in the  
2339 evening beginning no earlier than 6 p.m.

2340 (c) A public hearing required under this Subsection (2) may be combined with a public  
2341 hearing on a tentative budget required under Section [11-13-510](#).

2342 (d) Except to the extent that this section imposes more stringent notice requirements,  
2343 the governing board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in  
2344 holding the public hearing under Subsection (2)(a).

2345 (3) (a) An interlocal entity board shall give notice of a hearing under Subsection (2)(a):

2346 (i) as provided in Subsection (3)(b)(i) or (c); and

2347 (ii) for at least 20 days before the day of the hearing on the Utah Public Notice

2348 Website, created by Section [~~63F-1-701~~] [63A-12-201](#).

2349 (b) (i) Except as provided by Subsection (3)(c)(i), the notice required under Subsection  
2350 (2)(a) shall be published:

2351 (A) in a newspaper or combination of newspapers of general circulation in the

2352 interlocal entity, if there is a newspaper or combination of newspapers of general circulation in

2353 the interlocal entity; or

2354 (B) if there is no newspaper or combination of newspapers of general circulation in the  
2355 interlocal entity, the interlocal entity board shall post at least one notice per 1,000 population  
2356 within the interlocal entity, at places within the interlocal entity that are most likely to provide  
2357 actual notice to residents within the interlocal entity.

2358 (ii) The notice described in Subsection (3)(b)(i)(A):

2359 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18  
2360 point, and surrounded by a 1/4-inch border;

2361 (B) may not be placed in that portion of the newspaper where legal notices and  
2362 classified advertisements appear;

2363 (C) whenever possible, shall appear in a newspaper that is published at least one day  
2364 per week;

2365 (D) shall be in a newspaper or combination of newspapers of general interest and  
2366 readership in the interlocal entity, and not of limited subject matter; and

2367 (E) shall be run once each week for the two weeks preceding the hearing.

2368 (iii) The notice described in Subsections (3)(a)(ii) and (3)(b)(i) shall state that the  
2369 interlocal entity board intends to impose or increase a fee for a service provided by the  
2370 interlocal entity and will hold a public hearing on a certain day, time, and place fixed in the  
2371 notice, which shall be not less than seven days after the day the first notice is published, for the  
2372 purpose of hearing comments regarding the proposed imposition or increase of a fee and to  
2373 explain the reasons for the proposed imposition or increase.

2374 (c) (i) In lieu of providing notice under Subsection (3)(b)(i), the interlocal entity  
2375 governing board may give the notice required under Subsection (2)(a) by mailing the notice to  
2376 a person within the interlocal entity's service area who:

2377 (A) will be charged the fee for an interlocal entity's service, if the fee is being imposed  
2378 for the first time; or

2379 (B) is being charged a fee, if the fee is proposed to be increased.

2380 (ii) Each notice under Subsection (3)(c)(i) shall comply with Subsection (3)(b)(iii).

2381 (iii) A notice under Subsection (3)(c)(i) may accompany an interlocal entity bill for an  
2382 existing fee.

2383 (d) If the hearing required under this section is combined with the public hearing

2384 required under Section 11-13-510, the notice requirements under this Subsection (3) are  
2385 satisfied if a notice that meets the requirements of Subsection (3)(b)(iii) is combined with the  
2386 notice required under Section 11-13-509.

2387 (e) Proof that notice was given as provided in Subsection (3)(b) or (c) is prima facie  
2388 evidence that notice was properly given.

2389 (f) If no challenge is made to the notice given of a public hearing required by  
2390 Subsection (2) within 30 days after the date of the hearing, the notice is considered adequate  
2391 and proper.

2392 (4) After holding a public hearing under Subsection (2)(a), a governing board may:

2393 (a) impose the new fee or increase the existing fee as proposed;

2394 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
2395 then impose the new fee or increase the existing fee as adjusted; or

2396 (c) decline to impose the new fee or increase the existing fee.

2397 (5) This section applies to each new fee imposed and each increase of an existing fee  
2398 that occurs on or after May 12, 2015.

2399 (6) An interlocal entity that accepts an electronic payment may charge an electronic  
2400 payment fee.

2401 Section 39. Section 11-13-603 is amended to read:

2402 **11-13-603. Taxed interlocal entity.**

2403 (1) Notwithstanding any other provision of law:

2404 (a) the use of an asset by a taxed interlocal entity does not constitute the use of a public  
2405 asset;

2406 (b) a taxed interlocal entity's use of an asset that was a public asset before the taxed  
2407 interlocal entity's use of the asset does not constitute a taxed interlocal entity's use of a public  
2408 asset;

2409 (c) an official of a project entity is not a public treasurer; and

2410 (d) a taxed interlocal entity's governing board shall determine and direct the use of an  
2411 asset by the taxed interlocal entity.

2412 (2) A taxed interlocal entity is not subject to the provisions of Title 63G, Chapter 6a,  
2413 Utah Procurement Code.

2414 (3) (a) A taxed interlocal entity is not a participating local entity as defined in Section

2415 [~~63A-1-201~~] [67-3-12](#).

2416 (b) For each fiscal year of a taxed interlocal entity, the taxed interlocal entity shall  
2417 provide:

2418 (i) the taxed interlocal entity's financial statements for and as of the end of the fiscal  
2419 year and the prior fiscal year, including:

2420 (A) the taxed interlocal entity's statement of net position as of the end of the fiscal year  
2421 and the prior fiscal year, and the related statements of revenues and expenses and of cash flows  
2422 for the fiscal year; or

2423 (B) financial statements that are equivalent to the financial statements described in  
2424 Subsection (3)(b)(i)(A) and, at the time the financial statements were created, were in  
2425 compliance with generally accepted accounting principles that are applicable to taxed interlocal  
2426 entities; and

2427 (ii) the accompanying auditor's report and management's discussion and analysis with  
2428 respect to the taxed interlocal entity's financial statements for and as of the end of the fiscal  
2429 year.

2430 (c) The taxed interlocal entity shall provide the information described in Subsection  
2431 (3)(b)[~~:(i) in a manner described in Subsection [63A-1-205](#)(3), and (ii)-~~] within a reasonable  
2432 time after the taxed interlocal entity's independent auditor delivers to the taxed interlocal  
2433 entity's governing board the auditor's report with respect to the financial statements for and as  
2434 of the end of the fiscal year.

2435 (d) Notwithstanding Subsections (3)(b) and (c) or a taxed interlocal entity's compliance  
2436 with one or more of the requirements of Title 63A, Chapter 3, Division of Finance:

2437 (i) the taxed interlocal entity is not subject to Title 63A, Chapter 3, Division of  
2438 Finance; and

2439 (ii) the information described in Subsection (3)(b)(i) or (ii) does not constitute public  
2440 financial information as defined in Section [~~63A-1-201~~] [67-3-12](#).

2441 (4) (a) A taxed interlocal entity's governing board is not a governing board as defined  
2442 in Section [51-2a-102](#).

2443 (b) A taxed interlocal entity is not subject to the provisions of Title 51, Chapter 2a,  
2444 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
2445 Entities Act.

2446 (5) Notwithstanding any other provision of law, a taxed interlocal entity is not subject  
2447 to the following provisions:

- 2448 (a) Part 4, Governance;
- 2449 (b) Part 5, Fiscal Procedures for Interlocal Entities;
- 2450 (c) Subsection 11-13-204(1)(a)(i) or (ii)(J);
- 2451 (d) Subsection 11-13-206(1)(f);
- 2452 (e) Subsection 11-13-218(5)(a);
- 2453 (f) Section 11-13-225;
- 2454 (g) Section 11-13-226; or
- 2455 (h) Section 53-2a-605.

2456 (6) (a) In addition to having the powers described in Subsection 11-13-204(1)(a)(ii), a  
2457 taxed interlocal entity may, for the regulation of the entity's affairs and conduct of its business,  
2458 adopt, amend, or repeal bylaws, policies, or procedures.

2459 (b) Nothing in Part 4, Governance, or Part 5, Fiscal Procedures for Interlocal Entities,  
2460 may be construed to limit the power or authority of a taxed interlocal entity.

2461 (7) (a) A governmental law enacted after May 12, 2015, is not applicable to, is not  
2462 binding upon, and does not have effect on a taxed interlocal entity unless the governmental law  
2463 expressly states the section of governmental law to be applicable to and binding upon the taxed  
2464 interlocal entity with the following words: "[Applicable section or subsection number]  
2465 constitutes an exception to Subsection 11-13-603(7)(a) and is applicable to and binding upon a  
2466 taxed interlocal entity."

2467 (b) Sections 11-13-601 through 11-13-608 constitute an exception to Subsection (7)(a)  
2468 and are applicable to and binding upon a taxed interlocal entity.

2469 Section 40. Section 11-14-202 is amended to read:

2470 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2471 (1) The governing body shall publish notice of the election:

2472 (a) (i) once per week for three consecutive weeks before the election in a newspaper of  
2473 general circulation in the local political subdivision, in accordance with Section 11-14-316, the  
2474 first publication occurring not less than 21, nor more than 35, days before the day of the  
2475 election;

2476 (ii) if there is no newspaper of general circulation in the local political subdivision, at



2477 least 21 days before the day of the election, by posting one notice, and at least one additional  
2478 notice per 2,000 population of the local political subdivision, in places within the local political  
2479 subdivision that are most likely to give notice to the voters in the local political subdivision; or

2480 (iii) at least three weeks before the day of the election, by mailing notice to each  
2481 registered voter in the local political subdivision;

2482 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2483 three weeks before the day of the election;

2484 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the election;  
2485 and

2486 (d) if the local political subdivision has a website, on the local political subdivision's  
2487 website for at least three weeks before the day of the election.

2488 (2) When the debt service on the bonds to be issued will increase the property tax  
2489 imposed upon the average value of a residence by an amount that is greater than or equal to \$15  
2490 per year, the governing body shall prepare and mail either a voter information pamphlet or a  
2491 notification described in Subsection (8):

2492 (a) at least 15 days, but not more than 45 days, before the bond election;

2493 (b) to each household containing a registered voter who is eligible to vote on the  
2494 bonds; and

2495 (c) that includes the information required by Subsections (4) and (5).

2496 (3) The election officer may change the location of, or establish an additional:

2497 (a) voting precinct polling place, in accordance with Subsection (6);

2498 (b) early voting polling place, in accordance with Subsection [20A-3-603\(2\)](#); or

2499 (c) election day voting center, in accordance with Subsection [20A-3-703\(2\)](#).

2500 (4) The notice described in Subsection (1) and the voter information pamphlet  
2501 described in Subsection (2):

2502 (a) shall include, in the following order:

2503 (i) the date of the election;

2504 (ii) the hours during which the polls will be open;

2505 (iii) the address of the Statewide Electronic Voter Information Website and, if  
2506 available, the address of the election officer's website, with a statement indicating that the  
2507 election officer will post on the website the location of each polling place for each voting

2508 precinct, each early voting polling place, and each election day voting center, including any  
2509 changes to the location of a polling place and the location of an additional polling place;  
2510 (iv) a phone number that a voter may call to obtain information regarding the location  
2511 of a polling place; and  
2512 (v) the title and text of the ballot proposition, including the property tax cost of the  
2513 bond described in Subsection [11-14-206\(2\)\(a\)](#); and  
2514 (b) may include the location of each polling place.  
2515 (5) The voter information pamphlet required by this section shall include:  
2516 (a) the information required under Subsection (4); and  
2517 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,  
2518 which may be based on information the governing body determines to be useful, including:  
2519 (i) expected debt service on the bonds to be issued;  
2520 (ii) a description of the purpose, remaining principal balance, and maturity date of any  
2521 outstanding general obligation bonds of the issuer;  
2522 (iii) funds other than property taxes available to pay debt service on general obligation  
2523 bonds;  
2524 (iv) timing of expenditures of bond proceeds;  
2525 (v) property values; and  
2526 (vi) any additional information that the governing body determines may be useful to  
2527 explain the property tax impact of issuance of the bonds.  
2528 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the  
2529 deadlines described in Subsections (1) and (2):  
2530 (i) if necessary, change the location of a voting precinct polling place; or  
2531 (ii) if the election officer determines that the number of voting precinct polling places  
2532 is insufficient due to the number of registered voters who are voting, designate additional  
2533 voting precinct polling places.  
2534 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the  
2535 location of a voting precinct polling place or designates an additional voting precinct polling  
2536 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,  
2537 times, and location of a changed voting precinct polling place or an additional voting precinct  
2538 polling place:

2539 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter  
2540 Information Website;

2541 (ii) by posting the information on the website of the election officer, if available; and

2542 (iii) by posting notice:

2543 (A) of a change in the location of a voting precinct polling place, at the new location  
2544 and, if possible, the old location; and

2545 (B) of an additional voting precinct polling place, at the additional voting precinct  
2546 polling place.

2547 (7) The governing body shall pay the costs associated with the notice required by this  
2548 section.

2549 (8) (a) The governing body may mail a notice printed on a postage prepaid,  
2550 preaddressed return form that a person may use to request delivery of a voter information  
2551 pamphlet by mail.

2552 (b) The notice described in Subsection (8)(a) shall include:

2553 (i) the website upon which the voter information pamphlet is available; and

2554 (ii) the phone number a voter may call to request delivery of a voter information  
2555 pamphlet by mail.

2556 (9) A local school board shall comply with the voter information pamphlet  
2557 requirements described in Section [53G-4-603](#).

2558 Section 41. Section **11-14-318** is amended to read:

2559 **11-14-318. Public hearing required.**

2560 (1) Before issuing bonds authorized under this chapter, a local political subdivision  
2561 shall:

2562 (a) in accordance with Subsection (2), provide public notice of the local political  
2563 subdivision's intent to issue bonds; and

2564 (b) hold a public hearing:

2565 (i) if an election is required under this chapter:

2566 (A) no sooner than 30 days before the day on which the notice of election is published  
2567 under Section [11-14-202](#); and

2568 (B) no later than five business days before the day on which the notice of election is  
2569 published under Section [11-14-202](#); and

2570 (ii) to receive input from the public with respect to:  
2571 (A) the issuance of the bonds; and  
2572 (B) the potential economic impact that the improvement, facility, or property for which  
2573 the bonds pay all or part of the cost will have on the private sector.  
2574 (2) A local political subdivision shall:  
2575 (a) publish the notice required by Subsection (1)(a):  
2576 (i) once each week for two consecutive weeks in the official newspaper described in  
2577 Section [11-14-316](#) with the first publication being not less than 14 days before the public  
2578 hearing required by Subsection (1)(b); and  
2579 (ii) on the Utah Public Notice Website, created under Section [~~63F-1-701~~]  
2580 [63A-12-201](#), no less than 14 days before the public hearing required by Subsection (1)(b); and  
2581 (b) ensure that the notice:  
2582 (i) identifies:  
2583 (A) the purpose for the issuance of the bonds;  
2584 (B) the maximum principal amount of the bonds to be issued;  
2585 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and  
2586 (D) the time, place, and location of the public hearing; and  
2587 (ii) informs the public that the public hearing will be held for the purposes described in  
2588 Subsection (1)(b)(ii).  
2589 Section 42. Section **11-36a-501** is amended to read:  
2590 **11-36a-501. Notice of intent to prepare an impact fee facilities plan.**  
2591 (1) Before preparing or amending an impact fee facilities plan, a local political  
2592 subdivision or private entity shall provide written notice of its intent to prepare or amend an  
2593 impact fee facilities plan.  
2594 (2) A notice required under Subsection (1) shall:  
2595 (a) indicate that the local political subdivision or private entity intends to prepare or  
2596 amend an impact fee facilities plan;  
2597 (b) describe or provide a map of the geographic area where the proposed impact fee  
2598 facilities will be located; and  
2599 (c) subject to Subsection (3), be posted on the Utah Public Notice Website created  
2600 under Section [~~63F-1-701~~] [63A-12-201](#).

2601 (3) For a private entity required to post notice on the Utah Public Notice Website under  
2602 Subsection (2)(c):

2603 (a) the private entity shall give notice to the general purpose local government in which  
2604 the private entity's private business office is located; and

2605 (b) the general purpose local government described in Subsection (3)(a) shall post the  
2606 notice on the Utah Public Notice Website.

2607 Section 43. Section **11-36a-503** is amended to read:

2608 **11-36a-503. Notice of preparation of an impact fee analysis.**

2609 (1) Before preparing or contracting to prepare an impact fee analysis, each local  
2610 political subdivision or, subject to Subsection (2), private entity shall post a public notice on  
2611 the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

2612 (2) For a private entity required to post notice on the Utah Public Notice Website under  
2613 Subsection (1):

2614 (a) the private entity shall give notice to the general purpose local government in which  
2615 the private entity's primary business is located; and

2616 (b) the general purpose local government described in Subsection (2)(a) shall post the  
2617 notice on the Utah Public Notice Website.

2618 Section 44. Section **11-36a-504** is amended to read:

2619 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**  
2620 **Protections.**

2621 (1) Before adopting an impact fee enactment:

2622 (a) a municipality legislative body shall:

2623 (i) comply with the notice requirements of Section [10-9a-205](#) as if the impact fee  
2624 enactment were a land use regulation;

2625 (ii) hold a hearing in accordance with Section [10-9a-502](#) as if the impact fee enactment  
2626 were a land use regulation; and

2627 (iii) except as provided in Subsection [11-36a-701](#)(3)(b)(ii), receive the protections of  
2628 Section [10-9a-801](#) as if the impact fee were a land use regulation;

2629 (b) a county legislative body shall:

2630 (i) comply with the notice requirements of Section [17-27a-205](#) as if the impact fee  
2631 enactment were a land use regulation;

2632 (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee  
2633 enactment were a land use regulation; and  
2634 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of  
2635 Section 17-27a-801 as if the impact fee were a land use regulation;  
2636 (c) a local district or special service district shall:  
2637 (i) comply with the notice and hearing requirements of Section 17B-1-111; and  
2638 (ii) receive the protections of Section 17B-1-111;  
2639 (d) a local political subdivision shall at least 10 days before the day on which a public  
2640 hearing is scheduled in accordance with this section:  
2641 (i) make a copy of the impact fee enactment available to the public; and  
2642 (ii) post notice of the local political subdivision's intent to enact or modify the impact  
2643 fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice  
2644 Website created under Section [~~63F-1-701~~] 63A-12-201; and  
2645 (e) a local political subdivision shall submit a copy of the impact fee analysis and a  
2646 copy of the summary of the impact fee analysis prepared in accordance with Section  
2647 11-36a-303 on its website or to each public library within the local political subdivision.  
2648 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning  
2649 commission in the impact fee enactment process.  
2650 Section 45. Section 11-42-202 is amended to read:  
2651 **11-42-202. Requirements applicable to a notice of a proposed assessment area**  
2652 **designation.**  
2653 (1) Each notice required under Subsection 11-42-201(2)(a) shall:  
2654 (a) state that the local entity proposes to:  
2655 (i) designate one or more areas within the local entity's jurisdictional boundaries as an  
2656 assessment area;  
2657 (ii) provide an improvement to property within the proposed assessment area; and  
2658 (iii) finance some or all of the cost of improvements by an assessment on benefitted  
2659 property within the assessment area;  
2660 (b) describe the proposed assessment area by any reasonable method that allows an  
2661 owner of property in the proposed assessment area to determine that the owner's property is  
2662 within the proposed assessment area;

- 2663 (c) describe, in a general and reasonably accurate way, the improvements to be  
2664 provided to the assessment area, including:
- 2665 (i) the nature of the improvements; and
  - 2666 (ii) the location of the improvements, by reference to streets or portions or extensions  
2667 of streets or by any other means that the governing body chooses that reasonably describes the  
2668 general location of the improvements;
- 2669 (d) state the estimated cost of the improvements as determined by a project engineer;
- 2670 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the  
2671 estimated total assessment specific to the benefitted property for which the notice is mailed;
- 2672 (f) state that the local entity proposes to levy an assessment on benefitted property  
2673 within the assessment area to pay some or all of the cost of the improvements according to the  
2674 estimated benefits to the property from the improvements;
- 2675 (g) if applicable, state that an unassessed benefitted government property will receive  
2676 improvements for which the cost will be allocated proportionately to the remaining benefitted  
2677 properties within the proposed assessment area and that a description of each unassessed  
2678 benefitted government property is available for public review at the location or website  
2679 described in Subsection (6);
- 2680 (h) state the assessment method by which the governing body proposes to calculate the  
2681 proposed assessment, including, if the local entity is a municipality or county, whether the  
2682 assessment will be collected:
- 2683 (i) by directly billing a property owner; or
  - 2684 (ii) by inclusion on a property tax notice issued in accordance with Section [59-2-1317](#)  
2685 and in compliance with Section [11-42-401](#);
- 2686 (i) state:
- 2687 (i) the date described in Section [11-42-203](#) and the location at which protests against  
2688 designation of the proposed assessment area or of the proposed improvements are required to  
2689 be filed;
  - 2690 (ii) the method by which the governing body will determine the number of protests  
2691 required to defeat the designation of the proposed assessment area or acquisition or  
2692 construction of the proposed improvements; and
  - 2693 (iii) in large, boldface, and conspicuous type that a property owner must protest the

2694 designation of the assessment area in writing if the owner objects to the area designation or  
2695 being assessed for the proposed improvements, operation and maintenance costs, or economic  
2696 promotion activities;

2697 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

2698 (k) if the governing body elects to create and fund a reserve fund under Section  
2699 11-42-702, include a description of:

2700 (i) how the reserve fund will be funded and replenished; and

2701 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of  
2702 the bonds;

2703 (l) if the governing body intends to designate a voluntary assessment area, include a  
2704 property owner consent form that:

2705 (i) estimates the total assessment to be levied against the particular parcel of property;

2706 (ii) describes any additional benefits that the governing body expects the assessed  
2707 property to receive from the improvements;

2708 (iii) designates the date and time by which the fully executed consent form is required  
2709 to be submitted to the governing body; and

2710 (iv) if the governing body intends to enforce an assessment lien on the property in  
2711 accordance with Subsection 11-42-502.1(2)(a)(ii)(C):

2712 (A) appoints a trustee that satisfies the requirements described in Section 57-1-21;

2713 (B) gives the trustee the power of sale; and

2714 (C) explains that if an assessment or an installment of an assessment is not paid when  
2715 due, the local entity may sell the property owner's property to satisfy the amount due plus  
2716 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;

2717 (m) if the local entity intends to levy an assessment to pay operation and maintenance  
2718 costs or for economic promotion activities, include:

2719 (i) a description of the operation and maintenance costs or economic promotion  
2720 activities to be paid by assessments and the initial estimated annual assessment to be levied;

2721 (ii) a description of how the estimated assessment will be determined;

2722 (iii) a description of how and when the governing body will adjust the assessment to  
2723 reflect the costs of:

2724 (A) in accordance with Section 11-42-406, current economic promotion activities; or



2725 (B) current operation and maintenance costs;

2726 (iv) a description of the method of assessment if different from the method of  
2727 assessment to be used for financing any improvement; and

2728 (v) a statement of the maximum number of years over which the assessment will be  
2729 levied for:

2730 (A) operation and maintenance costs; or

2731 (B) economic promotion activities;

2732 (n) if the governing body intends to divide the proposed assessment area into  
2733 classifications under Subsection 11-42-201(1)(b), include a description of the proposed  
2734 classifications;

2735 (o) if applicable, state the portion and value of the improvement that will be increased  
2736 in size or capacity to serve property outside of the assessment area and how the increases will  
2737 be financed; and

2738 (p) state whether the improvements will be financed with a bond and, if so, the  
2739 currently estimated interest rate and term of financing, subject to Subsection (2), for which the  
2740 benefitted properties within the assessment area may be obligated.

2741 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be  
2742 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as  
2743 subject to the market rate at the time of the issuance of the bond.

2744 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information  
2745 that the governing body considers to be appropriate, including:

2746 (a) the amount or proportion of the cost of the improvement to be paid by the local  
2747 entity or from sources other than an assessment;

2748 (b) the estimated total amount of each type of assessment for the various improvements  
2749 to be financed according to the method of assessment that the governing body chooses; and

2750 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

2751 (4) Each notice required under Subsection 11-42-201(2)(a) shall:

2752 (a) (i) (A) be published in a newspaper of general circulation within the local entity's  
2753 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at  
2754 least five but not more than 20 days before the day of the hearing required in Section  
2755 11-42-204; or

2756 (B) if there is no newspaper of general circulation within the local entity's jurisdictional  
2757 boundaries, be posted in at least three public places within the local entity's jurisdictional  
2758 boundaries at least 20 but not more than 35 days before the day of the hearing required in  
2759 Section [11-42-204](#); and

2760 (ii) be published on the Utah Public Notice Website described in Section [~~63F-1-701~~]  
2761 [63A-12-201](#) for four weeks before the deadline for filing protests specified in the notice under  
2762 Subsection (1)(i); and

2763 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of  
2764 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed  
2765 assessment area at the property owner's mailing address.

2766 (5) (a) The local entity may record the version of the notice that is published or posted  
2767 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description  
2768 and tax identification number as identified in county records, against the property proposed to  
2769 be assessed.

2770 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year  
2771 after the day on which the local entity records the notice if the local entity has failed to adopt  
2772 the designation ordinance or resolution under Section [11-42-201](#) designating the assessment  
2773 area for which the notice was recorded.

2774 (6) A local entity shall make available on the local entity's website, or, if no website is  
2775 available, at the local entity's place of business, the address and type of use of each unassessed  
2776 benefitted government property described in Subsection (1)(g).

2777 (7) If a governing body fails to provide actual or constructive notice under this section,  
2778 the local entity may not assess a levy against a benefitted property omitted from the notice  
2779 unless:

2780 (a) the property owner gives written consent;

2781 (b) the property owner received notice under Subsection [11-42-401\(2\)\(a\)\(iii\)](#) and did  
2782 not object to the levy of the assessment before the final hearing of the board of equalization; or

2783 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date  
2784 of conveyance, the requirements of Subsections [11-42-206\(3\)\(a\)\(i\)](#) and (ii), or, if applicable,  
2785 Subsection [11-42-207\(1\)\(d\)\(i\)](#) are met.

2786 Section 46. Section **11-42-402** is amended to read:

2787 **11-42-402. Notice of assessment and board of equalization hearing.**

2788 Each notice required under Subsection [11-42-401\(2\)\(a\)\(iii\)](#) shall:

2789 (1) state:

2790 (a) that an assessment list is completed and available for examination at the offices of  
2791 the local entity;

2792 (b) the total estimated or actual cost of the improvements;

2793 (c) the amount of the total estimated or actual cost of the proposed improvements to be  
2794 paid by the local entity;

2795 (d) the amount of the assessment to be levied against benefitted property within the  
2796 assessment area;

2797 (e) the assessment method used to calculate the proposed assessment;

2798 (f) the unit cost used to calculate the assessments shown on the assessment list, based  
2799 on the assessment method used to calculate the proposed assessment; and

2800 (g) the dates, times, and place of the board of equalization hearings under Subsection  
2801 [11-42-401\(2\)\(b\)\(i\)](#);

2802 (2) (a) beginning at least 20 but not more than 35 days before the day on which the first  
2803 hearing of the board of equalization is held:

2804 (i) be published at least once in a newspaper of general circulation within the local  
2805 entity's jurisdictional boundaries; or

2806 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional  
2807 boundaries, be posted in at least three public places within the local entity's jurisdictional  
2808 boundaries; and

2809 (b) be published on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
2810 [63A-12-201](#) for 35 days immediately before the day on which the first hearing of the board of  
2811 equalization is held; and

2812 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of  
2813 the notice under Subsection (2) to each owner of property to be assessed within the proposed  
2814 assessment area at the property owner's mailing address.

2815 Section 47. Section **11-58-502** is amended to read:

2816 **11-58-502. Public meeting to consider and discuss draft project area plan --**

2817 **Notice -- Adoption of plan.**

2818 (1) The board shall hold at least one public meeting to consider and discuss a draft  
2819 project area plan.

2820 (2) At least 10 days before holding a public meeting under Subsection (1), the board  
2821 shall give notice of the public meeting:

2822 (a) to each taxing entity;

2823 (b) to a municipality in which the proposed project area is located or that is located  
2824 within one-half mile of the proposed project area; and

2825 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

2826 (3) Following consideration and discussion of the draft project area plan, and any  
2827 modification of the project area plan under Subsection [11-58-501](#)(2)(d), the board may adopt  
2828 the draft project area plan or modified draft project area plan as the project area plan.

2829 Section 48. Section **11-58-801** is amended to read:

2830 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**  
2831 **-- Auditor forms -- Requirement to file annual budget.**

2832 (1) The authority shall prepare and its board adopt an annual budget of revenues and  
2833 expenditures for the authority for each fiscal year.

2834 (2) Each annual authority budget shall be adopted before June 22, except that the  
2835 authority's initial budget shall be adopted as soon as reasonably practicable after the  
2836 organization of the board and the beginning of authority operations.

2837 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2838 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the  
2839 annual budget.

2840 (b) The authority shall provide notice of the public hearing on the annual budget by  
2841 publishing notice:

2842 (i) at least once in a newspaper of general circulation within the state, one week before  
2843 the public hearing; and

2844 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2845 at least one week immediately before the public hearing.

2846 (c) The authority shall make the annual budget available for public inspection at least  
2847 three days before the date of the public hearing.

2848 (5) The state auditor shall prescribe the budget forms and the categories to be contained

2849 in each authority budget, including:

2850 (a) revenues and expenditures for the budget year;

2851 (b) legal fees; and

2852 (c) administrative costs, including rent, supplies, and other materials, and salaries of

2853 authority personnel.

2854 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of

2855 the annual budget with the auditor of each county in which the authority jurisdictional land is

2856 located, the State Tax Commission, the state auditor, the State Board of Education, and each

2857 taxing entity that levies a tax on property from which the authority collects property tax

2858 differential.

2859 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the

2860 state as a taxing entity is met if the authority files a copy with the State Tax Commission and

2861 the state auditor.

2862 Section 49. Section **11-59-401** is amended to read:

2863 **11-59-401. Annual authority budget -- Fiscal year -- Public hearing and notice**

2864 **required -- Auditor forms.**

2865 (1) The authority shall prepare and its board adopt an annual budget of revenues and

2866 expenditures for the authority for each fiscal year.

2867 (2) Each annual authority budget shall be adopted before June 22.

2868 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2869 (4) (a) Before adopting an annual budget, the authority board shall hold a public

2870 hearing on the annual budget.

2871 (b) The authority shall provide notice of the public hearing on the annual budget by

2872 publishing notice:

2873 (i) at least once in a newspaper of general circulation within the state, one week before

2874 the public hearing; and

2875 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for

2876 at least one week immediately before the public hearing.

2877 (c) The authority shall make the annual budget available for public inspection at least

2878 three days before the date of the public hearing.

2879 (5) The state auditor shall prescribe the budget forms and the categories to be contained

2880 in each authority budget, including:

2881 (a) revenues and expenditures for the budget year;

2882 (b) legal fees; and

2883 (c) administrative costs, including rent, supplies, and other materials, and salaries of

2884 authority personnel.

2885 Section 50. Section 17-27a-203 is amended to read:

2886 **17-27a-203. Notice of intent to prepare a general plan or comprehensive general**  
2887 **plan amendments in certain counties.**

2888 (1) Before preparing a proposed general plan or a comprehensive general plan  
2889 amendment, each county of the first or second class shall provide 10 calendar days notice of its  
2890 intent to prepare a proposed general plan or a comprehensive general plan amendment:

2891 (a) to each affected entity;

2892 (b) to the Automated Geographic Reference Center created in Section [63F-1-506](#);

2893 (c) to the association of governments, established pursuant to an interlocal agreement  
2894 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and

2895 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

2896 (2) Each notice under Subsection (1) shall:

2897 (a) indicate that the county intends to prepare a general plan or a comprehensive  
2898 general plan amendment, as the case may be;

2899 (b) describe or provide a map of the geographic area that will be affected by the general  
2900 plan or amendment;

2901 (c) be sent by mail, e-mail, or other effective means;

2902 (d) invite the affected entities to provide information for the county to consider in the  
2903 process of preparing, adopting, and implementing a general plan or amendment concerning:

2904 (i) impacts that the use of land proposed in the proposed general plan or amendment  
2905 may have; and

2906 (ii) uses of land within the county that the affected entity is considering that may  
2907 conflict with the proposed general plan or amendment; and

2908 (e) include the address of an Internet website, if the county has one, and the name and  
2909 telephone number of a person where more information can be obtained concerning the county's  
2910 proposed general plan or amendment.

2911 Section 51. Section **17-27a-204** is amended to read:

2912 **17-27a-204. Notice of public hearings and public meetings to consider general**  
2913 **plan or modifications.**

2914 (1) A county shall provide:

2915 (a) notice of the date, time, and place of the first public hearing to consider the original  
2916 adoption or any modification of all or any portion of a general plan; and

2917 (b) notice of each public meeting on the subject.

2918 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar  
2919 days before the public hearing and shall be:

2920 (a) (i) published in a newspaper of general circulation in the area; and

2921 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)

2922 [63A-12-201](#);

2923 (b) mailed to each affected entity; and

2924 (c) posted:

2925 (i) in at least three public locations within the county; or

2926 (ii) on the county's official website.

2927 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
2928 before the meeting and shall be:

2929 (a) (i) submitted to a newspaper of general circulation in the area; and

2930 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)

2931 [63A-12-201](#); and

2932 (b) posted:

2933 (i) in at least three public locations within the county; or

2934 (ii) on the county's official website.

2935 Section 52. Section **17-27a-205** is amended to read:

2936 **17-27a-205. Notice of public hearings and public meetings on adoption or**  
2937 **modification of land use regulation.**

2938 (1) Each county shall give:

2939 (a) notice of the date, time, and place of the first public hearing to consider the  
2940 adoption or modification of a land use regulation; and

2941 (b) notice of each public meeting on the subject.

2942 (2) Each notice of a public hearing under Subsection (1)(a) shall be:  
2943 (a) mailed to each affected entity at least 10 calendar days before the public hearing;  
2944 (b) posted:  
2945 (i) in at least three public locations within the county; or  
2946 (ii) on the county's official website; and  
2947 (c) (i) published:  
2948 (A) in a newspaper of general circulation in the area at least 10 calendar days before  
2949 the public hearing; and  
2950 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at  
2951 least 10 calendar days before the public hearing; or  
2952 (ii) mailed at least 10 days before the public hearing to:  
2953 (A) each property owner whose land is directly affected by the land use ordinance  
2954 change; and  
2955 (B) each adjacent property owner within the parameters specified by county ordinance.  
2956 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
2957 before the hearing and shall be posted:  
2958 (a) in at least three public locations within the county; or  
2959 (b) on the county's official website.  
2960 (4) (a) A county shall send a courtesy notice to each owner of private real property  
2961 whose property is located entirely or partially within the proposed zoning map enactment or  
2962 amendment at least 10 days before the scheduled day of the public hearing.  
2963 (b) The notice shall:  
2964 (i) identify with specificity each owner of record of real property that will be affected  
2965 by the proposed zoning map or map amendments;  
2966 (ii) state the current zone in which the real property is located;  
2967 (iii) state the proposed new zone for the real property;  
2968 (iv) provide information regarding or a reference to the proposed regulations,  
2969 prohibitions, and permitted uses that the property will be subject to if the zoning map or map  
2970 amendment is adopted;  
2971 (v) state that the owner of real property may no later than 10 days after the day of the  
2972 first public hearing file a written objection to the inclusion of the owner's property in the



2973 proposed zoning map or map amendment;

2974 (vi) state the address where the property owner should file the protest;

2975 (vii) notify the property owner that each written objection filed with the county will be  
2976 provided to the county legislative body; and

2977 (viii) state the location, date, and time of the public hearing described in Section  
2978 [17-27a-502](#).

2979 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)  
2980 for a public hearing on a zoning map or map amendment, the notice required in this Subsection  
2981 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent  
2982 separately.

2983 Section 53. Section **17-27a-208** is amended to read:

2984 **17-27a-208. Hearing and notice for petition to vacate a public street.**

2985 (1) For any petition to vacate some or all of a public street or county utility easement,  
2986 the legislative body shall:

2987 (a) hold a public hearing; and

2988 (b) give notice of the date, place, and time of the hearing, as provided in Subsection  
2989 (2).

2990 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative  
2991 body shall ensure that the notice required under Subsection (1)(b) is:

2992 (a) mailed to the record owner of each parcel that is accessed by the public street or  
2993 county utility easement;

2994 (b) mailed to each affected entity;

2995 (c) posted on or near the public street or county utility easement in a manner that is  
2996 calculated to alert the public; and

2997 (d) (i) published on the website of the county in which the land subject to the petition is  
2998 located until the public hearing concludes; and

2999 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)  
3000 [63A-12-201](#).

3001 Section 54. Section **17-27a-306** is amended to read:

3002 **17-27a-306. Planning advisory areas.**

3003 (1) (a) A planning advisory area may be established as provided in this Subsection (1).

3004 (b) A planning advisory area may not be established unless the area to be included  
3005 within the proposed planning advisory area:  
3006 (i) is unincorporated;  
3007 (ii) is contiguous; and  
3008 (iii) (A) contains:  
3009 (I) at least 20% but not more than 80% of:  
3010 (Aa) the total private land area in the unincorporated county; or  
3011 (Bb) the total value of locally assessed taxable property in the unincorporated county;  
3012 or  
3013 (II) (Aa) in a county of the second or third class, at least 5% of the total population of  
3014 the unincorporated county, but not less than 300 residents; or  
3015 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population  
3016 of the unincorporated county; or  
3017 (B) has been declared by the United States Census Bureau as a census designated  
3018 place.  
3019 (c) (i) The process to establish a planning advisory area is initiated by the filing of a  
3020 petition with the clerk of the county in which the proposed planning advisory area is located.  
3021 (ii) A petition to establish a planning advisory area may not be filed if it proposes the  
3022 establishment of a planning advisory area that includes an area within a proposed planning  
3023 advisory area in a petition that has previously been certified under Subsection (1)(g), until after  
3024 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).  
3025 (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:  
3026 (i) be signed by the owners of private real property that:  
3027 (A) is located within the proposed planning advisory area;  
3028 (B) covers at least 10% of the total private land area within the proposed planning  
3029 advisory area; and  
3030 (C) is equal in value to at least 10% of the value of all private real property within the  
3031 proposed planning advisory area;  
3032 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous  
3033 area proposed to be established as a planning advisory area;  
3034 (iii) indicate the typed or printed name and current residence address of each owner

3035 signing the petition;

3036 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
3037 be designated as the contact sponsor, with the mailing address and telephone number of each  
3038 petition sponsor;

3039 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
3040 petition for purposes of the petition; and

3041 (vi) request the county legislative body to provide notice of the petition and of a public  
3042 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning  
3043 advisory area.

3044 (e) Subsection 10-2a-102(3) applies to a petition to establish a planning advisory area  
3045 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal  
3046 Incorporation.

3047 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing  
3048 the establishment of a planning advisory area in a county of the second class, the county clerk  
3049 shall provide notice of the filing of the petition to:

3050 (A) each owner of real property owning more than 1% of the assessed value of all real  
3051 property within the proposed planning advisory area; and

3052 (B) each owner of real property owning more than 850 acres of real property within the  
3053 proposed planning advisory area.

3054 (ii) A property owner may exclude all or part of the property owner's property from a  
3055 proposed planning advisory area in a county of the second class:

3056 (A) if:

3057 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all  
3058 property within the proposed planning advisory area;

3059 (Iiii) the property is nonurban; and

3060 (IIIiii) the property does not or will not require municipal provision of municipal-type  
3061 services; or

3062 (Bb) the property owner owns more than 850 acres of real property within the proposed  
3063 planning advisory area; and

3064 (II) exclusion of the property will not leave within the planning advisory area an island  
3065 of property that is not part of the planning advisory area; and

3066 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice  
3067 under Subsection (1)(f)(i).

3068 (iii) (A) The county legislative body shall exclude from the proposed planning advisory  
3069 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if  
3070 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

3071 (B) If the county legislative body excludes property from a proposed planning advisory  
3072 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the  
3073 exclusion, send written notice of its action to the contact sponsor.

3074 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county  
3075 clerk shall:

3076 (A) with the assistance of other county officers from whom the clerk requests  
3077 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);  
3078 and

3079 (B) (I) if the clerk determines that the petition complies with the requirements of  
3080 Subsection (1)(d):

3081 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
3082 and

3083 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3084 (II) if the clerk determines that the petition fails to comply with any of the requirements  
3085 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the  
3086 rejection and the reasons for the rejection.

3087 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition  
3088 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
3089 county clerk.

3090 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,  
3091 the county legislative body shall hold a public hearing on the proposal to establish a planning  
3092 advisory area.

3093 (ii) A public hearing under Subsection (1)(h)(i) shall be:

3094 (A) within the boundary of the proposed planning advisory area; or

3095 (B) if holding a public hearing in that area is not practicable, as close to that area as  
3096 practicable.

3097 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the  
3098 county legislative body shall publish notice of the petition and the time, date, and place of the  
3099 public hearing:

3100 (A) at least once in a newspaper of general circulation in the county; and

3101 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

3102 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body  
3103 shall arrange for the proposal to establish a planning advisory area to be submitted to voters  
3104 residing within the proposed planning advisory area at the next regular general election that is  
3105 more than 90 days after the public hearing.

3106 (j) A planning advisory area is established at the time of the canvass of the results of an  
3107 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the  
3108 proposal to establish a planning advisory area voted in favor of the proposal.

3109 (k) An area that is an established township before May 12, 2015:

3110 (i) is, as of May 12, 2015, a planning advisory area; and

3111 (ii) (A) shall change its name, if applicable, to no longer include the word "township";  
3112 and

3113 (B) may use the word "planning advisory area" in its name.

3114 (2) The county legislative body may:

3115 (a) assign to the countywide planning commission the duties established in this part  
3116 that would have been assumed by a planning advisory area planning commission designated  
3117 under Subsection (2)(b); or

3118 (b) designate and appoint a planning commission for the planning advisory area.

3119 (3) (a) An area within the boundary of a planning advisory area may be withdrawn  
3120 from the planning advisory area as provided in this Subsection (3) or in accordance with  
3121 Subsection (5)(a).

3122 (b) The process to withdraw an area from a planning advisory area is initiated by the  
3123 filing of a petition with the clerk of the county in which the planning advisory area is located.

3124 (c) A petition under Subsection (3)(b) shall:

3125 (i) be signed by the owners of private real property that:

3126 (A) is located within the area proposed to be withdrawn from the planning advisory  
3127 area;

3128 (B) covers at least 50% of the total private land area within the area proposed to be  
3129 withdrawn from the planning advisory area; and

3130 (C) is equal in value to at least 33% of the value of all private real property within the  
3131 area proposed to be withdrawn from the planning advisory area;

3132 (ii) state the reason or reasons for the proposed withdrawal;

3133 (iii) be accompanied by an accurate plat or map showing the boundary of the  
3134 contiguous area proposed to be withdrawn from the planning advisory area;

3135 (iv) indicate the typed or printed name and current residence address of each owner  
3136 signing the petition;

3137 (v) designate up to five signers of the petition as petition sponsors, one of whom shall  
3138 be designated as the contact sponsor, with the mailing address and telephone number of each  
3139 petition sponsor;

3140 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
3141 petition for purposes of the petition; and

3142 (vii) request the county legislative body to withdraw the area from the planning  
3143 advisory area.

3144 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning  
3145 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter  
3146 2a, Municipal Incorporation.

3147 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county  
3148 clerk shall:

3149 (A) with the assistance of other county officers from whom the clerk requests  
3150 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);  
3151 and

3152 (B) (I) if the clerk determines that the petition complies with the requirements of  
3153 Subsection (3)(c):

3154 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
3155 and

3156 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3157 (II) if the clerk determines that the petition fails to comply with any of the requirements  
3158 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection

3159 and the reasons for the rejection.

3160 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition  
3161 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
3162 county clerk.

3163 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area  
3164 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw  
3165 the area from the planning advisory area.

3166 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

3167 (A) within the area proposed to be withdrawn from the planning advisory area; or

3168 (B) if holding a public hearing in that area is not practicable, as close to that area as  
3169 practicable.

3170 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
3171 body shall:

3172 (A) publish notice of the petition and the time, date, and place of the public hearing:

3173 (I) at least once a week for three consecutive weeks in a newspaper of general  
3174 circulation in the planning advisory area; and

3175 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
3176 three consecutive weeks; and

3177 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
3178 each owner of private real property within the area proposed to be withdrawn.

3179 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county  
3180 legislative body shall make a written decision on the proposal to withdraw the area from the  
3181 planning advisory area.

3182 (ii) In making its decision as to whether to withdraw the area from the planning  
3183 advisory area, the county legislative body shall consider:

3184 (A) whether the withdrawal would leave the remaining planning advisory area in a  
3185 situation where the future incorporation of an area within the planning advisory area or the  
3186 annexation of an area within the planning advisory area to an adjoining municipality would be  
3187 economically or practically not feasible;

3188 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn  
3189 area:

- 3190 (I) whether the proposed subsequent incorporation or withdrawal:
- 3191 (Aa) will leave or create an unincorporated island or peninsula; or
- 3192 (Bb) will leave the county with an area within its unincorporated area for which the
- 3193 cost, requirements, or other burdens of providing municipal services would materially increase
- 3194 over previous years; and
- 3195 (II) whether the municipality to be created or the municipality into which the
- 3196 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
- 3197 providing service to the withdrawn area that the county will no longer provide due to the
- 3198 incorporation or annexation;
- 3199 (C) the effects of a withdrawal on adjoining property owners, existing or projected
- 3200 county streets or other public improvements, law enforcement, and zoning and other municipal
- 3201 services provided by the county; and
- 3202 (D) whether justice and equity favor the withdrawal.
- 3203 (h) Upon the written decision of the county legislative body approving the withdrawal
- 3204 of an area from a planning advisory area, the area is withdrawn from the planning advisory area
- 3205 and the planning advisory area continues as a planning advisory area with a boundary that
- 3206 excludes the withdrawn area.
- 3207 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).
- 3208 (b) The process to dissolve a planning advisory area is initiated by the filing of a
- 3209 petition with the clerk of the county in which the planning advisory area is located.
- 3210 (c) A petition under Subsection (4)(b) shall:
- 3211 (i) be signed by registered voters within the planning advisory area equal in number to
- 3212 at least 25% of all votes cast by voters within the planning advisory area at the last
- 3213 congressional election;
- 3214 (ii) state the reason or reasons for the proposed dissolution;
- 3215 (iii) indicate the typed or printed name and current residence address of each person
- 3216 signing the petition;
- 3217 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
- 3218 be designated as the contact sponsor, with the mailing address and telephone number of each
- 3219 petition sponsor;
- 3220 (v) authorize the petition sponsors to act on behalf of all persons signing the petition



3221 for purposes of the petition; and

3222 (vi) request the county legislative body to provide notice of the petition and of a public  
3223 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning  
3224 advisory area.

