

**PUBLIC INFORMATION WEBSITE MODIFICATIONS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Candice B. Pierucci**

Senate Sponsor: John D. Johnson

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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;

- imposes a reporting requirement on the state auditor; and

- makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **4-21-106**, as last amended by Laws of Utah 2019, Chapters 370 and 456
- 32 **4-22-107**, as last amended by Laws of Utah 2019, Chapters 370 and 456
- 33 **4-30-106**, as last amended by Laws of Utah 2020, Chapter 154
- 34 **7-1-706**, as last amended by Laws of Utah 2010, Chapter 90
- 35 **10-2-406**, as last amended by Laws of Utah 2019, Chapter 255
- 36 **10-2-407**, as last amended by Laws of Utah 2019, Chapter 255
- 37 **10-2-415**, as last amended by Laws of Utah 2020, Chapter 22
- 38 **10-2-418**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7
- 39 **10-2-419**, as last amended by Laws of Utah 2019, Chapter 255
- 40 **10-2-501**, as last amended by Laws of Utah 2019, Chapter 255
- 41 **10-2-502.5**, as last amended by Laws of Utah 2019, Chapter 255
- 42 **10-2-607**, as last amended by Laws of Utah 2019, Chapter 255
- 43 **10-2-703**, as last amended by Laws of Utah 2019, Chapter 255
- 44 **10-2-708**, as last amended by Laws of Utah 2020, Chapter 22
- 45 **10-2a-207**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 46 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 47 **10-2a-210**, as last amended by Laws of Utah 2020, Chapter 22
- 48 **10-2a-213**, as last amended by Laws of Utah 2020, Chapter 22
- 49 **10-2a-214**, as last amended by Laws of Utah 2020, Chapter 22
- 50 **10-2a-215**, as last amended by Laws of Utah 2020, Chapter 22
- 51 **10-2a-405**, as last amended by Laws of Utah 2016, Chapter 176
- 52 **10-3-301**, as last amended by Laws of Utah 2020, Chapter 95
- 53 **10-3-818**, as last amended by Laws of Utah 2010, Chapter 90
- 54 **10-5-107.5**, as enacted by Laws of Utah 2017, Chapter 71
- 55 **10-5-108**, as last amended by Laws of Utah 2017, Chapter 193

- 56 [10-6-113](#), as last amended by Laws of Utah 2017, Chapter 193
- 57 [10-6-135.5](#), as enacted by Laws of Utah 2017, Chapter 71
- 58 [10-7-19](#), as last amended by Laws of Utah 2019, Chapter 255
- 59 [10-8-2](#), as last amended by Laws of Utah 2019, Chapter 376
- 60 [10-8-15](#), as last amended by Laws of Utah 2019, Chapter 413
- 61 [10-9a-203](#), as last amended by Laws of Utah 2015, Chapter 202
- 62 [10-9a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 63 [10-9a-205](#), as last amended by Laws of Utah 2017, Chapter 84
- 64 [10-9a-208](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 65 [10-18-203](#), as last amended by Laws of Utah 2010, Chapter 90
- 66 [10-18-302](#), as last amended by Laws of Utah 2014, Chapter 176
- 67 [11-13-204](#), as last amended by Laws of Utah 2015, Chapter 265
- 68 [11-13-509](#), as enacted by Laws of Utah 2015, Chapter 265
- 69 [11-13-531](#), as enacted by Laws of Utah 2015, Chapter 265
- 70 [11-13-603](#), as last amended by Laws of Utah 2019, Chapter 370
- 71 [11-14-202](#), as last amended by Laws of Utah 2020, Chapter 31
- 72 [11-14-318](#), as last amended by Laws of Utah 2009, First Special Session, Chapter 5
- 73 [11-36a-501](#), as enacted by Laws of Utah 2011, Chapter 47
- 74 [11-36a-503](#), as enacted by Laws of Utah 2011, Chapter 47
- 75 [11-36a-504](#), as last amended by Laws of Utah 2017, Chapter 84
- 76 [11-42-202](#), as last amended by Laws of Utah 2020, Chapter 282
- 77 [11-42-402](#), as last amended by Laws of Utah 2015, Chapter 396
- 78 [11-58-502](#), as last amended by Laws of Utah 2019, Chapter 399
- 79 [11-58-801](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 80 [11-59-401](#), as enacted by Laws of Utah 2018, Chapter 388
- 81 [17-27a-203](#), as last amended by Laws of Utah 2009, Chapter 188
- 82 [17-27a-204](#), as last amended by Laws of Utah 2010, Chapter 90