3225 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county  
3226 clerk shall:

3227 (A) with the assistance of other county officers from whom the clerk requests  
3228 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);  
3229 and

3230 (B) (I) if the clerk determines that the petition complies with the requirements of  
3231 Subsection (4)(c):

3232 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
3233 and

3234 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3235 (II) if the clerk determines that the petition fails to comply with any of the requirements  
3236 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection  
3237 and the reasons for the rejection.

3238 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition  
3239 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
3240 county clerk.

3241 (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,  
3242 the county legislative body shall hold a public hearing on the proposal to dissolve the planning  
3243 advisory area.

3244 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

3245 (A) within the boundary of the planning advisory area; or

3246 (B) if holding a public hearing in that area is not practicable, as close to that area as  
3247 practicable.

3248 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative  
3249 body shall publish notice of the petition and the time, date, and place of the public hearing:

3250 (A) at least once a week for three consecutive weeks in a newspaper of general  
3251 circulation in the planning advisory area; and

3252 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
3253 three consecutive weeks immediately before the public hearing.

3254 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body  
3255 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters  
3256 residing within the planning advisory area at the next regular general election that is more than  
3257 90 days after the public hearing.

3258 (g) A planning advisory area is dissolved at the time of the canvass of the results of an  
3259 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the  
3260 proposal to dissolve the planning advisory area voted in favor of the proposal.

3261 (5) (a) If a portion of an area located within a planning advisory area is annexed by a  
3262 municipality or incorporates, that portion is withdrawn from the planning advisory area.

3263 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,  
3264 the planning advisory area is dissolved.

3265 Section 55. Section ~~17-27a-404~~ is amended to read:

3266 **17-27a-404. Public hearing by planning commission on proposed general plan or**  
3267 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
3268 **by legislative body.**

3269 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
3270 amend the general plan, the planning commission shall schedule and hold a public hearing on  
3271 the proposed plan or amendment.

3272 (b) The planning commission shall provide notice of the public hearing, as required by  
3273 Section [17-27a-204](#).

3274 (c) After the public hearing, the planning commission may modify the proposed  
3275 general plan or amendment.

3276 (2) The planning commission shall forward the proposed general plan or amendment to  
3277 the legislative body.

3278 (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body  
3279 shall provide notice of its intent to consider the general plan proposal.

3280 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
3281 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
3282 regarding Subsection [17-27a-401](#)(4). The hearing procedure shall comply with this Subsection

3283 (3)(b).

3284 (ii) The hearing format shall allow adequate time for public comment at the actual  
3285 public hearing, and shall also allow for public comment in writing to be submitted to the  
3286 legislative body for not fewer than 90 days after the date of the public hearing.

3287 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
3288 Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401\(4\)](#) are  
3289 complete.

3290 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
3291 the state Legislature, executive director of the Department of Environmental Quality, the state  
3292 planning coordinator, the Resource Development Coordinating Committee, and any other  
3293 citizens or entities who specifically request notice in writing.

3294 (iii) Public notice shall be given by publication:

3295 (A) in at least one major Utah newspaper having broad general circulation in the state;

3296 (B) in at least one Utah newspaper having a general circulation focused mainly on the  
3297 county where the proposed high-level nuclear waste or greater than class C radioactive waste  
3298 site is to be located; and

3299 (C) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

3300 (iv) The notice shall be published to allow reasonable time for interested parties and  
3301 the state to evaluate the information regarding the provisions of Subsection [17-27a-401\(4\)](#),  
3302 including:

3303 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before  
3304 the date of the hearing to be held under this Subsection (3); and

3305 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the  
3306 date of the hearing to be held under this Subsection (3).

3307 (4) (a) After the public hearing required under this section, the legislative body may  
3308 make any revisions to the proposed general plan that it considers appropriate.

3309 (b) The legislative body shall respond in writing and in a substantive manner to all  
3310 those providing comments as a result of the hearing required by Subsection (3).

3311 (5) (a) The county legislative body may adopt or reject the proposed general plan or  
3312 amendment either as proposed by the planning commission or after making any revision the  
3313 county legislative body considers appropriate.

3314 (b) If the county legislative body rejects the proposed general plan or amendment, it  
3315 may provide suggestions to the planning commission for its consideration.

3316 (6) The legislative body shall adopt:

3317 (a) a land use element as provided in Subsection [17-27a-403\(2\)\(a\)\(i\)](#);

3318 (b) a transportation and traffic circulation element as provided in Subsection  
3319 [17-27a-403\(2\)\(a\)\(ii\)](#);

3320 (c) after considering the factors included in Subsection [17-27a-403\(2\)\(b\)](#), a plan to  
3321 provide a realistic opportunity to meet the need for additional moderate income housing; and

3322 (d) before August 1, 2017, a resource management plan as provided by Subsection  
3323 [17-27a-403\(2\)\(a\)\(iv\)](#).

3324 Section 56. Section **17-36-12** is amended to read:

3325 **17-36-12. Notice of budget hearing.**

3326 (1) The governing body shall determine the time and place for the public hearing on the  
3327 adoption of the budget.

3328 (2) Notice of such hearing shall be published:

3329 (a) (i) at least seven days before the hearing in at least one newspaper of general  
3330 circulation within the county, if there is such a paper; or

3331 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in  
3332 three conspicuous places within the county seven days before the hearing;

3333 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
3334 seven days before the hearing; and

3335 (c) on the home page of the county's website, either in full or as a link, if the county has  
3336 a publicly viewable website, beginning at least seven days before the hearing and until the  
3337 hearing takes place.

3338 Section 57. Section **17-36-26** is amended to read:

3339 **17-36-26. Increase in budgetary fund or county general fund -- Public hearing.**

3340 (1) Before the governing body may, by resolution, increase a budget appropriation of  
3341 any budgetary fund, increase the budget of the county general fund, or make an amendment to a  
3342 budgetary fund or the county general fund, the governing body shall hold a public hearing  
3343 giving all interested parties an opportunity to be heard.

3344 (2) Notice of the public hearing described in Subsection (1) shall be published at least

3345 five days before the day of the hearing:

3346 (a) (i) in at least one issue of a newspaper generally circulated in the county; or

3347 (ii) if there is not a newspaper generally circulated in the county, the hearing may be  
3348 published by posting notice in three conspicuous places within the county;

3349 (b) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#);  
3350 and

3351 (c) on the home page of the county's website, either in full or as a link, if the county has  
3352 a publicly viewable website, until the hearing takes place.

3353 Section 58. Section **17-41-304** is amended to read:

3354 **17-41-304. Public hearing -- Review and action on proposal.**

3355 (1) After receipt of the written reports from the advisory committee and planning  
3356 commission, or after the 45 days have expired, whichever is earlier, the county or municipal  
3357 legislative body shall:

3358 (a) schedule a public hearing;

3359 (b) provide notice of the public hearing by:

3360 (i) publishing notice:

3361 (A) in a newspaper having general circulation within:

3362 (I) the same county as the land proposed for inclusion within the agriculture protection  
3363 area, industrial protection area, or critical infrastructure materials protection area, if the land is  
3364 within the unincorporated part of the county; or

3365 (II) the same city or town as the land proposed for inclusion within an agriculture  
3366 protection area, industrial protection area, or critical infrastructure materials protection area, if  
3367 the land is within a city or town; and

3368 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

3369 (ii) posting notice at five public places, designated by the applicable legislative body,  
3370 within or near the proposed agriculture protection area, industrial protection area, or critical  
3371 infrastructure materials protection area; and

3372 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed  
3373 for inclusion within an agriculture protection area, industrial protection area, or critical  
3374 infrastructure materials protection area; and

3375 (c) ensure that the notice includes:

- 3376 (i) the time, date, and place of the public hearing on the proposal;
- 3377 (ii) a description of the proposed agriculture protection area, industrial protection area,
- 3378 or critical infrastructure materials protection area;
- 3379 (iii) any proposed modifications to the proposed agriculture protection area, industrial
- 3380 protection area, or critical infrastructure materials protection area;
- 3381 (iv) a summary of the recommendations of the advisory committee and planning
- 3382 commission; and
- 3383 (v) a statement that interested persons may appear at the public hearing and speak in
- 3384 favor of or against the proposal, any proposed modifications to the proposal, or the
- 3385 recommendations of the advisory committee and planning commission.
- 3386 (2) The applicable legislative body shall:
- 3387 (a) convene the public hearing at the time, date, and place specified in the notice; and
- 3388 (b) take oral or written testimony from interested persons.
- 3389 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
- 3390 body shall approve, modify and approve, or reject the proposal.
- 3391 (b) The creation of an agriculture protection area, industrial protection area, or critical
- 3392 infrastructure materials protection area is effective at the earlier of:
- 3393 (i) the applicable legislative body's approval of a proposal or modified proposal; or
- 3394 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
- 3395 the applicable legislative body has failed to approve or reject the proposal within that time.
- 3396 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area
- 3397 is effective only if the applicable legislative body, at its discretion, approves a proposal or
- 3398 modified proposal.
- 3399 (4) (a) To give constructive notice of the existence of the agriculture protection area,
- 3400 industrial protection area, or critical infrastructure materials protection area to all persons who
- 3401 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant
- 3402 protection area within 10 days of the creation of the relevant protection area, the applicable
- 3403 legislative body shall file an executed document containing a legal description of the relevant
- 3404 protection area with:
- 3405 (i) the county recorder of deeds; and
- 3406 (ii) the affected planning commission.

3407 (b) If the legal description of the property to be included in the relevant protection area  
3408 is available through the county recorder's office, the applicable legislative body shall use that  
3409 legal description in its executed document required in Subsection (4)(a).

3410 (5) Within 10 days of the recording of the agriculture protection area, the applicable  
3411 legislative body shall:

3412 (a) send written notification to the commissioner of agriculture and food that the  
3413 agriculture protection area has been created; and

3414 (b) include in the notification:

3415 (i) the number of landowners owning land within the agriculture protection area;

3416 (ii) the total acreage of the area;

3417 (iii) the date of approval of the area; and

3418 (iv) the date of recording.

3419 (6) The applicable legislative body's failure to record the notice required under  
3420 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the  
3421 creation of an agriculture protection area.

3422 (7) The applicable legislative body may consider the cost of recording notice under  
3423 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee  
3424 under Subsection 17-41-301(4)(b).

3425 Section 59. Section 17-41-405 is amended to read:

3426 **17-41-405. Eminent domain restrictions.**

3427 (1) A political subdivision having or exercising eminent domain powers may not  
3428 condemn for any purpose any land within an agriculture protection area that is being used for  
3429 agricultural production, land within an industrial protection area that is being put to an  
3430 industrial use, or land within a critical infrastructure materials protection area, unless the  
3431 political subdivision obtains approval, according to the procedures and requirements of this  
3432 section, from the applicable legislative body and the advisory board.

3433 (2) Any condemnor wishing to condemn property within an agriculture protection area,  
3434 industrial protection area, or critical infrastructure materials protection area shall file a notice  
3435 of condemnation with the applicable legislative body and the relevant protection area's advisory  
3436 board at least 30 days before filing an eminent domain complaint.

3437 (3) The applicable legislative body and the advisory board shall:

3438 (a) hold a joint public hearing on the proposed condemnation at a location within the  
3439 county in which the relevant protection area is located;

3440 (b) publish notice of the time, date, place, and purpose of the public hearing:

3441 (i) in a newspaper of general circulation within the relevant protection area; and

3442 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

3443 and

3444 (c) post notice of the time, date, place, and purpose of the public hearing in five  
3445 conspicuous public places, designated by the applicable legislative body, within or near the  
3446 relevant protection area.

3447 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or  
3448 liquid waste materials, the applicable legislative body and the advisory board may approve the  
3449 condemnation only if there is no reasonable and prudent alternative to the use of the land  
3450 within the agriculture protection area, industrial protection area, or critical infrastructure  
3451 materials protection area for the project.

3452 (b) If the condemnation is for any other purpose, the applicable legislative body and the  
3453 advisory board may approve the condemnation only if:

3454 (i) the proposed condemnation would not have an unreasonably adverse effect upon the  
3455 preservation and enhancement of:

3456 (A) agriculture within the agriculture protection area;

3457 (B) the industrial use within the industrial protection area; or

3458 (C) critical infrastructure materials operations within the critical infrastructure  
3459 materials protection area; or

3460 (ii) there is no reasonable and prudent alternative to the use of the land within the the  
3461 relevant protection area for the project.

3462 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable  
3463 legislative body and the advisory board shall approve or reject the proposed condemnation.

3464 (b) If the applicable legislative body and the advisory board fail to act within the 60  
3465 days or such further time as the applicable legislative body establishes, the condemnation shall  
3466 be considered rejected.

3467 (6) The applicable legislative body or the advisory board may request the county or  
3468 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of



3469 this section.

3470 Section 60. Section **17-50-303** is amended to read:

3471 **17-50-303. County may not give or lend credit -- County may borrow in**  
3472 **anticipation of revenues -- Assistance to nonprofit and private entities.**

3473 (1) A county may not give or lend its credit to or in aid of any person or corporation,  
3474 or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

3475 (2) (a) A county may borrow money in anticipation of the collection of taxes and other  
3476 county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local  
3477 Government Bonding Act.

3478 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which  
3479 funds of the county may be expended.

3480 (3) (a) A county may appropriate money to or provide nonmonetary assistance to a  
3481 nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of  
3482 the county legislative body, the assistance contributes to the safety, health, prosperity, moral  
3483 well-being, peace, order, comfort, or convenience of county residents.

3484 (b) A county may appropriate money to a nonprofit entity from the county's own funds  
3485 or from funds the county receives from the state or any other source.

3486 (4) (a) As used in this Subsection (4):

3487 (i) "Private enterprise" means a person that engages in an activity for profit.

3488 (ii) "Project" means an activity engaged in by a private enterprise.

3489 (b) A county may appropriate money in aid of a private enterprise project if:

3490 (i) subject to Subsection (4)(c), the county receives value in return for the money  
3491 appropriated; and

3492 (ii) in the judgment of the county legislative body, the private enterprise project  
3493 provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or  
3494 convenience of the county residents.

3495 (c) The county shall measure the net value received by the county for money  
3496 appropriated by the county to a private entity on a project-by-project basis over the life of the  
3497 project.

3498 (d) (i) Before a county legislative body may appropriate funds in aid of a private  
3499 enterprise project under this Subsection (4), the county legislative body shall:

3500 (A) adopt by ordinance criteria to determine what value, if any, the county will receive  
3501 in return for money appropriated under this Subsection (4);

3502 (B) conduct a study as described in Subsection (4)(e) on the proposed appropriation  
3503 and private enterprise project; and

3504 (C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed  
3505 appropriation and the private enterprise project.

3506 (ii) The county legislative body may consider an intangible benefit as a value received  
3507 by the county.

3508 (e) (i) Before publishing or posting notice in accordance with Subsection (4)(f), the  
3509 county shall study:

3510 (A) any value the county will receive in return for money or resources appropriated to a  
3511 private entity;

3512 (B) the county's purpose for the appropriation, including an analysis of the way the  
3513 appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace,  
3514 order, comfort, or convenience of the county residents; and

3515 (C) whether the appropriation is necessary and appropriate to accomplish the  
3516 reasonable goals and objectives of the county in the area of economic development, job  
3517 creation, affordable housing, elimination of a development impediment, as defined in Section  
3518 [17C-1-102](#), job preservation, the preservation of historic structures, analyzing and improving  
3519 county government structure or property, or any other public purpose.

3520 (ii) The county shall:

3521 (A) prepare a written report of the results of the study; and

3522 (B) make the report available to the public at least 14 days immediately prior to the  
3523 scheduled day of the public hearing described in Subsection (4)(d)(i)(C).

3524 (f) The county shall publish notice of the public hearing required in Subsection  
3525 (4)(d)(i)(C):

3526 (i) in a newspaper of general circulation at least 14 days before the date of the hearing  
3527 or, if there is no newspaper of general circulation, by posting notice in at least three  
3528 conspicuous places within the county for the same time period; and

3529 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at  
3530 least 14 days before the date of the hearing.

3531 (g) (i) A person may appeal the decision of the county legislative body to appropriate  
3532 funds under this Subsection (4).

3533 (ii) A person shall file an appeal with the district court within 30 days after the day on  
3534 which the legislative body adopts an ordinance or approves a budget to appropriate the funds.

3535 (iii) A court shall:

3536 (A) presume that an ordinance adopted or appropriation made under this Subsection (4)  
3537 is valid; and

3538 (B) determine only whether the ordinance or appropriation is arbitrary, capricious, or  
3539 illegal.

3540 (iv) A determination of illegality requires a determination that the decision or  
3541 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the  
3542 ordinance was adopted.

3543 (v) The district court's review is limited to:

3544 (A) a review of the criteria adopted by the county legislative body under Subsection  
3545 (4)(d)(i)(A);

3546 (B) the record created by the county legislative body at the public hearing described in  
3547 Subsection (4)(d)(i)(C); and

3548 (C) the record created by the county in preparation of the study and the study itself as  
3549 described in Subsection (4)(e).

3550 (vi) If there is no record, the court may call witnesses and take evidence.

3551 (h) This section applies only to an appropriation not otherwise approved in accordance  
3552 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

3553 Section 61. Section **17B-1-106** is amended to read:

3554 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**  
3555 **certain property.**

3556 (1) As used in this section:

3557 (a) (i) "Affected entity" means each county, municipality, local district under this title,  
3558 special service district, school district, interlocal cooperation entity established under Title 11,  
3559 Chapter 13, Interlocal Cooperation Act, and specified public utility:

3560 (A) whose services or facilities are likely to require expansion or significant  
3561 modification because of an intended use of land; or

3562 (B) that has filed with the local district a copy of the general or long-range plan of the  
3563 county, municipality, local district, school district, interlocal cooperation entity, or specified  
3564 public utility.

3565 (ii) "Affected entity" does not include the local district that is required under this  
3566 section to provide notice.

3567 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
3568 telephone corporation, as those terms are defined in Section [54-2-1](#).

3569 (2) (a) If a local district under this title located in a county of the first or second class  
3570 prepares a long-range plan regarding its facilities proposed for the future or amends an already  
3571 existing long-range plan, the local district shall, before preparing a long-range plan or  
3572 amendments to an existing long-range plan, provide written notice, as provided in this section,  
3573 of its intent to prepare a long-range plan or to amend an existing long-range plan.

3574 (b) Each notice under Subsection (2)(a) shall:

3575 (i) indicate that the local district intends to prepare a long-range plan or to amend a  
3576 long-range plan, as the case may be;

3577 (ii) describe or provide a map of the geographic area that will be affected by the  
3578 long-range plan or amendments to a long-range plan;

3579 (iii) be:

3580 (A) sent to each county in whose unincorporated area and each municipality in whose  
3581 boundaries is located the land on which the proposed long-range plan or amendments to a  
3582 long-range plan are expected to indicate that the proposed facilities will be located;

3583 (B) sent to each affected entity;

3584 (C) sent to the Automated Geographic Reference Center created in Section [63F-1-506](#);

3585 (D) sent to each association of governments, established pursuant to an interlocal  
3586 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or  
3587 municipality described in Subsection (2)(b)(iii)(A) is a member; and

3588 (E) (I) placed on the Utah Public Notice Website created under Section [~~63F-1-701~~]  
3589 [63A-12-201](#), if the local district:

3590 (Aa) is required under Subsection [52-4-203\(3\)](#) to use that website to provide public  
3591 notice of a meeting; or

3592 (Bb) voluntarily chooses to place notice on that website despite not being required to

3593 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

3594 (II) the state planning coordinator appointed under Section [63J-4-202](#), if the local  
3595 district does not provide notice on the Utah Public Notice Website under Subsection  
3596 (2)(b)(iii)(E)(I);

3597 (iv) with respect to the notice to counties and municipalities described in Subsection  
3598 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to  
3599 consider in the process of preparing, adopting, and implementing the long-range plan or  
3600 amendments to a long-range plan concerning:

3601 (A) impacts that the use of land proposed in the proposed long-range plan or  
3602 amendments to a long-range plan may have on the county, municipality, or affected entity; and

3603 (B) uses of land that the county, municipality, or affected entity is planning or  
3604 considering that may conflict with the proposed long-range plan or amendments to a long-range  
3605 plan; and

3606 (v) include the address of an Internet website, if the local district has one, and the name  
3607 and telephone number of a person where more information can be obtained concerning the  
3608 local district's proposed long-range plan or amendments to a long-range plan.

3609 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire  
3610 real property in a county of the first or second class for the purpose of expanding the district's  
3611 infrastructure or other facilities used for providing the services that the district is authorized to  
3612 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire  
3613 the property if the intended use of the property is contrary to:

3614 (i) the anticipated use of the property under the county or municipality's general plan;

3615 or

3616 (ii) the property's current zoning designation.

3617 (b) Each notice under Subsection (3)(a) shall:

3618 (i) indicate that the local district intends to acquire real property;

3619 (ii) identify the real property; and

3620 (iii) be sent to:

3621 (A) each county in whose unincorporated area and each municipality in whose  
3622 boundaries the property is located; and

3623 (B) each affected entity.

3624 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
3625 [63G-2-305](#)(8).

3626 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district  
3627 previously provided notice under Subsection (2) identifying the general location within the  
3628 municipality or unincorporated part of the county where the property to be acquired is located.

3629 (ii) If a local district is not required to comply with the notice requirement of  
3630 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide  
3631 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real  
3632 property.

3633 Section 62. Section **17B-1-211** is amended to read:

3634 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3635 (1) Before holding a public hearing or set of public hearings under Section [17B-1-210](#),  
3636 the legislative body of each county or municipality with which a request is filed or that adopts a  
3637 resolution under Subsection [17B-1-203](#)(1)(d) and the board of trustees of each local district  
3638 that adopts a resolution under Subsection [17B-1-203](#)(1)(e) shall:

3639 (a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice  
3640 in a newspaper or combination of newspapers of general circulation within the applicable area  
3641 in accordance with Subsection (2); or

3642 (B) if there is no newspaper or combination of newspapers of general circulation  
3643 within the applicable area, post notice in accordance with Subsection (2) at least one notice per  
3644 1,000 population of that area and at places within the area that are most likely to provide actual  
3645 notice to residents of the area; and

3646 (ii) publish notice on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
3647 [63A-12-201](#), for two weeks before the hearing or the first of the set of hearings; or

3648 (b) mail a notice to each registered voter residing within and each owner of real  
3649 property located within the proposed local district.

3650 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

3651 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be  
3652 surrounded by a 1/4-inch border;

3653 (b) if possible, appear in a newspaper that is published at least one day per week;

3654 (c) if possible, appear in a newspaper of general interest and readership in the area and

3655 not of limited subject matter;

3656 (d) be placed in a portion of the newspaper other than where legal notices and  
3657 classified advertisements appear; and

3658 (e) be published once each week for four consecutive weeks, with the final publication  
3659 being no fewer than five and no more than 20 days before the hearing or the first of the set of  
3660 hearings.

3661 (3) Each notice required under Subsection (1) shall:

3662 (a) if the hearing or set of hearings is concerning a resolution:

3663 (i) contain the entire text or an accurate summary of the resolution; and

3664 (ii) state the deadline for filing a protest against the creation of the proposed local  
3665 district;

3666 (b) clearly identify each governing body involved in the hearing or set of hearings;

3667 (c) state the date, time, and place for the hearing or set of hearings and the purposes for  
3668 the hearing or set of hearings; and

3669 (d) describe or include a map of the entire proposed local district.

3670 (4) County or municipal legislative bodies may jointly provide the notice required  
3671 under this section if all the requirements of this section are met as to each notice.

3672 Section 63. Section **17B-1-303** is amended to read:

3673 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**  
3674 **of board member contact information.**

3675 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each  
3676 member of a board of trustees begins at noon on the January 1 following the member's election  
3677 or appointment.

3678 (b) The term of each member of the initial board of trustees of a newly created local  
3679 district begins:

3680 (i) upon appointment, for an appointed member; and

3681 (ii) upon the member taking the oath of office after the canvass of the election at which  
3682 the member is elected, for an elected member.

3683 (c) The term of each water conservancy district board member whom the governor  
3684 appoints in accordance with Subsection [17B-2a-1005\(2\)\(c\)](#):

3685 (i) begins on the later of the following:

3686 (A) the date on which the Senate consents to the appointment; or  
3687 (B) the expiration date of the prior term; and  
3688 (ii) ends on the February 1 that is approximately four years after the date described in  
3689 Subsection (1)(c)(i)(A) or (B).  
3690 (d) The term of a member of a board of trustees whom an appointing authority appoints  
3691 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.  
3692 (e) If the member of the board of trustees fails to assume or qualify for office on  
3693 January 1 for any reason, the term begins on the date the member assumes or qualifies for  
3694 office.  
3695 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)  
3696 and (iii), the term of each member of a board of trustees is four years, except that  
3697 approximately half the members of the initial board of trustees, chosen by lot, shall serve a  
3698 two-year term so that the term of approximately half the board members expires every two  
3699 years.  
3700 (ii) If the terms of members of the initial board of trustees of a newly created local  
3701 district do not begin on January 1 because of application of Subsection (1)(b), the terms of  
3702 those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the  
3703 terms of their successors complying with:  
3704 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following  
3705 a member's election or appointment; and  
3706 (B) the requirement under Subsection (2)(a)(i) that terms be four years.  
3707 (iii) If the term of a member of a board of trustees does not begin on January 1 because  
3708 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term  
3709 complying with the requirement under Subsection (1)(a) that the successor member's term,  
3710 regardless of whether the incumbent is the successor, begins at noon on January 1 following the  
3711 successor member's election or appointment.  
3712 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or  
3713 subtract more than a year from a member's term.  
3714 (b) Each board of trustees member shall serve until a successor is duly elected or  
3715 appointed and qualified, unless the member earlier is removed from office or resigns or  
3716 otherwise leaves office.



3717 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
3718 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed  
3719 successor:

3720 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

3721 (ii) the member may continue to serve until a successor is duly elected or appointed  
3722 and qualified.

3723 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees  
3724 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

3725 (ii) A judge, county clerk, notary public, or the local district clerk may administer an  
3726 oath of office.

3727 (b) The member of the board of trustees taking the oath of office shall file the oath of  
3728 office with the clerk of the local district.

3729 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)  
3730 does not invalidate any official act of that member.

3731 (4) A board of trustees member may serve any number of terms.

3732 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of  
3733 trustees position is filled in accordance with Section 20A-1-512.

3734 (b) When the number of members of a board of trustees increases in accordance with  
3735 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new  
3736 board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

3737 (6) (a) For purposes of this Subsection (6):

3738 (i) "Appointed official" means a person who:

3739 (A) is appointed as a member of a local district board of trustees by a county or  
3740 municipality that is entitled to appoint a member to the board; and

3741 (B) holds an elected position with the appointing county or municipality.

3742 (ii) "Appointing entity" means the county or municipality that appointed the appointed  
3743 official to the board of trustees.

3744 (b) The board of trustees shall declare a midterm vacancy for the board position held  
3745 by an appointed official if:

3746 (i) during the appointed official's term on the board of trustees, the appointed official  
3747 ceases to hold the elected position with the appointing entity; and

3748 (ii) the appointing entity submits a written request to the board to declare the vacancy.

3749 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
3750 appointing entity shall appoint another person to fill the remaining unexpired term on the board  
3751 of trustees.

3752 (7) (a) Each member of a board of trustees shall give a bond for the faithful  
3753 performance of the member's duties, in the amount and with the sureties that the board of  
3754 trustees prescribes.

3755 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

3756 (8) (a) The lieutenant governor may extend the term of an elected district board  
3757 member by one year in order to compensate for a change in the election year under Subsection  
3758 [17B-1-306](#)(14).

3759 (b) When the number of members of a board of trustees increases in accordance with  
3760 Subsection [17B-1-302](#)(6), to ensure that the term of approximately half of the board members  
3761 expires every two years in accordance with Subsection (2)(a):

3762 (i) the board shall set shorter terms for approximately half of the new board members,  
3763 chosen by lot; and

3764 (ii) the initial term of a new board member position may be less than two or four years.

3765 (9) (a) A local district shall:

3766 (i) post on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#)  
3767 the name, phone number, and email address of each member of the local district's board of  
3768 trustees;

3769 (ii) update the information described in Subsection (9)(a)(i) when:

3770 (A) the membership of the board of trustees changes; or

3771 (B) a member of the board of trustees' phone number or email address changes; and

3772 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date  
3773 on which the change requiring the update occurs.

3774 (b) This Subsection (9) applies regardless of whether the county or municipal  
3775 legislative body also serves as the board of trustees of the local district.

3776 Section 64. Section [17B-1-306](#) is amended to read:

3777 **[17B-1-306](#). Local district board -- Election procedures.**

3778 (1) Except as provided in Subsection (12), each elected board member shall be selected

3779 as provided in this section.

3780 (2) (a) Each election of a local district board member shall be held:

3781 (i) at the same time as the municipal general election or the regular general election, as  
3782 applicable; and

3783 (ii) at polling places designated by the local district board in consultation with the  
3784 county clerk for each county in which the local district is located, which polling places shall  
3785 coincide with municipal general election or regular general election polling places, as  
3786 applicable, whenever feasible.

3787 (b) The local district board, in consultation with the county clerk, may consolidate two  
3788 or more polling places to enable voters from more than one district to vote at one consolidated  
3789 polling place.

3790 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under  
3791 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
3792 polling place per division of the district, designated by the district board.

3793 (ii) Each polling place designated by an irrigation district board under Subsection  
3794 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection  
3795 (2)(a)(ii).

3796 (3) The clerk of each local district with a board member position to be filled at the next  
3797 municipal general election or regular general election, as applicable, shall provide notice of:

3798 (a) each elective position of the local district to be filled at the next municipal general  
3799 election or regular general election, as applicable;

3800 (b) the constitutional and statutory qualifications for each position; and

3801 (c) the dates and times for filing a declaration of candidacy.

3802 (4) The clerk of the local district shall publish the notice described in Subsection (3):

3803 (a) by posting the notice on the Utah Public Notice Website created in Section  
3804 ~~[63F-1-701]~~ 63A-12-201, for 10 days before the first day for filing a declaration of candidacy;  
3805 and

3806 (b) (i) by posting the notice in at least five public places within the local district at least  
3807 10 days before the first day for filing a declaration of candidacy; or

3808 (ii) publishing the notice:

3809 (A) in a newspaper of general circulation within the local district at least three but no

3810 more than 10 days before the first day for filing a declaration of candidacy;

3811 (B) in accordance with Section 45-1-101, for 10 days before the first day for filing a  
3812 declaration of candidacy; and

3813 (c) if the local district has a website, on the local district's website for 10 days before  
3814 the first day for filing a declaration of candidacy.

3815 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective  
3816 local district board position, an individual shall file a declaration of candidacy in person with  
3817 an official designated by the local district, during office hours, within the candidate filing  
3818 period for the applicable election year in which the election for the local district board is held.

3819 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the  
3820 filing time shall be extended until the close of normal office hours on the following regular  
3821 business day.

3822 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a  
3823 declaration of candidacy with the official designated by the local district if:

3824 (i) the individual is located outside of the state during the entire filing period;

3825 (ii) the designated agent appears in person before the official designated by the local  
3826 district; and

3827 (iii) the individual communicates with the official designated by the local district using  
3828 an electronic device that allows the individual and official to see and hear each other.

3829 (d) (i) Before the filing officer may accept any declaration of candidacy from an  
3830 individual, the filing officer shall:

3831 (A) read to the individual the constitutional and statutory qualification requirements for  
3832 the office that the individual is seeking; and

3833 (B) require the individual to state whether the individual meets those requirements.

3834 (ii) If the individual does not meet the qualification requirements for the office, the  
3835 filing officer may not accept the individual's declaration of candidacy.

3836 (iii) If it appears that the individual meets the requirements of candidacy, the filing  
3837 officer shall accept the individual's declaration of candidacy.

3838 (e) The declaration of candidacy shall be in substantially the following form:

3839 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)

3840 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip

3841 Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the  
3842 office of board of trustees member for \_\_\_\_\_ (state the name of the local  
3843 district); that I am a candidate for that office to be voted upon at the next election; and that, if  
3844 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing  
3845 period, and I hereby request that my name be printed upon the official ballot for that election.

3846 (Signed) \_\_\_\_\_

3847 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
3848 of \_\_\_\_\_, \_\_\_\_\_.

3849 (Signed) \_\_\_\_\_

3850 (Clerk or Notary Public)"

3851 (f) An agent designated under Subsection (5)(c) may not sign the form described in  
3852 Subsection (5)(e).

3853 (g) Each individual wishing to become a valid write-in candidate for an elective local  
3854 district board position is governed by Section 20A-9-601.

3855 (h) If at least one individual does not file a declaration of candidacy as required by this  
3856 section, an individual shall be appointed to fill that board position in accordance with the  
3857 appointment provisions of Section 20A-1-512.

3858 (i) If only one candidate files a declaration of candidacy and there is no write-in  
3859 candidate who complies with Section 20A-9-601, the board, in accordance with Section  
3860 20A-1-206, may:

- 3861 (i) consider the candidate to be elected to the position; and
- 3862 (ii) cancel the election.

3863 (6) (a) A primary election may be held if:

- 3864 (i) the election is authorized by the local district board; and
- 3865 (ii) the number of candidates for a particular local board position or office exceeds  
3866 twice the number of persons needed to fill that position or office.

3867 (b) The primary election shall be conducted:

- 3868 (i) on the same date as the municipal primary election or the regular primary election,  
3869 as applicable; and

- 3870 (ii) according to the procedures for primary elections provided under Title 20A,  
3871 Election Code.

3872 (7) (a) Except as provided in Subsection (7)(c), within one business day after the  
3873 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate  
3874 names to the clerk of each county in which the local district is located.

3875 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section  
3876 20A-6-305, the clerk of each county in which the local district is located and the local district  
3877 clerk shall coordinate the placement of the name of each candidate for local district office in  
3878 the nonpartisan section of the ballot with the appropriate election officer.

3879 (ii) If consolidation of the local district election ballot with the municipal general  
3880 election ballot or the regular general election ballot, as applicable, is not feasible, the local  
3881 district board of trustees, in consultation with the county clerk, shall provide for a separate  
3882 local district election ballot to be administered by poll workers at polling locations designated  
3883 under Subsection (2).

3884 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board  
3885 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3886 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall  
3887 prescribe the form of the ballot for each board member election.

3888 (B) Each ballot for an election of an irrigation district board member shall be in a  
3889 nonpartisan format.

3890 (C) The name of each candidate shall be placed on the ballot in the order specified  
3891 under Section 20A-6-305.

3892 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

3893 (i) be a registered voter within the district, except for an election of:

3894 (A) an irrigation district board of trustees member; or

3895 (B) a basic local district board of trustees member who is elected by property owners;

3896 and

3897 (ii) meet the requirements to vote established by the district.

3898 (b) Each voter may vote for as many candidates as there are offices to be filled.

3899 (c) The candidates who receive the highest number of votes are elected.

3900 (9) Except as otherwise provided by this section, the election of local district board  
3901 members is governed by Title 20A, Election Code.

3902 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a

3903 local district board shall serve a four-year term, beginning at noon on the January 1 after the  
3904 person's election.

3905 (b) A person elected shall be sworn in as soon as practical after January 1.

3906 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse  
3907 the county or municipality holding an election under this section for the costs of the election  
3908 attributable to that local district.

3909 (b) Each irrigation district shall bear its own costs of each election it holds under this  
3910 section.

3911 (12) This section does not apply to an improvement district that provides electric or gas  
3912 service.

3913 (13) Except as provided in Subsection [20A-3-605\(1\)\(b\)](#), the provisions of Title 20A,  
3914 Chapter 3, Part 6, Early Voting, do not apply to an election under this section.

3915 (14) (a) As used in this Subsection (14), "board" means:

3916 (i) a local district board; or

3917 (ii) the administrative control board of a special service district that has elected  
3918 members on the board.

3919 (b) A board may hold elections for membership on the board at a regular general  
3920 election instead of a municipal general election if the board submits an application to the  
3921 lieutenant governor that:

3922 (i) requests permission to hold elections for membership on the board at a regular  
3923 general election instead of a municipal general election; and

3924 (ii) indicates that holding elections at the time of the regular general election is  
3925 beneficial, based on potential cost savings, a potential increase in voter turnout, or another  
3926 material reason.

3927 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant  
3928 governor may approve the application if the lieutenant governor concludes that holding the  
3929 elections at the regular general election is beneficial based on the criteria described in  
3930 Subsection (14)(b)(ii).

3931 (d) If the lieutenant governor approves a board's application described in this section:

3932 (i) all future elections for membership on the board shall be held at the time of the  
3933 regular general election; and

3934 (ii) the board may not hold elections at the time of a municipal general election unless  
3935 the board receives permission from the lieutenant governor to hold all future elections for  
3936 membership on the board at a municipal general election instead of a regular general election,  
3937 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3938 Section 65. Section **17B-1-413** is amended to read:

3939 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**  
3940 **petitions.**

3941 (1) Section **17B-1-412** does not apply, and, except as provided in Subsection (2)(a),  
3942 Sections **17B-1-409** and **17B-1-410** do not apply:

3943 (a) if the process to annex an area to a local district was initiated by:

3944 (i) a petition under Subsection **17B-1-403(1)(a)(i)**;

3945 (ii) a petition under Subsection **17B-1-403(1)(a)(ii)(A)** that was signed by the owners  
3946 of private real property that:

3947 (A) is located within the area proposed to be annexed;

3948 (B) covers at least 75% of the total private land area within the entire area proposed to  
3949 be annexed and within each applicable area; and

3950 (C) is equal in assessed value to at least 75% of the assessed value of all private real  
3951 property within the entire area proposed to be annexed and within each applicable area; or

3952 (iii) a petition under Subsection **17B-1-403(1)(a)(ii)(B)** that was signed by registered  
3953 voters residing within the entire area proposed to be annexed and within each applicable area  
3954 equal in number to at least 75% of the number of votes cast within the entire area proposed to  
3955 be annexed and within each applicable area, respectively, for the office of governor at the last  
3956 regular general election before the filing of the petition;

3957 (b) to an annexation under Section **17B-1-415**; or

3958 (c) to a boundary adjustment under Section **17B-1-417**.

3959 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under  
3960 Section **17B-1-405**, the local district board:

3961 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

3962 and

3963 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section  
3964 **17B-1-409** after giving notice of the public hearing as provided in Subsection (2)(b); and



3965 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),  
3966 hold a public hearing as provided in Section [17B-1-409](#) if a written request to do so is  
3967 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to  
3968 the local district board by an owner of property that is located within or a registered voter  
3969 residing within the area proposed to be annexed who did not sign the annexation petition.

3970 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

3971 (i) be given:

3972 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition

3973 certification; or

3974 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more  
3975 than 30 days before the public hearing; and

3976 (B) by:

3977 (I) posting written notice at the local district's principal office and in one or more other  
3978 locations within or proximate to the area proposed to be annexed as are reasonable under the  
3979 circumstances, considering the number of parcels included in that area, the size of the area, the  
3980 population of the area, and the contiguousness of the area; and

3981 (II) providing written notice:

3982 (Aa) to at least one newspaper of general circulation, if there is one, within the area  
3983 proposed to be annexed or to a local media correspondent; and

3984 (Bb) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

3985 and

3986 (ii) contain a brief explanation of the proposed annexation and include the name of the  
3987 local district, the service provided by the local district, a description or map of the area  
3988 proposed to be annexed, a local district telephone number where additional information about  
3989 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an  
3990 explanation of the right of a property owner or registered voter to request a public hearing as  
3991 provided in Subsection (2)(a)(ii)(B).

3992 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is  
3993 required for a public hearing under Subsection (2)(a)(ii)(A).

3994 Section 66. Section **17B-1-417** is amended to read:

3995 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**

3996 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**

3997 **Recording requirements -- Effective date.**

3998 (1) As used in this section, "affected area" means the area located within the  
3999 boundaries of one local district that will be removed from that local district and included within  
4000 the boundaries of another local district because of a boundary adjustment under this section.

4001 (2) The boards of trustees of two or more local districts having a common boundary  
4002 and providing the same service on the same wholesale or retail basis may adjust their common  
4003 boundary as provided in this section.

4004 (3) (a) The board of trustees of each local district intending to adjust a boundary that is  
4005 common with another local district shall:

4006 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4007 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days  
4008 after the adoption of the resolution under Subsection (3)(a)(i); and

4009 (iii) (A) publish notice:

4010 (I) (Aa) once a week for two successive weeks in a newspaper of general circulation  
4011 within the local district; or

4012 (Bb) if there is no newspaper of general circulation within the local district, post notice  
4013 in at least four conspicuous places within the local district; and

4014 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4015 two weeks; or

4016 (B) mail a notice to each owner of property located within the affected area and to each  
4017 registered voter residing within the affected area.

4018 (b) The notice required under Subsection (3)(a)(iii) shall:

4019 (i) state that the board of trustees of the local district has adopted a resolution  
4020 indicating the board's intent to adjust a boundary that the local district has in common with  
4021 another local district that provides the same service as the local district;

4022 (ii) describe the affected area;

4023 (iii) state the date, time, and location of the public hearing required under Subsection  
4024 (3)(a)(ii);

4025 (iv) provide a local district telephone number where additional information about the  
4026 proposed boundary adjustment may be obtained;

4027 (v) explain the financial and service impacts of the boundary adjustment on property  
4028 owners or residents within the affected area; and

4029 (vi) state in conspicuous and plain terms that the board of trustees may approve the  
4030 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),  
4031 written protests to the adjustment are filed with the board by:

4032 (A) the owners of private real property that:

4033 (I) is located within the affected area;

4034 (II) covers at least 50% of the total private land area within the affected area; and

4035 (III) is equal in assessed value to at least 50% of the assessed value of all private real  
4036 property within the affected area; or

4037 (B) registered voters residing within the affected area equal in number to at least 50%  
4038 of the votes cast in the affected area for the office of governor at the last regular general  
4039 election before the filing of the protests.

4040 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be  
4041 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

4042 (d) The boards of trustees of the local districts whose boundaries are being adjusted  
4043 may jointly:

4044 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

4045 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4046 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees  
4047 may adopt a resolution approving the adjustment of the common boundary unless, at or before  
4048 the public hearing, written protests to the boundary adjustment have been filed with the board  
4049 by:

4050 (a) the owners of private real property that:

4051 (i) is located within the affected area;

4052 (ii) covers at least 50% of the total private land area within the affected area; and

4053 (iii) is equal in assessed value to at least 50% of the assessed value of all private real  
4054 property within the affected area; or

4055 (b) registered voters residing within the affected area equal in number to at least 50%  
4056 of the votes cast in the affected area for the office of governor at the last regular general  
4057 election before the filing of the protests.

4058 (5) A resolution adopted under Subsection (4) does not take effect until the board of  
4059 each local district whose boundaries are being adjusted has adopted a resolution under  
4060 Subsection (4).

4061 (6) The board of the local district whose boundaries are being adjusted to include the  
4062 affected area shall:

4063 (a) within 30 days after the resolutions take effect under Subsection (5), file with the  
4064 lieutenant governor:

4065 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
4066 that meets the requirements of Subsection 67-1a-6.5(3); and

4067 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

4068 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment  
4069 under Section 67-1a-6.5:

4070 (i) if the affected area is located within the boundary of a single county, submit to the  
4071 recorder of that county:

4072 (A) the original:

4073 (I) notice of an impending boundary action;

4074 (II) certificate of boundary adjustment; and

4075 (III) approved final local entity plat; and

4076 (B) a certified copy of each resolution adopted under Subsection (4); or

4077 (ii) if the affected area is located within the boundaries of more than a single county:

4078 (A) submit to the recorder of one of those counties:

4079 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

4080 (II) a certified copy of each resolution adopted under Subsection (4); and

4081 (B) submit to the recorder of each other county:

4082 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

4083 and

4084 (II) a certified copy of each resolution adopted under Subsection (4).

4085 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment  
4086 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are  
4087 being adjusted to include the affected area, and the affected area is withdrawn from the local  
4088 district whose boundaries are being adjusted to exclude the affected area.

4089 (b) (i) The effective date of a boundary adjustment under this section for purposes of  
4090 assessing property within the affected area is governed by Section 59-2-305.5.

4091 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the  
4092 recorder of the county in which the property is located, a local district in whose boundary an  
4093 affected area is included because of a boundary adjustment under this section may not:

4094 (A) levy or collect a property tax on property within the affected area;

4095 (B) levy or collect an assessment on property within the affected area; or

4096 (C) charge or collect a fee for service provided to property within the affected area.

4097 (iii) Subsection (7)(b)(ii)(C):

4098 (A) may not be construed to limit a local district's ability before a boundary adjustment  
4099 to charge and collect a fee for service provided to property that is outside the local district's  
4100 boundary; and

4101 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the  
4102 local district's boundary adjustment, with respect to a fee that the local district was charging for  
4103 service provided to property within the area affected by the boundary adjustment immediately  
4104 before the boundary adjustment.

4105 Section 67. Section 17B-1-505.5 is amended to read:

4106 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**  
4107 **district providing fire protection, paramedic, and emergency services or law enforcement**  
4108 **service.**

4109 (1) As used in this section:

4110 (a) "Feasibility consultant" means a person with expertise in:

4111 (i) the processes and economics of local government; and

4112 (ii) the economics of providing fire protection, paramedic, and emergency services or  
4113 law enforcement service.

4114 (b) "Feasibility study" means a study to determine the functional and financial  
4115 feasibility of a municipality's withdrawal from a first responder local district.

4116 (c) "First responder district" means a local district, other than a municipal services  
4117 district, that provides:

4118 (i) fire protection, paramedic, and emergency services; or

4119 (ii) law enforcement service.

4120 (d) "Withdrawing municipality" means a municipality whose legislative body has  
4121 adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the  
4122 municipality's withdrawal from a first responder district.

4123 (2) This section applies and a feasibility study shall be conducted, as provided in this  
4124 section, if:

4125 (a) the legislative body of a municipality has adopted a resolution under Subsection  
4126 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder  
4127 district;

4128 (b) the municipality and first responder district have not agreed in writing to the  
4129 withdrawal; and

4130 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election  
4131 to be held approving the withdrawal.

4132 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first  
4133 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

4134 (b) The withdrawing municipality and first responder district shall jointly choose and  
4135 engage a feasibility consultant according to applicable municipal or local district procurement  
4136 procedures.

4137 (c) (i) If the withdrawing municipality and first responder district cannot agree on and  
4138 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the  
4139 legislative body of the withdrawing municipality submits written notice to the first responder  
4140 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder  
4141 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of  
4142 at least eight feasibility consultants provided by the Utah Association of Certified Public  
4143 Accountants.

4144 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a  
4145 feasibility consultant that has had a contract to provide services to the withdrawing  
4146 municipality or first responder district at any time during the two-year period immediately  
4147 preceding the date the list is provided under Subsection (3)(c)(i).

4148 (iii) (A) Beginning with the first responder district, the first responder district and  
4149 withdrawing municipality shall alternately eliminate one feasibility consultant each from the  
4150 list of feasibility consultants until one feasibility consultant remains.

4151 (B) Within five days after receiving the list of consultants from the Utah Association of  
4152 Certified Public Accountants, the first responder district shall make the first elimination of a  
4153 feasibility consultant from the list and notify the withdrawing municipality in writing of the  
4154 elimination.

4155 (C) After the first elimination of a feasibility consultant from the list, the withdrawing  
4156 municipality and first responder district shall each, within three days after receiving the written  
4157 notification of the preceding elimination, notify the other in writing of the elimination of a  
4158 feasibility consultant from the list.

4159 (d) If a withdrawing municipality and first responder district do not engage a feasibility  
4160 consultant under Subsection (3)(b), the withdrawing municipality and first responder district  
4161 shall engage the feasibility consultant that has not been eliminated from the list at the  
4162 completion of the process described in Subsection (3)(c).

4163 (4) A feasibility consultant that conducts a feasibility study under this section shall be  
4164 independent of and unaffiliated with the withdrawing municipality and first responder district.

4165 (5) In conducting a feasibility study under this section, the feasibility consultant shall  
4166 consider:

4167 (a) population and population density within the withdrawing municipality;

4168 (b) current and five-year projections of demographics and economic base in the  
4169 withdrawing municipality, including household size and income, commercial and industrial  
4170 development, and public facilities;

4171 (c) projected growth in the withdrawing municipality during the next five years;

4172 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,  
4173 including overhead, of providing the same service in the withdrawing municipality as is  
4174 provided by the first responder district, including:

4175 (i) the estimated cost if the first responder district continues to provide service; and

4176 (ii) the estimated cost if the withdrawing municipality provides service;

4177 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,  
4178 including overhead, of the first responder district providing service with:

4179 (i) the municipality included in the first responder district's service area; and

4180 (ii) the withdrawing municipality excluded from the first responder district's service  
4181 area;

- 4182 (f) a projection of any new taxes per household that may be levied within the  
4183 withdrawing municipality within five years after the withdrawal;
- 4184 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other  
4185 municipalities and unincorporated areas served by the first responder district, including any rate  
4186 increase that may become necessary to maintain required coverage ratios for the first responder  
4187 district's debt;
- 4188 (h) the physical and other assets that will be required by the withdrawing municipality  
4189 to provide, without interruption or diminution of service, the same service that is being  
4190 provided by the first responder district;
- 4191 (i) the physical and other assets that will no longer be required by the first responder  
4192 district to continue to provide the current level of service to the remainder of the first responder  
4193 district, excluding the withdrawing municipality, and could be transferred to the withdrawing  
4194 municipality;
- 4195 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder  
4196 district's assets between the first responder district and the withdrawing municipality, effective  
4197 upon the withdrawal of the withdrawing municipality from the first responder district;
- 4198 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first  
4199 responder district and any local building authority of the first responder district, between the  
4200 withdrawing municipality and the remaining first responder district, taking into consideration:
- 4201 (i) any requirement to maintain the excludability of interest from the income of the  
4202 holder of the debt, liability, or obligation for federal income tax purposes; and
- 4203 (ii) any first responder district assets that have been purchased with the proceeds of  
4204 bonds issued by the first responder district that the first responder district will retain and any of  
4205 those assets that will be transferred to the withdrawing municipality;
- 4206 (l) the number and classification of first responder district employees who will no  
4207 longer be required to serve the remaining portions of the first responder district after the  
4208 withdrawing municipality withdraws from the first responder district, including the dollar  
4209 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost  
4210 associated with termination of the employees if the withdrawing municipality does not employ  
4211 the employees;
- 4212 (m) maintaining as a base, for a period of three years after withdrawal, the existing



4213 schedule of pay and benefits for first responder district employees who are transferred to the  
4214 employment of the withdrawing municipality; and

4215 (n) any other factor that the feasibility consultant considers relevant to the question of  
4216 the withdrawing municipality's withdrawal from the first responder district.

4217 (6) (a) For purposes of Subsections (5)(d) and (e):

4218 (i) the feasibility consultant shall assume a level and quality of service to be provided  
4219 in the future to the withdrawing municipality that fairly and reasonably approximates the level  
4220 and quality of service that the first responder district provides to the withdrawing municipality  
4221 at the time of the feasibility study;

4222 (ii) in determining the present value cost of a service that the first responder district  
4223 provides, the feasibility consultant shall consider:

4224 (A) the cost to the withdrawing municipality of providing the service for the first five  
4225 years after the withdrawal; and

4226 (B) the first responder district's present and five-year projected cost of providing the  
4227 same service within the withdrawing municipality; and

4228 (iii) the feasibility consultant shall consider inflation and anticipated growth in  
4229 calculating the cost of providing service.

4230 (b) The feasibility consultant may not consider an allocation of first responder district  
4231 assets or a transfer of first responder district employees to the extent that the allocation or  
4232 transfer would impair the first responder district's ability to continue to provide the current  
4233 level of service to the remainder of the first responder district without the withdrawing  
4234 municipality, unless the first responder district consents to the allocation or transfer.

4235 (7) A feasibility consultant may retain an architect, engineer, or other professional, as  
4236 the feasibility consultant considers prudent and as provided in the agreement with the  
4237 withdrawing municipality and first responder district, to assist the feasibility consultant to  
4238 conduct a feasibility study.

4239 (8) The withdrawing municipality and first responder district shall require the  
4240 feasibility consultant to:

4241 (a) complete the feasibility study within a time established by the withdrawing  
4242 municipality and first responder district;

4243 (b) prepare and submit a written report communicating the results of the feasibility

4244 study, including a one-page summary of the results; and

4245 (c) attend all public hearings relating to the feasibility study under Subsection (14).

4246 (9) A written report of the results of a feasibility study under this section shall:

4247 (a) contain a recommendation concerning whether a withdrawing municipality's  
4248 withdrawal from a first responder district is functionally and financially feasible for both the  
4249 first responder district and the withdrawing municipality; and

4250 (b) include any conditions the feasibility consultant determines need to be satisfied in  
4251 order to make the withdrawal functionally and financially feasible, including:

4252 (i) first responder district assets and liabilities to be allocated to the withdrawing  
4253 municipality; and

4254 (ii) (A) first responder district employees to become employees of the withdrawing  
4255 municipality; and

4256 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first  
4257 responder district employees that the withdrawing municipality needs to assume.

4258 (10) The withdrawing municipality and first responder district shall equally share the  
4259 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing  
4260 municipality and first responder district and the feasibility consultant.

4261 (11) (a) Upon completion of the feasibility study and preparation of a written report,  
4262 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and  
4263 first responder district.

4264 (b) (i) A withdrawing municipality or first responder district that disagrees with any  
4265 aspect of a feasibility study report may, within 20 business days after receiving a copy of the  
4266 report under Subsection (11)(a), submit to the feasibility consultant a written objection  
4267 detailing the disagreement.

4268 (ii) (A) A withdrawing municipality that submits a written objection under Subsection  
4269 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

4270 (B) A first responder district that submits a written objection under Subsection  
4271 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

4272 (iii) A withdrawing municipality or first responder district may, within 10 business  
4273 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility  
4274 consultant a written response to the objection.

4275 (iv) (A) A withdrawing municipality that submits a response under Subsection  
4276 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

4277 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall  
4278 simultaneously deliver a copy of the response to the withdrawing municipality.

4279 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,  
4280 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for  
4281 submitting a response to an objection:

4282 (A) modify the feasibility study report or explain in writing why the feasibility  
4283 consultant is not modifying the feasibility study report; and

4284 (B) deliver the modified feasibility study report or written explanation to the  
4285 withdrawing municipality and first responder local district.

4286 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)  
4287 for submitting an objection or, if an objection is submitted, within seven days after receiving a  
4288 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least  
4289 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

4290 (a) make a copy of the report available to the public at the primary office of the  
4291 withdrawing municipality; and

4292 (b) if the withdrawing municipality has a website, post a copy of the report on the  
4293 municipality's website.

4294 (13) A feasibility study report or, if a feasibility study report is modified under  
4295 Subsection (11), a modified feasibility study report may not be challenged unless the basis of  
4296 the challenge is that the report results from collusion or fraud.

4297 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for  
4298 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following  
4299 the withdrawing municipality's receipt of the modified feasibility study report or written  
4300 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality  
4301 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be  
4302 held:

4303 (i) within the following 60 days; and

4304 (ii) for the purpose of allowing:

4305 (A) the feasibility consultant to present the results of the feasibility study; and

4306 (B) the public to become informed about the feasibility study results, to ask the  
4307 feasibility consultant questions about the feasibility study, and to express the public's views  
4308 about the proposed withdrawal.

4309 (b) At a public hearing under Subsection (14)(a), the legislative body of the  
4310 withdrawing municipality shall:

4311 (i) provide a copy of the feasibility study for public review; and

4312 (ii) allow the public to:

4313 (A) ask the feasibility consultant questions about the feasibility study; and

4314 (B) express the public's views about the withdrawing municipality's proposed  
4315 withdrawal from the first responder district.

4316 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a  
4317 hearing under Subsection (14):

4318 (i) at least once a week for three successive weeks in a newspaper of general  
4319 circulation within the withdrawing municipality, with the last publication occurring no less  
4320 than three days before the first public hearing held under Subsection (14); and

4321 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4322 three consecutive weeks immediately before the public hearing.

4323 (b) A notice under Subsection (15)(a) shall state:

4324 (i) the date, time, and location of the public hearing; and

4325 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the  
4326 office of the withdrawing municipality or on the withdrawing municipality's website.

4327 (16) Unless the withdrawing municipality and first responder district agree otherwise,  
4328 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to  
4329 be functionally and financially feasible for the withdrawing municipality and first responder  
4330 district are binding on the withdrawing municipality and first responder district if the  
4331 withdrawal occurs.

4332 Section 68. Section **17B-1-609** is amended to read:

4333 **17B-1-609. Hearing to consider adoption -- Notice.**

4334 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

4335 (a) establish the time and place of a public hearing to consider its adoption; and

4336 (b) except as provided in Subsection (6), order that notice of the hearing:

4337 (i) (A) be published at least seven days before the hearing in at least one issue of a  
4338 newspaper of general circulation in the county or counties in which the district is located; or

4339 (B) if no newspaper is circulated generally in the county or counties, be posted in three  
4340 public places within the district; and

4341 (ii) be published at least seven days before the hearing on the Utah Public Notice  
4342 Website created in Section [~~63F-1-701~~] [63A-12-201](#).

4343 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
4344 required in Subsection (1)(b):

4345 (a) may be combined with the notice required under Section [59-2-919](#); and

4346 (b) shall be published in accordance with the advertisement provisions of Section  
4347 [59-2-919](#).

4348 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the  
4349 notice required in Subsection (1)(b):

4350 (a) may be combined with the notice required under Section [17B-1-643](#); and

4351 (b) shall be published or mailed in accordance with the notice provisions of Section  
4352 [17B-1-643](#).

4353 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is  
4354 prima facie evidence that notice was properly given.

4355 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within  
4356 30 days after the day on which the hearing is held, the notice is adequate and proper.

4357 (6) A board of trustees of a local district with an annual operating budget of less than  
4358 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

4359 (a) mailing a written notice, postage prepaid, to each voter in the local district; and

4360 (b) posting the notice in three public places within the district.

4361 Section 69. Section **17B-1-643** is amended to read:

4362 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

4363 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided  
4364 by a local district, each local district board of trustees shall first hold a public hearing at which:

4365 (i) the local district shall demonstrate its need to impose or increase the fee; and

4366 (ii) any interested person may speak for or against the proposal to impose a fee or to  
4367 increase an existing fee.

4368 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning  
4369 no earlier than 6 p.m.

4370 (c) A public hearing required under this Subsection (1) may be combined with a public  
4371 hearing on a tentative budget required under Section [17B-1-610](#).

4372 (d) Except to the extent that this section imposes more stringent notice requirements,  
4373 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,  
4374 in holding the public hearing under Subsection (1)(a).

4375 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as  
4376 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

4377 (b) The notice required under Subsection (2)(a) shall be published:

4378 (i) on the Utah Public Notice Website established in Section [~~63F-1-701~~] [63A-12-201](#);  
4379 and

4380 (ii) (A) in a newspaper or combination of newspapers of general circulation in the local  
4381 district, if there is a newspaper or combination of newspapers of general circulation in the local  
4382 district; or

4383 (B) if there is no newspaper or combination of newspapers of general circulation in the  
4384 local district, the local district board shall post at least one notice per 1,000 population within  
4385 the local district, at places within the local district that are most likely to provide actual notice  
4386 to residents within the local district.

4387 (c) (i) The notice described in Subsection (2)(b)(ii)(A):

4388 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18  
4389 point, and surrounded by a 1/4-inch border;

4390 (B) may not be placed in that portion of the newspaper where legal notices and  
4391 classified advertisements appear;

4392 (C) whenever possible, shall appear in a newspaper that is published at least one day  
4393 per week;

4394 (D) shall be in a newspaper or combination of newspapers of general interest and  
4395 readership in the local district, and not of limited subject matter; and

4396 (E) shall be run once each week for the two weeks preceding the hearing.

4397 (ii) The notice described in Subsection (2)(b) shall state that the local district board  
4398 intends to impose or increase a fee for a service provided by the local district and will hold a

4399 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than  
4400 seven days after the day the first notice is published, for the purpose of hearing comments  
4401 regarding the proposed imposition or increase of a fee and to explain the reasons for the  
4402 proposed imposition or increase.

4403 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of  
4404 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those  
4405 within the district who:

4406 (A) will be charged the fee for a district service, if the fee is being imposed for the first  
4407 time; or

4408 (B) are being charged a fee, if the fee is proposed to be increased.

4409 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)(ii).

4410 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing  
4411 fee.

4412 (e) If the hearing required under this section is combined with the public hearing  
4413 required under Section 17B-1-610, the notice required under this Subsection (2):

4414 (i) may be combined with the notice required under Section 17B-1-609; and

4415 (ii) shall be published, posted, or mailed in accordance with the notice provisions of  
4416 this section.

4417 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie  
4418 evidence that notice was properly given.

4419 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)  
4420 within 30 days after the date of the hearing, the notice is considered adequate and proper.

4421 (3) After holding a public hearing under Subsection (1), a local district board may:

4422 (a) impose the new fee or increase the existing fee as proposed;

4423 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
4424 then impose the new fee or increase the existing fee as adjusted; or

4425 (c) decline to impose the new fee or increase the existing fee.

4426 (4) This section applies to each new fee imposed and each increase of an existing fee  
4427 that occurs on or after July 1, 1998.

4428 (5) (a) This section does not apply to an impact fee.

4429 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,

4430 Impact Fees Act.

4431 Section 70. Section **17B-1-1204** is amended to read:

4432 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**  
4433 **supplemented validation petition.**

4434 (1) Upon the entry of an order under Section **17B-1-1203** setting a hearing on a  
4435 validation petition, the local district that filed the petition shall:

4436 (a) publish notice:

4437 (i) at least once a week for three consecutive weeks in a newspaper of general  
4438 circulation in the county in which the principal office of the district is located; and

4439 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4440 three weeks immediately before the hearing; and

4441 (b) post notice in its principal office at least 21 days before the date set for the hearing.

4442 (2) Each notice under Subsection (1) shall:

4443 (a) state the date, time, and place of the hearing on the validation petition;

4444 (b) include a general description of the contents of the validation petition; and

4445 (c) if applicable, state the location where a complete copy of a contract that is the  
4446 subject of the validation petition may be examined.

4447 (3) If a district amends or supplements a validation petition under Subsection  
4448 **17B-1-1202**(3) after publishing and posting notice as required under Subsection (1), the district  
4449 is not required to publish or post notice again unless required by the court.

4450 Section 71. Section **17B-1-1307** is amended to read:

4451 **17B-1-1307. Notice of public hearing and of dissolution.**

4452 (1) Before holding a public hearing required under Section **17B-1-1306**, the  
4453 administrative body shall:

4454 (a) (i) publish notice of the public hearing and of the proposed dissolution:

4455 (A) in a newspaper of general circulation within the local district proposed to be  
4456 dissolved; and

4457 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4458 30 days before the public hearing; and

4459 (ii) post notice of the public hearing and of the proposed dissolution in at least four  
4460 conspicuous places within the local district proposed to be dissolved, no less than five and no



4461 more than 30 days before the public hearing; or

4462 (b) mail a notice to each owner of property located within the local district and to each  
4463 registered voter residing within the local district.

4464 (2) Each notice required under Subsection (1) shall:

4465 (a) identify the local district proposed to be dissolved and the service it was created to  
4466 provide; and

4467 (b) state the date, time, and location of the public hearing.

4468 Section 72. Section **17B-2a-705** is amended to read:

4469 **17B-2a-705. Taxation -- Additional levy -- Election.**

4470 (1) If a mosquito abatement district board of trustees determines that the funds required  
4471 during the next ensuing fiscal year will exceed the maximum amount that the district is  
4472 authorized to levy under Subsection [17B-1-103\(2\)\(g\)](#), the board of trustees may call an election  
4473 on a date specified in Section [20A-1-204](#) and submit to district voters the question of whether  
4474 the district should be authorized to impose an additional tax to raise the necessary additional  
4475 funds.

4476 (2) The board shall publish notice of the election:

4477 (a) (i) in a newspaper of general circulation within the district at least once, no later  
4478 than four weeks before the day of the election;

4479 (ii) if there is no newspaper of general circulation in the district, at least four weeks  
4480 before the day of the election, by posting one notice, and at least one additional notice per  
4481 2,000 population of the district, in places within the district that are most likely to give notice  
4482 to the voters in the district; or

4483 (iii) at least four weeks before the day of the election, by mailing notice to each  
4484 registered voter in the district;

4485 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4486 four weeks before the day of the election;

4487 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;  
4488 and

4489 (d) if the district has a website, on the district's website for four weeks before the day  
4490 of the election.

4491 (3) No particular form of ballot is required, and no informalities in conducting the

4492 election may invalidate the election, if it is otherwise fairly conducted.

4493 (4) At the election each ballot shall contain the words, "Shall the district be authorized  
4494 to impose an additional tax to raise the additional sum of \$ \_\_\_\_?"

4495 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority  
4496 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an  
4497 additional levy to raise the additional amount of money required.

4498 Section 73. Section **17B-2a-1110** is amended to read:

4499 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**  
4500 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**  
4501 **transferred to municipal services district.**

4502 (1) (a) A municipality may withdraw from a municipal services district in accordance  
4503 with Section **17B-1-502** or **17B-1-505**, as applicable, and the requirements of this section.

4504 (b) If a municipality engages a feasibility consultant to conduct a feasibility study  
4505 under Subsection (2)(a), the 180 days described in Subsection **17B-1-502**(3)(a)(iii)(B) is tolled  
4506 from the day that the municipality engages the feasibility consultant to the day on which the  
4507 municipality holds the final public hearing under Subsection (5).

4508 (2) (a) If a municipality decides to withdraw from a municipal services district, the  
4509 municipal legislative body shall, before adopting a resolution under Section **17B-1-502** or  
4510 **17B-1-505**, as applicable, engage a feasibility consultant to conduct a feasibility study.

4511 (b) The feasibility consultant shall be chosen:

4512 (i) by the municipal legislative body; and

4513 (ii) in accordance with applicable municipal procurement procedures.

4514 (3) The municipal legislative body shall require the feasibility consultant to:

4515 (a) complete the feasibility study and submit the written results to the municipal  
4516 legislative body before the council adopts a resolution under Section **17B-1-502**;

4517 (b) submit with the full written results of the feasibility study a summary of the results  
4518 no longer than one page in length; and

4519 (c) attend the public hearings under Subsection (5).

4520 (4) (a) The feasibility study shall consider:

4521 (i) population and population density within the withdrawing municipality;

4522 (ii) current and five-year projections of demographics and economic base in the

4523 withdrawing municipality, including household size and income, commercial and industrial  
4524 development, and public facilities;

4525 (iii) projected growth in the withdrawing municipality during the next five years;

4526 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
4527 including overhead, of municipal services in the withdrawing municipality;

4528 (v) assuming the same tax categories and tax rates as currently imposed by the  
4529 municipal services district and all other current service providers, the present and five-year  
4530 projected revenue for the withdrawing municipality;

4531 (vi) a projection of any new taxes per household that may be levied within the  
4532 withdrawing municipality within five years of the withdrawal; and

4533 (vii) the fiscal impact on other municipalities serviced by the municipal services  
4534 district.

4535 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
4536 level and quality of municipal services to be provided to the withdrawing municipality in the  
4537 future that fairly and reasonably approximates the level and quality of municipal services being  
4538 provided to the withdrawing municipality at the time of the feasibility study.

4539 (ii) In determining the present cost of a municipal service, the feasibility consultant  
4540 shall consider:

4541 (A) the amount it would cost the withdrawing municipality to provide municipal  
4542 services for the first five years after withdrawing; and

4543 (B) the municipal services district's present and five-year projected cost of providing  
4544 municipal services.

4545 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation  
4546 and anticipated growth.

4547 (5) If the results of the feasibility study meet the requirements of Subsection (4), the  
4548 municipal legislative body shall, at its next regular meeting after receipt of the results of the  
4549 feasibility study, schedule at least one public hearing to be held:

4550 (a) within the following 60 days; and

4551 (b) for the purpose of allowing:

4552 (i) the feasibility consultant to present the results of the study; and

4553 (ii) the public to become informed about the feasibility study results, including the

4554 requirement that if the municipality withdraws from the municipal services district, the  
4555 municipality must comply with Subsection (9), and to ask questions about those results of the  
4556 feasibility consultant.

4557 (6) At a public hearing described in Subsection (5), the municipal legislative body  
4558 shall:

4559 (a) provide a copy of the feasibility study for public review; and

4560 (b) allow the public to express its views about the proposed withdrawal from the  
4561 municipal services district.

4562 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings  
4563 required under Subsection (5):

4564 (A) at least once a week for three successive weeks in a newspaper of general  
4565 circulation within the municipality; and

4566 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4567 three weeks.

4568 (ii) The municipal clerk or recorder shall publish the last publication of notice required  
4569 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under  
4570 Subsection (5).

4571 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation  
4572 within the proposed municipality, the municipal clerk or recorder shall post at least one notice  
4573 of the hearings per 1,000 population in conspicuous places within the municipality that are  
4574 most likely to give notice of the hearings to the residents.

4575 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at  
4576 least seven days before the first hearing under Subsection (5).

4577 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study  
4578 summary and shall indicate that a full copy of the study is available for inspection and copying  
4579 at the office of the municipal clerk or recorder.

4580 (8) At a public meeting held after the public hearing required under Subsection (5), the  
4581 municipal legislative body may adopt a resolution under Section [17B-1-502](#) or [17B-1-505](#), as  
4582 applicable, if the municipality is in compliance with the other requirements of that section.

4583 (9) The municipality shall pay revenues in excess of 5% to the municipal services  
4584 district for 10 years beginning on the next fiscal year immediately following the municipal

4585 legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502  
4586 or 17B-1-505 if the results of the feasibility study show that the average annual amount of  
4587 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection  
4588 (4)(a)(iv) by more than 5%.

4589 Section 74. Section 17C-1-207 is amended to read:

4590 **17C-1-207. Public entities may assist with project area development.**

4591 (1) In order to assist and cooperate in the planning, undertaking, construction, or  
4592 operation of project area development within an area in which the public entity is authorized to  
4593 act, a public entity may:

4594 (a) (i) provide or cause to be furnished:

4595 (A) parks, playgrounds, or other recreational facilities;

4596 (B) community, educational, water, sewer, or drainage facilities; or

4597 (C) any other works which the public entity is otherwise empowered to undertake;

4598 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or

4599 replan streets, roads, roadways, alleys, sidewalks, or other places;

4600 (iii) in any part of the project area:

4601 (A) (I) plan or replan any property within the project area;

4602 (II) plat or replat any property within the project area;

4603 (III) vacate a plat;

4604 (IV) amend a plat; or

4605 (V) zone or rezone any property within the project area; and

4606 (B) make any legal exceptions from building regulations and ordinances;

4607 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the  
4608 rights of any holder of the bonds;

4609 (v) notwithstanding any law to the contrary, enter into an agreement for a period of  
4610 time with another public entity concerning action to be taken pursuant to any of the powers  
4611 granted in this title;

4612 (vi) do anything necessary to aid or cooperate in the planning or implementation of the  
4613 project area development;

4614 (vii) in connection with the project area plan, become obligated to the extent  
4615 authorized and funds have been made available to make required improvements or construct

4616 required structures; and

4617 (viii) lend, grant, or contribute funds to an agency for project area development or  
4618 proposed project area development, including assigning revenue or taxes in support of an  
4619 agency bond or obligation; and

4620 (b) for less than fair market value or for no consideration, and subject to Subsection  
4621 (3):

4622 (i) purchase or otherwise acquire property from an agency;

4623 (ii) lease property from an agency;

4624 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to  
4625 an agency; or

4626 (iv) lease the public entity's property to an agency.

4627 (2) The following are not subject to Section [10-8-2](#), [17-50-312](#), or [17-50-303](#):

4628 (a) project area development assistance that a public entity provides under this section;

4629 or

4630 (b) a transfer of funds or property from an agency to a public entity.

4631 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner  
4632 than 15 days after the day on which the public entity posts notice of the assistance on:

4633 (a) the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-12-201](#); and

4634 (b) the public entity's public website.

4635 Section 75. Section **17C-1-601.5** is amended to read:

4636 **17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --**  
4637 **Auditor forms -- Requirement to file form.**

4638 (1) Each agency shall prepare an annual budget of the agency's revenues and  
4639 expenditures for each fiscal year.

4640 (2) The board shall adopt each agency budget:

4641 (a) for an agency created by a municipality, before June 30; or

4642 (b) for an agency created by a county, before December 15.

4643 (3) The agency's fiscal year shall be the same as the fiscal year of the community that  
4644 created the agency.

4645 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the  
4646 annual budget.

- 4647 (b) Each agency shall provide notice of the public hearing on the annual budget by:
- 4648 (i) (A) publishing at least one notice in a newspaper of general circulation within the
- 4649 agency boundaries, one week before the public hearing; or
- 4650 (B) if there is no newspaper of general circulation within the agency boundaries,
- 4651 posting a notice of the public hearing in at least three public places within the agency
- 4652 boundaries; and
- 4653 (ii) publishing notice on the Utah Public Notice Website created in Section
- 4654 [~~63F-1-701~~] [63A-12-201](#), at least one week before the public hearing.
- 4655 (c) Each agency shall make the annual budget available for public inspection at least
- 4656 three days before the date of the public hearing.
- 4657 (5) The state auditor shall prescribe the budget forms and the categories to be contained
- 4658 in each annual budget, including:
- 4659 (a) revenues and expenditures for the budget year;
- 4660 (b) legal fees; and
- 4661 (c) administrative costs, including rent, supplies, and other materials, and salaries of
- 4662 agency personnel.
- 4663 (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of
- 4664 the annual budget with the auditor of the county in which the agency is located, the State Tax
- 4665 Commission, the state auditor, the State Board of Education, and each taxing entity from which
- 4666 the agency receives project area funds.
- 4667 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
- 4668 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
- 4669 state auditor.
- 4670 Section 76. Section **17C-1-804** is amended to read:
- 4671 **17C-1-804. Notice required for continued hearing.**
- 4672 The board shall give notice of a hearing continued under Section [17C-1-803](#) by
- 4673 announcing at the hearing:
- 4674 (1) the date, time, and place the hearing will be resumed; or
- 4675 (2) (a) that the hearing is being continued to a later time; and
- 4676 (b) that the board will cause a notice of the continued hearing to be published on the
- 4677 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at least seven days

4678 before the day on which the hearing is scheduled to resume.

4679 Section 77. Section **17C-1-806** is amended to read:

4680 **17C-1-806. Requirements for notice provided by agency.**

4681 (1) The notice required by Section **17C-1-805** shall be given by:

4682 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a  
4683 newspaper of general circulation within the county in which the project area or proposed  
4684 project area is located, at least 14 days before the hearing;

4685 (ii) if there is no newspaper of general circulation, posting notice at least 14 days  
4686 before the day of the hearing in at least three conspicuous places within the county in which the  
4687 project area or proposed project area is located; or

4688 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days  
4689 before the day on which the hearing is held on:

4690 (A) the Utah Public Notice Website described in Section [~~63F-1-701~~] 63A-12-201; and

4691 (B) the public website of a community located within the boundaries of the project  
4692 area; and

4693 (b) at least 30 days before the hearing, mailing notice to:

4694 (i) each record owner of property located within the project area or proposed project  
4695 area;

4696 (ii) the State Tax Commission;

4697 (iii) the assessor and auditor of the county in which the project area or proposed project  
4698 area is located; and

4699 (iv) (A) if a project area is subject to a taxing entity committee, each member of the  
4700 taxing entity committee and the State Board of Education; or

4701 (B) if a project area is not subject to a taxing entity committee, the legislative body or  
4702 governing board of each taxing entity within the boundaries of the project area or proposed  
4703 project area.

4704 (2) The mailing of the notice to record property owners required under Subsection  
4705 (1)(b)(i) shall be conclusively considered to have been properly completed if:

4706 (a) the agency mails the notice to the property owners as shown in the records,  
4707 including an electronic database, of the county recorder's office and at the addresses shown in  
4708 those records; and



4709 (b) the county recorder's office records used by the agency in identifying owners to  
4710 whom the notice is mailed and their addresses were obtained or accessed from the county  
4711 recorder's office no earlier than 30 days before the mailing.

4712 (3) The agency shall include in each notice required under Section 17C-1-805:

4713 (a) (i) a boundary description of the project area or proposed project area; or

4714 (ii) (A) a mailing address or telephone number where a person may request that a copy  
4715 of the boundary description be sent at no cost to the person by mail, email, or facsimile  
4716 transmission; and

4717 (B) if the agency or community has an Internet website, an Internet address where a  
4718 person may gain access to an electronic, printable copy of the boundary description and other  
4719 related information;

4720 (b) a map of the boundaries of the project area or proposed project area;

4721 (c) an explanation of the purpose of the hearing; and

4722 (d) a statement of the date, time, and location of the hearing.

4723 (4) The agency shall include in each notice under Subsection (1)(b):

4724 (a) a statement that property tax revenue resulting from an increase in valuation of  
4725 property within the project area or proposed project area will be paid to the agency for project  
4726 area development rather than to the taxing entity to which the tax revenue would otherwise  
4727 have been paid if:

4728 (i) (A) the taxing entity committee consents to the project area budget; or

4729 (B) one or more taxing entities agree to share property tax revenue under an interlocal  
4730 agreement; and

4731 (ii) the project area plan provides for the agency to receive tax increment; and

4732 (b) an invitation to the recipient of the notice to submit to the agency comments  
4733 concerning the subject matter of the hearing before the date of the hearing.

4734 (5) An agency may include in a notice under Subsection (1) any other information the  
4735 agency considers necessary or advisable, including the public purpose achieved by the project  
4736 area development and any future tax benefits expected to result from the project area  
4737 development.

4738 Section 78. Section 17C-2-108 is amended to read:

4739 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**

4740 **of plan -- Contesting the formation of the plan.**

4741 (1) (a) Upon the community legislative body's adoption of an urban renewal project  
4742 area plan, or an amendment to a project area plan under Section [17C-2-110](#), the community  
4743 legislative body shall provide notice as provided in Subsection (1)(b) by:

4744 (i) (A) publishing or causing to be published a notice in a newspaper of general  
4745 circulation within the agency's boundaries; or

4746 (B) if there is no newspaper of general circulation within the agency's boundaries,  
4747 causing a notice to be posted in at least three public places within the agency's boundaries; and

4748 (ii) posting a notice on the Utah Public Notice Website described in Section  
4749 [~~63F-1-701~~] [63A-12-201](#).

4750 (b) Each notice under Subsection (1)(a) shall:

4751 (i) set forth the community legislative body's ordinance adopting the project area plan  
4752 or a summary of the ordinance; and

4753 (ii) include a statement that the project area plan is available for general public  
4754 inspection and the hours for inspection.

4755 (2) The project area plan shall become effective on the date of:

4756 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4757 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4758 (3) (a) For a period of 30 days after the effective date of the project area plan under  
4759 Subsection (2), any person may contest the project area plan or the procedure used to adopt the  
4760 project area plan if the plan or procedure fails to comply with applicable statutory  
4761 requirements.

4762 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest  
4763 the project area plan or procedure used to adopt the project area plan for any cause.

4764 (4) Upon adoption of the project area plan by the community legislative body, the  
4765 agency may carry out the project area plan.

4766 (5) Each agency shall make the project area plan available to the general public at the  
4767 agency's office during normal business hours.

4768 Section 79. Section [17C-3-107](#) is amended to read:

4769 **17C-3-107. Notice of economic development project area plan adoption --**

4770 **Effective date of plan -- Contesting the formation of the plan.**

4771 (1) (a) Upon the community legislative body's adoption of an economic development  
4772 project area plan, or an amendment to the project area plan under Section [17C-3-109](#) that  
4773 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4774 (i) publishing or causing to be published a notice:

4775 (A) in a newspaper of general circulation within the agency's boundaries; or

4776 (B) if there is no newspaper of general circulation within the agency's boundaries,  
4777 causing a notice to be posted in at least three public places within the agency's boundaries; and

4778 (ii) on the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-12-201](#).

4779 (b) Each notice under Subsection (1)(a) shall:

4780 (i) set forth the community legislative body's ordinance adopting the project area plan  
4781 or a summary of the ordinance; and

4782 (ii) include a statement that the project area plan is available for public inspection and  
4783 the hours for inspection.

4784 (2) The project area plan shall become effective on the date of:

4785 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4786 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4787 (3) (a) For a period of 30 days after the effective date of the project area plan under  
4788 Subsection (2), any person may contest the project area plan or the procedure used to adopt the  
4789 project area plan if the plan or procedure fails to comply with applicable statutory  
4790 requirements.

4791 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest  
4792 the project area plan or procedure used to adopt the project area plan for any cause.

4793 (4) Upon adoption of the economic development project area plan by the community  
4794 legislative body, the agency may implement the project area plan.

4795 (5) Each agency shall make the economic development project area plan available to  
4796 the general public at the agency's office during normal business hours.

4797 Section 80. Section [17C-4-109](#) is amended to read:

4798 **17C-4-109. Expedited community development project area plan.**

4799 (1) As used in this section, "tax increment incentive" means the portion of tax  
4800 increment awarded to an industry or business.

4801 (2) A community development project area plan may be adopted or amended without

4802 complying with the notice and public hearing requirements of this part and Chapter 1, Part 8,  
4803 Hearing and Notice Requirements, if the following requirements are met:

4804 (a) the agency determines by resolution adopted in an open and public meeting the  
4805 need to create or amend a project area plan on an expedited basis, which resolution shall  
4806 include a description of why expedited action is needed;

4807 (b) a public hearing on the amendment or adoption of the project area plan is held by  
4808 the agency;

4809 (c) notice of the public hearing is published at least 14 days before the public hearing  
4810 on:

4811 (i) the website of the community that created the agency; and

4812 (ii) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

4813 (d) written consent to the amendment or adoption of the project area plan is given by  
4814 all record property owners within the existing or proposed project area;

4815 (e) each taxing entity that will be affected by the tax increment incentive enters into or  
4816 amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation  
4817 Act, and Sections [17C-4-201](#), [17C-4-203](#), and [17C-4-204](#);

4818 (f) the primary market for the goods or services that will be created by the industry or  
4819 business entity that will receive a tax increment incentive from the amendment or adoption of  
4820 the project area plan is outside of the state;

4821 (g) the industry or business entity that will receive a tax increment incentive from the  
4822 amendment or adoption of the project area plan is not primarily engaged in retail trade; and

4823 (h) a tax increment incentive is only provided to an industry or business entity:

4824 (i) on a postperformance basis as described in Subsection (3); and

4825 (ii) on an annual basis after the tax increment is received by the agency.

4826 (3) An industry or business entity may only receive a tax increment incentive under this  
4827 section after entering into an agreement with the agency that sets postperformance targets that  
4828 shall be met before the industry or business entity may receive the tax increment incentive,  
4829 including annual targets for:

4830 (a) capital investment in the project area;

4831 (b) the increase in the taxable value of the project area;

4832 (c) the number of new jobs created in the project area;

4833 (d) the average wages of the jobs created, which shall be at least 110% of the  
4834 prevailing wage of the county where the project area is located; and

4835 (e) the amount of local vendor opportunity generated by the industry or business entity.

4836 Section 81. Section **17C-4-202** is amended to read:

4837 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**  
4838 **the community development project area plan -- Notice -- Effective date of resolution or**  
4839 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**  
4840 **of resolution or interlocal agreement.**

4841 (1) The approval and adoption of each resolution or interlocal agreement under  
4842 Subsection **17C-4-201**(2) shall be in an open and public meeting.

4843 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section  
4844 **17C-4-201**, the agency shall provide notice as provided in Subsection (2)(b) by:

4845 (i) (A) publishing or causing to be published a notice in a newspaper of general  
4846 circulation within the agency's boundaries; or

4847 (B) if there is no newspaper of general circulation within the agency's boundaries,  
4848 causing a notice to be posted in at least three public places within the agency's boundaries; and

4849 (ii) publishing or causing to be published a notice on the Utah Public Notice Website  
4850 created in Section [~~63F-1-701~~] **63A-12-201**.

4851 (b) Each notice under Subsection (2)(a) shall:

4852 (i) set forth a summary of the resolution or interlocal agreement; and

4853 (ii) include a statement that the resolution or interlocal agreement is available for  
4854 public inspection and the hours of inspection.

4855 (3) The resolution or interlocal agreement shall become effective on the date of:

4856 (a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of the  
4857 notice; or

4858 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

4859 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal  
4860 agreement under Subsection (3), any person may contest the resolution or interlocal agreement  
4861 or the procedure used to adopt the resolution or interlocal agreement if the resolution or  
4862 interlocal agreement or procedure fails to comply with applicable statutory requirements.

4863 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

- 4864 (i) the resolution or interlocal agreement;
- 4865 (ii) a distribution of tax increment to the agency under the resolution or interlocal
- 4866 agreement; or
- 4867 (iii) the agency's use of project area funds under the resolution or interlocal agreement.
- 4868 (5) Each agency that is to receive project area funds under a resolution or interlocal
- 4869 agreement under Section [17C-4-201](#) and each taxing entity that approves a resolution or enters
- 4870 into an interlocal agreement under Section [17C-4-201](#) shall make the resolution or interlocal
- 4871 agreement, as the case may be, available at the taxing entity's offices to the public for
- 4872 inspection and copying during normal business hours.

4873 Section 82. Section [17C-5-110](#) is amended to read:

4874 **17C-5-110. Notice of community reinvestment project area plan adoption --**  
4875 **Effective date of plan -- Contesting the formation of the plan.**

4876 (1) (a) Upon a community legislative body's adoption of a community reinvestment  
4877 project area plan in accordance with Section [17C-5-109](#), or an amendment to a community  
4878 reinvestment project area plan in accordance with Section [17C-5-112](#), the community  
4879 legislative body shall provide notice of the adoption or amendment in accordance with  
4880 Subsection (1)(b) by:

4881 (i) (A) causing a notice to be published in a newspaper of general circulation within the  
4882 community; or

4883 (B) if there is no newspaper of general circulation within the community, causing a  
4884 notice to be posted in at least three public places within the community; and

4885 (ii) posting a notice on the Utah Public Notice Website described in Section  
4886 [~~63F-1-701~~] [63A-12-201](#).

4887 (b) A notice described in Subsection (1)(a) shall include:

4888 (i) a copy of the community legislative body's ordinance, or a summary of the  
4889 ordinance, that adopts the community reinvestment project area plan; and

4890 (ii) a statement that the community reinvestment project area plan is available for  
4891 public inspection and the hours for inspection.

4892 (2) A community reinvestment project area plan is effective on the day on which notice  
4893 of adoption is published or posted in accordance with Subsection (1)(a).

4894 (3) A community reinvestment project area is considered created the day on which the

4895 community reinvestment project area plan becomes effective as described in Subsection (2).

4896 (4) (a) Within 30 days after the day on which a community reinvestment project area  
4897 plan is effective, a person may contest the community reinvestment project area plan or the  
4898 procedure used to adopt the community reinvestment project area plan if the community  
4899 reinvestment project area plan or the procedure fails to comply with a provision of this title.

4900 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not  
4901 contest the community reinvestment project area plan or the procedure used to adopt the  
4902 community reinvestment project area plan.

4903 (5) Upon adoption of a community reinvestment project area plan by the community  
4904 legislative body, the agency may implement the community reinvestment project area plan.

4905 (6) The agency shall make the community reinvestment project area plan available to  
4906 the public at the agency's office during normal business hours.

4907 Section 83. Section **17C-5-113** is amended to read:

4908 **17C-5-113. Expedited community reinvestment project area plan.**

4909 (1) As used in this section:

4910 (a) "Qualified business entity" means a business entity that:

4911 (i) has a primary market for the qualified business entity's goods or services outside of  
4912 the state; and

4913 (ii) is not primarily engaged in retail sales.

4914 (b) "Tax increment incentive" means the portion of an agency's tax increment that is  
4915 paid to a qualified business entity for the purpose of implementing a community reinvestment  
4916 project area plan.

4917 (2) An agency and a qualified business entity may, in accordance with Subsection (3),  
4918 enter into an agreement that allows the qualified business entity to receive a tax increment  
4919 incentive.

4920 (3) An agreement described in Subsection (2) shall set annual postperformance targets  
4921 for:

4922 (a) capital investment within the community reinvestment project area;

4923 (b) the number of new jobs created within the community reinvestment project area;

4924 (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of  
4925 the prevailing wage of the county within which the community reinvestment project area is

4926 located; and

4927 (d) the amount of local vendor opportunity generated by the qualified business entity.

4928 (4) A qualified business entity may only receive a tax increment incentive:

4929 (a) if the qualified business entity complies with the agreement described in Subsection

4930 (3);

4931 (b) on a postperformance basis; and

4932 (c) on an annual basis after the agency receives tax increment from a taxing entity.

4933 (5) An agency may create or amend a community reinvestment project area plan for the

4934 purpose of providing a tax increment incentive without complying with the requirements

4935 described in Chapter 1, Part 8, Hearing and Notice Requirements, if:

4936 (a) the agency:

4937 (i) holds a public hearing to consider the need to create or amend a community

4938 reinvestment project area plan on an expedited basis;

4939 (ii) posts notice at least 14 days before the day on which the public hearing described

4940 in Subsection (5)(a)(i) is held on:

4941 (A) the community's website; and

4942 (B) the Utah Public Notice Website as described in Section [~~63F-1-701~~] [63A-12-201](#);

4943 and

4944 (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or

4945 amend the community reinvestment project area plan on an expedited basis;

4946 (b) all record property owners within the existing or proposed community reinvestment

4947 project area plan give written consent; and

4948 (c) each taxing entity affected by the tax increment incentive consents and enters into

4949 an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive

4950 to the qualified business entity.

4951 Section 84. Section **17C-5-205** is amended to read:

4952 **17C-5-205. Interlocal agreement to provide project area funds for the community**

4953 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**

4954 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**

4955 **agreement.**

4956 (1) An agency shall:



4957 (a) approve and adopt an interlocal agreement described in Section [17C-5-204](#) at an  
4958 open and public meeting; and

4959 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community  
4960 Reinvestment Project Area."