- 83 **17-27a-205**, as last amended by Laws of Utah 2017, Chapter 84
- 84 **17-27a-208**, as last amended by Laws of Utah 2019, Chapter 384
- 85 **17-27a-306**, as last amended by Laws of Utah 2015, Chapter 352
- 86 **17-27a-404**, as last amended by Laws of Utah 2020, Chapter 434
- 87 **17-36-12**, as last amended by Laws of Utah 2017, Chapter 193
- 88 **17-36-26**, as last amended by Laws of Utah 2017, Chapter 193
- 89 **17-41-304**, as last amended by Laws of Utah 2019, Chapter 227
- 90 **17-41-405**, as last amended by Laws of Utah 2019, Chapter 227
- 91 **17-50-303**, as last amended by Laws of Utah 2019, Chapter 376
- 92 **17B-1-106**, as last amended by Laws of Utah 2013, Chapter 445
- 93 **17B-1-211**, as last amended by Laws of Utah 2013, Chapter 265
- 94 **17B-1-303**, as last amended by Laws of Utah 2019, Chapters 40 and 255
- 95 **17B-1-306**, as last amended by Laws of Utah 2020, Chapter 31
- 96 **17B-1-413**, as last amended by Laws of Utah 2010, Chapter 90
- 97 **17B-1-417**, as last amended by Laws of Utah 2010, Chapter 90
- 98 **17B-1-505.5**, as enacted by Laws of Utah 2017, Chapter 404
- 99 **17B-1-609**, as last amended by Laws of Utah 2015, Chapter 436
- 100 **17B-1-643**, as last amended by Laws of Utah 2016, Chapter 273
- 101 **17B-1-1204**, as last amended by Laws of Utah 2010, Chapter 90
- 102 **17B-1-1307**, as last amended by Laws of Utah 2010, Chapter 90
- 103 **17B-2a-705**, as last amended by Laws of Utah 2019, Chapter 255
- 104 **17B-2a-1110**, as last amended by Laws of Utah 2016, Chapter 176
- 105 **17C-1-207**, as last amended by Laws of Utah 2019, Chapter 376
- 106 **17C-1-601.5**, as last amended by Laws of Utah 2018, Chapter 101
- 107 **17C-1-804**, as last amended by Laws of Utah 2019, Chapter 376
- 108 **17C-1-806**, as last amended by Laws of Utah 2018, Chapter 364
- 109 **17C-2-108**, as last amended by Laws of Utah 2016, Chapter 350

- 110 [17C-3-107](#), as last amended by Laws of Utah 2016, Chapter 350
- 111 [17C-4-109](#), as last amended by Laws of Utah 2016, Chapter 350
- 112 [17C-4-202](#), as last amended by Laws of Utah 2016, Chapter 350
- 113 [17C-5-110](#), as enacted by Laws of Utah 2016, Chapter 350
- 114 [17C-5-113](#), as enacted by Laws of Utah 2016, Chapter 350
- 115 [17C-5-205](#), as last amended by Laws of Utah 2019, Chapter 376
- 116 [17D-3-107](#), as last amended by Laws of Utah 2019, Chapter 370
- 117 [17D-3-305](#), as last amended by Laws of Utah 2020, Chapter 311
- 118 [19-2-109](#), as last amended by Laws of Utah 2012, Chapter 360
- 119 [20A-1-512](#), as last amended by Laws of Utah 2019, Chapter 40
- 120 [20A-3a-604](#), as renumbered and amended by Laws of Utah 2020, Chapter 31
- 121 [20A-4-104](#), as last amended by Laws of Utah 2020, Chapter 31
- 122 [20A-4-304](#), as last amended by Laws of Utah 2019, Chapters 255 and 433
- 123 [20A-5-101](#), as last amended by Laws of Utah 2019, Chapter 255
- 124 [20A-5-403.5](#), as enacted by Laws of Utah 2020, Chapter 31
- 125 [20A-5-405](#), as last amended by Laws of Utah 2020, Chapter 31
- 126 [20A-7-204.1](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 127 [20A-7-401.5](#), as enacted by Laws of Utah 2019, Chapter 203
- 128 [20A-7-402](#), as last amended by Laws of Utah 2020, Chapters 22 and 354
- 129 [20A-9-203](#), as last amended by Laws of Utah 2020, Chapter 22
- 130 [26-61a-303](#), as last amended by Laws of Utah 2020, Chapter 12
- 131 [32B-8a-302](#), as last amended by Laws of Utah 2020, Chapter 219
- 132 [45-1-101](#), as last amended by Laws of Utah 2019, Chapter 274
- 133 [49-11-1102](#), as enacted by Laws of Utah 2016, Chapter 281
- 134 [52-4-202](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 1
- 135 [52-4-203](#), as last amended by Laws of Utah 2018, Chapter 425
- 136 [53-13-114](#), as last amended by Laws of Utah 2012, Chapter 196