4961 (2) (a) Upon the execution of an interlocal agreement described in Section [17C-5-204](#),  
4962 the agency shall provide notice of the execution by:

4963 (i) (A) publishing or causing to be published a notice in a newspaper of general  
4964 circulation within the agency's boundaries; or

4965 (B) if there is no newspaper of general circulation within the agency's boundaries,  
4966 causing the notice to be posted in at least three public places within the agency's boundaries;  
4967 and

4968 (ii) publishing or causing the notice to be published on the Utah Public Notice Website  
4969 created in Section [~~63F-1-701~~] [63A-12-201](#).

4970 (b) A notice described in Subsection (2)(a) shall include:

4971 (i) a summary of the interlocal agreement; and

4972 (ii) a statement that the interlocal agreement:

4973 (A) is available for public inspection and the hours for inspection; and

4974 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or  
4975 sales and use tax revenue.

4976 (3) An interlocal agreement described in Section [17C-5-204](#) is effective the day on  
4977 which the notice described in Subsection (2) is published or posted in accordance with  
4978 Subsection (2)(a).

4979 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a  
4980 person may contest the interlocal agreement or the procedure used to adopt the interlocal  
4981 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

4982 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not  
4983 contest:

4984 (i) the interlocal agreement;

4985 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

4986 (iii) the agency's use of project area funds under the interlocal agreement.

4987 (5) A taxing entity that enters into an interlocal agreement under Section [17C-5-204](#)

4988 shall make a copy of the interlocal agreement available to the public at the taxing entity's office  
4989 for inspection and copying during normal business hours.

4990 Section 85. Section 17D-3-107 is amended to read:

4991 **17D-3-107. Annual budget and financial reports requirements.**

4992 (1) Upon agreement with the commission, the state auditor may modify:

4993 (a) for filing a budget, a requirement in Subsection 17B-1-614(2) or 17B-1-629(3)(d);

4994 or

4995 (b) for filing a financial report, a requirement in Section 17B-1-639.

4996 (2) Beginning on July 1, 2019, a conservation district is a participating local entity, as  
4997 that term is defined in Section [~~63A-1-201~~, and subject to Title 63A, Chapter 1, Part 2, Utah  
4998 Public Finance Website] 67-3-12, and subject to Section 67-3-12.

4999 Section 86. Section 17D-3-305 is amended to read:

5000 **17D-3-305. Setting the date of an election of the board of supervisors -- Notice of**  
5001 **the election.**

5002 (1) The commission shall set the date of the election of members of the board of  
5003 supervisors of a conservation district.

5004 (2) The commission shall publish notice of the election described in Subsection (1):

5005 (a) (i) in a newspaper of general circulation within the conservation district at least  
5006 once, no later than four weeks before the day of the election;

5007 (ii) if there is no newspaper of general circulation in the conservation district, at least  
5008 four weeks before the day of the election, by posting one notice, and at least one additional  
5009 notice per 2,000 population of the conservation district, in places within the conservation  
5010 district that are most likely to give notice to the voters in the conservation district; or

5011 (iii) at least four weeks before the day of the election, by mailing notice to each  
5012 registered voter in the conservation district;

5013 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
5014 four weeks before the day of the election;

5015 (c) in accordance with Section 45-1-101, for four weeks before the day of the election;  
5016 and

5017 (d) if the conservation district has a website, on the conservation district's website for  
5018 four weeks before the day of the election.

5019 (3) The date set for an election under Subsection (1) may not be later than six weeks  
5020 after the date set by the commission for the close of nominations.

5021 (4) The notice required under Subsection (2) shall:

5022 (a) state:

5023 (i) the date of the election;

5024 (ii) the names of all candidates; and

5025 (iii) that a ballot request form for the election may be obtained from the commission  
5026 office or from any other place that the commission designates; and

5027 (b) specify the address of the commission office or other place where a ballot request  
5028 form may be obtained.

5029 Section 87. Section **19-2-109** is amended to read:

5030 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of director --**

5031 **Adoption of emission control requirements.**

5032 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public  
5033 hearings.

5034 (b) Notice of any public hearing for the consideration, adoption, or amendment of air  
5035 quality standards shall specify the locations to which the proposed standards apply and the  
5036 time, date, and place of the hearing.

5037 (c) The notice shall be:

5038 (i) (A) published at least twice in any newspaper of general circulation in the area  
5039 affected; and

5040 (B) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
5041 [63A-12-201](#), at least 20 days before the public hearing; and

5042 (ii) mailed at least 20 days before the public hearing to the chief executive of each  
5043 political subdivision of the area affected and to other persons the director has reason to believe  
5044 will be affected by the standards.

5045 (d) The adoption of air quality standards or any modification or changes to air quality  
5046 standards shall be by order of the director following formal action of the board with respect to  
5047 the standards.

5048 (e) The order shall be published:

5049 (i) in a newspaper of general circulation in the area affected; and

5050 (ii) as required in Section [45-1-101](#).

5051 (2) (a) The board may establish emission control requirements by rule that in its  
5052 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or  
5053 may vary from area to area, taking into account varying local conditions.

5054 (b) In adopting these requirements, the board shall give notice and conduct public  
5055 hearings in accordance with the requirements in Subsection (1).

5056 Section 88. Section **20A-1-512** is amended to read:

5057 **20A-1-512. Midterm vacancies on local district boards.**

5058 (1) (a) Whenever a vacancy occurs on any local district board for any reason, the  
5059 following shall appoint a replacement to serve out the unexpired term in accordance with this  
5060 section:

5061 (i) the local district board, if the person vacating the position was elected; or

5062 (ii) the appointing authority, as that term is defined in Section [17B-1-102](#), if the  
5063 appointing authority appointed the person vacating the position.

5064 (b) Except as provided in Subsection (1)(c), before acting to fill the vacancy, the local  
5065 district board or appointing authority shall:

5066 (i) give public notice of the vacancy at least two weeks before the local district board  
5067 or appointing authority meets to fill the vacancy by:

5068 (A) if there is a newspaper of general circulation, as that term is defined in Section  
5069 [45-1-201](#), within the district, publishing the notice in the newspaper of general circulation;

5070 (B) posting the notice in three public places within the local district; and

5071 (C) posting on the Utah Public Notice Website created under Section [~~63F-1-701~~]  
5072 [63A-12-201](#); and

5073 (ii) identify, in the notice:

5074 (A) the date, time, and place of the meeting where the vacancy will be filled;

5075 (B) the individual to whom an individual who is interested in an appointment to fill the  
5076 vacancy may submit the individual's name for consideration; and

5077 (C) any submission deadline.

5078 (c) An appointing authority is not subject to Subsection (1)(b) if:

5079 (i) the appointing authority appoints one of the appointing authority's own members;

5080 and

5081 (ii) that member meets all applicable statutory board member qualifications.

5082 (2) If the local district board fails to appoint an individual to complete an elected board  
5083 member's term within 90 days, the legislative body of the county or municipality that created  
5084 the local district shall fill the vacancy in accordance with the procedure for a local district  
5085 described in Subsection (1)(b).

5086 Section 89. Section **20A-3-604** is amended to read:

5087 **20A-3-604. Notice of time and place of early voting.**

5088 (1) Except as provided in Section [20A-1-308](#) or Subsection [20A-3-603\(2\)](#), the election  
5089 officer shall, at least 19 days before the date of the election, publish notice of the dates, times,  
5090 and locations of early voting:

5091 (a) (i) in one issue of a newspaper of general circulation in the county;

5092 (ii) if there is no newspaper of general circulation in the county, in addition to posting  
5093 the notice described in Subsection (1)(b), by posting one notice, and at least one additional  
5094 notice per 2,000 population of the county, in places within the county that are most likely to  
5095 give notice to the residents in the county; or

5096 (iii) by mailing notice to each registered voter in the county;

5097 (b) by posting the notice at each early voting polling place;

5098 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5099 19 days before the day of the election;

5100 (d) in accordance with Section [45-1-101](#), for 19 days before the date of the election;

5101 and

5102 (e) on the county's website for 19 days before the day of the election.

5103 (2) Instead of publishing all dates, times, and locations of early voting under  
5104 Subsection (1), the election officer may publish a statement that specifies the following sources  
5105 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

5106 (a) the county's website;

5107 (b) the physical address of the county's offices; and

5108 (c) a mailing address and telephone number.

5109 (3) The election officer shall include in the notice described in Subsection (1):

5110 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
5111 the address of the election officer's website, with a statement indicating that the election officer

5112 will post on the website the location of each early voting polling place, including any changes  
5113 to the location of an early voting polling place and the location of additional early voting  
5114 polling places; and

5115 (b) a phone number that a voter may call to obtain information regarding the location  
5116 of an early voting polling place.

5117 Section 90. Section **20A-4-104** is amended to read:

5118 **20A-4-104. Counting ballots electronically.**

5119 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the  
5120 election officer shall test the automatic tabulating equipment to ensure that it will accurately  
5121 count the votes cast for all offices and all measures.

5122 (b) The election officer shall publish public notice of the time and place of the test:

5123 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of  
5124 general circulation in the county, municipality, or jurisdiction where the equipment is used;

5125 (B) if there is no daily or weekly newspaper of general circulation in the county,  
5126 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the  
5127 test, by posting one notice, and at least one additional notice per 2,000 population of the  
5128 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction  
5129 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

5130 (C) at least 10 days before the day of the test, by mailing notice to each registered voter  
5131 in the county, municipality, or jurisdiction where the equipment is used;

5132 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5133 four weeks before the day of the test;

5134 (iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the test;  
5135 and

5136 (iv) if the county, municipality, or jurisdiction has a website, on the website for four  
5137 weeks before the day of the test.

5138 (c) The election officer shall conduct the test by processing a preaudited group of  
5139 ballots.

5140 (d) The election officer shall ensure that:

5141 (i) a predetermined number of valid votes for each candidate and measure are recorded  
5142 on the ballots;

5143 (ii) for each office, one or more ballot sheets have votes in excess of the number  
5144 allowed by law in order to test the ability of the automatic tabulating equipment to reject those  
5145 votes; and

5146 (iii) a different number of valid votes are assigned to each candidate for an office, and  
5147 for and against each measure.

5148 (e) If any error is detected, the election officer shall determine the cause of the error  
5149 and correct it.

5150 (f) The election officer shall ensure that:

5151 (i) the automatic tabulating equipment produces an errorless count before beginning  
5152 the actual counting; and

5153 (ii) the automatic tabulating equipment passes the same test at the end of the count  
5154 before the election returns are approved as official.

5155 (2) (a) The election officer or the election officer's designee shall supervise and direct  
5156 all proceedings at the counting center.

5157 (b) (i) Proceedings at the counting center are public and may be observed by interested  
5158 persons.

5159 (ii) Only those persons authorized to participate in the count may touch any ballot or  
5160 return.

5161 (c) The election officer shall deputize and administer an oath or affirmation to all  
5162 persons who are engaged in processing and counting the ballots that they will faithfully  
5163 perform their assigned duties.

5164 (3) If any ballot is damaged or defective so that it cannot properly be counted by the  
5165 automatic tabulating equipment, the election officer shall ensure that two counting judges  
5166 jointly:

5167 (a) create a true duplicate copy of the ballot with an identifying serial number;

5168 (b) substitute the duplicate ballot for the damaged or defective ballot;

5169 (c) label the duplicate ballot "duplicate"; and

5170 (d) record the duplicate ballot's serial number on the damaged or defective ballot.

5171 (4) The election officer may:

5172 (a) conduct an unofficial count before conducting the official count in order to provide  
5173 early unofficial returns to the public;

- 5174 (b) release unofficial returns from time to time after the polls close; and
- 5175 (c) report the progress of the count for each candidate during the actual counting of
- 5176 ballots.
- 5177 (5) The election officer shall review and evaluate the provisional ballot envelopes and
- 5178 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).
- 5179 (6) (a) The election officer or the election officer's designee shall:
- 5180 (i) separate, count, and tabulate any ballots containing valid write-in votes; and
- 5181 (ii) complete the standard form provided by the clerk for recording valid write-in votes.
- 5182 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
- 5183 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
- 5184 count the valid write-in vote as being the obvious intent of the voter.
- 5185 (7) (a) The election officer shall certify the return printed by the automatic tabulating
- 5186 equipment, to which have been added write-in and absentee votes, as the official return of each
- 5187 voting precinct.
- 5188 (b) Upon completion of the count, the election officer shall make official returns open
- 5189 to the public.
- 5190 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
- 5191 tabulating equipment, the election officer may direct that they be counted manually according
- 5192 to the procedures and requirements of this part.
- 5193 (9) After the count is completed, the election officer shall seal and retain the programs,
- 5194 test materials, and ballots as provided in Section [20A-4-202](#).
- 5195 Section 91. Section **20A-4-304** is amended to read:
- 5196 **20A-4-304. Declaration of results -- Canvassers' report.**
- 5197 (1) Each board of canvassers shall:
- 5198 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
- 5199 declare "elected" or "nominated" those persons who:
- 5200 (i) had the highest number of votes; and
- 5201 (ii) sought election or nomination to an office completely within the board's
- 5202 jurisdiction;
- 5203 (b) declare:
- 5204 (i) "approved" those ballot propositions that:



- 5205 (A) had more "yes" votes than "no" votes; and  
5206 (B) were submitted only to the voters within the board's jurisdiction;  
5207 (ii) "rejected" those ballot propositions that:  
5208 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
5209 votes; and  
5210 (B) were submitted only to the voters within the board's jurisdiction;  
5211 (c) certify the vote totals for persons and for and against ballot propositions that were  
5212 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
5213 the lieutenant governor; and  
5214 (d) if applicable, certify the results of each local district election to the local district  
5215 clerk.  
5216 (2) As soon as the result is declared, the election officer shall prepare a report of the  
5217 result, which shall contain:  
5218 (a) the total number of votes cast in the board's jurisdiction;  
5219 (b) the names of each candidate whose name appeared on the ballot;  
5220 (c) the title of each ballot proposition that appeared on the ballot;  
5221 (d) each office that appeared on the ballot;  
5222 (e) from each voting precinct:  
5223 (i) the number of votes for each candidate;  
5224 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate  
5225 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each  
5226 potential ballot-counting phase and the name of the candidate excluded in each canvassing  
5227 phase; and  
5228 (iii) the number of votes for and against each ballot proposition;  
5229 (f) the total number of votes given in the board's jurisdiction to each candidate, and for  
5230 and against each ballot proposition;  
5231 (g) the number of ballots that were rejected; and  
5232 (h) a statement certifying that the information contained in the report is accurate.  
5233 (3) The election officer and the board of canvassers shall:  
5234 (a) review the report to ensure that it is correct; and  
5235 (b) sign the report.

- 5236 (4) The election officer shall:
- 5237 (a) record or file the certified report in a book kept for that purpose;
- 5238 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 5239 to each nominated or elected candidate;
- 5240 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 5241 (d) file a copy of the certified report with the lieutenant governor.
- 5242 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 5243 days after the day on which the board of canvassers declares the election results, publish the
- 5244 certified report described in Subsection (2):
- 5245 (a) (i) at least once in a newspaper of general circulation within the jurisdiction;
- 5246 (ii) if there is no newspaper of general circulation within the jurisdiction, by posting
- 5247 one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places
- 5248 within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or
- 5249 (iii) by mailing notice to each residence within the jurisdiction;
- 5250 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
- 5251 one week;
- 5252 (c) in accordance with Section [45-1-101](#), for one week; and
- 5253 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.
- 5254 (6) Instead of publishing the entire certified report under Subsection (5), the election
- 5255 officer may publish a statement that:
- 5256 (a) includes the following: "The Board of Canvassers for [indicate name of
- 5257 jurisdiction] has prepared a report of the election results for the [indicate type and date of
- 5258 election]."; and
- 5259 (b) specifies the following sources where an individual may view or obtain a copy of
- 5260 the entire certified report:
- 5261 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5262 (ii) the physical address for the jurisdiction; and
- 5263 (iii) a mailing address and telephone number.
- 5264 (7) When there has been a regular general or a statewide special election for statewide
- 5265 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
- 5266 or more county ballot proposition, each board of canvassers shall:

5267 (a) prepare a separate report detailing the number of votes for each candidate and the  
5268 number of votes for and against each ballot proposition; and

5269 (b) transmit the separate report by registered mail to the lieutenant governor.

5270 (8) In each county election, municipal election, school election, local district election,  
5271 and local special election, the election officer shall transmit the reports to the lieutenant  
5272 governor within 14 days after the date of the election.

5273 (9) In a regular primary election and in a presidential primary election, the board shall  
5274 transmit to the lieutenant governor:

5275 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
5276 governor not later than the second Tuesday after the election; and

5277 (b) a complete tabulation showing voting totals for all primary races, precinct by  
5278 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
5279 primary election.

5280 Section 92. Section **20A-5-101** is amended to read:

5281 **20A-5-101. Notice of election.**

5282 (1) On or before November 15 in the year before each regular general election year, the  
5283 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

5284 (a) designates the offices to be filled at the next year's regular general election;

5285 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
5286 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),  
5287 and [20A-9-408](#) for those offices; and

5288 (c) contains a description of any ballot propositions to be decided by the voters that  
5289 have qualified for the ballot as of that date.

5290 (2) No later than seven business days after the day on which the lieutenant governor  
5291 transmits the written notice described in Subsection (1), each county clerk shall publish notice,  
5292 in accordance with Subsection (3):

5293 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in  
5294 each voting precinct within the county; and

5295 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places  
5296 where the notice was posted;

5297 (b) (i) in a newspaper of general circulation in the county;

- 5298 (ii) if there is no newspaper of general circulation within the county, in addition to the  
5299 notice described in Subsection (2)(a), by posting one notice, and at least one additional notice  
5300 per 2,000 population of the county, in places within the county that are most likely to give  
5301 notice of the election to the voters in the county; or  
5302 (iii) by mailing notice to each registered voter in the county;
- 5303 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5304 seven days before the day of the election;
- 5305 (d) in accordance with Section [45-1-101](#), for seven days before the day of the election;  
5306 and  
5307 (e) on the county's website for seven days before the day of the election.
- 5308 (3) The notice described in Subsection (2) shall:  
5309 (a) designate the offices to be voted on in that election; and  
5310 (b) identify the dates for filing a declaration of candidacy for those offices.
- 5311 (4) Except as provided in Subsection (6), before each election, the election officer shall  
5312 give printed notice of the following information:  
5313 (a) the date of election;  
5314 (b) the hours during which the polls will be open;  
5315 (c) the polling places for each voting precinct, early voting polling place, and election  
5316 day voting center;  
5317 (d) the address of the Statewide Electronic Voter Information Website and, if available,  
5318 the address of the election officer's website, with a statement indicating that the election officer  
5319 will post on the website any changes to the location of a polling place and the location of any  
5320 additional polling place;  
5321 (e) a phone number that a voter may call to obtain information regarding the location of  
5322 a polling place; and  
5323 (f) the qualifications for persons to vote in the election.
- 5324 (5) To provide the printed notice described in Subsection (4), the election officer shall  
5325 publish the notice:  
5326 (a) (i) in a newspaper of general circulation in the jurisdiction to which the election  
5327 pertains at least two days before the day of the election;  
5328 (ii) if there is no newspaper of general circulation in the jurisdiction to which the

5329 election pertains, at least two days before the day of the election, by posting one notice, and at  
5330 least one additional notice per 2,000 population of the jurisdiction, in places within the  
5331 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

5332 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to  
5333 which the election pertains at least five days before the day of the election;

5334 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5335 two days before the day of the election;

5336 (c) in accordance with Section [45-1-101](#), for two days before the day of the election;

5337 and

5338 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before  
5339 the day of the election.

5340 (6) Instead of including the information described in Subsection (4) in the notice, the  
5341 election officer may give printed notice that:

5342 (a) is entitled "Notice of Election";

5343 (b) includes the following: "A [indicate election type] will be held in [indicate the  
5344 jurisdiction] on [indicate date of election]. Information relating to the election, including  
5345 polling places, polling place hours, and qualifications of voters may be obtained from the  
5346 following sources:"; and

5347 (c) specifies the following sources where an individual may view or obtain the  
5348 information described in Subsection (4):

5349 (i) if the jurisdiction has a website, the jurisdiction's website;

5350 (ii) the physical address of the jurisdiction offices; and

5351 (iii) a mailing address and telephone number.

5352 Section 93. Section **20A-5-405** is amended to read:

5353 **20A-5-405. Election officer to provide ballots.**

5354 (1) In jurisdictions using paper ballots, each election officer shall:

5355 (a) provide printed official paper ballots and absentee ballots for every election of  
5356 public officers in which the voters, or any of the voters, within the election officer's jurisdiction  
5357 participate;

5358 (b) cause the name of every candidate whose nomination has been certified to or filed  
5359 with the election officer in the manner provided by law to be printed on each official paper

5360 ballot and absentee ballot;

5361 (c) cause any ballot proposition that has qualified for the ballot as provided by law to  
5362 be printed on each official paper ballot and absentee ballot;

5363 (d) ensure that the official paper ballots are printed and in the possession of the election  
5364 officer before commencement of voting;

5365 (e) ensure that the absentee ballots are printed and in the possession of the election  
5366 officer with sufficient time before commencement of voting;

5367 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
5368 be printed on each official paper ballot and absentee ballot;

5369 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
5370 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

5371 (h) cause sample ballots to be printed that are in the same form as official paper ballots  
5372 and that contain the same information as official paper ballots but that are printed on different  
5373 colored paper than official paper ballots;

5374 (i) ensure that the sample ballots are printed and in the possession of the election  
5375 officer at least seven days before commencement of voting;

5376 (j) make the sample ballots available for public inspection by:

5377 (i) posting a copy of the sample ballot in the election officer's office at least seven days  
5378 before commencement of voting;

5379 (ii) mailing a copy of the sample ballot to:

5380 (A) each candidate listed on the ballot; and

5381 (B) the lieutenant governor;

5382 (iii) publishing a copy of the sample ballot:

5383 (A) except as provided in Subsection (5), at least seven days before the day of the  
5384 election in a newspaper of general circulation in the jurisdiction holding the election;

5385 (B) if there is no newspaper of general circulation in the jurisdiction holding the  
5386 election, at least seven days before the day of the election, by posting one copy of the sample  
5387 ballot, and at least one additional copy of the sample ballot per 2,000 population of the  
5388 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in  
5389 the jurisdiction; or

5390 (C) at least 10 days before the day of the election, by mailing a copy of the sample

- 5391 ballot to each registered voter who resides in the jurisdiction holding the election;
- 5392 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created  
5393 in Section [~~63F-1-701~~] [63A-12-201](#), for seven days before the day of the election;
- 5394 (v) in accordance with Section [45-1-101](#), publishing a copy of the sample ballot for at  
5395 least seven days before the day of the election; and
- 5396 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least  
5397 seven days before the day of the election;
- 5398 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
5399 place and direct them to post the sample ballots as required by Section [20A-5-102](#); and
- 5400 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough  
5401 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting  
5402 demands of the qualified voters in each voting precinct.
- 5403 (2) In jurisdictions using a punch card ballot, each election officer shall:
- 5404 (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot  
5405 labels for every election of public officers in which the voters, or any of the voters, within the  
5406 election officer's jurisdiction participate;
- 5407 (b) cause the name of every candidate who filed with the election officer in the manner  
5408 provided by law or whose nomination has been certified to the election officer to be printed on  
5409 each official ballot label;
- 5410 (c) cause each ballot proposition that has qualified for the ballot as provided by law to  
5411 be printed on each official ballot label;
- 5412 (d) ensure that the official ballot labels are printed and in the possession of the election  
5413 officer before the commencement of voting;
- 5414 (e) ensure that the absentee ballots are printed and in the possession of the election  
5415 officer with sufficient time before commencement of voting;
- 5416 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
5417 be printed on each official ballot label and absentee ballot;
- 5418 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
5419 qualified for the official sample ballot to inspect the official sample ballot;
- 5420 (h) cause sample ballots to be printed that contain the same information as official  
5421 ballot labels but that are distinguishable from official ballot labels;

- 5422 (i) ensure that the sample ballots are printed and in the possession of the election  
5423 officer at least seven days before commencement of voting;
- 5424 (j) make the sample ballots available for public inspection by:
- 5425 (i) posting a copy of the sample ballot in his office at least seven days before  
5426 commencement of voting;
- 5427 (ii) mailing a copy of the sample ballot to:
- 5428 (A) each candidate listed on the ballot; and
- 5429 (B) the lieutenant governor;
- 5430 (iii) publishing a copy of the sample ballot:
- 5431 (A) except as provided in Subsection (5), at least seven days before the day of the  
5432 election in a newspaper of general circulation in the jurisdiction holding the election;
- 5433 (B) if there is no newspaper of general circulation in the jurisdiction holding the  
5434 election, at least seven days before the day of the election, by posting one copy of the sample  
5435 ballot, and at least one additional copy of the sample ballot per 2,000 population of the  
5436 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in  
5437 the jurisdiction; or
- 5438 (C) at least 10 days before the day of the election, by mailing a copy of the sample  
5439 ballot to each registered voter who resides in the jurisdiction holding the election;
- 5440 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created  
5441 in Section [~~63F-1-701~~] [63A-12-201](#), for seven days before the day of the election;
- 5442 (v) in accordance with Section [45-1-101](#), publishing a copy of the sample ballot for at  
5443 least seven days before the day of the election; and
- 5444 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least  
5445 seven days before the day of the election;
- 5446 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
5447 place and direct them to post the sample ballots as required by Section [20A-5-102](#); and
- 5448 (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and  
5449 instruction cards at the expense of the jurisdiction conducting the election.
- 5450 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer  
5451 shall:
- 5452 (a) provide official ballot sheets and absentee ballot sheets for every election of public



5453 officers in which the voters, or any of the voters, within the election officer's jurisdiction  
5454 participate;

5455 (b) cause the name of every candidate who filed with the election officer in the manner  
5456 provided by law or whose nomination has been certified to or filed with the election officer to  
5457 be printed on each official ballot and absentee ballot;

5458 (c) cause each ballot proposition that has qualified for the ballot as provided by law to  
5459 be printed on each official ballot and absentee ballot;

5460 (d) ensure that the official ballots are printed and in the possession of the election  
5461 officer before commencement of voting;

5462 (e) ensure that the absentee ballots are printed and in the possession of the election  
5463 officer with sufficient time before commencement of voting;

5464 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
5465 be printed on each official ballot and absentee ballot;

5466 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
5467 qualified for the official sample ballot to inspect the official sample ballot;

5468 (h) cause sample ballots to be printed that contain the same information as official  
5469 ballots but that are distinguishable from the official ballots;

5470 (i) ensure that the sample ballots are printed and in the possession of the election  
5471 officer at least seven days before commencement of voting;

5472 (j) make the sample ballots available for public inspection by:

5473 (i) posting a copy of the sample ballot in the election officer's office at least seven days  
5474 before commencement of voting;

5475 (ii) mailing a copy of the sample ballot to:

5476 (A) each candidate listed on the ballot; and

5477 (B) the lieutenant governor;

5478 (iii) publishing a copy of the sample ballot:

5479 (A) except as provided in Subsection (5), at least seven days before the day of the  
5480 election in a newspaper of general circulation in the jurisdiction holding the election;

5481 (B) if there is no newspaper of general circulation in the jurisdiction holding the  
5482 election, at least seven days before the day of the election, by posting one copy of the sample  
5483 ballot, and at least one additional copy of the sample ballot per 2,000 population of the

5484 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in  
5485 the jurisdiction; or

5486 (C) at least 10 days before the day of the election, by mailing a copy of the sample  
5487 ballot to each registered voter who resides in the jurisdiction holding the election;

5488 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created  
5489 in Section [~~63F-1-701~~] [63A-12-201](#), for seven days before the day of the election;

5490 (v) in accordance with Section [45-1-101](#), publishing a copy of the sample ballot for at  
5491 least seven days before the day of the election; and

5492 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least  
5493 seven days before the day of the election;

5494 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
5495 place and direct them to post the sample ballots as required by Section [20A-5-102](#); and

5496 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough  
5497 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting  
5498 demands of the qualified voters in each voting precinct.

5499 (4) In jurisdictions using electronic ballots, each election officer shall:

5500 (a) provide official ballots for every election of public officers in which the voters, or  
5501 any of the voters, within the election officer's jurisdiction participate;

5502 (b) cause the name of every candidate who filed with the election officer in the manner  
5503 provided by law or whose nomination has been certified to the election officer to be displayed  
5504 on each official ballot;

5505 (c) cause each ballot proposition that has qualified for the ballot as provided by law to  
5506 be displayed on each official ballot;

5507 (d) ensure that the official ballots are prepared and in the possession of the election  
5508 officer before commencement of voting;

5509 (e) ensure that the absentee ballots are prepared and in the possession of the election  
5510 officer with sufficient time before commencement of voting;

5511 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
5512 be printed on each official ballot and absentee ballot;

5513 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
5514 qualified for the official sample ballot to inspect the official sample ballot;

- 5515 (h) cause sample ballots to be printed that contain the same information as official  
5516 ballots but that are distinguishable from official ballots;
- 5517 (i) ensure that the sample ballots are printed and in the possession of the election  
5518 officer at least seven days before commencement of voting;
- 5519 (j) make the sample ballots available for public inspection by:
- 5520 (i) posting a copy of the sample ballot in the election officer's office at least seven days  
5521 before commencement of voting;
- 5522 (ii) mailing a copy of the sample ballot to:
- 5523 (A) each candidate listed on the ballot; and
- 5524 (B) the lieutenant governor;
- 5525 (iii) publishing a copy of the sample ballot immediately before the election:
- 5526 (A) except as provided in Subsection (5), at least seven days before the day of the  
5527 election in a newspaper of general circulation in the jurisdiction holding the election;
- 5528 (B) if there is no newspaper of general circulation in the jurisdiction holding the  
5529 election, at least seven days before the day of the election, by posting one copy of the sample  
5530 ballot, and at least one additional copy of the sample ballot per 2,000 population of the  
5531 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in  
5532 the jurisdiction; or
- 5533 (C) at least 10 days before the day of the election, by mailing a copy of the sample  
5534 ballot to each registered voter who resides in the jurisdiction holding the election;
- 5535 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created  
5536 in Section [~~63F-1-701~~] [63A-12-201](#), for seven days before the day of the election;
- 5537 (v) in accordance with Section [45-1-101](#), publishing a copy of the sample ballot for at  
5538 least seven days before the day of the election; and
- 5539 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least  
5540 seven days before the day of the election;
- 5541 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
5542 place and direct them to post the sample ballots as required by Section [20A-5-102](#); and
- 5543 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the  
5544 expense of the jurisdiction conducting the election.
- 5545 (5) Instead of publishing the entire sample ballot under Subsection (1)(j)(iii)(A),

5546 (2)(j)(iii)(A), (3)(j)(iii)(A), or (4)(j)(iii)(A), the election officer may publish a statement that:

5547 (a) is entitled, "sample ballot";

5548 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the  
5549 upcoming [indicate type and date of election] may be obtained from the following sources:";

5550 and

5551 (c) specifies the following sources where an individual may view or obtain a copy of  
5552 the sample ballot:

5553 (i) if the jurisdiction has a website, the jurisdiction's website;

5554 (ii) the physical address of the jurisdiction's offices; and

5555 (iii) a mailing address and telephone number.

5556 (6) (a) Each election officer shall, without delay, correct any error discovered in any  
5557 official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the  
5558 correction can be made without interfering with the timely distribution of the paper ballots,  
5559 ballot labels, ballot sheets, or electronic ballots.

5560 (b) (i) If the election officer discovers an error or omission in a paper ballot, ballot  
5561 label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the  
5562 paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to  
5563 make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets  
5564 before they are distributed at the polls.

5565 (ii) If the election officer discovers an error or omission in an electronic ballot and it is  
5566 not possible to correct the error or omission by revising the electronic ballot, the election  
5567 officer shall direct the poll workers to post notice of each error or omission with instructions on  
5568 how to correct each error or omission in a prominent position at each polling booth.

5569 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper  
5570 ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may  
5571 file a verified petition with the district court asserting that:

5572 (A) an error or omission has occurred in:

5573 (I) the publication of the name or description of a candidate;

5574 (II) the preparation or display of an electronic ballot; or

5575 (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets;

5576 and

5577 (B) the election officer has failed to correct or provide for the correction of the error or  
5578 omission.

5579 (ii) The district court shall issue an order requiring correction of any error in a paper  
5580 ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error  
5581 should not be corrected if it appears to the court that the error or omission has occurred and the  
5582 election officer has failed to correct it or failed to provide for its correction.

5583 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah  
5584 Supreme Court within five days after the decision of the district court.

5585 Section 94. Section **20A-7-204.1** is amended to read:

5586 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
5587 **Changes to an initiative and initial fiscal impact estimate.**

5588 (1) (a) After issuance of the initial fiscal impact estimate by the Office of the  
5589 Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide,  
5590 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as  
5591 follows:

5592 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

5593 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
5594 County;

5595 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

5596 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
5597 County;

5598 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

5599 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

5600 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
5601 County.

5602 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of  
5603 the public hearings in a first or second class county, but not in the same county.

5604 (c) The sponsors may not hold a public hearing described in this section until the later  
5605 of:

5606 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact  
5607 estimate under Subsection [20A-7-202.5\(4\)\(b\)](#); or

5608 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal  
5609 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

5610 (2) The sponsors shall:

5611 (a) before 5 p.m. at least three calendar days before the date of the public hearing,  
5612 provide written notice of the public hearing to:

5613 (i) the lieutenant governor for posting on the state's website; and

5614 (ii) each state senator, state representative, and county commission or county council  
5615 member who is elected in whole or in part from the region where the public hearing will be  
5616 held; and

5617 (b) publish written notice of the public hearing, including the time, date, and location  
5618 of the public hearing, in each county in the region where the public hearing will be held:

5619 (i) (A) at least three calendar days before the day of the public hearing, in a newspaper  
5620 of general circulation in the county;

5621 (B) if there is no newspaper of general circulation in the county, at least three calendar  
5622 days before the day of the public hearing, by posting one copy of the notice, and at least one  
5623 additional copy of the notice per 2,000 population of the county, in places within the county  
5624 that are most likely to give notice to the residents of the county; or

5625 (C) at least seven days before the day of the public hearing, by mailing notice to each  
5626 residence in the county;

5627 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5628 at least three calendar days before the day of the public hearing;

5629 (iii) in accordance with Section [45-1-101](#), for at least three calendar days before the  
5630 day of the public hearing; and

5631 (iv) on the county's website for at least three calendar days before the day of the public  
5632 hearing.

5633 (3) If the initiative petition proposes a tax increase, the written notice described in  
5634 Subsection (2) shall include the following statement, in bold, in the same font and point size as  
5635 the largest font and point size appearing in the notice:

5636 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert  
5637 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)  
5638 percent increase in the current tax rate."

- 5639 (4) (a) During the public hearing, the sponsors shall either:
- 5640 (i) video tape or audio tape the public hearing and, when the hearing is complete,
- 5641 deposit the complete audio or video tape of the meeting with the lieutenant governor; or
- 5642 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
- 5643 each speaker and summarizing each speaker's comments.
- 5644 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
- 5645 public.
- 5646 (c) For each public hearing, the sponsors shall:
- 5647 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal
- 5648 impact statement in a conspicuous location at the entrance to the room where the sponsors hold
- 5649 the public hearing; and
- 5650 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
- 5651 public hearing attendees, in a conspicuous location at the entrance to the room where the
- 5652 sponsors hold the public hearing.
- 5653 (5) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the
- 5654 seventh public hearing described in Subsection (1)(a), and before circulating an initiative
- 5655 petition for signatures, the sponsors of the initiative petition may change the text of the
- 5656 proposed law if:
- 5657 (i) a change to the text is:
- 5658 (A) germane to the text of the proposed law filed with the lieutenant governor under
- 5659 Section [20A-7-202](#); and
- 5660 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and
- 5661 (ii) each sponsor signs, attested to by a notary public, an application addendum to
- 5662 change the text of the proposed law.
- 5663 (b) (i) Within three working days after the day on which the lieutenant governor
- 5664 receives an application addendum to change the text of the proposed law in an initiative
- 5665 petition, the lieutenant governor shall submit a copy of the application addendum to the Office
- 5666 of the Legislative Fiscal Analyst.
- 5667 (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact
- 5668 estimate by following the procedures and requirements of Section [20A-7-202.5](#) to reflect a
- 5669 change to the text of the proposed law.

5670 Section 95. Section **20A-7-401.5** is amended to read:

5671 **20A-7-401.5. Proposition information pamphlet.**

5672 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to  
5673 circulate an initiative petition under Section **20A-7-502** or an application to circulate a  
5674 referendum petition under Section **20A-7-602**:

5675 (A) the sponsors of the proposed initiative or referendum may submit a written  
5676 argument in favor of the proposed initiative or referendum to the election officer of the county  
5677 or municipality to which the petition relates; and

5678 (B) the county or municipality to which the application relates may submit a written  
5679 argument in favor of, or against, the proposed initiative or referendum to the county's or  
5680 municipality's election officer.

5681 (ii) If a county or municipality submits more than one written argument under  
5682 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving  
5683 preference to a written argument submitted by a member of a local legislative body if a  
5684 majority of the local legislative body supports the written argument.

5685 (b) Within one business day after the day on which an election officer receives an  
5686 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the  
5687 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as  
5688 applicable.

5689 (c) Within one business day after the date on which an election officer receives an  
5690 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the  
5691 argument to the first three sponsors of the proposed initiative or referendum described in  
5692 Subsection (1)(a)(i)(A).

5693 (d) The sponsors of the proposed initiative or referendum may submit a revised version  
5694 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the  
5695 county or municipality to which the petition relates within 20 days after the day on which the  
5696 eligible voter files an application to circulate an initiative petition under Section **20A-7-502** or  
5697 an application to circulate a referendum petition under Section **20A-7-602**.

5698 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by  
5699 a county or municipality may submit a revised version of the written argument to the county's  
5700 or municipality's election officer within 20 days after the day on which the eligible voter files



5701 an application to circulate an initiative petition under Section [20A-7-502](#) or an application to  
5702 circulate a referendum petition under Section [20A-7-602](#).

5703 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

5704 (b) Except as provided in Subsection (2)(c), a person may not modify a written  
5705 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the  
5706 election officer.

5707 (c) The election officer and the person that submits the written argument described in  
5708 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

5709 (i) correct factual, grammatical, or spelling errors; or

5710 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

5711 (d) An election officer shall refuse to include a written argument in the proposition  
5712 information pamphlet described in this section if the person who submits the argument:

5713 (i) fails to negotiate, in good faith, to modify the argument in accordance with  
5714 Subsection (2)(c); or

5715 (ii) does not timely submit the written argument to the election officer.

5716 (e) An election officer shall make a good faith effort to negotiate a modification  
5717 described in Subsection (2)(c) in an expedited manner.

5718 (3) An election officer who receives a written argument described in Subsection (1)  
5719 shall prepare a proposition information pamphlet for publication that includes:

5720 (a) a copy of the application for the proposed initiative or referendum;

5721 (b) except as provided in Subsection (2)(d), immediately after the copy described in  
5722 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or  
5723 referendum, if any;

5724 (c) except as provided in Subsection (2)(d), immediately after the argument described  
5725 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

5726 (d) a copy of the initial fiscal impact statement and legal impact statement described in  
5727 Section [20A-7-502.5](#) or [20A-7-602.5](#).

5728 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,  
5729 Chapter 2, Government Records Access and Management Act, until the earlier of when the  
5730 election officer:

5731 (i) complies with Subsection (4)(b); or

5732 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

5733 (b) Within 21 days after the day on which the eligible voter files an application to  
5734 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a  
5735 referendum petition under Section [20A-7-602](#), the election officer shall provide a copy of the  
5736 proposition information pamphlet to the sponsors of the initiative or referendum and each  
5737 individual who submitted an argument included in the proposition information pamphlet.

5738 (5) An election officer for a municipality shall publish the proposition information  
5739 pamphlet as follows:

5740 (a) within the later of 10 days after the day on which the municipality or a court  
5741 determines that the proposed initiative or referendum is legally referable to voters, or, if the  
5742 election officer modifies an argument under Subsection (2)(c), three days after the day on  
5743 which the election officer and the person that submitted the argument agree on the  
5744 modification:

5745 (i) by sending the proposition information pamphlet electronically to each individual in  
5746 the municipality for whom the municipality has an email address, unless the individual has  
5747 indicated that the municipality is prohibited from using the individual's email address for that  
5748 purpose; and

5749 (ii) by posting the proposition information pamphlet on the Utah Public Notice  
5750 Website, created in Section [~~63F-1-701~~] [63A-12-201](#), and the home page of the municipality's  
5751 website, if the municipality has a website, until:

5752 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any  
5753 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under  
5754 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative  
5755 packets or verified referendum packets;

5756 (B) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the  
5757 number of signatures necessary to qualify the proposed initiative or referendum for placement  
5758 on the ballot is insufficient and the determination is not timely appealed or is upheld after  
5759 appeal; or

5760 (C) the day after the date of the election at which the proposed initiative or referendum  
5761 appears on the ballot; and

5762 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the

5763 municipality's residents, including an Internet address, where a resident may view the  
5764 proposition information pamphlet, in the next mailing, for which the municipality has not  
5765 begun preparation, that falls on or after the later of:

5766 (i) 10 days after the day on which the municipality or a court determines that the  
5767 proposed initiative or referendum is legally referable to voters; or

5768 (ii) if the election officer modifies an argument under Subsection (2)(c), three days  
5769 after the day on which the election officer and the person that submitted the argument agree on  
5770 the modification.

5771 (6) An election officer for a county shall, within the later of 10 days after the day on  
5772 which the county or a court determines that the proposed initiative or referendum is legally  
5773 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),  
5774 three days after the day on which the election officer and the person that submitted the  
5775 argument agree on the modification, publish the proposition information pamphlet as follows:

5776 (a) by sending the proposition information pamphlet electronically to each individual  
5777 in the county for whom the county has an email address obtained via voter registration; and

5778 (b) by posting the proposition information pamphlet on the Utah Public Notice  
5779 Website, created in Section [~~63F-1-701~~] [63A-12-201](#), and the home page of the county's  
5780 website, until:

5781 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any  
5782 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under  
5783 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative  
5784 packets or verified referendum packets;

5785 (ii) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the number  
5786 of signatures necessary to qualify the proposed initiative or referendum for placement on the  
5787 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

5788 (iii) the day after the date of the election at which the proposed initiative or referendum  
5789 appears on the ballot.

5790 Section 96. Section [20A-7-402](#) is amended to read:

5791 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**  
5792 **Preparation -- Statement on front cover.**

5793 (1) The county or municipality that is subject to a ballot proposition shall prepare a

5794 local voter information pamphlet that complies with the requirements of this part.

5795 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality  
5796 that is subject to a special local ballot proposition shall provide a notice that complies with the  
5797 requirements of Subsection (2)(c)(ii) to the municipality's residents by:

5798 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the  
5799 municipality's residents, including the notice with a newsletter, utility bill, or other material;

5800 (ii) posting the notice, until after the deadline described in Subsection (2)(d) has  
5801 passed, on:

5802 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

5803 (B) the home page of the municipality's website, if the municipality has a website; and

5804 (iii) sending the notice electronically to each individual in the municipality for whom  
5805 the municipality has an email address.

5806 (b) A county that is subject to a special local ballot proposition shall:

5807 (i) send an electronic notice that complies with the requirements of Subsection  
5808 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

5809 (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that  
5810 complies with the requirements of Subsection (2)(c)(ii) on:

5811 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

5812 (B) the home page of the county's website.

5813 (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a)  
5814 or (b) shall:

5815 (i) mail, send, or post the notice:

5816 (A) not less than 90 days before the date of the election at which a special local ballot  
5817 proposition will be voted upon; or

5818 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable  
5819 after the special local ballot proposition is approved to be voted upon in an election; and

5820 (ii) ensure that the notice contains:

5821 (A) the ballot title for the special local ballot proposition;

5822 (B) instructions on how to file a request under Subsection (2)(d); and

5823 (C) the deadline described in Subsection (2)(d).

5824 (d) To prepare a written argument for or against a special local ballot proposition, an

5825 eligible voter shall file a request with the election officer before 5 p.m. no later than 55 days  
5826 before the day of the election at which the special local ballot proposition is to be voted on.

5827 (e) If more than one eligible voter requests the opportunity to prepare a written  
5828 argument for or against a special local ballot proposition, the election officer shall make the  
5829 final designation in accordance with the following order of priority:

5830 (i) sponsors have priority in preparing an argument regarding a special local ballot  
5831 proposition; and

5832 (ii) members of the local legislative body have priority over others if a majority of the  
5833 local legislative body supports the written argument.

5834 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no  
5835 later than 67 days before the day of the election at which the ballot proposition is to be voted  
5836 on.

5837 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in  
5838 favor of the special local ballot proposition.

5839 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot  
5840 proposition who submits a request under Subsection (2)(d) may prepare a written argument  
5841 against the special local ballot proposition.

5842 (h) An eligible voter who submits a written argument under this section in relation to a  
5843 special local ballot proposition shall:

5844 (i) ensure that the written argument does not exceed 500 words in length, not counting  
5845 the information described in Subsection (2)(h)(ii) or (iv);

5846 (ii) list, at the end of the argument, at least one, but no more than five, names as  
5847 sponsors;

5848 (iii) submit the written argument to the election officer before 5 p.m. no later than 60  
5849 days before the election day on which the ballot proposition will be submitted to the voters;

5850 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's  
5851 residential address; and

5852 (v) submit with the written argument the eligible voter's name, residential address,  
5853 postal address, email address if available, and phone number.

5854 (i) An election officer shall refuse to accept and publish an argument submitted after  
5855 the deadline described in Subsection (2)(h)(iii).

5856 (3) (a) An election officer who timely receives the written arguments in favor of and  
5857 against a special local ballot proposition shall, within one business day after the day on which  
5858 the election office receives both written arguments, send, via mail or email:

5859 (i) a copy of the written argument in favor of the special local ballot proposition to the  
5860 eligible voter who submitted the written argument against the special local ballot proposition;  
5861 and

5862 (ii) a copy of the written argument against the special local ballot proposition to the  
5863 eligible voter who submitted the written argument in favor of the special local ballot  
5864 proposition.

5865 (b) The eligible voter who submitted a timely written argument in favor of the special  
5866 local ballot proposition:

5867 (i) may submit to the election officer a written rebuttal argument of the written  
5868 argument against the special local ballot proposition;

5869 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
5870 not counting the information described in Subsection ~~(3)~~(2)(h)(ii) or (iv); and

5871 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
5872 before the election day on which the special local ballot proposition will be submitted to the  
5873 voters.

5874 (c) The eligible voter who submitted a timely written argument against the special local  
5875 ballot proposition:

5876 (i) may submit to the election officer a written rebuttal argument of the written  
5877 argument in favor of the special local ballot proposition;

5878 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
5879 not counting the information described in Subsection ~~(3)~~(2)(h)(ii) or (iv); and

5880 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
5881 before the election day on which the special local ballot proposition will be submitted to the  
5882 voters.

5883 (d) An election officer shall refuse to accept and publish a written rebuttal argument in  
5884 relation to a special local ballot proposition that is submitted after the deadline described in  
5885 Subsection (3)(b)(iii) or (3)(c)(iii).

5886 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot

5887 proposition:

5888 (i) an eligible voter may not modify a written argument or a written rebuttal argument  
5889 after the eligible voter submits the written argument or written rebuttal argument to the election  
5890 officer; and

5891 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
5892 modify a written argument or a written rebuttal argument.

5893 (b) The election officer, and the eligible voter who submits a written argument or  
5894 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to  
5895 modify a written argument or written rebuttal argument in order to:

5896 (i) correct factual, grammatical, or spelling errors; and

5897 (ii) reduce the number of words to come into compliance with the requirements of this  
5898 section.

5899 (c) An election officer shall refuse to accept and publish a written argument or written  
5900 rebuttal argument in relation to a special local ballot proposition if the eligible voter who  
5901 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to  
5902 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

5903 (5) In relation to a special local ballot proposition, an election officer may designate  
5904 another eligible voter to take the place of an eligible voter described in this section if the  
5905 original eligible voter is, due to injury, illness, death, or another circumstance, unable to  
5906 continue to fulfill the duties of an eligible voter described in this section.

5907 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
5908 included in a proposition information pamphlet under Section [20A-7-401.5](#):

5909 (a) may, if a written argument against the standard local ballot proposition is included  
5910 in the proposition information pamphlet, submit a written rebuttal argument to the election  
5911 officer;

5912 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
5913 and

5914 (c) shall submit the written rebuttal argument no later than 45 days before the election  
5915 day on which the standard local ballot proposition will be submitted to the voters.

5916 (7) (a) A county or municipality that submitted a written argument against a standard  
5917 local ballot proposition that is included in a proposition information pamphlet under Section

5918 20A-7-401.5:

5919 (i) may, if a written argument in favor of the standard local ballot proposition is  
5920 included in the proposition information pamphlet, submit a written rebuttal argument to the  
5921 election officer;

5922 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
5923 and

5924 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
5925 day on which the ballot proposition will be submitted to the voters.

5926 (b) If a county or municipality submits more than one written rebuttal argument under  
5927 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,  
5928 giving preference to a written rebuttal argument submitted by a member of a local legislative  
5929 body.

5930 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument  
5931 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

5932 (b) Before an election officer publishes a local voter information pamphlet under this  
5933 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government  
5934 Records Access and Management Act.

5935 (c) An election officer who receives a written rebuttal argument described in this  
5936 section may not, before publishing the local voter information pamphlet described in this  
5937 section, disclose the written rebuttal argument, or any information contained in the written  
5938 rebuttal argument, to any person who may in any way be involved in preparing an opposing  
5939 rebuttal argument.

5940 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written  
5941 rebuttal argument after the written rebuttal argument is submitted to the election officer.

5942 (b) The election officer, and the person who submits a written rebuttal argument, may  
5943 jointly agree to modify a written rebuttal argument in order to:

5944 (i) correct factual, grammatical, or spelling errors; or

5945 (ii) reduce the number of words to come into compliance with the requirements of this  
5946 section.

5947 (c) An election officer shall refuse to accept and publish a written rebuttal argument if  
5948 the person who submits the written rebuttal argument:



- 5949 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
5950 accordance with Subsection (9)(b); or
- 5951 (ii) does not timely submit the written rebuttal argument to the election officer.
- 5952 (d) An election officer shall make a good faith effort to negotiate a modification  
5953 described in Subsection (9)(b) in an expedited manner.
- 5954 (10) An election officer may designate another person to take the place of a person who  
5955 submits a written rebuttal argument in relation to a standard local ballot proposition if the  
5956 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the  
5957 person's duties.
- 5958 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal  
5959 impact estimate and the legal impact statement prepared for each initiative under Section  
5960 [20A-7-502.5](#).
- 5961 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall  
5962 include the following statement in bold type:
- 5963 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
5964 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
5965 increase in the current tax rate."
- 5966 (12) (a) In preparing the local voter information pamphlet, the election officer shall:
- 5967 (i) ensure that the written arguments are printed on the same sheet of paper upon which  
5968 the ballot proposition is also printed;
- 5969 (ii) ensure that the following statement is printed on the front cover or the heading of  
5970 the first page of the printed written arguments:
- 5971 "The arguments for or against a ballot proposition are the opinions of the authors.";
- 5972 (iii) pay for the printing and binding of the local voter information pamphlet; and
- 5973 (iv) not less than 15 days before, but not more than 45 days before, the election at  
5974 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered  
5975 voter entitled to vote on the ballot proposition:
- 5976 (A) a voter information pamphlet; or
- 5977 (B) the notice described in Subsection (12)(c).
- 5978 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the  
5979 election officer may summarize the ballot proposition in 500 words or less.

5980 (ii) The summary shall state where a complete copy of the ballot proposition is  
5981 available for public review.

5982 (c) (i) The election officer may distribute a notice printed on a postage prepaid,  
5983 preaddressed return form that a person may use to request delivery of a voter information  
5984 pamphlet by mail.

5985 (ii) The notice described in Subsection (12)(c)(i) shall include:

5986 (A) the address of the Statewide Electronic Voter Information Website authorized by  
5987 Section [20A-7-801](#); and

5988 (B) the phone number a voter may call to request delivery of a voter information  
5989 pamphlet by mail or carrier.

5990 Section 97. Section [20A-9-203](#) is amended to read:

5991 **[20A-9-203. Declarations of candidacy -- Municipal general elections.](#)**

5992 (1) An individual may become a candidate for any municipal office if:

5993 (a) the individual is a registered voter; and

5994 (b) (i) the individual has resided within the municipality in which the individual seeks  
5995 to hold elective office for the 12 consecutive months immediately before the date of the  
5996 election; or

5997 (ii) the territory in which the individual resides was annexed into the municipality, the  
5998 individual has resided within the annexed territory or the municipality the 12 consecutive  
5999 months immediately before the date of the election.

6000 (2) (a) For purposes of determining whether an individual meets the residency  
6001 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
6002 before the election, the municipality is considered to have been incorporated 12 months before  
6003 the date of the election.

6004 (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
6005 council position shall, if elected from a district, be a resident of the council district from which  
6006 the candidate is elected.

6007 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent  
6008 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
6009 against the elective franchise may not hold office in this state until the right to hold elective  
6010 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

6011 (3) (a) An individual seeking to become a candidate for a municipal office shall,  
6012 regardless of the nomination method by which the individual is seeking to become a candidate:

6013 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal  
6014 Alternate Voting Methods Pilot Project, and subject to Subsection 20A-9-404(3)(e), file a  
6015 declaration of candidacy, in person with the city recorder or town clerk, during the office hours  
6016 described in Section 10-3-301 and not later than the close of those office hours, between June 1  
6017 and June 7 of any odd-numbered year; and

6018 (ii) pay the filing fee, if one is required by municipal ordinance.

6019 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a  
6020 declaration of candidacy with the city recorder or town clerk if:

6021 (i) the individual is located outside of the state during the entire filing period;

6022 (ii) the designated agent appears in person before the city recorder or town clerk;

6023 (iii) the individual communicates with the city recorder or town clerk using an  
6024 electronic device that allows the individual and city recorder or town clerk to see and hear each  
6025 other; and

6026 (iv) the individual provides the city recorder or town clerk with an email address to  
6027 which the city recorder or town clerk may send the individual the copies described in  
6028 Subsection (4).

6029 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

6030 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting  
6031 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during  
6032 the office hours described in Section 10-3-301 and not later than the close of those office  
6033 hours, between June 1 and June 7 of any odd-numbered year; and

6034 (ii) paying the filing fee, if one is required by municipal ordinance.

6035 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination  
6036 petition, the filing officer shall:

6037 (i) read to the prospective candidate or individual filing the petition the constitutional  
6038 and statutory qualification requirements for the office that the candidate is seeking;

6039 (ii) require the candidate or individual filing the petition to state whether the candidate  
6040 meets the requirements described in Subsection (4)(a)(i); and

6041 (iii) inform the candidate or the individual filing the petition that an individual who

6042 holds a municipal elected office may not, at the same time, hold a county elected office.

6043 (b) If the prospective candidate does not meet the qualification requirements for the  
6044 office, the filing officer may not accept the declaration of candidacy or nomination petition.

6045 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
6046 filing officer shall:

6047 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
6048 written on the declaration of candidacy;

6049 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
6050 for the office the candidate is seeking and inform the candidate that failure to comply will  
6051 result in disqualification as a candidate and removal of the candidate's name from the ballot;

6052 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
6053 Electronic Voter Information Website Program and inform the candidate of the submission  
6054 deadline under Subsection 20A-7-801(4)(a);

6055 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
6056 described under Section 20A-9-206 and inform the candidate that:

6057 (A) signing the pledge is voluntary; and

6058 (B) signed pledges shall be filed with the filing officer; and

6059 (v) accept the declaration of candidacy or nomination petition.

6060 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
6061 officer shall:

6062 (i) accept the candidate's pledge; and

6063 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
6064 candidate's pledge to the chair of the county or state political party of which the candidate is a  
6065 member.

6066 (5) (a) The declaration of candidacy shall be in substantially the following form:

6067 "I, (print name) \_\_\_\_, being first sworn, say that I reside at \_\_\_\_ Street, City of \_\_\_\_,  
6068 County of \_\_\_\_, state of Utah, Zip Code \_\_\_\_, Telephone Number (if any) \_\_\_\_; that I am a  
6069 registered voter; and that I am a candidate for the office of \_\_\_\_ (stating the term). I will meet  
6070 the legal qualifications required of candidates for this office. If filing via a designated agent, I  
6071 attest that I will be out of the state of Utah during the entire candidate filing period. I will file  
6072 all campaign financial disclosure reports as required by law and I understand that failure to do

6073 so will result in my disqualification as a candidate for this office and removal of my name from  
6074 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

6075 \_\_\_\_\_

6076 Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this

6077 \_\_\_\_\_ (month\day\year).

6078 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)".

6079 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
6080 not sign the form described in Subsection (5)(a).

6081 (6) If the declaration of candidacy or nomination petition fails to state whether the  
6082 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
6083 for the four-year term.

6084 (7) (a) The clerk shall verify with the county clerk that all candidates are registered  
6085 voters.

6086 (b) Any candidate who is not registered to vote is disqualified and the clerk may not  
6087 print the candidate's name on the ballot.

6088 (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
6089 clerk shall:

6090 (a) publish a list of the names of the candidates as they will appear on the ballot:

6091 (i) (A) in at least two successive publications of a newspaper of general circulation in  
6092 the municipality;

6093 (B) if there is no newspaper of general circulation in the municipality, by posting one  
6094 copy of the list, and at least one additional copy of the list per 2,000 population of the  
6095 municipality, in places within the municipality that are most likely to give notice to the voters  
6096 in the municipality; or

6097 (C) by mailing notice to each registered voter in the municipality;

6098 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
6099 seven days;

6100 (iii) in accordance with Section [45-1-101](#), for seven days; and

6101 (iv) if the municipality has a website, on the municipality's website for seven days; and

6102 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
6103 the ballot.

6104 (9) Except as provided in Subsection (10)(c), an individual may not amend a  
6105 declaration of candidacy or nomination petition filed under this section after the candidate  
6106 filing period ends.

6107 (10) (a) A declaration of candidacy or nomination petition that an individual files under  
6108 this section is valid unless a person files a written objection with the clerk before 5 p.m. within  
6109 five days after the last day for filing.

6110 (b) If a person files an objection, the clerk shall:

6111 (i) mail or personally deliver notice of the objection to the affected candidate  
6112 immediately; and

6113 (ii) decide any objection within 48 hours after the objection is filed.

6114 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three  
6115 days after the day on which the clerk sustains the objection, correct the problem for which the  
6116 objection is sustained by amending the candidate's declaration of candidacy or nomination  
6117 petition, or by filing a new declaration of candidacy.

6118 (d) (i) The clerk's decision upon objections to form is final.

6119 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
6120 prompt application is made to the district court.

6121 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
6122 of its discretion, agrees to review the lower court decision.

6123 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
6124 candidate by filing a written affidavit with the municipal clerk.

6125 Section 98. Section **26-61a-303** is amended to read:

6126 **26-61a-303. Renewal.**

6127 (1) The department shall renew a license under this part every year if, at the time of  
6128 renewal:

6129 (a) the licensee meets the requirements of Section **26-61a-301**; and

6130 (b) the licensee pays the department a license renewal fee in an amount that, subject to  
6131 Subsection **26-61a-109(5)**, the department sets in accordance with Section **63J-1-504**.

6132 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis  
6133 pharmacy's license, the department shall publish notice of an available license:

6134 (i) in a newspaper of general circulation for the geographic area in which the medical

6135 cannabis pharmacy license is available; or

6136 (ii) on the Utah Public Notice Website established in Section [~~63F-1-701~~] [63A-12-201](#).

6137 (b) The department may establish criteria, in collaboration with the Division of  
6138 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
6139 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis  
6140 pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.

6141 Section 99. Section **32B-8a-302** is amended to read:

6142 **32B-8a-302. Application -- Approval process.**

6143 (1) To obtain the transfer of a retail license from a retail licensee, the transferee shall  
6144 file a transfer application with the department that includes:

6145 (a) an application in the form provided by the department;

6146 (b) a statement as to whether the consideration, if any, to be paid to the transferor  
6147 includes payment for transfer of the retail license;

6148 (c) a statement executed under penalty of perjury that the consideration as set forth in  
6149 the escrow agreement required by Section [32B-8a-401](#) is deposited with the escrow holder; and

6150 (d) (i) an application fee of \$300; and

6151 (ii) a transfer fee determined in accordance with Section [32B-8a-303](#).

6152 (2) If the intended transfer of a retail license involves consideration, at least 10 days  
6153 before the commission may approve the transfer, the department shall post a notice of the  
6154 intended transfer on the Utah Public Notice Website created in Section [~~63F-1-701~~]

6155 [63A-12-201](#) that states the following:

6156 (a) the name of the transferor;

6157 (b) the name and address of the business currently associated with the retail license;

6158 (c) instructions for filing a claim with the escrow holder; and

6159 (d) the projected date that the commission may consider the transfer application.

6160 (3) (a) (i) Before the commission may approve the transfer of a retail license, the  
6161 department shall conduct an investigation and may hold public hearings to gather information  
6162 and make recommendations to the commission as to whether the transfer of the retail license  
6163 should be approved.

6164 (ii) The department shall forward the information and recommendations described in  
6165 this Subsection (3)(a) to the commission to aid in the commission's determination.

- 6166 (b) Before approving a transfer, the commission shall:
- 6167 (i) determine that the transferee filed a complete application;
- 6168 (ii) determine that the transferee is eligible to hold the type of retail license that is to be
- 6169 transferred at the premises to which the retail license would be transferred;
- 6170 (iii) determine that the transferee is not delinquent in the payment of an amount
- 6171 described in Subsection 32B-8a-201(3);
- 6172 (iv) determine that the transferee is not disqualified under Section 32B-1-304;
- 6173 (v) consider the locality within which the proposed licensed premises is located,
- 6174 including the factors listed in Section 32B-5-203 for the issuance of a retail license;
- 6175 (vi) consider the transferee's ability to manage and operate the retail license to be
- 6176 transferred, including the factors listed in Section 32B-5-203 for the issuance of a retail license;
- 6177 (vii) consider the nature or type of retail licensee operation of the transferee, including
- 6178 the factors listed in Section 32B-5-203 for the issuance of a retail license;
- 6179 (viii) if the transfer involves consideration, determine that the transferee and transferor
- 6180 have complied with Part 4, Protection of Creditors; and
- 6181 (ix) consider any other factor the commission considers necessary.
- 6182 (4) Except as otherwise provided in Section 32B-1-202, the commission may not
- 6183 approve the transfer of a retail license to premises that do not meet the proximity requirements
- 6184 of Subsection 32B-1-202(2).

6185 Section 100. Section 45-1-101 is amended to read:

6186 **45-1-101. Legal notice publication requirements.**

6187 (1) As used in this section:

6188 (a) "Average advertisement rate" means:

- 6189 (i) in determining a rate for publication on the public legal notice website or in a
- 6190 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth
- 6191 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the
- 6192 gross column-inch space used in the newspaper for advertising for the previous calendar
- 6193 quarter; or
- 6194 (ii) in determining a rate for publication in a newspaper that primarily distributes
- 6195 publications in a county of the first or second class, a newspaper's average rate for all
- 6196 qualifying advertising segments for the preceding calendar quarter for an advertisement:



- 6197 (A) published in the same section of the newspaper as the legal notice; and  
6198 (B) of the same column-inch space as the legal notice.
- 6199 (b) "Column-inch space" means a unit of space that is one standard column wide by  
6200 one inch high.
- 6201 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from  
6202 all of its qualifying advertising segments.
- 6203 (d) (i) "Legal notice" means:
- 6204 (A) a communication required to be made public by a state statute or state agency rule;  
6205 or  
6206 (B) a notice required for judicial proceedings or by judicial decision.
- 6207 (ii) "Legal notice" does not include:
- 6208 (A) a public notice published by a public body in accordance with the provisions of  
6209 Sections [52-4-202](#) and [~~63F-1-701~~] [63A-12-201](#); or  
6210 (B) a notice of delinquency in the payment of property taxes described in Section  
6211 [59-2-1332.5](#).
- 6212 (e) "Local district" is as defined in Section [17B-1-102](#).
- 6213 (f) "Public legal notice website" means the website described in Subsection (2)(b) for  
6214 the purpose of publishing a legal notice online.
- 6215 (g) (i) "Qualifying advertising segment" means, except as provided in Subsection  
6216 (1)(g)(ii), a category of print advertising sold by a newspaper, including classified advertising,  
6217 line advertising, and display advertising.
- 6218 (ii) "Qualifying advertising segment" does not include legal notice advertising.
- 6219 (h) "Special service district" is as defined in Section [17D-1-102](#).
- 6220 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal  
6221 notice provision established by law, a person required by law to publish legal notice shall  
6222 publish the notice:
- 6223 (a) (i) as required by the statute establishing the legal notice requirement; or  
6224 (ii) by serving legal notice, by certified mail or in person, directly on all parties for  
6225 whom the statute establishing the legal notice requirement requires legal notice, if:
- 6226 (A) the direct service of legal notice does not replace publication in a newspaper that  
6227 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;

- 6228 (B) the statute clearly identifies the parties;
- 6229 (C) the person can prove that the person has identified all parties for whom notice is  
6230 required; and
- 6231 (D) the person keeps a record of the service for at least two years; and
- 6232 (b) on a public legal notice website established by the combined efforts of Utah's  
6233 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in  
6234 the state.
- 6235 (3) The public legal notice website shall:
  - 6236 (a) be available for viewing and searching by the general public, free of charge; and
  - 6237 (b) accept legal notice posting from any newspaper in the state.
- 6238 (4) A person that publishes legal notice as required under Subsection (2) is not relieved  
6239 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and  
6240 Public Meetings Act.
- 6241 (5) If legal notice is required by law and one option for complying with the  
6242 requirement is publication in a newspaper, or if a local district or a special service district  
6243 publishes legal notice in a newspaper, the newspaper:
  - 6244 (a) may not charge more for publication than the newspaper's average advertisement  
6245 rate; and
  - 6246 (b) shall publish the legal notice on the public legal notice website at no additional  
6247 cost.
  - 6248 (6) If legal notice is not required by law, if legal notice is required by law and the  
6249 person providing legal notice, in accordance with the requirements of law, chooses not to  
6250 publish the legal notice in a newspaper, or if a local district or a special service district with an  
6251 annual operating budget of less than \$250,000 chooses to publish a legal notice on the public  
6252 notice website without publishing the complete notice in the newspaper, a newspaper:
    - 6253 (a) may not charge more than an amount equal to 15% of the newspaper's average  
6254 advertisement rate for publishing five column lines in the newspaper to publish legal notice on  
6255 the public legal notice website;
    - 6256 (b) may not require that the legal notice be published in the newspaper; and
    - 6257 (c) at the request of the person publishing on the legal notice website, shall publish in  
6258 the newspaper up to five column lines, at no additional charge, that briefly describe the legal

6259 notice and provide the web address where the full public legal notice can be found.

6260 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),  
6261 it may not refuse to publish the type of legal notice described in Subsection (6).

6262 (8) Notwithstanding the requirements of a statute that requires the publication of legal  
6263 notice, if legal notice is required by law to be published by a local district or a special service  
6264 district with an annual operating budget of \$250,000 or more, the local district or special  
6265 service district shall satisfy its legal notice publishing requirements by:

6266 (a) mailing a written notice, postage prepaid:

6267 (i) to each voter in the local district or special service district; and

6268 (ii) that contains the information required by the statute that requires the publication of  
6269 legal notice; or

6270 (b) publishing the legal notice in a newspaper and on the legal public notice website as  
6271 described in Subsection (5).

6272 (9) Notwithstanding the requirements of a statute that requires the publication of legal  
6273 notice, if legal notice is required by law to be published by a local district or a special service  
6274 district with an annual operating budget of less than \$250,000, the local district or special  
6275 service district shall satisfy its legal notice publishing requirements by:

6276 (a) mailing a written notice, postage prepaid:

6277 (i) to each voter in the local district or special service district; and

6278 (ii) that contains the information required by the statute that requires the publication of  
6279 legal notice; or

6280 (b) publishing the legal notice in a newspaper and on the public legal notice website as  
6281 described in Subsection (5); or

6282 (c) publishing the legal notice on the public legal notice website as described in  
6283 Subsection (6).

6284 Section 101. Section **49-11-1102** is amended to read:

6285 **49-11-1102. Public notice of administrative board meetings -- Posting on Utah**  
6286 **Public Notice Website.**

6287 (1) The office shall provide advance public notice of meetings and agendas on the Utah  
6288 Public Notice Website established in Section [~~63F-1-701~~] [63A-12-201](#) for administrative board  
6289 meetings.

6290 (2) The office may post other public materials, as directed by the board, on the Utah  
6291 Public Notice Website.

6292 Section 102. Section **52-4-202** is amended to read:

6293 **52-4-202. Public notice of meetings -- Emergency meetings.**

6294 (1) (a) (i) A public body shall give not less than 24 hours' public notice of each  
6295 meeting.

6296 (ii) A specified body shall give not less than 24 hours' public notice of each meeting  
6297 that the specified body holds on the capitol hill complex.

6298 (b) The public notice required under Subsection (1)(a) shall include the meeting:

6299 (i) agenda;

6300 (ii) date;

6301 (iii) time; and

6302 (iv) place.

6303 (2) (a) In addition to the requirements under Subsection (1), a public body which holds  
6304 regular meetings that are scheduled in advance over the course of a year shall give public  
6305 notice at least once each year of its annual meeting schedule as provided in this section.

6306 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of  
6307 the scheduled meetings.

6308 (3) (a) A public body or specified body satisfies a requirement for public notice by:

6309 (i) posting written notice:

6310 (A) at the principal office of the public body or specified body, or if no principal office  
6311 exists, at the building where the meeting is to be held; and

6312 (B) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#);  
6313 and

6314 (ii) providing notice to:

6315 (A) at least one newspaper of general circulation within the geographic jurisdiction of  
6316 the public body; or

6317 (B) a local media correspondent.

6318 (b) A public body or specified body is in compliance with the provisions of Subsection  
6319 (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions  
6320 of Subsection [~~63F-1-701~~] [63A-12-201](#)(4)(d).

6321 (c) A public body whose limited resources make compliance with Subsection  
6322 (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in  
6323 Section 63A-12-101, to provide technical assistance to help the public body in its effort to  
6324 comply.

6325 (4) A public body and a specified body are encouraged to develop and use additional  
6326 electronic means to provide notice of their meetings under Subsection (3).

6327 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

6328 (i) because of unforeseen circumstances it is necessary for a public body or specified  
6329 body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

6330 (ii) the public body or specified body gives the best notice practicable of:

6331 (A) the time and place of the emergency meeting; and

6332 (B) the topics to be considered at the emergency meeting.

6333 (b) An emergency meeting of a public body may not be held unless:

6334 (i) an attempt has been made to notify all the members of the public body; and

6335 (ii) a majority of the members of the public body approve the meeting.

6336 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall  
6337 provide reasonable specificity to notify the public as to the topics to be considered at the  
6338 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

6339 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding  
6340 member of the public body, a topic raised by the public may be discussed during an open  
6341 meeting, even if the topic raised by the public was not included in the agenda or advance public  
6342 notice for the meeting.

6343 (c) Except as provided in Subsection (5), relating to emergency meetings, a public  
6344 body may not take final action on a topic in an open meeting unless the topic is:

6345 (i) listed under an agenda item as required by Subsection (6)(a); and

6346 (ii) included with the advance public notice required by this section.

6347 (7) Except as provided in this section, this chapter does not apply to a specified body.  
6348 Section 103. Section 52-4-203 is amended to read:

6349 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**  
6350 **meetings.**

6351 (1) Except as provided under Subsection (7), written minutes and a recording shall be

6352 kept of all open meetings.

6353 (2) (a) Written minutes of an open meeting shall include:

6354 (i) the date, time, and place of the meeting;

6355 (ii) the names of members present and absent;

6356 (iii) the substance of all matters proposed, discussed, or decided by the public body

6357 which may include a summary of comments made by members of the public body;

6358 (iv) a record, by individual member, of each vote taken by the public body;

6359 (v) the name of each person who:

6360 (A) is not a member of the public body; and

6361 (B) after being recognized by the presiding member of the public body, provided

6362 testimony or comments to the public body;

6363 (vi) the substance, in brief, of the testimony or comments provided by the public under

6364 Subsection (2)(a)(v); and

6365 (vii) any other information that is a record of the proceedings of the meeting that any

6366 member requests be entered in the minutes or recording.

6367 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that

6368 minutes include the substance of matters proposed, discussed, or decided or the substance of

6369 testimony or comments by maintaining a publicly available online version of the minutes that

6370 provides a link to the meeting recording at the place in the recording where the matter is

6371 proposed, discussed, or decided or the testimony or comments provided.

6372 (3) A recording of an open meeting shall:

6373 (a) be a complete and unedited record of all open portions of the meeting from the

6374 commencement of the meeting through adjournment of the meeting; and

6375 (b) be properly labeled or identified with the date, time, and place of the meeting.

6376 (4) (a) As used in this Subsection (4):

6377 (i) "Approved minutes" means written minutes:

6378 (A) of an open meeting; and

6379 (B) that have been approved by the public body that held the open meeting.

6380 (ii) "Electronic information" means information presented or provided in an electronic

6381 format.

6382 (iii) "Pending minutes" means written minutes:

6383 (A) of an open meeting; and

6384 (B) that have been prepared in draft form and are subject to change before being  
6385 approved by the public body that held the open meeting.

6386 (iv) "Specified local public body" means a legislative body of a county, city, town, or  
6387 metro township.

6388 (v) "State public body" means a public body that is an administrative, advisory,  
6389 executive, or legislative body of the state.

6390 (vi) "State website" means the Utah Public Notice Website created under Section  
6391 ~~[63F-1-701]~~ [63A-12-201](#).

6392 (b) Pending minutes, approved minutes, and a recording of a public meeting are public  
6393 records under Title 63G, Chapter 2, Government Records Access and Management Act.

6394 (c) Pending minutes shall contain a clear indication that the public body has not yet  
6395 approved the minutes or that the minutes are subject to change until the public body approves  
6396 them.

6397 (d) A state public body and a specified local public body shall require an individual  
6398 who, at an open meeting of the public body, publicly presents or provides electronic  
6399 information, relating to an item on the public body's meeting agenda, to provide the public  
6400 body, at the time of the meeting, an electronic or hard copy of the electronic information for  
6401 inclusion in the public record.

6402 (e) A state public body shall:

6403 (i) make pending minutes available to the public within 30 days after holding the open  
6404 meeting that is the subject of the pending minutes;

6405 (ii) within three business days after approving written minutes of an open meeting:

6406 (A) post to the state website a copy of the approved minutes and any public materials  
6407 distributed at the meeting;

6408 (B) make the approved minutes and public materials available to the public at the  
6409 public body's primary office; and

6410 (C) if the public body provides online minutes under Subsection (2)(b), post approved  
6411 minutes that comply with Subsection (2)(b) and the public materials on the public body's  
6412 website; and

6413 (iii) within three business days after holding an open meeting, post on the state website

6414 an audio recording of the open meeting, or a link to the recording.

6415 (f) A specified local public body shall:

6416 (i) make pending minutes available to the public within 30 days after holding the open  
6417 meeting that is the subject of the pending minutes;

6418 (ii) within three business days after approving written minutes of an open meeting, post  
6419 and make available a copy of the approved minutes and any public materials distributed at the  
6420 meeting, as provided in Subsection (4)(e)(ii); and

6421 (iii) within three business days after holding an open meeting, make an audio recording  
6422 of the open meeting available to the public for listening.

6423 (g) A public body that is not a state public body or a specified local public body shall:

6424 (i) make pending minutes available to the public within a reasonable time after holding  
6425 the open meeting that is the subject of the pending minutes;

6426 (ii) within three business days after approving written minutes, make the approved  
6427 minutes available to the public; and

6428 (iii) within three business days after holding an open meeting, make an audio recording  
6429 of the open meeting available to the public for listening.

6430 (h) A public body shall establish and implement procedures for the public body's  
6431 approval of the written minutes of each meeting.

6432 (i) Approved minutes of an open meeting are the official record of the meeting.

6433 (5) All or any part of an open meeting may be independently recorded by any person in  
6434 attendance if the recording does not interfere with the conduct of the meeting.

6435 (6) The written minutes or recording of an open meeting that are required to be  
6436 retained permanently shall be maintained in or converted to a format that meets long-term  
6437 records storage requirements.

6438 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

6439 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken  
6440 by the public body; or

6441 (b) an open meeting of a local district under Title 17B, Limited Purpose Local  
6442 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,  
6443 Special Service District Act, if the district's annual budgeted expenditures for all funds,  
6444 excluding capital expenditures and debt service, are \$50,000 or less.



6445 Section 104. Section **53-13-114** is amended to read:

6446 **53-13-114. Off-duty peace officer working as a security officer.**

6447 A peace officer may engage in off-duty employment as a security officer under Section  
6448 [58-63-304](#) only if:

6449 (1) the law enforcement agency employing the peace officer:

6450 (a) has a written policy regarding peace officer employees working while off-duty as  
6451 security officers; and

6452 (b) the policy under Subsection (1)(a) is:

6453 (i) posted and publicly available on the appropriate city, county, or state website; or

6454 (ii) posted on the Utah Public Notice Website created in Section [~~63F-1-701~~]

6455 [63A-12-201](#) if the law enforcement agency does not have access to a website under Subsection  
6456 (1)(b)(i).

6457 (2) the agency's chief administrative officer, or that officer's designee, provides written  
6458 authorization for an off-duty peace officer to work as a security officer; and

6459 (3) the business or entity employing the off-duty peace officer to work as a security  
6460 officer complies with state and federal income reporting and withholding requirements  
6461 regarding the off-duty officer's wages.

6462 Section 105. Section **53B-7-101.5** is amended to read:

6463 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

6464 (1) If an institution within the State System of Higher Education listed in Section  
6465 [53B-1-102](#) considers increasing tuition rates for undergraduate students in the process of  
6466 preparing or implementing its budget, it shall hold a meeting to receive public input and  
6467 response on the issue.

6468 (2) The institution shall advertise the hearing required under Subsection (1) using the  
6469 following procedure:

6470 (a) The institution shall advertise its intent to consider an increase in student tuition  
6471 rates:

6472 (i) in the institution's student newspaper twice during a period of 10 days prior to the  
6473 meeting; and

6474 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
6475 10 days immediately before the meeting.

6476 (b) The advertisement shall state that the institution will meet on a certain day, time,  
6477 and place fixed in the advertisement, which shall not be less than seven days after the day the  
6478 second advertisement is published, for the purpose of hearing comments regarding the  
6479 proposed increase and to explain the reasons for the proposed increase.

6480 (3) The form and content of the notice shall be substantially as follows:

6481 "NOTICE OF PROPOSED TUITION INCREASE

6482 The (name of the higher education institution) is proposing to increase student tuition  
6483 rates. This would be an increase of \_\_\_\_\_ %, which is an increase of \$ \_\_\_\_\_ per semester  
6484 for a full-time resident undergraduate student. All concerned students and citizens are invited  
6485 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

6486 (4) (a) The institution shall provide the following information to those in attendance at  
6487 the meeting required under Subsection (1):

6488 (i) the current year's student enrollment for:

6489 (A) the State System of Higher Education, if a systemwide increase is being  
6490 considered; or

6491 (B) the institution, if an increase is being considered for just a single institution;

6492 (ii) total tuition revenues for the current school year;

6493 (iii) projected student enrollment growth for the next school year and projected tuition  
6494 revenue increases from that anticipated growth; and

6495 (iv) a detailed accounting of how and where the increased tuition revenues would be  
6496 spent.

6497 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken  
6498 down into majors or departments if the proposed tuition increases are department or major  
6499 specific.

6500 (5) If the institution does not make a final decision on the proposed tuition increase at  
6501 the meeting, it shall announce the date, time, and place of the meeting where that determination  
6502 shall be made.

6503 Section 106. Section **53B-8a-103** is amended to read:

6504 **53B-8a-103. Creation of Utah Educational Savings Plan -- Powers and duties of**  
6505 **plan -- Certain exemptions.**

6506 (1) There is created the Utah Educational Savings Plan, which may also be known and

6507 do business as:

6508 (a) the Utah Educational Savings Plan Trust; or

6509 (b) another related name.

6510 (2) The plan:

6511 (a) is a non-profit, self-supporting agency that administers a public trust;

6512 (b) shall administer the various programs, funds, trusts, plans, functions, duties, and

6513 obligations assigned to the plan:

6514 (i) consistent with sound fiduciary principles; and

6515 (ii) subject to review of the board; and

6516 (c) shall be known as and managed as a qualified tuition program in compliance with

6517 Section 529, Internal Revenue Code, that is sponsored by the state.

6518 (3) The plan may:

6519 (a) make and enter into contracts necessary for the administration of the plan payable  
6520 from plan money, including:

6521 (i) contracts for goods and services; and

6522 (ii) contracts to engage personnel, with demonstrated ability or expertise, including

6523 consultants, actuaries, managers, counsel, and auditors for the purpose of rendering

6524 professional, managerial, and technical assistance and advice;

6525 (b) adopt a corporate seal and change and amend the corporate seal;

6526 (c) invest money within the program, administrative, and endowment funds in

6527 accordance with the provisions under Section [53B-8a-107](#);

6528 (d) enter into agreements with account owners, any institution of higher education, any

6529 federal or state agency, or other entity as required to implement this chapter;

6530 (e) solicit and accept any grants, gifts, legislative appropriations, and other money from

6531 the state, any unit of federal, state, or local government, or any other person, firm, partnership,

6532 or corporation for deposit to the administrative fund, endowment fund, or the program fund;

6533 (f) make provision for the payment of costs of administration and operation of the plan;

6534 (g) carry out studies and projections to advise account owners regarding:

6535 (i) present and estimated future higher education costs; and

6536 (ii) levels of financial participation in the plan required to enable account owners to

6537 achieve their educational funding objective;

6538 (h) participate in federal, state, local governmental, or private programs;  
6539 (i) create public and private partnerships, including investment or management  
6540 relationships with other 529 plans or entities;  
6541 (j) promulgate, impose, and collect administrative fees and charges in connection with  
6542 transactions of the plan, and provide for reasonable service charges;  
6543 (k) procure insurance:  
6544 (i) against any loss in connection with the property, assets, or activities of the plan; and  
6545 (ii) indemnifying any member of the board from personal loss or accountability arising  
6546 from liability resulting from a member's action or inaction as a member of the plan's board;  
6547 (l) administer outreach efforts to:  
6548 (i) market and publicize the plan and the plan's products to existing and prospective  
6549 account owners; and  
6550 (ii) encourage economically challenged populations to save for post-secondary  
6551 education;  
6552 (m) adopt, trademark, and copyright names and materials for use in marketing and  
6553 publicizing the plan and the plan's products;  
6554 (n) administer the funds of the plan;  
6555 (o) sue and be sued in the plan's own name;  
6556 (p) own institutional accounts in the plan to establish and administer:  
6557 (i) scholarship programs; or  
6558 (ii) other college savings incentive programs, including programs designed to enhance  
6559 the savings of low income account owners investing in the plan; and  
6560 (q) have and exercise any other powers or duties that are necessary or appropriate to  
6561 carry out and effectuate the purposes of this chapter.  
6562 (4) (a) Except as provided in Subsection (4)(b), the plan is exempt from the provisions  
6563 of Title 63G, Chapter 2, Government Records Access and Management Act.  
6564 (b) (i) The annual audited financial statements of the plan described in Section  
6565 [53B-8a-111](#) are public records.  
6566 (ii) Financial information that is provided by the plan to the [~~Division of Finance and~~  
6567 ~~posted on the Utah Public Finance Website in accordance with Section [63A-1-202](#)] state  
6568 auditor and posted on the public finance website established by the state auditor in accordance~~

6569 with Section 67-3-12 is a public record.

6570 (5) The plan is subject to:

6571 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

6572 (b) Title 63G, Chapter 6a, Utah Procurement Code.

6573 Section 107. Section **53D-1-103** is amended to read:

6574 **53D-1-103. Application of other law.**

6575 (1) The office, board, and nominating committee are subject to:

6576 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

6577 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] Section 67-3-12.

6578 (2) Subject to Subsection 63E-1-304(2), the office may participate in coverage under  
6579 the Risk Management Fund, created in Section 63A-4-201.

6580 (3) The office and board are subject to:

6581 (a) Title 63G, Chapter 2, Government Records Access and Management Act, except  
6582 for records relating to investment activities; and

6583 (b) Title 63G, Chapter 6a, Utah Procurement Code.

6584 (4) (a) In making rules under this chapter, the director is subject to and shall comply  
6585 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as provided in  
6586 Subsection (4)(b).

6587 (b) Subsections 63G-3-301(6) and (7) and Section 63G-3-601 do not apply to the  
6588 director's making of rules under this chapter.

6589 (5) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to a board  
6590 member to the same extent as it applies to an employee, as defined in Section 63G-7-102.

6591 (6) (a) A board member, the director, and an office employee or agent are subject to:

6592 (i) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and

6593 (ii) other requirements that the board establishes.

6594 (b) In addition to any restrictions or requirements imposed under Subsection (6)(a), a  
6595 board member, the director, and an office employee or agent may not directly or indirectly  
6596 acquire an interest in the trust fund or receive any direct benefit from any transaction dealing  
6597 with trust fund money.

6598 (7) (a) Except as provided in Subsection (7)(b), the office shall comply with Title 67,  
6599 Chapter 19, Utah State Personnel Management Act.

6600 (b) (i) Upon a recommendation from the director after the director's consultation with  
6601 the executive director of the Department of Human Resource Management, the board may  
6602 provide that specified positions in the office are exempt from Section 67-19-12 and the career  
6603 service provisions of Title 67, Chapter 19, Utah State Personnel Management Act, as provided  
6604 in Subsection 67-19-15(1), if the board determines that exemption is required for the office to  
6605 fulfill efficiently its responsibilities under this chapter.

6606 (ii) The director position is exempt from Section 67-19-12 and the career service  
6607 provisions of Title 67, Chapter 19, Utah State Personnel Management Act, as provided in  
6608 Subsection 67-19-15(1).

6609 (iii) (A) After consultation with the executive director of the Department of Human  
6610 Resource Management, the director shall set salaries for positions that are exempted under  
6611 Subsection (7)(b)(i), within ranges that the board approves.

6612 (B) In approving salary ranges for positions that are exempted under Subsection  
6613 (7)(b)(i), the board shall consider salaries for similar positions in private enterprise and other  
6614 public employment.

6615 (8) The office is subject to legislative appropriation, to executive branch budgetary  
6616 review and recommendation, and to legislative and executive branch review.

6617 Section 108. Section 53E-3-705 is amended to read:

6618 **53E-3-705. School plant capital outlay report.**

6619 (1) The state board shall prepare an annual school plant capital outlay report of all  
6620 school districts, which includes information on the number and size of building projects  
6621 completed and under construction.

6622 (2) A school district or charter school shall prepare and submit an annual school plant  
6623 capital outlay report [~~in accordance with Section 63A-1-202~~] to the state auditor by a date  
6624 designated by the state auditor.

6625 Section 109. Section 53E-4-202 is amended to read:

6626 **53E-4-202. Core standards for Utah public schools.**

6627 (1) (a) In establishing minimum standards related to curriculum and instruction  
6628 requirements under Section 53E-3-501, the state board shall, in consultation with local school  
6629 boards, school superintendents, teachers, employers, and parents implement core standards for  
6630 Utah public schools that will enable students to, among other objectives:

- 6631 (i) communicate effectively, both verbally and through written communication;  
6632 (ii) apply mathematics; and  
6633 (iii) access, analyze, and apply information.
- 6634 (b) Except as provided in this public education code, the state board may recommend  
6635 but may not require a local school board or charter school governing board to use:  
6636 (i) a particular curriculum or instructional material; or  
6637 (ii) a model curriculum or instructional material.
- 6638 (2) The state board shall, in establishing the core standards for Utah public schools:  
6639 (a) identify the basic knowledge, skills, and competencies each student is expected to  
6640 acquire or master as the student advances through the public education system; and  
6641 (b) align with each other the core standards for Utah public schools and the  
6642 assessments described in Section [53E-4-303](#).
- 6643 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection  
6644 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and  
6645 continual progress within and between grade levels and courses in the basic academic areas of:  
6646 (a) English, including explicit phonics, spelling, grammar, reading, writing,  
6647 vocabulary, speech, and listening; and  
6648 (b) mathematics, including basic computational skills.
- 6649 (4) Before adopting core standards for Utah public schools, the state board shall:  
6650 (a) publicize draft core standards for Utah public schools on the state board's website  
6651 and the Utah Public Notice website created under Section [~~63F-1-701~~] [63A-12-201](#);  
6652 (b) invite public comment on the draft core standards for Utah public schools for a  
6653 period of not less than 90 days; and  
6654 (c) conduct three public hearings that are held in different regions of the state on the  
6655 draft core standards for Utah public schools.
- 6656 (5) LEA governing boards shall design their school programs, that are supported by  
6657 generally accepted scientific standards of evidence, to focus on the core standards for Utah  
6658 public schools with the expectation that each program will enhance or help achieve mastery of  
6659 the core standards for Utah public schools.
- 6660 (6) Except as provided in Section [53G-10-402](#), each school may select instructional  
6661 materials and methods of teaching, that are supported by generally accepted scientific standards

6662 of evidence, that the school considers most appropriate to meet the core standards for Utah  
6663 public schools.

6664 (7) The state may exit any agreement, contract, memorandum of understanding, or  
6665 consortium that cedes control of the core standards for Utah public schools to any other entity,  
6666 including a federal agency or consortium, for any reason, including:

6667 (a) the cost of developing or implementing the core standards for Utah public schools;

6668 (b) the proposed core standards for Utah public schools are inconsistent with  
6669 community values; or

6670 (c) the agreement, contract, memorandum of understanding, or consortium:

6671 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National  
6672 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;

6673 (ii) conflicts with Utah law;

6674 (iii) requires Utah student data to be included in a national or multi-state database;

6675 (iv) requires records of teacher performance to be included in a national or multi-state  
6676 database; or

6677 (v) imposes curriculum, assessment, or data tracking requirements on home school or  
6678 private school students.

6679 (8) The state board shall submit a report in accordance with Section [53E-1-203](#) on the  
6680 development and implementation of the core standards for Utah public schools, including the  
6681 time line established for the review of the core standards for Utah public schools by a standards  
6682 review committee and the recommendations of a standards review committee established under  
6683 Section [53E-4-203](#).

6684 Section 110. Section [53G-3-204](#) is amended to read:

6685 **53G-3-204. Notice before preparing or amending a long-range plan or acquiring**  
6686 **certain property.**

6687 (1) As used in this section:

6688 (a) "Affected entity" means each county, municipality, local district under Title 17B,  
6689 Limited Purpose Local Government Entities - Local Districts, special service district under  
6690 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established  
6691 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

6692 (i) whose services or facilities are likely to require expansion or significant



6693 modification because of an intended use of land; or

6694 (ii) that has filed with the school district a copy of the general or long-range plan of the  
6695 county, municipality, local district, special service district, school district, interlocal  
6696 cooperation entity, or specified public utility.