- 137 **53B-7-101.5**, as last amended by Laws of Utah 2010, Chapter 90
- 138 **53B-8a-103**, as last amended by Laws of Utah 2019, Chapters 370 and 456
- 139 **53D-1-103**, as last amended by Laws of Utah 2019, Chapters 370 and 456
- 140 **53E-3-705**, as last amended by Laws of Utah 2019, Chapters 186 and 370
- 141 **53E-4-202**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 142 **53G-3-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 143 **53G-4-204**, as last amended by Laws of Utah 2019, Chapter 293
- 144 **53G-4-402**, as last amended by Laws of Utah 2020, Chapter 347
- 145 **53G-5-504**, as last amended by Laws of Utah 2020, Chapters 192 and 408
- 146 **53G-7-1105**, as last amended by Laws of Utah 2019, Chapter 293
- 147 **54-8-10**, as last amended by Laws of Utah 2010, Chapter 90
- 148 **54-8-16**, as last amended by Laws of Utah 2010, Chapter 90
- 149 **57-11-11**, as last amended by Laws of Utah 2011, Chapter 340
- 150 **59-2-919**, as last amended by Laws of Utah 2020, Chapter 354
- 151 **59-2-919.2**, as last amended by Laws of Utah 2010, Chapter 90
- 152 **59-12-1102**, as last amended by Laws of Utah 2016, Chapter 364
- 153 **63A-3-103**, as last amended by Laws of Utah 2020, Chapter 365
- 154 **63A-5b-905**, as renumbered and amended by Laws of Utah 2020, Chapter 152
- 155 **63A-12-100**, as last amended by Laws of Utah 2010, Chapter 258
- 156 **63A-12-101**, as last amended by Laws of Utah 2019, Chapter 254
- 157 **63E-2-109**, as last amended by Laws of Utah 2019, Chapter 370
- 158 **63G-4-107**, as enacted by Laws of Utah 2016, Chapter 312
- 159 **63G-9-303**, as last amended by Laws of Utah 2016, Chapter 118
- 160 **63H-1-701**, as last amended by Laws of Utah 2018, Chapter 101
- 161 **63H-2-502**, as last amended by Laws of Utah 2018, Chapter 101
- 162 **63H-4-108**, as last amended by Laws of Utah 2019, Chapters 370 and 456
- 163 **63H-5-108**, as last amended by Laws of Utah 2019, Chapters 370 and 456

- 164 **63H-6-103**, as last amended by Laws of Utah 2020, Chapter 152
- 165 **63H-7a-104**, as enacted by Laws of Utah 2019, Chapter 456
- 166 **63H-7a-803**, as last amended by Laws of Utah 2019, Chapters 370 and 509
- 167 **63H-8-204**, as last amended by Laws of Utah 2019, Chapter 370
- 168 **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
- 169 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
- 170 of Utah 2020, Chapter 360
- 171 **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
- 172 **63M-4-402**, as enacted by Laws of Utah 2014, Chapter 294
- 173 **67-1-2.5**, as last amended by Laws of Utah 2020, Chapters 154, 352, and 373
- 174 **67-3-1**, as last amended by Laws of Utah 2018, Chapters 200 and 256
- 175 **72-3-108**, as last amended by Laws of Utah 2010, Chapter 90
- 176 **72-5-105**, as last amended by Laws of Utah 2017, First Special Session, Chapter 2
- 177 **73-1-16**, as last amended by Laws of Utah 2010, Chapter 90
- 178 **73-5-14**, as last amended by Laws of Utah 2010, Chapter 90
- 179 **75-1-401**, as last amended by Laws of Utah 2010, Chapter 90

180 ENACTS:

- 181 **63A-12-114**, Utah Code Annotated 1953
- 182 **63A-16-101**, Utah Code Annotated 1953
- 183 **63A-16-102**, Utah Code Annotated 1953
- 184 **63A-16-202**, Utah Code Annotated 1953
- 185 **63F-1-108**, Utah Code Annotated 1953