6697 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
6698 telephone corporation, as those terms are defined in Section [54-2-1](#).

6699 (2) (a) If a school district located in a county of the first or second class prepares a  
6700 long-range plan regarding its facilities proposed for the future or amends an already existing  
6701 long-range plan, the school district shall, before preparing a long-range plan or amendments to  
6702 an existing long-range plan, provide written notice, as provided in this section, of its intent to  
6703 prepare a long-range plan or to amend an existing long-range plan.

6704 (b) Each notice under Subsection (2)(a) shall:

6705 (i) indicate that the school district intends to prepare a long-range plan or to amend a  
6706 long-range plan, as the case may be;

6707 (ii) describe or provide a map of the geographic area that will be affected by the  
6708 long-range plan or amendments to a long-range plan;

6709 (iii) be:

6710 (A) sent to each county in whose unincorporated area and each municipality in whose  
6711 boundaries is located the land on which the proposed long-range plan or amendments to a  
6712 long-range plan are expected to indicate that the proposed facilities will be located;

6713 (B) sent to each affected entity;

6714 (C) sent to the Automated Geographic Reference Center created in Section [63F-1-506](#);

6715 (D) sent to each association of governments, established pursuant to an interlocal  
6716 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or  
6717 municipality described in Subsection (2)(b)(iii)(A) is a member; and

6718 (E) placed on the Utah Public Notice Website created under Section [~~63F-1-701~~]  
6719 [63A-12-201](#);

6720 (iv) with respect to the notice to counties and municipalities described in Subsection  
6721 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to  
6722 consider in the process of preparing, adopting, and implementing the long-range plan or  
6723 amendments to a long-range plan concerning:

6724 (A) impacts that the use of land proposed in the proposed long-range plan or  
6725 amendments to a long-range plan may have on the county, municipality, or affected entity; and

6726 (B) uses of land that the county, municipality, or affected entity is planning or  
6727 considering that may conflict with the proposed long-range plan or amendments to a long-range  
6728 plan; and

6729 (v) include the address of an Internet website, if the school district has one, and the  
6730 name and telephone number of a person where more information can be obtained concerning  
6731 the school district's proposed long-range plan or amendments to a long-range plan.

6732 (3) (a) Except as provided in Subsection (3)(d), each school district intending to  
6733 acquire real property in a county of the first or second class for the purpose of expanding the  
6734 district's infrastructure or other facilities shall provide written notice, as provided in this  
6735 Subsection (3), of its intent to acquire the property if the intended use of the property is  
6736 contrary to:

6737 (i) the anticipated use of the property under the county or municipality's general plan;

6738 or

6739 (ii) the property's current zoning designation.

6740 (b) Each notice under Subsection (3)(a) shall:

6741 (i) indicate that the school district intends to acquire real property;

6742 (ii) identify the real property; and

6743 (iii) be sent to:

6744 (A) each county in whose unincorporated area and each municipality in whose  
6745 boundaries the property is located; and

6746 (B) each affected entity.

6747 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
6748 [63G-2-305\(8\)](#).

6749 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district  
6750 previously provided notice under Subsection (2) identifying the general location within the  
6751 municipality or unincorporated part of the county where the property to be acquired is located.

6752 (ii) If a school district is not required to comply with the notice requirement of  
6753 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall  
6754 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of

6755 the real property.

6756 Section 111. Section **53G-4-204** is amended to read:

6757 **53G-4-204. Compensation for services -- Additional per diem -- Approval of**  
6758 **expenses.**

6759 (1) Each member of a local school board, except the student member, shall receive  
6760 compensation for services and for necessary expenses in accordance with compensation  
6761 schedules adopted by the local school board in accordance with the provisions of this section.

6762 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its  
6763 compensation schedules, the local school board shall set a time and place for a public hearing  
6764 at which all interested persons shall be given an opportunity to be heard.

6765 (3) Notice of the time, place, and purpose of the meeting shall be provided at least  
6766 seven days prior to the meeting by:

6767 (a) (i) publication at least once in a newspaper published in the county where the  
6768 school district is situated and generally circulated within the school district; and

6769 (ii) publication on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
6770 [63A-12-201](#); and

6771 (b) posting a notice:

6772 (i) at each school within the school district;

6773 (ii) in at least three other public places within the school district; and

6774 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

6775 (4) After the conclusion of the public hearing, the local school board may adopt or  
6776 amend its compensation schedules.

6777 (5) Each member shall submit an itemized account of necessary travel expenses for  
6778 local school board approval.

6779 (6) A local school board may, without following the procedures described in  
6780 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to  
6781 July 1, 2007, until, at the discretion of the local school board, the compensation schedule is  
6782 amended or a new compensation schedule is adopted.

6783 Section 112. Section **53G-4-402** is amended to read:

6784 **53G-4-402. Powers and duties generally.**

6785 (1) A local school board shall:

6786 (a) implement the core standards for Utah public schools using instructional materials  
6787 that best correlate to the core standards for Utah public schools and graduation requirements;

6788 (b) administer tests, required by the state board, which measure the progress of each  
6789 student, and coordinate with the state superintendent and state board to assess results and create  
6790 plans to improve the student's progress, which shall be submitted to the state board for  
6791 approval;

6792 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
6793 students that need remediation and determine the type and amount of federal, state, and local  
6794 resources to implement remediation;

6795 (d) develop early warning systems for students or classes failing to make progress;

6796 (e) work with the state board to establish a library of documented best practices,  
6797 consistent with state and federal regulations, for use by the local districts;

6798 (f) implement training programs for school administrators, including basic  
6799 management training, best practices in instructional methods, budget training, staff  
6800 management, managing for learning results and continuous improvement, and how to help  
6801 every child achieve optimal learning in basic academic subjects; and

6802 (g) ensure that the local school board meets the data collection and reporting standards  
6803 described in Section [53E-3-501](#).

6804 (2) Local school boards shall spend Minimum School Program funds for programs and  
6805 activities for which the state board has established minimum standards or rules under Section  
6806 [53E-3-501](#).

6807 (3) (a) A local school board may purchase, sell, and make improvements on school  
6808 sites, buildings, and equipment and construct, erect, and furnish school buildings.

6809 (b) School sites or buildings may only be conveyed or sold on local school board  
6810 resolution affirmed by at least two-thirds of the members.

6811 (4) (a) A local school board may participate in the joint construction or operation of a  
6812 school attended by children residing within the district and children residing in other districts  
6813 either within or outside the state.

6814 (b) Any agreement for the joint operation or construction of a school shall:

6815 (i) be signed by the president of the local school board of each participating district;

6816 (ii) include a mutually agreed upon pro rata cost; and

6817 (iii) be filed with the state board.

6818 (5) A local school board may establish, locate, and maintain elementary, secondary,  
6819 and applied technology schools.

6820 (6) Except as provided in Section 53E-3-905, a local school board may enroll children  
6821 in school who are at least five years of age before September 2 of the year in which admission  
6822 is sought.

6823 (7) A local school board may establish and support school libraries.

6824 (8) A local school board may collect damages for the loss, injury, or destruction of  
6825 school property.

6826 (9) A local school board may authorize guidance and counseling services for children  
6827 and their parents before, during, or following enrollment of the children in schools.

6828 (10) (a) A local school board shall administer and implement federal educational  
6829 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National  
6830 Education Programs.

6831 (b) Federal funds are not considered funds within the school district budget under  
6832 Chapter 7, Part 3, Budgets.

6833 (11) (a) A local school board may organize school safety patrols and adopt policies  
6834 under which the patrols promote student safety.

6835 (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
6836 parental consent for the appointment.

6837 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
6838 of a highway intended for vehicular traffic use.

6839 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
6840 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
6841 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

6842 (12) (a) A local school board may on its own behalf, or on behalf of an educational  
6843 institution for which the local school board is the direct governing body, accept private grants,  
6844 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

6845 (b) These contributions are not subject to appropriation by the Legislature.

6846 (13) (a) A local school board may appoint and fix the compensation of a compliance  
6847 officer to issue citations for violations of Subsection 76-10-105(2).

6848 (b) A person may not be appointed to serve as a compliance officer without the  
6849 person's consent.

6850 (c) A teacher or student may not be appointed as a compliance officer.

6851 (14) A local school board shall adopt bylaws and policies for the local school board's  
6852 own procedures.

6853 (15) (a) A local school board shall make and enforce policies necessary for the control  
6854 and management of the district schools.

6855 (b) Local school board policies shall be in writing, filed, and referenced for public  
6856 access.

6857 (16) A local school board may hold school on legal holidays other than Sundays.

6858 (17) (a) A local school board shall establish for each school year a school traffic safety  
6859 committee to implement this Subsection (17).

6860 (b) The committee shall be composed of one representative of:

6861 (i) the schools within the district;

6862 (ii) the Parent Teachers' Association of the schools within the district;

6863 (iii) the municipality or county;

6864 (iv) state or local law enforcement; and

6865 (v) state or local traffic safety engineering.

6866 (c) The committee shall:

6867 (i) receive suggestions from school community councils, parents, teachers, and others  
6868 and recommend school traffic safety improvements, boundary changes to enhance safety, and  
6869 school traffic safety program measures;

6870 (ii) review and submit annually to the Department of Transportation and affected  
6871 municipalities and counties a child access routing plan for each elementary, middle, and junior  
6872 high school within the district;

6873 (iii) consult the Utah Safety Council and the Division of Family Health Services and  
6874 provide training to all school children in kindergarten through grade 6, within the district, on  
6875 school crossing safety and use; and

6876 (iv) help ensure the district's compliance with rules made by the Department of  
6877 Transportation under Section [41-6a-303](#).

6878 (d) The committee may establish subcommittees as needed to assist in accomplishing

6879 its duties under Subsection (17)(c).

6880 (18) (a) A local school board shall adopt and implement a comprehensive emergency  
6881 response plan to prevent and combat violence in the local school board's public schools, on  
6882 school grounds, on its school vehicles, and in connection with school-related activities or  
6883 events.

6884 (b) The plan shall:

6885 (i) include prevention, intervention, and response components;

6886 (ii) be consistent with the student conduct and discipline policies required for school  
6887 districts under Chapter 11, Part 2, Miscellaneous Requirements;

6888 (iii) require professional learning for all district and school building staff on what their  
6889 roles are in the emergency response plan;

6890 (iv) provide for coordination with local law enforcement and other public safety  
6891 representatives in preventing, intervening, and responding to violence in the areas and activities  
6892 referred to in Subsection (18)(a); and

6893 (v) include procedures to notify a student, to the extent practicable, who is off campus  
6894 at the time of a school violence emergency because the student is:

6895 (A) participating in a school-related activity; or

6896 (B) excused from school for a period of time during the regular school day to  
6897 participate in religious instruction at the request of the student's parent.

6898 (c) The state board, through the state superintendent, shall develop comprehensive  
6899 emergency response plan models that local school boards may use, where appropriate, to  
6900 comply with Subsection (18)(a).

6901 (d) A local school board shall, by July 1 of each year, certify to the state board that its  
6902 plan has been practiced at the school level and presented to and reviewed by its teachers,  
6903 administrators, students, and their parents and local law enforcement and public safety  
6904 representatives.

6905 (19) (a) A local school board may adopt an emergency response plan for the treatment  
6906 of sports-related injuries that occur during school sports practices and events.

6907 (b) The plan may be implemented by each secondary school in the district that has a  
6908 sports program for students.

6909 (c) The plan may:

- 6910 (i) include emergency personnel, emergency communication, and emergency  
6911 equipment components;
- 6912 (ii) require professional learning on the emergency response plan for school personnel  
6913 who are involved in sports programs in the district's secondary schools; and
- 6914 (iii) provide for coordination with individuals and agency representatives who:  
6915 (A) are not employees of the school district; and  
6916 (B) would be involved in providing emergency services to students injured while  
6917 participating in sports events.
- 6918 (d) The local school board, in collaboration with the schools referred to in Subsection  
6919 (19)(b), may review the plan each year and make revisions when required to improve or  
6920 enhance the plan.
- 6921 (e) The state board, through the state superintendent, shall provide local school boards  
6922 with an emergency plan response model that local school boards may use to comply with the  
6923 requirements of this Subsection (19).
- 6924 (20) A local school board shall do all other things necessary for the maintenance,  
6925 prosperity, and success of the schools and the promotion of education.
- 6926 (21) (a) Before closing a school or changing the boundaries of a school, a local school  
6927 board shall:
- 6928 (i) at least 120 days before approving the school closure or school boundary change,  
6929 provide notice to the following that the local school board is considering the closure or  
6930 boundary change:
- 6931 (A) parents of students enrolled in the school, using the same form of communication  
6932 the local school board regularly uses to communicate with parents;
- 6933 (B) parents of students enrolled in other schools within the school district that may be  
6934 affected by the closure or boundary change, using the same form of communication the local  
6935 school board regularly uses to communicate with parents; and
- 6936 (C) the governing council and the mayor of the municipality in which the school is  
6937 located;
- 6938 (ii) provide an opportunity for public comment on the proposed school closure or  
6939 school boundary change during at least two public local school board meetings; and
- 6940 (iii) hold a public hearing as defined in Section [10-9a-103](#) and provide public notice of



6941 the public hearing as described in Subsection (21)(b).

6942 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

6943 (i) indicate the:

6944 (A) school or schools under consideration for closure or boundary change; and

6945 (B) the date, time, and location of the public hearing;

6946 (ii) at least 10 days before the public hearing, be:

6947 (A) published:

6948 (I) in a newspaper of general circulation in the area; and

6949 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

6950 (B) posted in at least three public locations within the municipality in which the school

6951 is located on the school district's official website, and prominently at the school; and

6952 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be

6953 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

6954 (22) A local school board may implement a facility energy efficiency program

6955 established under Title 11, Chapter 44, Performance Efficiency Act.

6956 (23) A local school board may establish or partner with a certified youth court

6957 program, in accordance with Section [78A-6-1203](#), or establish or partner with a comparable

6958 restorative justice program, in coordination with schools in that district. A school may refer a

6959 student to youth court or a comparable restorative justice program in accordance with Section

6960 [53G-8-211](#).

6961 Section 113. Section [53G-5-504](#) is amended to read:

6962 **[53G-5-504](#). Charter school closure.**

6963 (1) If a charter school is closed for any reason, including the termination of a charter

6964 agreement in accordance with Section [53G-5-503](#) or the conversion of a charter school to a

6965 private school, the provisions of this section apply.

6966 (2) A decision to close a charter school is made:

6967 (a) when a charter school authorizer approves a motion to terminate described in

6968 Subsection [53G-5-503](#)(2)(c);

6969 (b) when the state board takes final action described in Subsection [53G-5-503](#)(2)(d)(ii);

6970 or

6971 (c) when a charter school provides notice to the charter school's authorizer that the

6972 charter school is relinquishing the charter school's charter.

6973 (3) (a) No later than 10 days after the day on which a decision to close a charter school  
6974 is made, the charter school shall:

6975 (i) provide notice to the following, in writing, of the decision:

6976 (A) if the charter school made the decision to close, the charter school's authorizer;

6977 (B) the State Charter School Board;

6978 (C) if the state board did not make the decision to close, the state board;

6979 (D) parents of students enrolled at the charter school;

6980 (E) the charter school's creditors;

6981 (F) the charter school's lease holders;

6982 (G) the charter school's bond issuers;

6983 (H) other entities that may have a claim to the charter school's assets;

6984 (I) the school district in which the charter school is located and other charter schools  
6985 located in that school district; and

6986 (J) any other person that the charter school determines to be appropriate; and

6987 (ii) post notice of the decision on the Utah Public Notice Website, created in Section

6988 [~~63F-1-701~~] [63A-12-201](#).

6989 (b) The notice described in Subsection (3)(a) shall include:

6990 (i) the proposed date of the charter school closure;

6991 (ii) the charter school's plans to help students identify and transition into a new school;

6992 and

6993 (iii) contact information for the charter school during the transition.

6994 (4) No later than 10 days after the day on which a decision to close a charter school is  
6995 made, the closing charter school shall:

6996 (a) designate a custodian for the protection of student files and school business records;

6997 (b) designate a base of operation that will be maintained throughout the charter school

6998 closing, including:

6999 (i) an office;

7000 (ii) hours of operation;

7001 (iii) operational telephone service with voice messaging stating the hours of operation;

7002 and

- 7003 (iv) a designated individual to respond to questions or requests during the hours of  
7004 operation;
- 7005 (c) assure that the charter school will maintain insurance coverage and risk  
7006 management coverage throughout the transition to closure and for a period following closure of  
7007 the charter school as specified by the charter school's authorizer;
- 7008 (d) assure that the charter school will complete by the set deadlines for all fiscal years  
7009 in which funds are received or expended by the charter school a financial audit and any other  
7010 procedure required by state board rule;
- 7011 (e) inventory all assets of the charter school; and
- 7012 (f) list all creditors of the charter school and specifically identify secured creditors and  
7013 assets that are security interests.
- 7014 (5) The closing charter school's authorizer shall oversee the closing charter school's  
7015 compliance with Subsection (4).
- 7016 (6) (a) A closing charter school shall return any assets remaining, after all liabilities  
7017 and obligations of the closing charter school are paid or discharged, to the closing charter  
7018 school's authorizer.
- 7019 (b) The closing charter school's authorizer shall liquidate assets at fair market value or  
7020 assign the assets to another public school.
- 7021 (7) The closing charter school's authorizer shall oversee liquidation of assets and  
7022 payment of debt in accordance with state board rule.
- 7023 (8) The closing charter school shall:
- 7024 (a) comply with all state and federal reporting requirements; and
- 7025 (b) submit all documentation and complete all state and federal reports required by the  
7026 closing charter school's authorizer or the state board, including documents to verify the closing  
7027 charter school's compliance with procedural requirements and satisfaction of all financial  
7028 issues.
- 7029 (9) When the closing charter school's financial affairs are closed out and dissolution is  
7030 complete, the authorizer shall ensure that a final audit of the charter school is completed.
- 7031 (10) On or before January 1, 2017, the state board shall, after considering suggestions  
7032 from charter school authorizers, make rules that:
- 7033 (a) provide additional closure procedures for charter schools; and

- 7034 (b) establish a charter school closure process.
- 7035 Section 114. Section **53G-7-1105** is amended to read:
- 7036 **53G-7-1105. Association budgets.**
- 7037 (1) An association shall:
- 7038 (a) adopt a budget in accordance with this section; and
- 7039 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall
- 7040 be in accordance with generally accepted accounting principles or auditing standards.
- 7041 (2) An association budget officer or executive director shall annually prepare a
- 7042 tentative budget, with supporting documentation, to be submitted to the governing body.
- 7043 (3) The tentative budget and supporting documents shall include the following items:
- 7044 (a) the revenues and expenditures of the preceding fiscal year;
- 7045 (b) the estimated revenues and expenditures of the current fiscal year;
- 7046 (c) a detailed estimate of the essential expenditures for all purposes for the next
- 7047 succeeding fiscal year; and
- 7048 (d) the estimated financial condition of the association by funds at the close of the
- 7049 current fiscal year.
- 7050 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,
- 7051 before the date of the tentative budget's proposed adoption by the governing body.
- 7052 (5) The governing body shall adopt a budget.
- 7053 (6) Before the adoption or amendment of a budget, the governing body shall hold a
- 7054 public hearing on the proposed budget or budget amendment.
- 7055 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings
- 7056 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the
- 7057 public hearing, a governing body shall:
- 7058 (i) publish a notice of the public hearing electronically in accordance with Section
- 7059 [~~63F-1-701~~] [63A-12-201](#); and
- 7060 (ii) post the proposed budget on the association's Internet website.
- 7061 (b) A notice of a public hearing on an association's proposed budget shall include
- 7062 information on how the public may access the proposed budget as provided in Subsection
- 7063 (7)(a).
- 7064 (8) No later than September 30 of each year, the governing body shall file a copy of the

7065 adopted budget with the state auditor and the state board.

7066 Section 115. Section **54-8-10** is amended to read:

7067 **54-8-10. Public hearing -- Notice -- Publication.**

7068 (1) Such notice shall be:

7069 (a) (i) published:

7070 (A) in full one time in a newspaper of general circulation in the district; or

7071 (B) if there be no such newspaper, in a newspaper of general circulation in the county,  
7072 city, or town in which the district is located; and

7073 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]

7074 [63A-12-201](#); and

7075 (b) posted in not less than three public places in the district.

7076 (2) A copy of the notice shall be mailed by certified mail to the last known address of  
7077 each owner of land within the proposed district whose property will be assessed for the cost of  
7078 the improvement.

7079 (3) The address to be used for that purpose shall be that last appearing on the real  
7080 property assessment rolls of the county in which the property is located.

7081 (4) In addition, a copy of the notice shall be addressed to "Owner" and shall be so  
7082 mailed addressed to the street number of each piece of improved property to be affected by the  
7083 assessment.

7084 (5) Mailed notices and the published notice shall state where a copy of the resolution  
7085 creating the district will be available for inspection by any interested parties.

7086 Section 116. Section **54-8-16** is amended to read:

7087 **54-8-16. Notice of assessment -- Publication.**

7088 (1) After the preparation of a resolution under Section [54-8-14](#), notice of a public  
7089 hearing on the proposed assessments shall be given.

7090 (2) The notice described in Subsection (1) shall be:

7091 (a) published:

7092 (i) one time in a newspaper in which the first notice of hearing was published at least  
7093 20 days before the date fixed for the hearing; and

7094 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
7095 at least 20 days before the date fixed for the hearing; and

7096 (b) mailed by certified mail not less than 15 days prior to the date fixed for such  
7097 hearing to each owner of real property whose property will be assessed for part of the cost of  
7098 the improvement at the last known address of such owner using for such purpose the names  
7099 and addresses appearing on the last completed real property assessment rolls of the county  
7100 wherein said affected property is located.

7101 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so  
7102 mailed addressed to the street number of each piece of improved property to be affected by  
7103 such assessment.

7104 (4) Each notice shall state that at the specified time and place, the governing body will  
7105 hold a public hearing upon the proposed assessments and shall state that any owner of any  
7106 property to be assessed pursuant to the resolution will be heard on the question of whether his  
7107 property will be benefited by the proposed improvement to the amount of the proposed  
7108 assessment against his property and whether the amount assessed against his property  
7109 constitutes more than his proper proportional share of the total cost of the improvement.

7110 (5) The notice shall further state where a copy of the resolution proposed to be adopted  
7111 levying the assessments against all real property in the district will be on file for public  
7112 inspection, and that subject to such changes and corrections therein as may be made by the  
7113 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

7114 (6) A published notice shall describe the boundaries or area of the district with  
7115 sufficient particularity to permit each owner of real property therein to ascertain that his  
7116 property lies in the district.

7117 (7) The mailed notice may refer to the district by name and date of creation and shall  
7118 state the amount of the assessment proposed to be levied against the real property of the person  
7119 to whom the notice is mailed.

7120 Section 117. Section **57-11-11** is amended to read:

7121 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**

7122 **Intervention by division in suits -- General powers of division.**

7123 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,  
7124 or repealed only after a public hearing.

7125 (b) The division shall:

7126 (i) publish notice of the public hearing described in Subsection (1)(a):

7127 (A) once in a newspaper or newspapers with statewide circulation and at least 20 days  
7128 before the hearing; and

7129 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
7130 at least 20 days before the hearing; and

7131 (ii) send a notice to a nonprofit organization which files a written request for notice  
7132 with the division at least 20 days prior to the hearing.

7133 (2) The rules shall include but need not be limited to:

7134 (a) provisions for advertising standards to assure full and fair disclosure; and

7135 (b) provisions for escrow or trust agreements, performance bonds, or other means  
7136 reasonably necessary to assure that all improvements referred to in the application for  
7137 registration and advertising will be completed and that purchasers will receive the interest in  
7138 land contracted for.

7139 (3) These provisions, however, shall not be required if the city or county in which the  
7140 subdivision is located requires similar means of assurance of a nature and in an amount no less  
7141 adequate than is required under said rules:

7142 (a) provisions for operating procedures;

7143 (b) provisions for a shortened form of registration in cases where the division  
7144 determines that the purposes of this act do not require a subdivision to be registered pursuant to  
7145 an application containing all the information required by Section 57-11-6 or do not require that  
7146 the public offering statement contain all the information required by Section 57-11-7; and

7147 (c) other rules necessary and proper to accomplish the purpose of this chapter.

7148 (4) The division by rule or order, after reasonable notice, may require the filing of  
7149 advertising material relating to subdivided lands prior to its distribution, provided that the  
7150 division must approve or reject any advertising material within 15 days from the receipt thereof  
7151 or the material shall be considered approved.

7152 (5) If it appears that a person has engaged or is about to engage in an act or practice  
7153 constituting a violation of a provision of this chapter or a rule or order hereunder, the agency,  
7154 with or without prior administrative proceedings, may bring an action in the district court of the  
7155 district where said person maintains his residence or a place of business or where said act or  
7156 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce  
7157 compliance with this chapter or any rule or order hereunder. Upon proper showing, injunctive

7158 relief or temporary restraining orders shall be granted, and a receiver or conservator may be  
7159 appointed. The division shall not be required to post a bond in any court proceedings.

7160 (6) The division shall be allowed to intervene in a suit involving subdivided lands,  
7161 either as a party or as an amicus curiae, where it appears that the interpretation or  
7162 constitutionality of any provision of law will be called into question. In any suit by or against a  
7163 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice  
7164 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,  
7165 constitute grounds for the division withholding any approval required by this chapter.

7166 (7) The division may:

7167 (a) accept registrations filed in other states or with the federal government;

7168 (b) contract with public agencies or qualified private persons in this state or other  
7169 jurisdictions to perform investigative functions; and

7170 (c) accept grants-in-aid from any source.

7171 (8) The division shall cooperate with similar agencies in other jurisdictions to establish  
7172 uniform filing procedures and forms, uniform public offering statements, advertising standards,  
7173 rules, and common administrative practices.

7174 Section 118. Section **59-2-919** is amended to read:

7175 **59-2-919. Notice and public hearing requirements for certain tax increases --**

7176 **Exceptions.**

7177 (1) As used in this section:

7178 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue  
7179 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

7180 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including  
7181 revenue from:

7182 (i) eligible new growth as defined in Section [59-2-924](#); or

7183 (ii) personal property that is:

7184 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

7185 (B) semiconductor manufacturing equipment.

7186 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year  
7187 that begins on January 1 and ends on December 31.

7188 (d) "County executive calendar year taxing entity" means a calendar year taxing entity



7189 that operates under the county executive-council form of government described in Section  
7190 17-52a-203.

7191 (e) "Current calendar year" means the calendar year immediately preceding the  
7192 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the  
7193 calendar year taxing entity's certified tax rate.

7194 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that  
7195 begins on July 1 and ends on June 30.

7196 (g) "Last year's property tax budgeted revenue" does not include revenue received by a  
7197 taxing entity from a debt service levy voted on by the public.

7198 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax  
7199 rate unless the taxing entity meets:

7200 (a) the requirements of this section that apply to the taxing entity; and

7201 (b) all other requirements as may be required by law.

7202 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar  
7203 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax  
7204 rate if the calendar year taxing entity:

7205 (i) 14 or more days before the date of the regular general election or municipal general  
7206 election held in the current calendar year, states at a public meeting:

7207 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the  
7208 calendar year taxing entity's certified tax rate;

7209 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would  
7210 be generated by the proposed increase in the certified tax rate; and

7211 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity  
7212 based on the proposed increase described in Subsection (3)(a)(i)(B);

7213 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in  
7214 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a  
7215 separate item on the meeting agenda that notifies the public that the calendar year taxing entity  
7216 intends to make the statement described in Subsection (3)(a)(i);

7217 (iii) meets the advertisement requirements of Subsections (6) and (7) before the  
7218 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

7219 (iv) provides notice by mail:

- 7220 (A) seven or more days before the regular general election or municipal general
- 7221 election held in the current calendar year; and
- 7222 (B) as provided in Subsection (3)(c); and
- 7223 (v) conducts a public hearing that is held:
- 7224 (A) in accordance with Subsections (8) and (9); and
- 7225 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).
- 7226 (b) (i) For a county executive calendar year taxing entity, the statement described in
- 7227 Subsection (3)(a)(i) shall be made by the:
- 7228 (A) county council;
- 7229 (B) county executive; or
- 7230 (C) both the county council and county executive.
- 7231 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
- 7232 county council states a dollar amount of additional ad valorem tax revenue that is greater than
- 7233 the amount of additional ad valorem tax revenue previously stated by the county executive in
- 7234 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:
- 7235 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
- 7236 county executive calendar year taxing entity conducts the public hearing under Subsection
- 7237 (3)(a)(v); and
- 7238 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
- 7239 county executive calendar year taxing entity conducts the public hearing required by
- 7240 Subsection (3)(a)(v).
- 7241 (c) The notice described in Subsection (3)(a)(iv):
- 7242 (i) shall be mailed to each owner of property:
- 7243 (A) within the calendar year taxing entity; and
- 7244 (B) listed on the assessment roll;
- 7245 (ii) shall be printed on a separate form that:
- 7246 (A) is developed by the commission;
- 7247 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
- 7248 "NOTICE OF PROPOSED TAX INCREASE"; and
- 7249 (C) may be mailed with the notice required by Section [59-2-1317](#);
- 7250 (iii) shall contain for each property described in Subsection (3)(c)(i):

- 7251 (A) the value of the property for the current calendar year;
- 7252 (B) the tax on the property for the current calendar year; and
- 7253 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year
- 7254 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
- 7255 rate, the estimated tax on the property;
- 7256 (iv) shall contain the following statement:
- 7257 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
- 7258 year]. This notice contains estimates of the tax on your property and the proposed tax increase
- 7259 on your property as a result of this tax increase. These estimates are calculated on the basis of
- 7260 [insert previous applicable calendar year] data. The actual tax on your property and proposed
- 7261 tax increase on your property may vary from this estimate.";
- 7262 (v) shall state the date, time, and place of the public hearing described in Subsection
- 7263 (3)(a)(v); and
- 7264 (vi) may contain other property tax information approved by the commission.
- 7265 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
- 7266 calculate the estimated tax on property on the basis of:
- 7267 (i) data for the current calendar year; and
- 7268 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
- 7269 section.
- 7270 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
- 7271 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:
- 7272 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
- 7273 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
- 7274 taxing entity's annual budget is adopted; and
- 7275 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
- 7276 fiscal year taxing entity's annual budget is adopted.
- 7277 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
- 7278 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
- 7279 the requirements of this section.
- 7280 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
- 7281 (4) if:

7282 (i) Section [53F-8-301](#) allows the taxing entity to levy a tax rate that exceeds that  
7283 certified tax rate without having to comply with the notice provisions of this section; or  
7284 (ii) the taxing entity:  
7285 (A) budgeted less than \$20,000 in ad valorem tax revenues for the previous fiscal year;  
7286 and  
7287 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax  
7288 revenues.

7289 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this  
7290 section shall be published:

7291 (i) subject to Section [45-1-101](#), in a newspaper or combination of newspapers of  
7292 general circulation in the taxing entity;  
7293 (ii) electronically in accordance with Section [45-1-101](#); and  
7294 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).  
7295 (b) The advertisement described in Subsection (6)(a)(i) shall:  
7296 (i) be no less than 1/4 page in size;  
7297 (ii) use type no smaller than 18 point; and  
7298 (iii) be surrounded by a 1/4-inch border.

7299 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that  
7300 portion of the newspaper where legal notices and classified advertisements appear.

7301 (d) It is the intent of the Legislature that:  
7302 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a  
7303 newspaper that is published at least one day per week; and  
7304 (ii) the newspaper or combination of newspapers selected:  
7305 (A) be of general interest and readership in the taxing entity; and  
7306 (B) not be of limited subject matter.

7307 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:  
7308 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks  
7309 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);  
7310 and  
7311 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
7312 advertisement, which shall be seven or more days after the day the first advertisement is

7313 published, for the purpose of hearing comments regarding any proposed increase and to explain  
7314 the reasons for the proposed increase.

7315 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

7316 (A) be published two weeks before a taxing entity conducts a public hearing described  
7317 in Subsection (3)(a)(v) or (4)(b); and

7318 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
7319 advertisement, which shall be seven or more days after the day the first advertisement is  
7320 published, for the purpose of hearing comments regarding any proposed increase and to explain  
7321 the reasons for the proposed increase.

7322 (f) If a fiscal year taxing entity's public hearing information is published by the county  
7323 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the  
7324 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run  
7325 the advertisement once during the week before the fiscal year taxing entity conducts a public  
7326 hearing at which the taxing entity's annual budget is discussed.

7327 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an  
7328 advertisement shall be substantially as follows:

7329 "NOTICE OF PROPOSED TAX INCREASE  
7330 (NAME OF TAXING ENTITY)

7331 The (name of the taxing entity) is proposing to increase its property tax revenue.

7332 ● The (name of the taxing entity) tax on a (insert the average value of a residence  
7333 in the taxing entity rounded to the nearest thousand dollars) residence would  
7334 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

7335 ● The (name of the taxing entity) tax on a (insert the value of a business having  
7336 the same value as the average value of a residence in the taxing entity) business  
7337 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

7338 ● If the proposed budget is approved, (name of the taxing entity) would increase  
7339 its property tax budgeted revenue by \_\_\_% above last year's property tax  
7340 budgeted revenue excluding eligible new growth.

7341 All concerned citizens are invited to a public hearing on the tax increase.

7342 PUBLIC HEARING

7343 Date/Time: (date) (time)

7344 Location: (name of meeting place and address of meeting place)  
7345 To obtain more information regarding the tax increase, citizens may contact the (name  
7346 of the taxing entity) at (phone number of taxing entity)."

7347 (7) The commission:

7348 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
7349 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by  
7350 two or more taxing entities; and

7351 (b) subject to Section 45-1-101, may authorize:

7352 (i) the use of a weekly newspaper:

7353 (A) in a county having both daily and weekly newspapers if the weekly newspaper  
7354 would provide equal or greater notice to the taxpayer; and

7355 (B) if the county petitions the commission for the use of the weekly newspaper; or

7356 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer  
7357 if:

7358 (A) the cost of the advertisement would cause undue hardship;

7359 (B) the direct notice is different and separate from that provided for in Section  
7360 59-2-919.1; and

7361 (C) the taxing entity petitions the commission for the use of a commission approved  
7362 direct notice.

7363 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county  
7364 legislative body in which the fiscal year taxing entity is located of the date, time, and place of  
7365 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

7366 (B) A county that receives notice from a fiscal year taxing entity under Subsection  
7367 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place  
7368 of the public hearing described in Subsection (8)(a)(i)(A).

7369 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar  
7370 year, notify the county legislative body in which the calendar year taxing entity is located of the  
7371 date, time, and place of the first public hearing at which the calendar year taxing entity's annual  
7372 budget will be discussed.

7373 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:

7374 (A) open to the public; and

7375 (B) held at a meeting of the taxing entity with no items on the agenda other than  
7376 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing  
7377 entity's certified tax rate, the taxing entity's budget, a local district's or special service district's  
7378 fee implementation or increase, or a combination of these items.

7379 (ii) The governing body of a taxing entity conducting a public hearing described in  
7380 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an  
7381 opportunity to present oral testimony:

7382 (A) within reasonable time limits; and

7383 (B) without unreasonable restriction on the number of individuals allowed to make  
7384 public comment.

7385 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a  
7386 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing  
7387 of another overlapping taxing entity in the same county.

7388 (ii) The taxing entities in which the power to set tax levies is vested in the same  
7389 governing board or authority may consolidate the public hearings described in Subsection  
7390 (3)(a)(v) or (4)(b) into one public hearing.

7391 (d) A county legislative body shall resolve any conflict in public hearing dates and  
7392 times after consultation with each affected taxing entity.

7393 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or  
7394 (4)(b) beginning at or after 6 p.m.

7395 (ii) If a taxing entity holds a public meeting for the purpose of addressing general  
7396 business of the taxing entity on the same date as a public hearing described in Subsection  
7397 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before  
7398 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).

7399 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the  
7400 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public  
7401 hearing of the taxing entity.

7402 (ii) A taxing entity may hold the following hearings on the same date as a public  
7403 hearing described in Subsection (3)(a)(v) or (4)(b):

7404 (A) a budget hearing;

7405 (B) if the taxing entity is a local district or a special service district, a fee hearing

7406 described in Section 17B-1-643;

7407 (C) if the taxing entity is a town, an enterprise fund hearing described in Section  
7408 10-5-107.5; or

7409 (D) if the taxing entity is a city, an enterprise fund hearing described in Section  
7410 10-6-135.5.

7411 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad  
7412 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing  
7413 entity shall:

7414 (i) announce at that public hearing the scheduled time and place of the next public  
7415 meeting at which the taxing entity will consider budgeting the additional ad valorem tax  
7416 revenue; and

7417 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described  
7418 in Subsection (9)(a)(i) before September 1.

7419 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount  
7420 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem  
7421 tax revenue stated at a public meeting under Subsection (3)(a)(i).

7422 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's  
7423 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed  
7424 annual budget.

7425 Section 119. Section 59-2-919.2 is amended to read:

7426 **59-2-919.2. Consolidated advertisement of public hearings.**

7427 (1) (a) Except as provided in Subsection (1)(b), on the same day on which a taxing  
7428 entity provides the notice to the county required under Subsection 59-2-919(8)(a)(i), the taxing  
7429 entity shall provide to the county auditor the information required by Subsection  
7430 59-2-919(8)(a)(i).

7431 (b) A taxing entity is not required to notify the county auditor of the taxing entity's  
7432 public hearing in accordance with Subsection (1)(a) if the taxing entity is exempt from the  
7433 notice requirements of Section 59-2-919.

7434 (2) If as of July 22, two or more taxing entities notify the county auditor under  
7435 Subsection (1), the county auditor shall by no later than July 22 of each year:

7436 (a) compile a list of the taxing entities that notify the county auditor under Subsection



- 7437 (1);
- 7438 (b) include on the list described in Subsection (2)(a), the following information for
- 7439 each taxing entity on the list:
- 7440 (i) the name of the taxing entity;
- 7441 (ii) the date, time, and location of the public hearing described in Subsection
- 7442 [59-2-919](#)(8)(a)(i);
- 7443 (iii) the average dollar increase on a residence in the taxing entity that the proposed tax
- 7444 increase would generate; and
- 7445 (iv) the average dollar increase on a business in the taxing entity that the proposed tax
- 7446 increase would generate;
- 7447 (c) provide a copy of the list described in Subsection (2)(a) to each taxing entity that
- 7448 notifies the county auditor under Subsection (1); and
- 7449 (d) in addition to the requirements of Subsection (3), if the county has a webpage,
- 7450 publish a copy of the list described in Subsection (2)(a) on the county's webpage until
- 7451 December 31.
- 7452 (3) (a) At least two weeks before any public hearing included in the list under
- 7453 Subsection (2) is held, the county auditor shall publish:
- 7454 (i) the list compiled under Subsection (2); and
- 7455 (ii) a statement that:
- 7456 (A) the list is for informational purposes only;
- 7457 (B) the list should not be relied on to determine a person's tax liability under this
- 7458 chapter; and
- 7459 (C) for specific information related to the tax liability of a taxpayer, the taxpayer
- 7460 should review the taxpayer's tax notice received under Section [59-2-919.1](#).
- 7461 (b) Except as provided in Subsection (3)(d)(ii), the information described in Subsection
- 7462 (3)(a) shall be published:
- 7463 (i) in no less than 1/4 page in size;
- 7464 (ii) in type no smaller than 18 point; and
- 7465 (iii) surrounded by a 1/4-inch border.
- 7466 (c) The published information described in Subsection (3)(a) and published in
- 7467 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a

7468 legal notice or classified advertisement appears.

7469 (d) A county auditor shall publish the information described in Subsection (3)(a):

7470 (i) (A) in a newspaper or combination of newspapers that are:

7471 (I) published at least one day per week;

7472 (II) of general interest and readership in the county; and

7473 (III) not of limited subject matter; and

7474 (B) once each week for the two weeks preceding the first hearing included in the list

7475 compiled under Subsection (2); and

7476 (ii) for two weeks preceding the first hearing included in the list compiled under

7477 Subsection (2):

7478 (A) as required in Section [45-1-101](#); and

7479 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

7480 (4) A taxing entity that notifies the county auditor under Subsection (1) shall provide

7481 the list described in Subsection (2)(c) to a person:

7482 (a) who attends the public hearing described in Subsection [59-2-919](#)(8)(a)(i) of the

7483 taxing entity; or

7484 (b) who requests a copy of the list.

7485 (5) (a) A county auditor shall by no later than 30 days from the day on which the last

7486 publication of the information required by Subsection (3)(a) is made:

7487 (i) determine the costs of compiling and publishing the list; and

7488 (ii) charge each taxing entity included on the list an amount calculated by dividing the

7489 amount determined under Subsection (5)(a) by the number of taxing entities on the list.

7490 (b) A taxing entity shall pay the county auditor the amount charged under Subsection

7491 (5)(a).

7492 (6) The publication of the list under this section does not remove or change the notice

7493 requirements of Section [59-2-919](#) for a taxing entity.

7494 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

7495 commission may make rules:

7496 (a) relating to the publication of a consolidated advertisement which includes the

7497 information described in Subsection (2) for a taxing entity that overlaps two or more counties;

7498 (b) relating to the payment required in Subsection (5)(b); and

7499 (c) to oversee the administration of this section and provide for uniform  
7500 implementation.

7501 Section 120. Section **59-12-1102** is amended to read:

7502 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**  
7503 **Administration -- Administrative charge -- Commission requirement to retain an amount**  
7504 **to be deposited into the Qualified Emergency Food Agencies Fund -- Enactment or repeal**  
7505 **of tax -- Effective date -- Notice requirements.**

7506 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax  
7507 authorized by this chapter, a county may impose by ordinance a county option sales and use tax  
7508 of .25% upon the transactions described in Subsection [59-12-103](#)(1).

7509 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this  
7510 section on the sales and uses described in Section [59-12-104](#) to the extent the sales and uses are  
7511 exempt from taxation under Section [59-12-104](#).

7512 (b) For purposes of this Subsection (1), the location of a transaction shall be  
7513 determined in accordance with Sections [59-12-211](#) through [59-12-215](#).

7514 (c) The county option sales and use tax under this section shall be imposed:

7515 (i) upon transactions that are located within the county, including transactions that are  
7516 located within municipalities in the county; and

7517 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of  
7518 January:

7519 (A) of the next calendar year after adoption of the ordinance imposing the tax if the  
7520 ordinance is adopted on or before May 25; or

7521 (B) of the second calendar year after adoption of the ordinance imposing the tax if the  
7522 ordinance is adopted after May 25.

7523 (d) The county option sales and use tax under this section shall be imposed:

7524 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before  
7525 September 4, 1997; or

7526 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997  
7527 but after September 4, 1997.

7528 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a  
7529 county shall hold two public hearings on separate days in geographically diverse locations in

7530 the county.

7531 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting  
7532 time of no earlier than 6 p.m.

7533 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven  
7534 days after the day the first advertisement required by Subsection (2)(c) is published.

7535 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county  
7536 shall advertise:

7537 (A) its intent to adopt a county option sales and use tax;

7538 (B) the date, time, and location of each public hearing; and

7539 (C) a statement that the purpose of each public hearing is to obtain public comments  
7540 regarding the proposed tax.

7541 (ii) The advertisement shall be published:

7542 (A) in a newspaper of general circulation in the county once each week for the two  
7543 weeks preceding the earlier of the two public hearings; and

7544 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
7545 two weeks preceding the earlier of the two public hearings.

7546 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8  
7547 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch  
7548 border.

7549 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that  
7550 portion of the newspaper where legal notices and classified advertisements appear.

7551 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

7552 (A) the advertisement shall appear in a newspaper that is published at least five days a  
7553 week, unless the only newspaper in the county is published less than five days a week; and

7554 (B) the newspaper selected shall be one of general interest and readership in the  
7555 community, and not one of limited subject matter.

7556 (d) The adoption of an ordinance imposing a county option sales and use tax is subject  
7557 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part  
7558 6, Local Referenda - Procedures.

7559 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a  
7560 county option sales and use tax under Subsection (1) is less than 75% of the state population,

7561 the tax levied under Subsection (1) shall be distributed to the county in which the tax was  
7562 collected.

7563 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a  
7564 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state  
7565 population:

7566 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to  
7567 the county in which the tax was collected; and

7568 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection  
7569 (1) in each county shall be distributed proportionately among all counties imposing the tax,  
7570 based on the total population of each county.

7571 (c) Except as provided in Subsection (5), the amount to be distributed annually to a  
7572 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county  
7573 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

7574 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall  
7575 be increased so that, when combined with the amount distributed to the county under  
7576 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

7577 (ii) the amount to be distributed annually to all other counties under Subsection  
7578 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under  
7579 Subsection (3)(c)(i).

7580 (d) The commission shall establish rules to implement the distribution of the tax under  
7581 Subsections (3)(a), (b), and (c).

7582 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part  
7583 shall be administered, collected, and enforced in accordance with:

7584 (i) the same procedures used to administer, collect, and enforce the tax under:

7585 (A) Part 1, Tax Collection; or

7586 (B) Part 2, Local Sales and Use Tax Act; and

7587 (ii) Chapter 1, General Taxation Policies.

7588 (b) A tax under this part is not subject to Subsections 59-12-205(2) through (6).

7589 (c) (i) Subject to Subsection (4)(c)(ii), the commission shall retain and deposit an  
7590 administrative charge in accordance with Section 59-1-306 from the revenue the commission  
7591 collects from a tax under this part.

7592 (ii) Notwithstanding Section 59-1-306, the administrative charge described in  
7593 Subsection (4)(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of  
7594 the distribution amounts resulting after:

7595 (A) the applicable distribution calculations under Subsection (3) have been made; and

7596 (B) the commission retains the amount required by Subsection (5).