186 RENUMBERS AND AMENDS:

- 187 **63A-12-201**, (Renumbered from 63F-1-701, as last amended by Laws of Utah 2020,
- 188 Chapter 154)
- 189 **63A-12-202**, (Renumbered from 63F-1-702, as enacted by Laws of Utah 2007, Chapter
- 190 249)

191 [63A-16-201](#), (Renumbered from 63A-1-203, as renumbered and amended by Laws of  
192 Utah 2019, Chapter 370)

193 [67-3-12](#), (Renumbered from 63A-1-202, as last amended by Laws of Utah 2019,  
194 Chapter 214 and renumbered and amended by Laws of Utah 2019, Chapter 370)

195 REPEALS:

196 [63A-1-201](#), as renumbered and amended by Laws of Utah 2019, Chapter 370

197 [63A-1-204](#), as renumbered and amended by Laws of Utah 2019, Chapter 370

198 [63A-1-205](#), as renumbered and amended by Laws of Utah 2019, Chapter 370

199 [63A-1-206](#), as renumbered and amended by Laws of Utah 2019, Chapter 370

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

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

203 **4-21-106. Exemption from certain operational requirements.**

204 (1) The council is exempt from:

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

206 (b) Title 63A, Utah Administrative Services Code~~[-except as provided in Subsection~~  
207 ~~(2)(c)];~~

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

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

211 (ii) at competitive prices;

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

213 (e) Title 67, Chapter 19, Utah State Personnel Management Act.

214 (2) The council is subject to:

215 (a) Title 51, Chapter 7, State Money Management Act;

216 (b) Title 52, Chapter 4, Open and Public Meetings Act;

217 (c) ~~[Title 63A, Chapter 1, Part 2, Utah Public Finance Website]~~ Section [67-3-12](#);



218 (d) Title 63G, Chapter 2, Government Records Access and Management Act;  
219 (e) other Utah Code provisions not specifically exempted under Subsection  
220 [4-21-106\(1\)](#); and  
221 (f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the  
222 legislative auditor pursuant to Section [36-12-15](#).  
223 Section 2. Section **4-22-107** is amended to read:  
224 **4-22-107. Exemption from certain operational requirements.**  
225 (1) The commission is exempt from:  
226 (a) Title 51, Chapter 5, Funds Consolidation Act;  
227 (b) Title 51, Chapter 7, State Money Management Act;  
228 (c) [~~except as provided in Subsection (2)(b);~~] Title 63A, Utah Administrative Services  
229 Code;  
230 (d) Title 63G, Chapter 6a, Utah Procurement Code, but the commission shall adopt  
231 procedures to ensure that the commission makes purchases:  
232 (i) in a manner that provides for fair competition between providers; and  
233 (ii) at competitive prices;  
234 (e) Title 63J, Chapter 1, Budgetary Procedures Act; and  
235 (f) Title 67, Chapter 19, Utah State Personnel Management Act.  
236 (2) The commission is subject to:  
237 (a) Title 52, Chapter 4, Open and Public Meetings Act;  
238 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#); and  
239 (c) Title 63G, Chapter 2, Government Records Access and Management Act.  
240 Section 3. Section **4-30-106** is amended to read:  
241 **4-30-106. Hearing on license application -- Notice of hearing.**  
242 (1) Upon the filing of an application, the department shall set a time for hearing on the  
243 application in the city or town nearest the proposed site of the livestock market and cause  
244 notice of the time and place of the hearing together with a copy of the application to be

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

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

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

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

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

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

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

254 **7-1-706. Application to commissioner to exercise power -- Procedure.**

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

257 (a) issue any rule or order;

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

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

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

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

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

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

271 (i) in a newspaper of general circulation within the county where the applicant is

272 located at least once a week for three successive weeks before the date of the hearing and  
273 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
274 three weeks before the date of the hearing.

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

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

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

- 281 (i) the application;
- 282 (ii) additional information filed with the commissioner; and
- 283 (iii) the findings and recommendations of the supervisor.

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

- 286 (i) the applicant;
- 287 (ii) all persons who have filed protests to the granting of the application; and
- 288 (iii) other persons that the commissioner considers should receive copies.

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

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

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

295 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

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

- 298 (a) (i) at least once a week for three successive weeks, beginning no later than 10 days

299 after the day on which the municipal legislative body receives the notice of certification, in a  
300 newspaper of general circulation within:

301 (A) the area proposed for annexation; and

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

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

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

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

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

307 area that are most likely to give notice to the residents within, and the owners of real property

308 located within, the combined area; or

309 (iii) no later than 10 days after the day on which the municipal legislative body

310 receives the notice of certification, by mailing the notice to each residence within, and to each

311 owner of real property located within, the combined area described in Subsections (1)(a)(i)(A)

312 and (B);

313 (b) in accordance with Section [45-1-101](#), for three weeks, beginning no later than 10

314 days after the day on which the municipal legislative body receives the notice of certification;

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

316 three weeks, beginning no later than 10 days after the day on which the municipal legislative

317 body receives the notice of certification;

318 (d) within 20 days after the day on which the municipal legislative body receives the

319 notice of certification, by mailing written notice to each affected entity; and

320 (e) if the municipality has a website, on the municipality's website for the period of

321 time described in Subsection (1)(c).

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

323 (a) state that a petition has been filed with the municipality proposing the annexation of

324 an area to the municipality;

325 (b) state the date of the municipal legislative body's receipt of the notice of certification

326 under Subsection 10-2-405(2)(c)(i);

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

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

330 (e) state in conspicuous and plain terms that the municipality may grant the petition  
331 and annex the area described in the petition unless, within the time required under Subsection  
332 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and  
333 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing  
334 municipality;

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

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

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

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

345 (B) in the creation of which an election was not required because of Subsection  
346 17B-1-214(3)(c); and

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

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

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

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

357 (B) in the creation of which an election was not required because of Subsection  
358 17B-1-214(3)(c); and

359 (ii) the proposed annexing municipality is not within the boundaries of the local  
360 district.

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

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

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

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

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

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

374 **10-2-407. Protest to annexation petition -- Planning advisory area planning**  
375 **commission recommendation -- Petition requirements -- Disposition of petition if no**  
376 **protest filed.**

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

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

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

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

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

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

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

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

389 (a) be filed:

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

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

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

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

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

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

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

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

407 (a) immediately notify the county legislative body of the protest; and  
408 (b) deliver the protest to the boundary commission within five days after:  
409 (i) receipt of the protest, if the boundary commission has previously been created; or  
410 (ii) creation of the boundary commission under Subsection 10-2-409(1)(b), if the  
411 boundary commission has not previously been created.

412 (5) (a) If a protest is filed under this section:  
413 (i) the municipal legislative body may, at its next regular meeting after expiration of  
414 the deadline under Subsection (2)(a)(i), deny the annexation petition; or  
415 (ii) if the municipal legislative body does not deny the annexation petition under  
416 Subsection (5)(a)(i), the municipal legislative body may take no further action on the  
417 annexation petition until after receipt of the commission's notice of its decision on the protest  
418 under Section 10-2-416.

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

422 (i) the contact sponsor of the annexation petition;  
423 (ii) the commission; and  
424 (iii) each entity that filed a protest.

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

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

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

431 (ii) if there is no newspaper of general circulation in the combined area described in  
432 Subsection (7)(a)(i), at least seven days before the day of the public hearing, by posting one  
433 notice, and at least one additional notice per 2,000 population within the combined area, in



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

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

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

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

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

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

446 **10-2-415. Public hearing -- Notice.**

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

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

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

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

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

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

460 (a) (i) at least once a week for two successive weeks before the public hearing in a

461 newspaper of general circulation within the area proposed for annexation, the surrounding 1/2  
462 mile of unincorporated area, and the proposed annexing municipality;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

489 (iii) a mailing address and telephone number.

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

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

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

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

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

503 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
504 14 days before the day of the hearing;

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

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

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

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

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

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

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

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

515 (8) In considering protests, the commission shall consider whether the proposed  
516 annexation:

- 517 (a) complies with the requirements of Sections 10-2-402 and 10-2-403 and the  
518 annexation policy plan of the proposed annexing municipality;
- 519 (b) conflicts with the annexation policy plan of another municipality; and
- 520 (c) if the proposed annexation includes urban development, will have an adverse tax  
521 consequence on the remaining unincorporated area of the county.

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

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

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

528 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
529 **Hearing.**

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

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

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

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

541 (B) the majority of each island or peninsula consists of residential or commercial

542 development;

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

544 and

545 (D) the municipality has provided most or all of the municipal-type services to the area

546 for more than one year;

547 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or

548 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800

549 residents; and

550 (B) the municipality has provided one or more municipal-type services to the area for

551 at least one year;

552 (iii) the area consists of:

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

554 municipality; and

555 (B) for an area outside of the county of the first class proposed for annexation, no more

556 than 50 acres; or

557 (iv) (A) the area to be annexed consists only of one or more unincorporated islands in a

558 county of the second class;

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

560 (C) the county legislative body in which the municipality is located provides notice to

561 each property owner within the area to be annexed that the county legislative body will hold a

562 public hearing, no less than 15 days after the day on which the county legislative body provides

563 the notice, and may make a recommendation of annexation to the municipality whose

564 expansion area includes the area to be annexed after the public hearing.