7597 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion  
7598 of the sales and use tax collected under this part as provided in this Subsection (5).

7599 (b) For a county that imposes a tax under this part, the commission shall calculate a  
7600 percentage each month by dividing the sales and use tax collected under this part for that  
7601 month within the boundaries of that county by the total sales and use tax collected under this  
7602 part for that month within the boundaries of all of the counties that impose a tax under this part.

7603 (c) For a county that imposes a tax under this part, the commission shall retain each  
7604 month an amount equal to the product of:

7605 (i) the percentage the commission determines for the month under Subsection (5)(b)  
7606 for the county; and

7607 (ii) \$6,354.

7608 (d) The commission shall deposit an amount the commission retains in accordance  
7609 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section  
7610 35A-8-1009.

7611 (e) An amount the commission deposits into the Qualified Emergency Food Agencies  
7612 Fund shall be expended as provided in Section 35A-8-1009.

7613 (6) (a) For purposes of this Subsection (6):

7614 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County  
7615 Consolidations and Annexations.

7616 (ii) "Annexing area" means an area that is annexed into a county.

7617 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a  
7618 county enacts or repeals a tax under this part:

7619 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

7620 (II) the repeal shall take effect on the first day of a calendar quarter; and

7621 (B) after a 90-day period beginning on the date the commission receives notice meeting  
7622 the requirements of Subsection (6)(b)(ii) from the county.

- 7623 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:
- 7624 (A) that the county will enact or repeal a tax under this part;
- 7625 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);
- 7626 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and
- 7627 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the
- 7628 tax.
- 7629 (c) (i) If the billing period for a transaction begins before the effective date of the
- 7630 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day
- 7631 of the first billing period that begins on or after the effective date of the enactment of the tax.
- 7632 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
- 7633 period is produced on or after the effective date of the repeal of the tax imposed under
- 7634 Subsection (1).
- 7635 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
- 7636 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
- 7637 Subsection (6)(b)(i) takes effect:
- 7638 (A) on the first day of a calendar quarter; and
- 7639 (B) beginning 60 days after the effective date of the enactment or repeal under
- 7640 Subsection (6)(b)(i).
- 7641 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 7642 commission may by rule define the term "catalogue sale."
- 7643 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
- 7644 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
- 7645 part for an annexing area, the enactment or repeal shall take effect:
- 7646 (A) on the first day of a calendar quarter; and
- 7647 (B) after a 90-day period beginning on the date the commission receives notice meeting
- 7648 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.
- 7649 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:
- 7650 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
- 7651 repeal of a tax under this part for the annexing area;
- 7652 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
- 7653 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

7654 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

7655 (f) (i) If the billing period for a transaction begins before the effective date of the  
7656 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day  
7657 of the first billing period that begins on or after the effective date of the enactment of the tax.

7658 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing  
7659 period is produced on or after the effective date of the repeal of the tax imposed under  
7660 Subsection (1).

7661 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
7662 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
7663 Subsection (6)(e)(i) takes effect:

7664 (A) on the first day of a calendar quarter; and

7665 (B) beginning 60 days after the effective date of the enactment or repeal under  
7666 Subsection (6)(e)(i).

7667 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
7668 commission may by rule define the term "catalogue sale."

7669 Section 121. Section **63A-3-103** is amended to read:

7670 **63A-3-103. Duties of director of division -- Application to institutions of higher**  
7671 **education.**

7672 (1) The director of the Division of Finance shall:

7673 (a) define fiscal procedures relating to approval and allocation of funds;

7674 (b) provide for the accounting control of funds;

7675 (c) promulgate rules that:

7676 (i) establish procedures for maintaining detailed records of all types of leases;

7677 (ii) account for all types of leases in accordance with generally accepted accounting  
7678 principles;

7679 (iii) require the performance of a lease with an option to purchase study by state  
7680 agencies prior to any lease with an option to purchase acquisition of capital equipment; and

7681 (iv) require that the completed lease with an option to purchase study be approved by  
7682 the director of the Division of Finance;

7683 (d) if the department operates the Division of Finance as an internal service fund  
7684 agency in accordance with Section [63A-1-109.5](#), submit to the Rate Committee established in



7685 Section [63A-1-114](#):

- 7686 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and  
7687 (ii) other information or analysis requested by the Rate Committee;  
7688 (e) oversee the Office of State Debt Collection;  
7689 (f) publish the state's current constitutional debt limit on the [~~Utah Public Finance~~  
7690 ~~Website, created in Section [63A-1-202](#)]~~ public finance website established by the state auditor  
7691 in accordance with Section [67-3-12](#); and

7692 (g) prescribe other fiscal functions required by law or under the constitutional authority  
7693 of the governor to transact all executive business for the state.

7694 (2) (a) Institutions of higher education are subject to the provisions of Title 63A,  
7695 Chapter 3, Part 1, General Provisions, and Title 63A, Chapter 3, Part 2, Accounting System,  
7696 only to the extent expressly authorized or required by the State Board of Regents under Title  
7697 53B, State System of Higher Education.

7698 (b) Institutions of higher education shall submit financial data for the past fiscal year  
7699 conforming to generally accepted accounting principles to the director of the Division of  
7700 Finance.

7701 (3) The Division of Finance shall prepare financial statements and other reports in  
7702 accordance with legal requirements and generally accepted accounting principles for the state  
7703 auditor's examination and certification:

- 7704 (a) not later than 60 days after a request from the state auditor; and  
7705 (b) at the end of each fiscal year.

7706 Section 122. Section **63A-5a-202** is amended to read:

7707 **63A-5a-202. Notice required before division may convey division-owned**  
7708 **property.**

7709 (1) Before the division may convey vacant division-owned property, the division shall  
7710 give notice as provided in Subsection (2).

7711 (2) A notice required under Subsection (1) shall:

- 7712 (a) identify and describe the vacant division-owned property;  
7713 (b) indicate the availability of the vacant division-owned property;  
7714 (c) invite persons interested in the vacant division-owned property to submit a written  
7715 proposal to the division;

- 7716 (d) indicate the deadline for submitting a written proposal;
- 7717 (e) be posted on the division's website for at least 60 consecutive days before the
- 7718 deadline for submitting a written proposal, in a location specifically designated for notices
- 7719 dealing with vacant division-owned property;
- 7720 (f) be posted on the Utah Public Notice Website created in Section [~~63F-1-701~~]
- 7721 63A-12-201 for at least 60 consecutive days before the deadline for submitting a written
- 7722 proposal; and
- 7723 (g) be sent by email to each person who has previously submitted to the division a
- 7724 written request to receive notices under this section.

7725 Section 123. Section **63A-12-100** is amended to read:

**CHAPTER 12. DIVISION OF ARCHIVES AND RECORDS SERVICE**

**Part 1. General Provisions**

**63A-12-100. Title.**

7729 This chapter is known as the [~~"Public Records Management Act."~~] "Division of

7730 Archives and Records Service."

7731 Section 124. Section **63A-12-101** is amended to read:

**63A-12-101. Division of Archives and Records Service created -- Duties.**

- 7733 (1) There is created the Division of Archives and Records Service within the
- 7734 Department of Administrative Services.
- 7735 (2) The state archives shall:
- 7736 (a) administer the state's archives and records management programs, including storage
- 7737 of records, central microphotography programs, and quality control;
- 7738 (b) apply fair, efficient, and economical management methods to the collection,
- 7739 creation, use, maintenance, retention, preservation, disclosure, and disposal of records and
- 7740 documents;
- 7741 (c) establish standards, procedures, and techniques for the effective management and
- 7742 physical care of records;
- 7743 (d) conduct surveys of office operations and recommend improvements in current
- 7744 records management practices, including the use of space, equipment, automation, and supplies
- 7745 used in creating, maintaining, storing, and servicing records;
- 7746 (e) establish standards for the preparation of schedules providing for the retention of

7747 records of continuing value and for the prompt and orderly disposal of state records no longer  
7748 possessing sufficient administrative, historical, legal, or fiscal value to warrant further  
7749 retention;

7750 (f) establish, maintain, and operate centralized microphotography lab facilities and  
7751 quality control for the state;

7752 (g) provide staff and support services to the Records Management Committee created  
7753 in Section [63A-12-112](#) and the State Records Committee created in Section [63G-2-501](#);

7754 (h) develop training programs to assist records officers and other interested officers and  
7755 employees of governmental entities to administer this chapter and Title 63G, Chapter 2,  
7756 Government Records Access and Management Act;

7757 (i) provide access to public records deposited in the archives;

7758 (j) administer and maintain the Utah Public Notice Website established under Section  
7759 [~~63F-1-701~~] [63A-12-201](#);

7760 (k) provide assistance to any governmental entity in administering this chapter and  
7761 Title 63G, Chapter 2, Government Records Access and Management Act;

7762 (l) prepare forms for use by all governmental entities for a person requesting access to  
7763 a record; and

7764 (m) if the department operates the Division of Archives and Records Service as an  
7765 internal service fund agency in accordance with Section [63A-1-109.5](#), submit to the Rate  
7766 Committee established in Section [63A-1-114](#):

7767 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and

7768 (ii) other information or analysis requested by the Rate Committee.

7769 (3) The state archives may:

7770 (a) establish a report and directives management program; and

7771 (b) establish a forms management program.

7772 (4) The executive director of the Department of Administrative Services may direct the  
7773 state archives to administer other functions or services consistent with this chapter and Title  
7774 63G, Chapter 2, Government Records Access and Management Act.

7775 Section 125. Section [63A-12-114](#) is enacted to read:

7776 **[63A-12-114](#). Utah Open Records Portal Website.**

7777 (1) As used in this section:

- 7778 (a) "Governmental entity" means the same as that term is defined in Section
- 7779 63G-2-103.
- 7780 (b) "Website" means the Utah Open Records Portal Website created under this section.
- 7781 (2) There is created the Utah Open Records Portal Website to be administered by the
- 7782 division.
- 7783 (3) The website shall serve as a point of access for requests for records under Title
- 7784 63G, Chapter 2, Government Records Access and Management Act.
- 7785 (4) The division is responsible for:
- 7786 (a) establishing and maintaining the website, with the technical assistance of the
- 7787 Department of Technology Services, including the provision of equipment, resources, and
- 7788 personnel as necessary;
- 7789 (b) providing a mechanism for governmental entities to gain access to the website for
- 7790 the purpose of posting, modifying, and maintaining records; and
- 7791 (c) maintaining an archive of all records posted to the website.
- 7792 (5) The timing for posting and the content of records posted to the website is the
- 7793 responsibility of the governmental entity posting the record.

7794 Section 126. Section **63A-12-201**, which is renumbered from Section 63F-1-701 is  
 7795 renumbered and amended to read:

**Part 2. Utah Public Notice Website**

7797 ~~[63F-1-701].~~ **63A-12-201. Utah Public Notice Website -- Establishment**  
 7798 **and administration.**

- 7799 (1) As used in this part:
- 7800 (a) "Division" means the Division of Archives and Records Service of the Department
- 7801 of Administrative Services.
- 7802 (b) "Public body" has the same meaning as provided under Section [52-4-103](#).
- 7803 (c) "Public information" means a public body's public notices, minutes, audio
- 7804 recordings, and other materials that are required to be posted to the website under Title 52,
- 7805 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.
- 7806 (d) "Website" means the Utah Public Notice Website created under this section.
- 7807 (2) There is created the Utah Public Notice Website to be administered by the
- 7808 ~~[Division of Archives and Records Service]~~ division.

7809 (3) The website shall consist of an Internet website provided to assist the public to find  
7810 posted public information.

7811 (4) The division, with the technical assistance of the Department of Technology  
7812 Services, shall create the website which shall:

7813 (a) allow a public body, or other certified entity, to easily post any public information,  
7814 including the contact information required under Subsections [17B-1-303\(9\)](#) and  
7815 [17D-1-106\(1\)\(b\)\(ii\)](#);

7816 (b) allow the public to search the public information by:

7817 (i) public body name;

7818 (ii) date of posting of the notice;

7819 (iii) date of any meeting or deadline included as part of the public information; and

7820 (iv) any other criteria approved by the division;

7821 (c) allow the public to search and view past, archived public information;

7822 (d) allow a person to subscribe to receive updates and notices associated with a public  
7823 body or a particular type of public information;

7824 [~~(e) be easily accessible by the public from the State of Utah home page;~~]

7825 [~~(f)~~] (e) have a unique and simplified website address;

7826 [~~(g)~~] (f) be directly accessible via a link from the main page of the official state  
7827 website; [~~and~~]

7828 [~~(h)~~] (g) include other links, features, or functionality that will assist the public in

7829 obtaining and reviewing public information posted on the website, as may be approved by the  
7830 division[-]; and

7831 (h) be guided by the principles described in Subsection [63A-16-202\(2\)](#).

7832 (5) The division shall be responsible for:

7833 (a) establishing and maintaining the website, including the provision of equipment,  
7834 resources, and personnel as is necessary;

7835 (b) providing a mechanism for public bodies or other certified entities to have access to  
7836 the website for the purpose of posting and modifying public information; and

7837 (c) maintaining an archive of all public information posted to the website.

7838 (6) The timing for posting and the content of the public information posted to the  
7839 website shall be the responsibility of the public body or other entity posting the public

7840 information.

7841 Section 127. Section **63A-12-202**, which is renumbered from Section 63F-1-702 is  
7842 renumbered and amended to read:

7843 ~~[63F-1-702]~~. **63A-12-202. Notice and training by the division.**

7844 (1) The division shall provide notice of the provisions and requirements of this chapter  
7845 to all public bodies that are subject to the provision of Subsection [52-4-202\(3\)\(a\)\(ii\)](#).

7846 (2) The division shall, as necessary, provide periodic training on the use of the [~~Utah~~  
7847 ~~Public Notice Website~~] website to public bodies that are authorized to post notice on the  
7848 website.

7849 Section 128. Section **63A-16-101** is enacted to read:

7850 **CHAPTER 16. UTAH TRANSPARENCY ADVISORY BOARD**

7851 **Part 1. General Provisions**

7852 **63A-16-101. Title.**

7853 This chapter is known as the "Utah Transparency Advisory Board."

7854 Section 129. Section **63A-16-102** is enacted to read:

7855 **63A-16-102. Definitions.**

7856 As used in this chapter:

7857 (1) "Board" means the Utah Transparency Advisory Board created in Section  
7858 [63A-16-201](#).

7859 (2) "Public information" means the same as that term is defined in Section [63F-1-108](#).

7860 (3) "Public information website" means:

7861 (a) the website established by the State Board of Education in accordance with  
7862 Subsection [53E-5-211\(1\)](#);

7863 (b) the Utah Open Records Portal Website created in Section [63A-12-114](#);

7864 (c) the Utah Public Notice Website created in Section [63A-12-201](#);

7865 (d) the Utah Open Data Portal Website created in Section [63F-1-108](#); or

7866 (e) the public finance website established by the state auditor in accordance with  
7867 Section [67-3-12](#).

7868 Section 130. Section **63A-16-201**, which is renumbered from Section 63A-1-203 is  
7869 renumbered and amended to read:

7870 **Part 2. Creation and Duties**

7871            ~~[63A-1-203].~~            63A-16-201. Utah Transparency Advisory Board -- Creation  
 7872 -- Membership.

7873            (1) There is created within the department the Utah Transparency Advisory Board  
 7874 comprised of members knowledgeable about public finance or providing public access to  
 7875 public information.

7876            (2) The board consists of:

7877            (a) the state auditor or the state auditor's designee;

7878            (b) an individual appointed by the executive director of the department;

7879            (c) an individual appointed by the executive director of the Governor's Office of  
 7880 Management and Budget;

7881            ~~[(d) an individual appointed by the governor on advice from the Legislative Fiscal~~  
 7882 ~~Analyst;]~~

7883            ~~[(e) one member of the Senate, appointed by the governor on advice from the president~~  
 7884 ~~of the Senate;]~~

7885            ~~[(f) one member of the House of Representatives, appointed by the governor on advice~~  
 7886 ~~from the speaker of the House of Representatives;]~~

7887            ~~[(g) an individual appointed by the director of the Department of Technology~~  
 7888 ~~Services;]~~

7889            ~~[(h) the director of the Division of Archives and Records Service created in Section~~  
 7890 ~~63A-12-101 or the director's designee;]~~

7891            ~~[(i) an individual who is a member of the State Records Committee created in Section~~  
 7892 ~~63G-2-501, appointed by the governor;]~~

7893            ~~[(j) an individual representing counties, appointed by the governor;]~~

7894            ~~[(k) an individual representing municipalities, appointed by the governor;]~~

7895            ~~[(l) an individual representing special districts, appointed by the governor;]~~

7896            ~~[(m) an individual representing the State Board of Education, appointed by the State~~  
 7897 ~~Board of Education; and]~~

7898            ~~[(n) one individual who is a member of the public and who has knowledge, expertise,~~  
 7899 ~~or experience in matters relating to the board's duties under Subsection (10), appointed by the~~  
 7900 ~~board members identified in Subsections (2)(a) through (m).]~~

7901            ~~[(3) The board shall:]~~

7902           ~~[(a) advise the state auditor and the department on matters related to the~~  
7903 ~~implementation and administration of this part;]~~

7904           ~~[(b) develop plans, make recommendations, and assist in implementing the provisions~~  
7905 ~~of this part;]~~

7906           ~~[(c) determine what public financial information shall be provided by a participating~~  
7907 ~~state entity, independent entity, and participating local entity, if the public financial~~  
7908 ~~information:]~~

7909           ~~[(i) only includes records that:]~~

7910           ~~[(A) are classified as public under Title 63G, Chapter 2, Government Records Access~~  
7911 ~~and Management Act, or, subject to any specific limitations and requirements regarding the~~  
7912 ~~provision of financial information from the entity described in Section 63A-1-202, if an entity~~  
7913 ~~is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,~~  
7914 ~~records that would normally be classified as public if the entity were not exempt from Title~~  
7915 ~~63G, Chapter 2, Government Records Access and Management Act;]~~

7916           ~~[(B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or~~  
7917 ~~revenues, regardless of the source; and]~~

7918           ~~[(C) are owned, held, or administered by the participating state entity, independent~~  
7919 ~~entity, or participating local entity that is required to provide the record; and]~~

7920           ~~[(ii) is of the type or nature that should be accessible to the public via a website based~~  
7921 ~~on considerations of:]~~

7922           ~~[(A) the cost effectiveness of providing the information;]~~

7923           ~~[(B) the value of providing the information to the public; and]~~

7924           ~~[(C) privacy and security considerations;]~~

7925           ~~[(d) evaluate the cost effectiveness of implementing specific information resources and~~  
7926 ~~features on the website;]~~

7927           ~~[(e) require participating local entities to provide public financial information in~~  
7928 ~~accordance with the requirements of this part, with a specified content, reporting frequency,~~  
7929 ~~and form;]~~

7930           ~~[(f) require an independent entity's website or a participating local entity's website to be~~  
7931 ~~accessible by link or other direct route from the Utah Public Finance Website if the~~  
7932 ~~independent entity or participating local entity does not use the Utah Public Finance Website;]~~



7933 ~~[(g) determine the search methods and the search criteria that shall be made available~~  
7934 ~~to the public as part of a website used by an independent entity or a participating local entity~~  
7935 ~~under the requirements of this part, which criteria may include:]~~

7936 ~~[(i) fiscal year;]~~

7937 ~~[(ii) expenditure type;]~~

7938 ~~[(iii) name of the agency;]~~

7939 ~~[(iv) payee;]~~

7940 ~~[(v) date; and]~~

7941 ~~[(vi) amount; and]~~

7942 ~~[(h) analyze ways to improve the information on the Utah Public Finance Website so~~  
7943 ~~the information is more relevant to citizens, including through the use of:]~~

7944 ~~[(i) infographics that provide more context to the data; and]~~

7945 ~~[(ii) geolocation services, if possible.]~~

7946 (d) an individual appointed by the executive director of the Department of Technology  
7947 Services;

7948 (e) the director of the Division of Archives and Records Service created in Section  
7949 63A-12-101 or the director's designee;

7950 (f) an individual representing the State Board of Education, appointed by the State  
7951 Board of Education;

7952 (g) the following individuals appointed by the governor:

7953 (i) an individual recommended by the Office of the Legislative Fiscal Analyst;

7954 (ii) one member of the Senate, recommended by the president of the Senate;

7955 (iii) one member of the House of Representatives, recommended by the speaker of the  
7956 House of Representatives;

7957 (iv) an individual who is a member of the State Records Committee created in Section  
7958 63G-2-501;

7959 (v) an individual representing counties;

7960 (vi) an individual representing municipalities; and

7961 (vii) an individual representing special districts; and

7962 (h) one individual who is a member of the public and who has knowledge, expertise, or  
7963 experience in matters relating to the board's duties under Section 63A-16-202, appointed by the

7964 board members identified in Subsections (2)(a) through (g).

7965 ~~[(4)]~~ (3) Every two years, the board shall elect a chair and a vice chair from its  
7966 members.

7967 ~~[(5) (a) (i) The term of a member appointed for an unexpired two-year term before May  
7968 8, 2018, shall be extended by two years from the date of the original appointment.]~~

7969 ~~[(ii)]~~ (4) (a) Each member ~~[appointed on or after May 8, 2018;]~~ shall serve a four-year  
7970 term.

7971 (b) When a vacancy occurs in the membership for any reason, the replacement shall be  
7972 appointed for a four-year term.

7973 ~~[(6)]~~ (5) To accomplish its duties, the board shall meet as it determines necessary.

7974 ~~[(7)]~~ (6) Reasonable notice shall be given to each member of the board before any  
7975 meeting.

7976 ~~[(8)]~~ (7) A majority of the board constitutes a quorum for the transaction of business.

7977 ~~[(9)]~~ (8) (a) A member who is not a legislator may not receive compensation or  
7978 benefits for the member's service, but may receive per diem and travel expenses as allowed in:

7979 (i) Section [63A-3-106](#);

7980 (ii) Section [63A-3-107](#); and

7981 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and  
7982 [63A-3-107](#).

7983 (b) Compensation and expenses of a member who is a legislator are governed by  
7984 Section [36-2-2](#) and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

7985 ~~[(10) (a) As used in Subsections (10) and (11):]~~

7986 ~~[(i) "Information website" means a single Internet website containing public  
7987 information or links to public information.]~~

7988 ~~[(ii) "Public information" means records of state government, local government, or an  
7989 independent entity that are classified as public under Title 63G, Chapter 2, Government  
7990 Records Access and Management Act, or, subject to any specific limitations and requirements  
7991 regarding the provision of financial information from the entity described in Section  
7992 [63A-1-202](#), if an entity is exempt from Title 63G, Chapter 2, Government Records Access and  
7993 Management Act, records that would normally be classified as public if the entity were not  
7994 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.]~~

7995           ~~[(b) The board shall:]~~  
7996           ~~[(i) study the establishment of an information website and develop recommendations~~  
7997 ~~for its establishment;]~~  
7998           ~~[(ii) develop recommendations about how to make public information more readily~~  
7999 ~~available to the public through the information website;]~~  
8000           ~~[(iii) develop standards to make uniform the format and accessibility of public~~  
8001 ~~information posted to the information website; and]~~  
8002           ~~[(iv) identify and prioritize public information in the possession of a state agency or~~  
8003 ~~political subdivision that may be appropriate for publication on the information website.]~~  
8004           ~~[(c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by~~  
8005 ~~principles that encourage:]~~  
8006           ~~[(i) (A) the establishment of a standardized format of public information that makes the~~  
8007 ~~information more easily accessible by the public;]~~  
8008           ~~[(B) the removal of restrictions on the reuse of public information;]~~  
8009           ~~[(C) minimizing limitations on the disclosure of public information while appropriately~~  
8010 ~~safeguarding sensitive information; and]~~  
8011           ~~[(D) balancing factors in favor of excluding public information from an information~~  
8012 ~~website against the public interest in having the information accessible on an information~~  
8013 ~~website;]~~  
8014           ~~[(ii) (A) permanent, lasting, open access to public information; and]~~  
8015           ~~[(B) the publication of bulk public information;]~~  
8016           ~~[(iii) the implementation of well-designed public information systems that ensure data~~  
8017 ~~quality, create a public, comprehensive list or index of public information, and define a process~~  
8018 ~~for continuous publication of and updates to public information;]~~  
8019           ~~[(iv) the identification of public information not currently made available online and~~  
8020 ~~the implementation of a process, including a timeline and benchmarks, for making that public~~  
8021 ~~information available online; and]~~  
8022           ~~[(v) accountability on the part of those who create, maintain, manage, or store public~~  
8023 ~~information or post it to an information website.]~~  
8024           ~~[(d) The department shall implement the board's recommendations, including the~~  
8025 ~~establishment of an information website, to the extent that implementation:]~~

8026           ~~[(i) is approved by the Legislative Management Committee;]~~  
8027           ~~[(ii) does not require further legislative appropriation; and]~~  
8028           ~~[(iii) is within the department's existing statutory authority.]~~  
8029           ~~[(11) The department shall, in consultation with the board and as funding allows,~~  
8030 ~~modify the information website described in Subsection (10) to:]~~  
8031           ~~[(a) by January 1, 2015, serve as a point of access for Government Records Access and~~  
8032 ~~Management requests for executive agencies;]~~  
8033           ~~[(b) by January 1, 2016, serve as a point of access for Government Records Access and~~  
8034 ~~Management requests for:]~~  
8035           ~~[(i) school districts;]~~  
8036           ~~[(ii) charter schools;]~~  
8037           ~~[(iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit~~  
8038 ~~District Act;]~~  
8039           ~~[(iv) counties; and]~~  
8040           ~~[(v) municipalities;]~~  
8041           ~~[(c) by January 1, 2017, serve as a point of access for Government Records Access and~~  
8042 ~~Management requests for:]~~  
8043           ~~[(i) local districts under Title 17B, Limited Purpose Local Government Entities - Local~~  
8044 ~~Districts; and]~~  
8045           ~~[(ii) special service districts under Title 17D, Chapter 1, Special Service District Act;]~~  
8046           ~~[(d) except as provided in Subsection (12)(a), provide link capabilities to other existing~~  
8047 ~~repositories of public information, including maps, photograph collections, legislatively~~  
8048 ~~required reports, election data, statute, rules, regulations, and local ordinances that exist on~~  
8049 ~~other agency and political subdivision websites;]~~  
8050           ~~[(e) provide multiple download options in different formats, including nonproprietary,~~  
8051 ~~open formats where possible;]~~  
8052           ~~[(f) provide any other public information that the board, under Subsection (10),~~  
8053 ~~identifies as appropriate for publication on the information website; and]~~  
8054           ~~[(g) incorporate technical elements the board identifies as useful to a citizen using the~~  
8055 ~~information website.]~~  
8056           ~~[(12) (a) The department, in consultation with the board, shall establish by rule any~~

8057 ~~restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on~~  
8058 ~~the website described in Subsection (10) if the inclusion would pose a potential security~~  
8059 ~~concern.]~~

8060 ~~[(b) The website described in Subsection (10) may not publish any record that is~~  
8061 ~~classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records~~  
8062 ~~Access and Management Act.]~~

8063 (9) The department shall provide staff support for the board.

8064 Section 131. Section **63A-16-202** is enacted to read:

8065 **63A-16-202. Utah Transparency Advisory Board -- Duties.**

8066 (1) (a) The board shall advise and assist:

8067 (i) the state auditor regarding the public finance website established by the state auditor  
8068 in accordance with Section [67-3-12](#);

8069 (ii) the Department of Technology Services regarding the Utah Open Data Portal  
8070 website created in Section [63F-1-108](#);

8071 (iii) the Division of Archives and Records Service regarding:

8072 (A) the Utah Open Records Portal Website created in Section [63A-12-114](#); and

8073 (B) the Utah Public Notice Website created in Section [63A-12-201](#); and

8074 (iv) the State Board of Education regarding the website required under Subsection  
8075 [53E-5-211](#)(1).

8076 (b) In providing advice and assistance under Subsection (1)(a), the board may:

8077 (i) develop recommendations on how to make public information more readily  
8078 available to the public through a public information website;

8079 (ii) develop standards to make uniform the format and accessibility of public  
8080 information posted to a public information website; and

8081 (iii) identify and prioritize public information that may be appropriate for publication  
8082 on a public information website.

8083 (2) In fulfilling the board's duties under Subsection (1), the board shall follow  
8084 principles that encourage:

8085 (a) the establishment of a standardized format of public information that makes the  
8086 information posted to a public information website more easily accessible by the public;

8087 (b) the removal of restrictions on the reuse of public information;

- 8088 (c) balancing factors in favor of excluding public information from a public  
 8089 information website against the public interest in having the public information accessible  
 8090 through a public information website;
- 8091 (d) permanent, lasting, open access to public information;  
 8092 (e) the bulk publication of public information;  
 8093 (f) the implementation of well-designed public information systems that:  
 8094 (i) ensure data quality;  
 8095 (ii) create a public, comprehensive list or index of public information; and  
 8096 (iii) define a process for continuous publication of public information, including  
 8097 updates to available public information;
- 8098 (g) the identification of public information not currently available on a public  
 8099 information website and the implementation of a process, including a timeline and benchmarks,  
 8100 for making that public information available; and
- 8101 (h) accountability on the part of the persons who create, maintain, manage, or store  
 8102 public information or post public information to a public information website.

8103 Section 132. Section **63E-2-109** is amended to read:

8104 **63E-2-109. State statutes.**

- 8105 (1) Except as specifically modified in its authorizing statute, each independent  
 8106 corporation shall be exempt from the statutes governing state agencies, including:
- 8107 (a) Title 51, Chapter 5, Funds Consolidation Act;  
 8108 (b) Title 51, Chapter 7, State Money Management Act;  
 8109 (c) [~~except as provided in Subsection (2);~~] Title 63A, Utah Administrative Services  
 8110 Code;
- 8111 (d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
 8112 (e) Title 63G, Chapter 4, Administrative Procedures Act;  
 8113 (f) Title 63G, Chapter 6a, Utah Procurement Code;  
 8114 (g) Title 63J, Chapter 1, Budgetary Procedures Act;  
 8115 (h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and  
 8116 (i) Title 67, Chapter 19, Utah State Personnel Management Act.
- 8117 (2) Except as specifically modified in its authorizing statute, each independent  
 8118 corporation shall be subject to:

- 8119 (a) Title 52, Chapter 4, Open and Public Meetings Act;  
8120 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#); and  
8121 (c) Title 63G, Chapter 2, Government Records Access and Management Act.  
8122 (3) Each independent corporation board may adopt its own policies and procedures

8123 governing its:

- 8124 (a) funds management;  
8125 (b) audits; and  
8126 (c) personnel.

8127 Section 133. Section **63F-1-108** is enacted to read:

8128 **63F-1-108. Utah Open Data Portal Website.**

8129 (1) As used in this section:

8130 (a) "Governmental entity" means the same as that term is defined in Section

8131 [63G-2-103](#).

8132 (b) "Public information" means records of state government, local government, or an  
8133 independent entity that are classified as public under Title 63G, Chapter 2, Government  
8134 Records Access and Management Act, or, subject to any specific limitations and requirements  
8135 regarding the provision of financial information from the entity described in Section [67-3-12](#), if  
8136 an entity is exempt from Title 63G, Chapter 2, Government Records Access and Management  
8137 Act, records that would normally be classified as public if the entity were not exempt from  
8138 Title 63G, Chapter 2, Government Records Access and Management Act.

8139 (c) "Private, controlled, or protected information" means information classified as  
8140 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and  
8141 Management Act.

8142 (d) "Website" means the Utah Open Data Portal Website created in this section.

8143 (2) There is created the Utah Open Data Portal Website to be administered by the  
8144 department.

8145 (3) The website shall serve as a point of access for public information.

8146 (4) The department shall:

8147 (a) establish and maintain the website, guided by the principles described in Subsection  
8148 [63A-16-202\(2\)](#);

8149 (b) provide equipment, resources, and personnel as needed to establish and maintain

8150 the website;

8151 (c) provide a mechanism for governmental entities to gain access to the website for the  
8152 purpose of posting and modifying public information; and

8153 (d) maintain an archive of all public information posted to the website.

8154 (5) The timing for posting and the content of the public information posted to the  
8155 website is the responsibility of the governmental entity posting the public information.

8156 (6) A governmental entity may not post private, controlled, or protected information to  
8157 the website.

8158 (7) A person who negligently discloses private, controlled, or protected information is  
8159 not criminally or civilly liable for an improper disclosure of the information if the information  
8160 is disclosed solely as a result of the preparation or publication of the website.

8161 Section 134. Section **63G-4-107** is amended to read:

8162 **63G-4-107. Petition to remove agency action from public access.**

8163 (1) An individual may petition the agency that maintains, on a state-controlled website  
8164 available to the public, a record of administrative disciplinary action, to remove the record of  
8165 administrative disciplinary action from public access on the state-controlled website, if:

8166 (a) (i) five years have passed since:

8167 (A) the date the final order was issued; or

8168 (B) if no final order was issued, the date the administrative disciplinary action was  
8169 commenced; or

8170 (ii) the individual has obtained a criminal expungement order under Title 77, Chapter  
8171 40, Utah Expungement Act, for the individual's criminal records related to the same incident or  
8172 conviction upon which the administrative disciplinary action was based;

8173 (b) the individual has successfully completed all action required by the agency relating  
8174 to the administrative disciplinary action within the time frame set forth in the final order, or if  
8175 no time frame is specified in the final order, within the time frame set forth in Title 63G,  
8176 Chapter 4, Administrative Procedures Act;

8177 (c) from the time that the original administrative disciplinary action was filed, the  
8178 individual has not violated the same statutory provisions or administrative rules related to those  
8179 statutory provisions that resulted in the original administrative disciplinary action; and

8180 (d) the individual pays an application fee determined by the agency in accordance with



8181 Section [63J-1-504](#).

8182 (2) The individual petitioning the agency under Subsection (1) shall provide the agency  
8183 with a written request containing the following information:

8184 (a) the petitioner's full name, address, telephone number, and date of birth;

8185 (b) the information the petitioner seeks to remove from public access; and

8186 (c) an affidavit certifying that the petitioner is in compliance with the provisions of  
8187 Subsection (1).

8188 (3) Within 30 days of receiving the documents and information described in

8189 Subsection (2):

8190 (a) the agency shall review the petition and all documents submitted with the petition  
8191 to determine whether the petitioner has met the requirements of Subsections (1) and (2); and

8192 (b) if the agency determines that the petitioner has met the requirements of Subsections  
8193 (1) and (2), the agency shall immediately remove the record of administrative disciplinary  
8194 action from public access on the state-controlled website.

8195 (4) Notwithstanding the provisions of Subsection (3), an agency is not required to  
8196 remove a recording, written minutes, or other electronic information from the Utah Public  
8197 Notice Website, created under Section [~~63F-1-701~~] [63A-12-201](#), if the recording, written  
8198 minutes, or other electronic information is required to be available to the public on the Utah  
8199 Public Notice Website under the provisions of Title 52, Chapter 4, Open and Public Meetings  
8200 Act.

8201 Section 135. Section **63G-9-303** is amended to read:

8202 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

8203 (1) At least 60 days preceding the annual general session of the Legislature, the board  
8204 shall hold a session for the purpose of examining the claims referred to in Section [63G-9-302](#),  
8205 and may adjourn from time to time until the work is completed.

8206 (2) The board shall cause notice of such meeting or meetings to be published on the  
8207 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

8208 Section 136. Section **63H-1-701** is amended to read:

8209 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**  
8210 **Auditor forms -- Requirement to file form.**

8211 (1) The authority shall prepare and its board adopt an annual budget of revenues and

8212 expenditures for the authority for each fiscal year.

8213 (2) Each annual authority budget shall be adopted before June 30.

8214 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

8215 (4) (a) Before adopting an annual budget, the authority board shall hold a public  
8216 hearing on the annual budget.

8217 (b) The authority shall provide notice of the public hearing on the annual budget by  
8218 publishing notice:

8219 (i) at least once in a newspaper of general circulation within the state, one week before  
8220 the public hearing; and

8221 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
8222 at least one week immediately before the public hearing.

8223 (c) The authority shall make the annual budget available for public inspection at least  
8224 three days before the date of the public hearing.

8225 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
8226 in each authority budget, including:

8227 (a) revenues and expenditures for the budget year;

8228 (b) legal fees; and

8229 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
8230 authority personnel.

8231 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a  
8232 copy of the annual budget with the auditor of each county in which a project area of the  
8233 authority is located, the State Tax Commission, the state auditor, the State Board of Education,  
8234 and each taxing entity that levies a tax on property from which the authority collects property  
8235 tax allocation.

8236 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the  
8237 state as a taxing entity is met if the authority files a copy with the State Tax Commission and  
8238 the state auditor.

8239 Section 137. Section **63H-2-502** is amended to read:

8240 **63H-2-502. Annual authority budget -- Auditor forms -- Requirement to file**  
8241 **form.**

8242 (1) (a) The authority shall prepare an annual budget of revenues and expenditures for

8243 the authority for each fiscal year.

8244 (b) Before June 30 of each year and subject to the other provisions of this section, the  
8245 board shall adopt an annual budget of revenues and expenditures of the authority for the  
8246 immediately following fiscal year.

8247 (2) (a) Before adopting an annual budget, the board shall hold a public hearing on the  
8248 annual budget.

8249 (b) Before holding the public hearing required by this Subsection (2), the board shall  
8250 post notice of the public hearing on the Utah Public Notice Website created under Section  
8251 [~~63F-1-701~~] 63A-12-201 no less than 14 days before the day on which the public hearing is to  
8252 be held.

8253 (3) The state auditor shall prescribe the budget forms and the categories to be contained  
8254 in each annual budget of the authority, including:

8255 (a) revenues and expenditures for the budget year;

8256 (b) the outstanding bonds and related expenses;

8257 (c) legal fees; and

8258 (d) administrative costs, including:

8259 (i) rent;

8260 (ii) supplies;

8261 (iii) other materials; and

8262 (iv) salaries of authority personnel.

8263 (4) Within 30 days after adopting an annual budget, the board shall file a copy of the  
8264 annual budget with:

8265 (a) the State Tax Commission; and

8266 (b) the state auditor.

8267 (5) (a) Subject to Subsection (5)(b), the board may by resolution amend an annual  
8268 budget of the authority.

8269 (b) The board may make an amendment of an annual budget that would increase total  
8270 expenditures of the authority only after:

8271 (i) holding a public hearing; and

8272 (ii) before holding the public hearing required by this Subsection (5)(b), posting notice  
8273 of the public hearing on the Utah Public Notice Website created under Section [~~63F-1-701~~]

8274 [63A-12-201](#) no less than 14 days before the day on which the public hearing is to be held.

8275 (6) The authority may not make expenditures in excess of the total expenditures  
8276 established in the annual budget as it is adopted or amended.

8277 Section 138. Section **63H-4-108** is amended to read:

8278 **63H-4-108. Relation to certain acts -- Participation in Risk Management Fund.**

8279 (1) The authority is exempt from:

8280 (a) Title 51, Chapter 5, Funds Consolidation Act;

8281 (b) [~~except as provided in Subsection (2)(b);~~] Title 63A, Utah Administrative Services  
8282 Code;

8283 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

8284 (d) Title 67, Chapter 19, Utah State Personnel Management Act.

8285 (2) The authority is subject to:

8286 (a) Title 52, Chapter 4, Open and Public Meetings Act;

8287 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);

8288 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and

8289 (d) Title 63G, Chapter 6a, Utah Procurement Code.

8290 (3) The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3,  
8291 Auditor, and by the legislative auditor general pursuant to [Section 36-12-15](#).

8292 (4) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the authority may  
8293 participate in coverage under the Risk Management Fund created by [Section 63A-4-201](#).

8294 Section 139. Section **63H-5-108** is amended to read:

8295 **63H-5-108. Relation to certain acts.**

8296 (1) The authority is exempt from:

8297 (a) Title 51, Chapter 5, Funds Consolidation Act;

8298 (b) [~~except as provided in Subsection (2)(b);~~] Title 63A, Utah Administrative Services  
8299 Code;

8300 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

8301 (d) Title 67, Chapter 19, Utah State Personnel Management Act.

8302 (2) The authority is subject to:

8303 (a) Title 52, Chapter 4, Open and Public Meetings Act;

8304 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);

- 8305 (c) Title 63G, Chapter 2, Government Records Access and Management Act;
- 8306 (d) Title 63G, Chapter 6a, Utah Procurement Code; and
- 8307 (e) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
- 8308 legislative auditor general pursuant to Section [36-12-15](#).
- 8309 Section 140. Section **63H-6-103** is amended to read:
- 8310 **63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.**
- 8311 (1) There is created an independent public nonprofit corporation known as the "Utah
- 8312 State Fair Corporation."
- 8313 (2) The board shall file articles of incorporation for the corporation with the Division
- 8314 of Corporations and Commercial Code.
- 8315 (3) The corporation, subject to this chapter, has all powers and authority permitted
- 8316 nonprofit corporations by law.
- 8317 (4) The corporation shall:
- 8318 (a) manage, supervise, and control:
- 8319 (i) all activities relating to the annual exhibition described in Subsection (4)(j); and
- 8320 (ii) except as otherwise provided by statute, all state expositions, including setting the
- 8321 time, place, and purpose of any state exposition;
- 8322 (b) for public entertainment, displays, and exhibits or similar events:
- 8323 (i) provide, sponsor, or arrange the events;
- 8324 (ii) publicize and promote the events; and
- 8325 (iii) secure funds to cover the cost of the exhibits from:
- 8326 (A) private contributions;
- 8327 (B) public appropriations;
- 8328 (C) admission charges; and
- 8329 (D) other lawful means;
- 8330 (c) acquire and designate exposition sites;
- 8331 (d) use generally accepted accounting principles in accounting for the corporation's
- 8332 assets, liabilities, and operations;
- 8333 (e) seek corporate sponsorships for the state fair park or for individual buildings or
- 8334 facilities within the fair park;
- 8335 (f) work with county and municipal governments, the Salt Lake Convention and

8336 Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote  
8337 expositions and the use of the state fair park;

8338 (g) develop and maintain a marketing program to promote expositions and the use of  
8339 the state fair park;

8340 (h) in accordance with provisions of this part, operate and maintain the state fair park,  
8341 including the physical appearance and structural integrity of the state fair park and the  
8342 buildings located at the state fair park;

8343 (i) prepare an economic development plan for the state fair park;

8344 (j) hold an annual exhibition that:

8345 (i) is called the state fair or a similar name;

8346 (ii) promotes and highlights agriculture throughout the state;

8347 (iii) includes expositions of livestock, poultry, agricultural, domestic science,  
8348 horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic  
8349 animals that, in the corporation's opinion will best stimulate agricultural, industrial, artistic, and  
8350 educational pursuits and the sharing of talents among the people of Utah;

8351 (iv) includes the award of premiums for the best specimens of the exhibited articles  
8352 and animals;

8353 (v) permits competition by livestock exhibited by citizens of other states and territories  
8354 of the United States; and

8355 (vi) is arranged according to plans approved by the board;

8356 (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j);  
8357 and

8358 (l) publish a list of premiums that will be awarded at the annual exhibition described in  
8359 Subsection (4)(j) for the best specimens of exhibited articles and animals.

8360 (5) In addition to the annual exhibition described in Subsection (4)(j), the corporation  
8361 may hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural,  
8362 floricultural, mineral and industrial products, manufactured articles, and domestic animals that,  
8363 in the corporation's opinion, will best stimulate agricultural, industrial, artistic, and educational  
8364 pursuits and the sharing of talents among the people of Utah.

8365 (6) The corporation may:

8366 (a) employ advisers, consultants, and agents, including financial experts and

- 8367 independent legal counsel, and fix their compensation;
- 8368 (b) (i) participate in the state's Risk Management Fund created under Section  
8369 [63A-4-201](#); or
- 8370 (ii) procure insurance against any loss in connection with the corporation's property  
8371 and other assets, including mortgage loans;
- 8372 (c) receive and accept aid or contributions of money, property, labor, or other things of  
8373 value from any source, including any grants or appropriations from any department, agency, or  
8374 instrumentality of the United States or Utah;
- 8375 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the  
8376 purposes of the corporation, subject to the conditions, if any, upon which the aid and  
8377 contributions were made;
- 8378 (e) enter into management agreements with any person or entity for the performance of  
8379 the corporation's functions or powers;
- 8380 (f) establish whatever accounts and procedures as necessary to budget, receive, and  
8381 disburse, account for, and audit all funds received, appropriated, or generated;
- 8382 (g) subject to Subsection (8), lease any of the facilities at the state fair park;
- 8383 (h) sponsor events as approved by the board; and
- 8384 (i) enter into one or more agreements to develop the state fair park.
- 8385 (7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the  
8386 corporation is exempt from:
- 8387 (i) Title 51, Chapter 5, Funds Consolidation Act;
- 8388 (ii) Title 51, Chapter 7, State Money Management Act;
- 8389 (iii) Title 63A, Utah Administrative Services Code;
- 8390 (iv) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 8391 (v) Title 67, Chapter 19, Utah State Personnel Management Act.
- 8392 (b) The board shall adopt policies parallel to and consistent with:
- 8393 (i) Title 51, Chapter 5, Funds Consolidation Act;
- 8394 (ii) Title 51, Chapter 7, State Money Management Act;
- 8395 (iii) Title 63A, Utah Administrative Services Code; and
- 8396 (iv) Title 63J, Chapter 1, Budgetary Procedures Act.
- 8397 (c) The corporation shall comply with:

- 8398 (i) Title 52, Chapter 4, Open and Public Meetings Act;
- 8399 (ii) Title 63G, Chapter 2, Government Records Access and Management Act;
- 8400 (iii) the provisions of [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~]

8401 Section 67-3-12;

- 8402 (iv) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:
- 8403 (A) entertainment provided at the state fair park;
- 8404 (B) judges for competitive exhibits; or
- 8405 (C) sponsorship of an event at the state fair park; and
- 8406 (v) the legislative approval requirements for new facilities established in Subsection
- 8407 63A-5-104(3).

8408 (8) (a) Before the corporation executes a lease described in Subsection (6)(g) with a  
8409 term of 10 or more years, the corporation shall:

8410 (i) submit the proposed lease to the State Building Board for the State Building Board's  
8411 approval or rejection; and

8412 (ii) if the State Building Board approves the proposed lease, submit the proposed lease  
8413 to the Executive Appropriations Committee for the Executive Appropriation Committee's  
8414 review and recommendation in accordance with Subsection (8)(b).

8415 (b) The Executive Appropriations Committee shall review a proposed lease submitted  
8416 in accordance with Subsection (8)(a) and recommend to the corporation that the corporation:

8417 (i) execute the proposed sublease; or

8418 (ii) reject the proposed sublease.

8419 Section 141. Section ~~63H-7a-104~~ is amended to read:

8420 **63H-7a-104. Relation to certain acts.**

8421 (1) The authority is exempt from:

8422 (a) Title 51, Chapter 5, Funds Consolidation Act;

8423 (b) [~~except as provided in Subsection (2)(b),~~] Title 63A, Utah Administrative Services  
8424 Code;

8425 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

8426 (d) Title 67, Chapter 19, Utah State Personnel Management Act.

8427 (2) The authority is subject to:

8428 (a) Title 52, Chapter 4, Open and Public Meetings Act;



- 8429 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] Section 67-3-12;
- 8430 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 8431 (d) Title 63G, Chapter 6a, Utah Procurement Code.
- 8432 Section 142. Section **63H-7a-803** is amended to read:
- 8433 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**
- 8434 (1) The Utah Communications Authority is exempt from:
- 8435 (a) except as provided in Subsection (3)(a), Title 63A, Utah Administrative Services
- 8436 Code;
- 8437 (b) Title 63G, Chapter 4, Administrative Procedures Act; and
- 8438 (c) Title 67, Chapter 19, Utah State Personnel Management Act.
- 8439 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and
- 8440 human resource policies substantially similar to those from which they have been exempted in
- 8441 Subsection (1).
- 8442 (b) The authority, the board, and the committee members are subject to Title 67,
- 8443 Chapter 16, Utah Public Officers' and Employees' Ethics Act.
- 8444 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.
- 8445 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.
- 8446 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act, only
- 8447 with respect to money appropriated to the authority by the Legislature.
- 8448 (3) (a) Subject to the requirements of Subsection 63E-1-304(2), the administration may
- 8449 participate in coverage under the Risk Management Fund created by Section 63A-4-201.
- 8450 (b) The authority is subject to [~~Title 63A, Chapter 1, Part 2, Utah Public Finance~~
- 8451 ~~Website~~] Section 67-3-12.
- 8452 Section 143. Section **63H-8-204** is amended to read:
- 8453 **63H-8-204. Relation to certain acts.**
- 8454 (1) The corporation is exempt from:
- 8455 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 8456 (b) Title 51, Chapter 7, State Money Management Act;
- 8457 (c) [~~except as provided in Subsection (2),~~] Title 63A, Utah Administrative Services
- 8458 Code;
- 8459 (d) Title 63G, Chapter 6a, Utah Procurement Code;

- 8460 (e) Title 63J, Chapter 1, Budgetary Procedures Act;
- 8461 (f) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
- 8462 (g) Title 67, Chapter 19, Utah State Personnel Management Act.
- 8463 (2) The corporation shall comply with:
- 8464 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 8465 (b) ~~[Title 63A, Chapter 1, Part 2, Utah Public Finance Website]~~ [Section 67-3-12](#); and
- 8466 (c) Title 63G, Chapter 2, Government Records Access and Management Act.
- 8467 Section 144. Section **63I-1-263** is amended to read:
- 8468 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 8469 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 8470 ~~[(a) Subsection [63A-1-201](#)(1) is repealed;]~~
- 8471 ~~[(b) Subsection [63A-1-202](#)(2)(c), the language that states "using criteria established by~~
- 8472 ~~the board" is repealed;]~~
- 8473 ~~[(c) Section [63A-1-203](#) is repealed;]~~
- 8474 ~~[(d) Subsections [63A-1-204](#)(1) and (2), the language that states "After consultation~~
- 8475 ~~with the board, and" is repealed; and]~~
- 8476 ~~[(e) Subsection [63A-1-204](#)(1)(b), the language that states "using the standards provided~~
- 8477 ~~in Subsection [63A-1-203](#)(3)(c)" is repealed.]~~
- 8478 (a) [Section 63A-16-102](#) is repealed;
- 8479 (b) [Section 63A-16-201](#) is repealed; and
- 8480 (c) [Section 63A-16-202](#) is repealed.
- 8481 (2) Subsection [63A-5-228](#)(2)(h), relating to prioritizing and allocating capital
- 8482 improvement funding, is repealed on July 1, 2024.
- 8483 (3) Section [63A-5-603](#), State Facility Energy Efficiency Fund, is repealed July 1, 2023.
- 8484 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 8485 1, 2028.
- 8486 (5) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 8487 2025.
- 8488 (6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,
- 8489 2020.
- 8490 (7) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is

8491 repealed July 1, 2021.

8492 (8) Title 63C, Chapter 18, Mental Health Crisis Line Commission, is repealed July 1,  
8493 2023.

8494 (9) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
8495 2025.

8496 (10) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
8497 2020.

8498 (11) In relation to the State Fair Corporation Board of Directors, on January 1, 2025:

8499 (a) Subsection 63H-6-104(2)(c), related to a Senate appointment, is repealed;

8500 (b) Subsection 63H-6-104(2)(d), related to a House appointment, is repealed;

8501 (c) in Subsection 63H-6-104(2)(e), the language that states ", of whom only one may  
8502 be a legislator, in accordance with Subsection (3)(e)," is repealed;

8503 (d) Subsection 63H-6-104(3)(a)(i) is amended to read:

8504 "(3)(a)(i) Except as provided in Subsection (3)(a)(ii), a board member appointed under  
8505 Subsection (2)(e) or (f) shall serve a term that expires on the December 1 four years after the  
8506 year that the board member was appointed.";

8507 (e) in Subsections 63H-6-104(3)(a)(ii), (c)(ii), and (d), the language that states "the  
8508 president of the Senate, the speaker of the House, the governor," is repealed and replaced with  
8509 "the governor"; and

8510 (f) Subsection 63H-6-104(3)(e), related to limits on the number of legislators, is  
8511 repealed.

8512 (12) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.

8513 (13) Section 63M-7-212 is repealed on December 31, 2019.

8514 (14) On July 1, 2025:

8515 (a) in Subsection 17-27a-404(3)(c)(ii), the language that states "the Resource  
8516 Development Coordinating Committee," is repealed;

8517 (b) Subsection 23-14-21(2)(c) is amended to read "(c) provide notification of proposed  
8518 sites for the transplant of species to local government officials having jurisdiction over areas  
8519 that may be affected by a transplant.";

8520 (c) in Subsection 23-14-21(3), the language that states "and the Resource Development  
8521 Coordinating Committee" is repealed;

8522 (d) in Subsection 23-21-2.3(1), the language that states "the Resource Development  
8523 Coordinating Committee created in Section 63J-4-501 and" is repealed;

8524 (e) in Subsection 23-21-2.3(2), the language that states "the Resource Development  
8525 Coordinating Committee and" is repealed;

8526 (f) Subsection 63J-4-102(1) is repealed and the remaining subsections are renumbered  
8527 accordingly;

8528 (g) Subsections 63J-4-401(5)(a) and (c) are repealed;

8529 (h) Subsection 63J-4-401(5)(b) is renumbered to Subsection 63J-4-401(5)(a) and the  
8530 word "and" is inserted immediately after the semicolon;

8531 (i) Subsection 63J-4-401(5)(d) is renumbered to Subsection 63J-4-401(5)(b);

8532 (j) Sections 63J-4-501, 63J-4-502, 63J-4-503, 63J-4-504, and 63J-4-505 are repealed;  
8533 and

8534 (k) Subsection 63J-4-603(1)(e)(iv) is repealed and the remaining subsections are  
8535 renumbered accordingly.

8536 (15) Subsection 63J-1-602.1(13), Nurse Home Visiting Restricted Account is repealed  
8537 July 1, 2026.

8538 (16) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage  
8539 Commission, is repealed July 1, 2023.

8540 (17) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed  
8541 July 1, 2022.

8542 (18) (a) Subsection 63J-1-602.1(53), relating to the Utah Statewide Radio System  
8543 Restricted Account, is repealed July 1, 2022.

8544 (b) When repealing Subsection 63J-1-602.1(53), the Office of Legislative Research and  
8545 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make  
8546 necessary changes to subsection numbering and cross references.

8547 (19) Subsection 63J-1-602.2(23), related to the Utah Seismic Safety Commission, is  
8548 repealed January 1, 2025.

8549 (20) Subsection 63J-4-708(1), in relation to the Talent Ready Utah Board, on January  
8550 1, 2023, is amended to read:

8551 "(1) On or before October 1, the board shall provide an annual written report to the  
8552 Social Services Appropriations Subcommittee and the Economic Development and Workforce

8553 Services Interim Committee."

8554 (21) In relation to the Utah Substance Use and Mental Health Advisory Council, on  
8555 January 1, 2023:

8556 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are  
8557 repealed;

8558 (b) Section 63M-7-305, the language that states "council" is replaced with  
8559 "commission";

8560 (c) Subsection 63M-7-305(1) is repealed and replaced with:

8561 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

8562 (d) Subsection 63M-7-305(2) is repealed and replaced with:

8563 "(2) The commission shall:

8564 (a) provide ongoing oversight of the implementation, functions, and evaluation of the  
8565 Drug-Related Offenses Reform Act; and

8566 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in  
8567 Subsections 77-18-1(5)(b)(iii) and (iv)."

8568 (22) The Crime Victim Reparations and Assistance Board, created in Section  
8569 63M-7-504, is repealed July 1, 2027.

8570 (23) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

8571 (24) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed  
8572 on January 1, 2023.

8573 (25) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

8574 (26) (a) Title 63N, Chapter 2, Part 4, Recycling Market Development Zone Act, is  
8575 repealed January 1, 2021.

8576 (b) Subject to Subsection (26)(c), Sections 59-7-610 and 59-10-1007 regarding tax  
8577 credits for certain persons in recycling market development zones, are repealed for taxable  
8578 years beginning on or after January 1, 2021.

8579 (c) A person may not claim a tax credit under Section 59-7-610 or 59-10-1007:

8580 (i) for the purchase price of machinery or equipment described in Section 59-7-610 or  
8581 59-10-1007, if the machinery or equipment is purchased on or after January 1, 2021; or

8582 (ii) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), if  
8583 the expenditure is made on or after January 1, 2021.

8584 (d) Notwithstanding Subsections (26)(b) and (c), a person may carry forward a tax  
8585 credit in accordance with Section 59-7-610 or 59-10-1007 if:

8586 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

8587 (ii) (A) for the purchase price of machinery or equipment described in Section  
8588 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
8589 2020; or

8590 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
8591 expenditure is made on or before December 31, 2020.

8592 (27) Section 63N-2-512 is repealed on July 1, 2021.

8593 (28) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
8594 January 1, 2021.

8595 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for  
8596 calendar years beginning on or after January 1, 2021.

8597 (c) Notwithstanding Subsection (28)(b), an entity may carry forward a tax credit in  
8598 accordance with Section 59-9-107 if:

8599 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
8600 31, 2020; and

8601 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
8602 Section 63N-2-603 on or before December 31, 2023.

8603 (29) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

8604 (30) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
8605 July 1, 2023.

8606 (31) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,  
8607 is repealed January 1, 2023.

8608 (32) In relation to the Pete Suazo Utah Athletic Commission, on January 1, 2021:

8609 (a) Subsection 63N-10-201(2)(a) is amended to read:

8610 "(2) (a) The governor shall appoint five commission members with the advice and  
8611 consent of the Senate.";

8612 (b) Subsection 63N-10-201(2)(b), related to legislative appointments, is repealed;

8613 (c) in Subsection 63N-10-201(3)(a), the language that states ", president, or speaker,  
8614 respectively," is repealed; and

- 8615 (d) Subsection [63N-10-201](#)(3)(d) is amended to read:  
8616 "(d) The governor may remove a commission member for any reason and replace the  
8617 commission member in accordance with this section."  
8618 (33) In relation to the Talent Ready Utah Board, on January 1, 2023:  
8619 (a) Subsection [9-22-102](#)(16) is repealed;  
8620 (b) in Subsection [9-22-114](#)(2), the language that states "Talent Ready Utah," is  
8621 repealed; and  
8622 (c) in Subsection [9-22-114](#)(5), the language that states "representatives of Talent Ready  
8623 Utah," is repealed.  
8624 (34) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,  
8625 2023.  
8626 Section 145. Section **63I-2-263** is amended to read:  
8627 **63I-2-263. Repeal dates, Title 63A to Title 63N.**  
8628 [~~(1) On July 1, 2020:~~]  
8629 [~~(a) Subsection [63A-1-203](#)(5)(a)(i) is repealed; and~~]  
8630 [~~(b) in Subsection [63A-1-203](#)(5)(a)(ii), the language that states "appointed on or after  
8631 May 8, 2018," is repealed.]~~]  
8632 [~~(2)~~] (1) Sections [63C-4a-307](#) and [63C-4a-309](#) are repealed January 1, 2020.  
8633 [~~(3)~~] (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is  
8634 repealed July 1, 2020.  
8635 [~~(4)~~] (3) The following sections regarding the World War II Memorial Commission are  
8636 repealed on July 1, 2020:  
8637 (a) Section [63G-1-801](#);  
8638 (b) Section [63G-1-802](#);  
8639 (c) Section [63G-1-803](#); and  
8640 (d) Section [63G-1-804](#).  
8641 [~~(5)~~] (4) In relation to the State Fair Park Committee, on January 1, 2021:  
8642 (a) Section [63H-6-104.5](#) is repealed; and  
8643 (b) Subsections [63H-6-104](#)(8) and (9) are repealed.  
8644 [~~(6)~~] (5) Section [63H-7a-303](#) is repealed on July 1, 2022.  
8645 [~~(7)~~] (6) In relation to the Employability to Careers Program Board, on July 1, 2022:

- 8646 (a) Subsection 63J-1-602.1(52) is repealed;
- 8647 (b) Subsection 63J-4-301(1)(h), related to the review of data and metrics, is repealed;
- 8648 and
- 8649 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.
- 8650 [(8)] (7) Section 63J-4-708 is repealed January 1, 2023.
- 8651 Section 146. Section 63M-4-402 is amended to read:
- 8652 **63M-4-402. In-state generator need -- Merchant electric transmission line.**
- 8653 (1) As used in this section:
- 8654 (a) "Capacity allocation process" means the process outlined by the Federal Energy
- 8655 Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of
- 8656 Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded
- 8657 Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C.
- 8658 P61,038 (2013).
- 8659 (b) "Certificate of in-state need" means a certificate issued by the office in accordance
- 8660 with this section identifying an in-state generator that meets the requirements and qualifications
- 8661 of this section.
- 8662 (c) "Expression of need" means a document prepared and submitted to the office by an
- 8663 in-state merchant generator that describes or otherwise documents the transmission needs of
- 8664 the in-state merchant generator in conformance with the requirements of this section.
- 8665 (d) "In-state merchant generator" means an electric power provider that generates
- 8666 power in Utah and does not provide service to retail customers within the boundaries of Utah.
- 8667 (e) "Merchant electric transmission line" means a transmission line that does not
- 8668 provide electricity to retail customers within the boundaries of Utah.
- 8669 (f) "Office" means the Office of Energy Development established in Section
- 8670 63M-4-401.
- 8671 (g) "Open solicitation notice" means a document prepared and submitted to the office
- 8672 by a merchant electric transmission line regarding the commencement of the line's open
- 8673 solicitation in compliance with 142 F.E.R.C. P61,038 (2013).
- 8674 (2) As part of the capacity allocation process, a merchant electric transmission line
- 8675 shall file an open solicitation notice with the office containing a description of the merchant
- 8676 electric transmission line, including:



- 8677 (a) the proposed capacity;
- 8678 (b) the location of potential interconnection for in-state merchant generators;
- 8679 (c) the planned date for commencement of construction; and
- 8680 (d) the planned commercial operations date.
- 8681 (3) Upon receipt of the open solicitation notice, the office shall:
- 8682 (a) publish the notice on the Utah Public Notice Website created under Section
- 8683 ~~[63F-1-701]~~ [63A-12-201](#);
- 8684 (b) include in the notice contact information; and
- 8685 (c) provide the deadline date for submission of an expression of need.
- 8686 (4) (a) In response to the open solicitation notice published by the office, and no later
- 8687 than 30 days after publication of the notice, an in-state merchant generator may submit an
- 8688 expression of need to the office.
- 8689 (b) An expression of need submitted under Subsection (4)(a) shall include:
- 8690 (i) a description of the in-state merchant generator; and
- 8691 (ii) a schedule of transmission capacity requirement provided in megawatts, by point of
- 8692 receipt and point of delivery and by operating year.
- 8693 (5) No later than 60 days after notice is published under Subsection (3), the office shall
- 8694 prepare a certificate of in-state need identifying the in-state merchant generators.
- 8695 (6) Within five days of preparing the certificate of in-state need, the office shall:
- 8696 (a) publish the certificate on the Utah Public Notice Website created under Section
- 8697 ~~[63F-1-701]~~ [63A-12-201](#); and
- 8698 (b) provide the certificate to the merchant electric transmission line for consideration in
- 8699 the capacity allocation process.
- 8700 (7) The merchant electric transmission line shall:
- 8701 (a) provide the Federal Energy Regulatory Commission with a copy of the certificate of
- 8702 in-state need; and
- 8703 (b) certify that the certificate is being provided to the Federal Energy Regulatory
- 8704 Commission in accordance with the requirements of this section, including a citation to this
- 8705 section.
- 8706 (8) At the conclusion of the capacity allocation process, and unless prohibited by a
- 8707 contractual obligation of confidentiality, the merchant electric transmission line shall report to

8708 the office whether a merchant in-state generator reflected on the certificate of in-state need has  
8709 entered into a transmission service agreement with the merchant electric transmission line.

8710 (9) This section may not be interpreted to:

8711 (a) create an obligation of a merchant electric transmission line to pay for, or construct  
8712 any portion of, the transmission line on behalf of an in-state merchant generator; or

8713 (b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory  
8714 Commission rules and regulations applicable to a commercial transmission agreement,  
8715 including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key  
8716 rates.

8717 (10) Subsections (2) through (9) do not apply to a project entity as defined in Section  
8718 [11-13-103](#).

8719 Section 147. Section **67-3-12**, which is renumbered from Section 63A-1-202 is  
8720 renumbered and amended to read:

8721 ~~[63A-1-202]~~. **67-3-12. Public finance website -- Definitions --**

8722 **Establishment and administration -- Records disclosure -- Rules.**

8723 [~~(1) There is created the Utah Public Finance Website to be administered by the state~~  
8724 ~~auditor.~~]

8725 (1) As used in this section:

8726 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same  
8727 as that term is defined in Section [63E-1-102](#).

8728 (ii) "Independent entity" includes an entity that is part of an independent entity  
8729 described in this Subsection (1)(a), if the entity is considered a component unit of the  
8730 independent entity under the governmental accounting standards issued by the Governmental  
8731 Accounting Standards Board.

8732 (iii) "Independent entity" does not include the Utah State Retirement Office created in  
8733 Section [49-11-201](#).

8734 (b) "Local education agency" means a school district or charter school.

8735 (c) "Participating local entity" means:

8736 (i) a county;

8737 (ii) a municipality;

8738 (iii) a local district under Title 17B, Limited Purpose Local Government Entities -

8739 Local Districts;

8740 (iv) a special service district under Title 17D, Chapter 1, Special Service District Act;

8741 (v) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

8742 (vi) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District

8743 Act;

8744 (vii) except for a taxed interlocal entity as defined in Section [11-13-602](#);

8745 (A) an interlocal entity as defined in Section [11-13-103](#);

8746 (B) a joint or cooperative undertaking as defined in Section [11-13-103](#); and

8747 (C) any project, program, or undertaking entered into by interlocal agreement in

8748 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

8749 (viii) except for a taxed interlocal entity as defined in Section [11-13-602](#), an entity that

8750 is part of an entity described in Subsections (1)(c)(i) through (vii), if the entity is considered a

8751 component unit of the entity described in Subsections (1)(c)(i) through (vii) under the

8752 governmental accounting standards issued by the Governmental Accounting Standards Board;

8753 or

8754 (ix) a conservation district under Title 17D, Chapter 3, Conservation District Act.

8755 (d) (i) "Participating state entity" means the state of Utah, including its executive,

8756 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,

8757 councils, committees, and institutions.

8758 (ii) "Participating state entity" includes an entity that is part of an entity described in

8759 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in

8760 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental

8761 Accounting Standards Board.

8762 (e) "Public finance website" or "website" means the website established by the state

8763 auditor in accordance with this section.

8764 (f) "Public financial information" means each record that is required under this section

8765 or by rule made by the Office of the State Auditor under Subsection (8) to be made available on

8766 the public finance website, a participating local entity's website, or an independent entity's

8767 website.

8768 (g) "Qualifying entity" means:

8769 (i) an independent entity;

- 8770 (ii) a participating local entity;  
8771 (iii) a participating state entity;  
8772 (iv) a local education agency;  
8773 (v) a state institution of higher education as defined in Section [53B-3-102](#);  
8774 (vi) the Utah Educational Savings Plan created in Section [58B-8a-103](#);  
8775 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);  
8776 (viii) the School and Institutional Trust Lands Administration created in Section  
8777 [53C-1-201](#); or  
8778 (ix) the Utah Capital Investment Corporation created in Section [63N-6-301](#).  
8779 (2) The state auditor shall establish and maintain a public finance website in  
8780 accordance with this section.  
8781 ~~[(2)]~~ (3) The ~~[Utah Public Finance Website]~~ public finance website shall:  
8782 (a) permit Utah taxpayers to:  
8783 (i) view, understand, and track the use of taxpayer dollars by making public financial  
8784 information available on the Internet for participating state entities, independent entities, and  
8785 participating local entities, using the ~~[Utah Public Finance Website]~~ website; and  
8786 (ii) link to websites administered by participating local entities or independent entities  
8787 that do not use the ~~[Utah Public Finance Website]~~ website for the purpose of providing  
8788 participating local entities' or independent entities' public financial information as required by  
8789 this part and by rule made under ~~[Section [63A-1-204](#)]~~ Subsection (8);  
8790 (b) allow a person who has Internet access to use the website without paying a fee;  
8791 (c) allow the public to search public financial information on the ~~[Utah Public Finance~~  
8792 ~~Website using criteria established by the board]~~ website;  
8793 (d) provide access to financial reports, financial audits, budgets, or other financial  
8794 documents that are used to allocate, appropriate, spend, and account for government funds, as  
8795 may be established by rule made under ~~[Section [63A-1-204](#)]~~ Subsection (8);  
8796 (e) have a unique and simplified website address;  
8797 (f) be ~~[directly accessible via a link from the main page of the official state website]~~  
8798 guided by the principles described in Subsection [63A-16-202\(2\)](#);  
8799 (g) include other links, features, or functionality that will assist the public in obtaining  
8800 and reviewing public financial information, as may be established by rule made under ~~[Section~~

8801 ~~63A-1-204~~ Subsection (8); and

8802 (h) include a link to school report cards published on the State Board of Education's  
8803 website under Section ~~53E-5-211~~.

8804 ~~[(3)(a)]~~ (4) The state auditor shall:

8805 ~~[(i)]~~ (a) establish and maintain the website, including the provision of equipment,  
8806 resources, and personnel as necessary;

8807 ~~[(ii)]~~ (b) maintain an archive of all information posted to the website;

8808 ~~[(iii)]~~ (c) coordinate and process the receipt and posting of public financial information  
8809 from participating state entities; and

8810 ~~[(iv)]~~ (d) coordinate and regulate the posting of public financial information by  
8811 participating local entities and independent entities.

8812 ~~[(b) The department shall provide staff support for the advisory committee.]~~

8813 ~~[(4)(a) A participating state entity and each independent entity shall permit the public  
8814 to view the entity's public financial information via the website, beginning with information  
8815 that is generated not later than the fiscal year that begins July 1, 2008, except that public  
8816 financial information for an:]~~

8817 ~~[(i) institution of higher education shall be provided beginning with information  
8818 generated for the fiscal year beginning July 1, 2009; and]~~

8819 ~~[(ii) independent entity shall be provided beginning with information generated for the  
8820 entity's fiscal year beginning in 2014.]~~

8821 ~~[(b) No later than May 15, 2009, the website shall:]~~

8822 ~~[(i) be operational; and]~~

8823 ~~[(ii) permit public access to participating state entities' public financial information,  
8824 except as provided in Subsections (4)(c) and (d).]~~

8825 ~~[(c) An institution of higher education that is a participating state entity shall submit  
8826 the entity's public financial information at a time allowing for inclusion on the website no later  
8827 than May 15, 2010.]~~

8828 ~~[(d) No later than the first full quarter after July 1, 2014, an independent entity shall  
8829 submit the entity's public financial information for inclusion on the Utah Public Finance  
8830 Website or via a link to its own website on the Utah Public Finance Website.]~~

8831 ~~[(5)(a) The Utah Educational Savings Plan, created in Section ~~53B-8a-103~~, shall~~

8832 provide the following financial information to the state auditor for posting on the Utah Public  
8833 Finance Website:]

8834 [(i) administrative fund expense transactions from its general ledger accounting  
8835 system; and]

8836 [(ii) employee compensation information.]

8837 [(b) The plan is not required to submit other financial information to the state auditor,  
8838 including:]

8839 [(i) revenue transactions;]

8840 [(ii) account owner transactions; and]

8841 [(iii) fiduciary or commercial information, as defined in Section ~~53B-12-102~~.]

8842 [(6) (a) The following independent entities shall each provide administrative expense  
8843 transactions from its general ledger accounting system and employee compensation  
8844 information to the state auditor for posting on the Utah Public Finance Website or via a link to  
8845 a website administered by the independent entity:]

8846 [(i) the Utah Housing Corporation, created in Section ~~63H-8-201~~; and]

8847 [(ii) the School and Institutional Trust Lands Administration, created in Section  
8848 ~~53C-1-201~~.]

8849 [(b) The Utah Capital Investment Corporation, an independent entity created in Section  
8850 ~~63N-6-301~~, shall provide the following information to the division for posting on the Utah  
8851 Public Finance Website or via a link to a website administered by the independent entity for  
8852 each fiscal year ending on or after June 30, 2015:]

8853 [(i) aggregate compensation information for full-time and part-time employees,  
8854 including benefit information;]

8855 [(ii) aggregate business travel expenses;]

8856 [(iii) aggregate expenses related to the Utah Capital Investment Corporation's  
8857 allocation manager; and]

8858 [(iv) aggregate administrative, operating, and finance costs.]

8859 [(c) For purposes of this part, an independent entity described in Subsection (6)(a) or  
8860 (b) is not required to submit to the state auditor, or provide a link to, other financial  
8861 information, including:]

8862 [(i) revenue transactions of a fund or account created in its enabling statute;]

8863 ~~[(ii) fiduciary or commercial information related to any subject if the disclosure of the~~  
8864 ~~information:]~~

8865 ~~[(A) would conflict with fiduciary obligations; or]~~  
8866 ~~[(B) is prohibited by insider trading provisions;]~~  
8867 ~~[(iii) information of a commercial nature, including information related to:]~~  
8868 ~~[(A) account owners, borrowers, and dependents;]~~  
8869 ~~[(B) demographic data;]~~  
8870 ~~[(C) contracts and related payments;]~~  
8871 ~~[(D) negotiations;]~~  
8872 ~~[(E) proposals or bids;]~~  
8873 ~~[(F) investments;]~~  
8874 ~~[(G) the investment and management of funds;]~~  
8875 ~~[(H) fees and charges;]~~  
8876 ~~[(I) plan and program design;]~~  
8877 ~~[(J) investment options and underlying investments offered to account owners;]~~  
8878 ~~[(K) marketing and outreach efforts;]~~  
8879 ~~[(L) lending criteria;]~~  
8880 ~~[(M) the structure and terms of bonding; and]~~  
8881 ~~[(N) financial plans or strategies; and]~~  
8882 ~~[(iv) information protected from public disclosure by federal law.]~~  
8883 ~~[(7) (a) As used in this Subsection (7):]~~  
8884 ~~[(i) "Local education agency" means a school district or a charter school.]~~  
8885 ~~[(ii) "New school building project" means:]~~  
8886 ~~[(A) the construction of a school or school facility that did not previously exist in a~~  
8887 ~~local education agency; or]~~  
8888 ~~[(B) the lease or purchase of an existing building, by a local education agency, to be~~  
8889 ~~used as a school or school facility.]~~  
8890 ~~[(iii) "School facility" means a facility, including a pool, theater, stadium, or~~  
8891 ~~maintenance building, that is built, leased, acquired, or remodeled by a local education agency~~  
8892 ~~regardless of whether the facility is open to the public.]~~  
8893 ~~[(iv) "Significant school remodel" means a construction project undertaken by a local~~

8894 education agency with a project cost equal to or greater than \$2,000,000, including:]  
8895        ~~[(A) the upgrading, changing, alteration, refurbishment, modification, or complete~~  
8896 ~~substitution of an existing school or school facility in a local education agency; or]~~  
8897        ~~[(B) the addition of a school facility.]~~  
8898        ~~[(b) For each new school building project or significant school remodel, the local~~  
8899 ~~education agency shall:]~~  
8900        ~~[(i) prepare an annual school plant capital outlay report; and]~~  
8901        ~~[(ii) submit the report:]~~  
8902        ~~[(A) to the state auditor for publication on the Utah Public Finance Website; and]~~  
8903        ~~[(B) in a format, including any raw data or electronic formatting, prescribed by~~  
8904 ~~applicable policy established by the state auditor.]~~  
8905        ~~[(c) The local education agency shall include in the capital outlay report described in~~  
8906 ~~Subsection (7)(b)(i) the following information as applicable to each new school building~~  
8907 ~~project or significant school remodel:]~~  
8908        ~~[(i) the name and location of the new school building project or significant school~~  
8909 ~~remodel;]~~  
8910        ~~[(ii) construction and design costs, including:]~~  
8911        ~~[(A) the purchase price or lease terms of any real property acquired or leased for the~~  
8912 ~~project or remodel;]~~  
8913        ~~[(B) facility construction;]~~  
8914        ~~[(C) facility and landscape design;]~~  
8915        ~~[(D) applicable impact fees; and]~~  
8916        ~~[(E) furnishings and equipment;]~~  
8917        ~~[(iii) the gross square footage of the project or remodel;]~~  
8918        ~~[(iv) the year construction was completed; and]~~  
8919        ~~[(v) the final student capacity of the new school building project or, for a significant~~  
8920 ~~school remodel, the increase or decrease in student capacity created by the remodel.]~~  
8921        ~~[(d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c);~~  
8922 ~~the local education agency shall report the actual cost, fee, or other expense.]~~  
8923        ~~[(ii) The state auditor may require that a local education agency provide further~~  
8924 ~~itemized data on information listed in Subsection (7)(c).]~~



8925 ~~[(e) (i) No later than May 15, 2015, a local education agency shall provide the state~~  
8926 ~~auditor a school plant capital outlay report for each new school building project and significant~~  
8927 ~~school remodel completed on or after July 1, 2004, and before May 13, 2014.]~~

8928 ~~[(ii) For a new school building project or significant school remodel completed after~~  
8929 ~~May 13, 2014, the local education agency shall provide the school plant capital outlay report~~  
8930 ~~described in this Subsection (7) to the state auditor annually by a date designated by the state~~  
8931 ~~auditor.]~~

8932 (5) A qualifying entity shall permit the public to view the qualifying entity's public  
8933 financial information by posting the public financial information to the public finance website  
8934 in accordance with rules made under Subsection (8).

8935 (6) The content of the public financial information posted to the public finance website  
8936 is the responsibility of the qualifying entity posting the public financial information.

8937 ~~[(8)]~~ (7) (a) A qualifying entity may not post public financial information that is  
8938 classified as private, controlled, or protected under Title 63G, Chapter 2, Government Records  
8939 Access and Management Act, to the public finance website.

8940 (b) A person who negligently discloses [a record] public financial information that is  
8941 classified as private, protected, or controlled by Title 63G, Chapter 2, Government Records  
8942 Access and Management Act, is not criminally or civilly liable for an improper disclosure of  
8943 the [record] public financial information if the [record] public financial information is  
8944 disclosed solely as a result of the preparation or publication of the [Utah Public Finance  
8945 Website] public financial information.

8946 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
8947 Office of the State Auditor:

8948 (a) shall make rules to:

8949 (i) establish which records a qualifying entity is required to post to the public finance  
8950 website; and

8951 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting  
8952 public financial information on the public finance website; and

8953 (b) may make rules governing when a qualifying entity is required to disclose an  
8954 expenditure made by a person under contract with the qualifying entity, including the form and  
8955 content of the disclosure.

8956 Section 148. Section **72-3-108** is amended to read:

8957 **72-3-108. County roads -- Vacation and narrowing.**

8958 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road  
8959 without petition or after petition by a property owner.

8960 (2) A county may not vacate a county road unless notice of the hearing is:

8961 (a) published:

8962 (i) in a newspaper of general circulation in the county once a week for four consecutive  
8963 weeks before the hearing; and

8964 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
8965 four weeks before the hearing; and

8966 (b) posted in three public places for four consecutive weeks prior to the hearing; and

8967 (c) mailed to the department and all owners of property abutting the county road.

8968 (3) The right-of-way and easements, if any, of a property owner and the franchise rights  
8969 of any public utility may not be impaired by vacating or narrowing a county road.

8970 (4) Except as provided in Section [72-5-305](#), if a county vacates a county road, the  
8971 state's right-of-way interest in the county road is also vacated.

8972 Section 149. Section **72-5-105** is amended to read:

8973 **72-5-105. Highways, streets, or roads once established continue until abandoned**  
8974 **-- Temporary closure.**

8975 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads  
8976 once established shall continue to be highways, streets, or roads until formally abandoned or  
8977 vacated by written order, resolution, or ordinance resolution of a highway authority having  
8978 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has  
8979 been duly recorded in the office of the recorder of the county or counties where the highway,  
8980 street, or road is located.

8981 (2) (a) For purposes of assessment, upon the recordation of an order executed by the  
8982 proper authority with the county recorder's office, title to the vacated or abandoned highway,  
8983 street, or road shall vest to the adjoining record owners, with one-half of the width of the  
8984 highway, street, or road assessed to each of the adjoining owners.

8985 (b) Provided, however, that should a description of an owner of record extend into the  
8986 vacated or abandoned highway, street, or road that portion of the vacated or abandoned

8987 highway, street, or road shall vest in the record owner, with the remainder of the highway,  
8988 street, or road vested as otherwise provided in this Subsection (2).

8989 (c) Title to a highway, street, or road that a local highway authority closes to vehicular  
8990 traffic under Subsection (3) or (7) remains vested in the city.

8991 (3) (a) In accordance with this section, a state or local highway authority may  
8992 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,  
8993 C, or D road or R.S. 2477 right-of-way.

8994 (b) (i) A temporary closure authorized under this section is not an abandonment.

8995 (ii) The erection of a barrier or sign on a highway, street, or road once established is  
8996 not an abandonment.

8997 (iii) An interruption of the public's continuous use of a highway, street, or road once  
8998 established is not an abandonment even if the interruption is allowed to continue unabated.

8999 (c) A temporary closure under Subsection (3)(a) may be authorized only under the  
9000 following circumstances:

9001 (i) when a federal authority, or other person, provides an alternate route to an R.S.  
9002 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

9003 (A) accepted by the highway authority; and

9004 (B) formalized by a federal permit or a written agreement between the federal authority  
9005 or other person and the highway authority;

9006 (ii) when a state or local highway authority determines that correction or mitigation of  
9007 injury to private or public land resources is necessary on or near a class B or D road or portion  
9008 of a class B or D road; or

9009 (iii) when a local highway authority makes a finding that temporary closure of all or  
9010 part of a class C road is necessary to mitigate unsafe conditions.

9011 (d) (i) If a local highway authority temporarily closes all or part of a class C road under  
9012 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to  
9013 another public use or purpose related to the mitigation of the unsafe condition.

9014 (ii) If a local highway authority temporarily closes all or part of a class C road under  
9015 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement  
9016 between the local highway authority and another entity, the local highway authority may not  
9017 reopen the closed portion of the road until the lease agreement terminates.

9018 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.  
9019 2477 right-of-way temporarily closed under this section if the alternate route is closed for any  
9020 reason.

9021 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

9022 (i) be authorized annually; and

9023 (ii) not exceed two years or the time it takes to complete the correction or mitigation,  
9024 whichever is less.

9025 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway  
9026 authority shall pass an ordinance to temporarily or indefinitely close the road.

9027 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),  
9028 a highway authority shall:

9029 (a) hold a hearing on the proposed temporary or indefinite closure;

9030 (b) provide notice of the hearing by mailing a notice to the Department of  
9031 Transportation and all owners of property abutting the highway; and

9032 (c) except for a closure under Subsection (3)(c)(iii):

9033 (i) publishing the notice:

9034 (A) in a newspaper of general circulation in the county at least once a week for four  
9035 consecutive weeks before the hearing; and

9036 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
9037 four weeks before the hearing; or

9038 (ii) posting the notice in three public places for at least four consecutive weeks before  
9039 the hearing.

9040 (6) The right-of-way and easements, if any, of a property owner and the franchise rights  
9041 of any public utility may not be impaired by a temporary or indefinite closure authorized under  
9042 this section.

9043 (7) (a) A local highway authority may close to vehicular travel and convert to another  
9044 public use or purpose a highway, road, or street over which the local highway authority has  
9045 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding  
9046 that:

9047 (i) the closed highway, road, or street is not necessary for vehicular travel;

9048 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury

9049 to private or public land resources on or near the highway, road, or street; or

9050 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe  
9051 conditions.

9052 (b) If a local highway authority indefinitely closes all or part of a highway, road, or  
9053 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease  
9054 agreement between the local highway authority and another entity, the local highway authority  
9055 may not reopen the closed portion of the road until the lease agreement terminates.

9056 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

9057 Section 150. Section **73-1-16** is amended to read:

9058 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**  
9059 **-- Costs -- Review.**

9060 Where any water users' association, irrigation company, canal company, ditch company,  
9061 reservoir company, or other corporation of like character or purpose, organized under the laws  
9062 of this state has entered into or proposes to enter into a contract with the United States for the  
9063 payment by such association or company of the construction and other charges of a federal  
9064 reclamation project constructed, under construction, or to be constructed within this state, and  
9065 where funds for the payment of such charges are to be obtained from assessments levied upon  
9066 the stock of such association or company, or where a lien is created or will be created against  
9067 any of the land, property, canals, water rights or other assets of such association or company or  
9068 against the land, property, canals, water rights or other assets of any stockholder of such  
9069 association or company to secure the payment of construction or other charges of a reclamation  
9070 project, the water users' association, irrigation company, canal company, ditch company,  
9071 reservoir company or other corporation of like character or purpose may file in the district court  
9072 of the county wherein is situated the office of such association or company a petition entitled  
9073 "..... Water Users' Association" or "..... Company," as the case may be, "against the  
9074 stockholders of said association or company and the owners and mortgagees of land within the  
9075 ..... Federal Reclamation Project." No other or more specific description of the defendants  
9076 shall be required. In the petition it may be stated that the water users' association, irrigation  
9077 company, canal company, ditch company, reservoir company or other corporation of like  
9078 character and purpose has entered into or proposes to enter into a contract with the United  
9079 States, to be set out in full in said petition, with a prayer that the court find said contract to be

9080 valid, and a modification of any individual contracts between the United States and the  
9081 stockholders of such association or company, or between the association or company, and its  
9082 stockholders, so far as such individual contracts are at variance with the contract or proposed  
9083 contract between the association or company and the United States.

9084         Thereupon a notice in the nature of a summons shall issue under the hand and seal of  
9085 the clerk of said court, stating in brief outline the contents of said petition, and showing where  
9086 a full copy of said contract or proposed contract may be examined, such notice to be directed to  
9087 the said defendants under the same general designations, which shall be considered sufficient  
9088 to give the court jurisdiction of all matters involved and parties interested. Service shall be  
9089 obtained (a) by publication of such notice once a week for three consecutive weeks (three  
9090 times) in a newspaper published in each county where the irrigable land of such federal  
9091 reclamation project is situated, (b) as required in Section [45-1-101](#) for three weeks, (c) by  
9092 publishing the notice on the Utah Public Notice Website created in Section [~~63F-1-701~~  
9093 [63A-12-201](#)], for three weeks prior to the date of the hearing, and (d) by the posting at least  
9094 three weeks prior to the date of the hearing on said petition of the notice and a complete copy  
9095 of the said contract or proposed contract in the office of the plaintiff association or company,  
9096 and at three other public places within the boundaries of such federal reclamation project. Any  
9097 stockholder in the plaintiff association or company, or owner, or mortgagee of land within said  
9098 federal reclamation project affected by the contract proposed to be made by such association or  
9099 company, may demur to or answer said petition before the date set for such hearing or within  
9100 such further time as may be allowed therefor by the court. The failure of any persons affected  
9101 by the said contract to answer or demur shall be construed, so far as such persons are concerned  
9102 as an acknowledgment of the validity of said contract and as a consent to the modification of  
9103 said individual contracts if any with such association or company or with the United States, to  
9104 the extent that such modification is required to cause the said individual contracts if any to  
9105 conform to the terms of the contract or proposed contract between the plaintiff and the United  
9106 States. All persons filing demurrers or answers shall be entered as defendants in said cause and  
9107 their defense consolidated for hearing or trial. Upon hearing the court shall examine all matters  
9108 and things in controversy and shall enter judgment and decree as the case warrants, showing  
9109 how and to what extent, if any, the said individual contracts of the defendants or under which  
9110 they claim are modified by the plaintiff's contract or proposed contract with the United States.

9111 In reaching his conclusion in such causes, the court shall follow a liberal interpretation of the  
9112 laws, and shall disregard informalities or omissions not affecting the substantial rights of the  
9113 parties, unless it is affirmatively shown that such informalities or omissions led to a different  
9114 result than would have been obtained otherwise. The Code of Civil Procedure shall govern  
9115 matters of pleading and practice as nearly as may be. Costs may be assessed or apportioned  
9116 among contesting parties in the discretion of the trial court. Review of the judgment of the  
9117 district court by the Supreme Court may be had as in other civil causes.

9118 Section 151. Section **73-5-14** is amended to read:

9119 **73-5-14. Determination by the state engineer of watershed to which particular**  
9120 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

9121 (1) The state engineer may determine for administrative and distribution purposes the  
9122 watershed to which any particular stream or source of water is tributary.

9123 (2) A determination under Subsection (1) may be made only after publication of notice  
9124 to the water users.

9125 (3) Publication of notice under Subsection (2) shall be made:

9126 (a) in a newspaper or newspapers having general circulation in every county in the state  
9127 in which any rights might be affected, once each week for five consecutive weeks;

9128 (b) in accordance with Section [45-1-101](#) for five weeks; and

9129 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
9130 five weeks.

9131 (4) The state engineer shall fix the date and place of hearing and at the hearing any  
9132 water user shall be given an opportunity to appear and adduce evidence material to the  
9133 determination of the question involved.

9134 (5) (a) The state engineer shall publish the result of the determination as provided in  
9135 Subsections (3)(a) and (b), and the notice of the decision of the state engineer shall notify the  
9136 public that any person aggrieved by the decision may appeal the decision as provided by  
9137 Section [73-3-14](#).

9138 (b) The notice under Subsection (5)(a) shall be considered to have been given so as to  
9139 start the time for appeal upon completion of the publication of notice.

9140 Section 152. Section **75-1-401** is amended to read:

9141 **75-1-401. Notice -- Method and time of giving.**

9142 (1) If notice of a hearing on any petition is required and except for specific notice  
9143 requirements as otherwise provided, the petitioner shall cause notice of the time and place of  
9144 hearing of any petition to be given to any interested person or the person's attorney if the person  
9145 has appeared by attorney or requested that notice be sent to the person's attorney. Notice shall  
9146 be given by the clerk posting a copy of the notice for the 10 consecutive days immediately  
9147 preceding the time set for the hearing in at least three public places in the county, one of which  
9148 must be at the courthouse of the county and:

9149 (a) (i) by the clerk mailing a copy thereof at least 10 days before the time set for the  
9150 hearing by certified, registered, or ordinary first class mail addressed to the person being  
9151 notified at the post-office address given in the demand for notice, if any, or at the person's  
9152 office or place of residence, if known; or

9153 (ii) by delivering a copy thereof to the person being notified personally at least 10 days  
9154 before the time set for the hearing; and

9155 (b) if the address, or identity of any person is not known and cannot be ascertained with  
9156 reasonable diligence, by publishing:

9157 (i) at least once a week for three consecutive weeks a copy thereof in a newspaper  
9158 having general circulation in the county where the hearing is to be held, the last publication of  
9159 which is to be at least 10 days before the time set for the hearing; and

9160 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
9161 three weeks.

9162 (2) The court for good cause shown may provide for a different method or time of  
9163 giving notice for any hearing.

9164 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the  
9165 proceeding.

9166 Section 153. **Repealer.**

9167 This bill repeals:

9168 Section [63A-1-201](#), **Definitions.**

9169 Section [63A-1-204](#), **Rulemaking authority.**

9170 Section [63A-1-205](#), **Participation by local entities.**

9171 Section [63A-1-206](#), **Submission of public financial information by a school district**  
9172 **or charter school.**