565 (3) Notwithstanding Subsection [10-2-402\(1\)\(b\)\(iii\)](#), a municipality may annex a

566 portion of an unincorporated island or unincorporated peninsula under this section, leaving

567 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

568 (a) in adopting the resolution under Subsection (5)(a) the municipal legislative body

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

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

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

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

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

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

581 and

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

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

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

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

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

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

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

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

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

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

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

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

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

618 (d) by sending written notice to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

649 (ii) covers a majority of the total private land area within the entire area proposed for



650 annexation; and

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

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

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

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

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

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

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

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

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

679 (A) existing development in the area;

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

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

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

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

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

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

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

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

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

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

704 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

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

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

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

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

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

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

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

733 (ii) the Utah State Developmental Center Board, created under Section 62A-5-202, if  
734 any state-owned real property described in this Subsection (3)(d) is associated with the Utah  
735 State Developmental Center; and

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

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

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

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

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

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

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

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

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

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

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

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

- 758 (i) the municipality to which the area is being added because of the boundary  
759 adjustment is entirely within the boundaries of a local district:
- 760 (A) that provides fire protection, paramedic, and emergency services or law  
761 enforcement service, respectively; and
- 762 (B) in the creation of which an election was not required because of Subsection  
763 17B-1-214(3)(c); and
- 764 (ii) the municipality from which the area is being taken because of the boundary  
765 adjustment is not within the boundaries of the local district; and
- 766 (f) state that the area proposed for annexation to the municipality will be automatically  
767 withdrawn from a local district providing fire protection, paramedic, and emergency services,  
768 as provided in Subsection 17B-1-502(2), if:
- 769 (i) the municipality to which the area is being added because of the boundary  
770 adjustment is not within the boundaries of a local district:
- 771 (A) that provides fire protection, paramedic, and emergency services; and
- 772 (B) in the creation of which an election was not required because of Subsection  
773 17B-1-214(3)(c); and
- 774 (ii) the municipality from which the area is being taken because of the boundary  
775 adjustment is entirely within the boundaries of the local district.
- 776 (5) The first publication of the notice described in Subsection (3)(a)(i) shall be within  
777 14 days after the day on which the municipal legislative body adopts a resolution under  
778 Subsection (2)(a).
- 779 (6) Upon conclusion of the public hearing described in Subsection (2)(b), the  
780 municipal legislative body may adopt an ordinance approving the adjustment of the common  
781 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the  
782 adjustment is filed with the city recorder or town clerk by a person described in Subsection  
783 (3)(d)(i) or (ii).
- 784 (7) The municipal legislative body shall comply with the requirements of Section

785 10-2-425 as if the boundary adjustment were an annexation.

786 (8) (a) An ordinance adopted under Subsection (6) becomes effective when each  
787 municipality involved in the boundary adjustment has adopted an ordinance under Subsection  
788 (6).

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

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

792 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**  
793 **Requirements upon filing request.**

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

795 (a) one or more persons who:

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

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

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

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

804 (b) Each request for disconnection shall:

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

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

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

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

811 (3) Upon filing the request for disconnection, the petitioner shall publish notice of the

812 request:

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

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

821 (iii) at least three weeks before the day of the public hearing described in Section  
822 10-2-502.5, by mailing notice to each residence within, and each owner of real property located  
823 within, the municipality;

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

826 (c) in accordance with Section 45-1-101, for three weeks before the day of the public  
827 hearing described in Section 10-2-502.5;

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

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

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

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

835 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**  
836 **legislative body -- Petition in district court.**

837 (1) No sooner than seven calendar days after, and no later than 30 calendar days after,  
838 the last day on which the petitioner publishes the notice required under Subsection

839 [10-2-501](#)(3)(a), the legislative body of the municipality in which the area proposed for  
840 disconnection is located shall hold a public hearing.

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

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

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

846 (ii) if there is no newspaper of general circulation within the municipality, at least  
847 seven days before the hearing date, by posting one notice, and at least one additional notice per  
848 2,000 population of the municipality, in places within the municipality that are most likely to  
849 give notice to residents within, and the owners of real property located within, the municipality;  
850 or

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

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

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

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

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

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

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

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

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



- 866 (i) the petitioner; or
- 867 (ii) the county in which the area proposed for disconnection is located.
- 868 (b) Each petition under Subsection (5)(a) shall include a copy of the request for
- 869 disconnection.

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

871 **10-2-607. Notice of election.**

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

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

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

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

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

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

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

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

891 **10-2-703. Publication of notice of election.**

892 (1) Immediately after setting the date for the election, the court shall order for

893 publication notice of the:

894 (a) petition; and

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

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

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

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

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

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

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

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

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

912 **10-2-708. Notice of disincorporation -- Publication and filing.**

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

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

917 (b) if there is no newspaper of general circulation in the county in which the  
918 municipality is located, by posting one notice, and at least one additional notice per 2,000  
919 population of the county in places within the county that are most likely to give notice to the

920 residents within, and the owners of real property located within, the county, including the  
921 residents and owners within the municipality that is dissolved; or

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

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

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

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

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

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

930 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

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

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

935 (b) at least seven days apart;

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

938 (d) within or near the proposed municipality;

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

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

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

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

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

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

946 (d) allow the public to ask the feasibility consultant questions about the feasibility

947 study.

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

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

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

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

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

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

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

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

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

971 (b) Instead of publishing the feasibility summary under Subsection (5)(a), the  
972 lieutenant governor may publish a statement that specifies the following sources where a  
973 resident within, or the owner of real property located within, the proposed municipality, may

974 view or obtain a copy of the feasibility study:

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

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

979 **10-2a-210. Incorporation election.**

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

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

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

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

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

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

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

1000 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for

1001 three weeks before the day of the election;

1002 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;

1003 (d) if the proposed municipality has a website, on the proposed municipality's website

1004 for three weeks before the day of the election; and

1005 (e) on the county's website for three weeks before the day of the election.

1006 (3) (a) The notice required by Subsection (2) shall contain:

1007 (i) a statement of the contents of the petition;

1008 (ii) a description of the area proposed to be incorporated as a municipality;

1009 (iii) a statement of the date and time of the election and the location of polling places;

1010 and

1011 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in

1012 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the

1013 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1014 (b) The last notice required to be published under Subsection (2)(a)(i) shall be

1015 published at least one day, but no more than seven days, before the day of the election.

1016 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the notice

1017 may include a statement that specifies the following sources where a registered voter in area

1018 proposed to be incorporated may view or obtain a copy the feasibility study:

1019 (i) the lieutenant governor's website;

1020 (ii) the physical address of the Office of the Lieutenant Governor; and

1021 (iii) a mailing address and telephone number.

1022 (4) An individual may not vote in an incorporation election under this section unless

1023 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the

1024 boundaries of the proposed municipality.

1025 (5) If a majority of those who vote in an incorporation election held under this section

1026 cast votes in favor of incorporation, the area shall incorporate.

1027 Section 17. Section 10-2a-213 is amended to read:

1028           **10-2a-213. Determination of number of council members -- Determination of**  
1029 **election districts -- Hearings and notice.**

1030           (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days  
1031 after the day on which the county conducts the canvass of the election under Section  
1032 [10-2a-212](#):

1033           (a) for the incorporation of a city:

1034           (i) if the voters at the incorporation election choose the council-mayor form of  
1035 government, determine the number of council members that will constitute the city council of  
1036 the city; and

1037           (ii) if the voters at the incorporation election vote to elect council members by district,  
1038 determine the number of council members to be elected by district and draw the boundaries of  
1039 those districts, which shall be substantially equal in population; and

1040           (b) for the incorporation of any municipality:

1041           (i) determine the initial terms of the mayor and members of the municipal council so  
1042 that:

1043           (A) the mayor and approximately half the members of the municipal council are  
1044 elected to serve an initial term, of no less than one year, that allows the mayor's and members'  
1045 successors to serve a full four-year term that coincides with the schedule established in  
1046 Subsection [10-3-205\(1\)](#); and

1047           (B) the remaining members of the municipal council are elected to serve an initial  
1048 term, of no less than one year, that allows the members' successors to serve a full four-year  
1049 term that coincides with the schedule established in Subsection [10-3-205\(2\)](#); and

1050           (ii) submit in writing to the county legislative body the results of the determinations  
1051 made by the sponsors under Subsections (1)(a) and (b)(i).

1052           (2) A newly incorporated town shall operate under the five-member council form of  
1053 government as defined in Section [10-3b-102](#).

1054           (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition

1055 sponsors shall hold a public hearing within the future municipality on the applicable issues  
1056 described in Subsections (1)(a) and (b)(i).

1057 (4) The petition sponsors shall publish notice of the public hearing described in  
1058 Subsection (3):

1059 (a) (i) in a newspaper of general circulation within the future municipality at least once  
1060 a week for two successive weeks before the public hearing;

1061 (ii) if there is no newspaper of general circulation in the future municipality, at least  
1062 two weeks before the day of the public hearing, by posting one notice, and at least one  
1063 additional notice per 2,000 population of the future municipality, in places within the future  
1064 municipality that are most likely to give notice to the residents within, and the owners of real  
1065 property located within, the future municipality; or

1066 (iii) at least two weeks before the day of the public hearing, by mailing notice to each  
1067 residence within, and each owner of real property located within, the future municipality;

1068 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
1069 two weeks before the day of the public hearing;

1070 (c) in accordance with Section 45-1-101, for at least two weeks before the day of the  
1071 public hearing;

1072 (d) if the future municipality has a website, for two weeks before the day of the public  
1073 hearing; and

1074 (e) on the county's website for two weeks before the day of the public hearing.

1075 (5) The last notice required to be published under Subsection (4)(a)(i) shall be  
1076 published at least three days before the day of the public hearing described in Subsection (3).

1077 Section 18. Section **10-2a-214** is amended to read:

1078 **10-2a-214. Notice of number of commission or council members to be elected and**  
1079 **of district boundaries -- Declaration of candidacy for municipal office.**

1080 (1) Within 20 days after the day on which a county legislative body receives the  
1081 petition sponsors' determination under Subsection 10-2a-213(1)(b)(ii), the county clerk shall



1082 publish, in accordance with Subsection (2), notice containing:

1083       (a) the number of municipal council members to be elected for the new municipality;

1084       (b) except as provided in Subsection (3), if some or all of the municipal council

1085 members are to be elected by district, a description of the boundaries of those districts;

1086       (c) information about the deadline for an individual to file a declaration of candidacy to

1087 become a candidate for mayor or municipal council; and

1088       (d) information about the length of the initial term of each of the municipal officers.

1089       (2) The county clerk shall publish the notice described in Subsection (1):

1090       (a) (i) in a newspaper of general circulation within the future municipality at least once

1091 a week for two consecutive weeks;

1092       (ii) if there is no newspaper of general circulation in the future municipality, by posting

1093 one notice, and at least one additional notice per 2,000 population of the future municipality, in

1094 places within the future municipality that are most likely to give notice to the residents in the

1095 future municipality; or

1096       (iii) by mailing notice to each residence in the future municipality;

1097       (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for

1098 two weeks;

1099       (c) in accordance with Section [45-1-101](#), for two weeks;

1100       (d) if the future municipality has a website, on the future municipality's website for two

1101 weeks; and

1102       (e) 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 (d) if the future municipality has a website, on the future municipality's website for two
- 1168 weeks before the day of the election; and
- 1169 (e) on the county's website for two weeks before the day of the election.
- 1170 (6) The last notice required to be published under Subsection (5)(a)(i) shall be
- 1171 published at least one day but no more than seven days before the day of the election.
- 1172 (7) Until the municipality is incorporated, the county clerk:
- 1173 (a) is the election officer for all purposes related to the election of municipal officers;
- 1174 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
- 1175 related to the election of municipal officers for a new municipality that are not otherwise
- 1176 contrary to law;
- 1177 (c) shall require and determine deadlines for municipal office candidates to file
- 1178 campaign financial disclosures in accordance with Section [10-3-208](#); and
- 1179 (d) shall ensure that the ballot for the election includes each office that is required to be
- 1180 included in the election for officers of the newly incorporated municipality, including the term
- 1181 of each office.
- 1182 (8) An individual who has filed as a candidate for an office described in this section
- 1183 shall comply with:
- 1184 (a) the campaign finance disclosure requirements described in Section [10-3-208](#); and
- 1185 (b) the requirements and deadlines established by the county clerk under this section.
- 1186 (9) Notwithstanding Section [10-3-201](#), the officers elected at a final election described
- 1187 in Subsection (4)(a) shall take office:
- 1188 (a) after taking the oath of office; and
- 1189 (b) at noon on the first Monday following the day on which the election official

1190 transmits a certificate of nomination or election under the officer's seal to each elected  
1191 candidate in accordance with Subsection 20A-4-304(4)(b).

1192 Section 20. Section 10-2a-405 is amended to read:

1193 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**  
1194 **election and incorporation issues -- Rural real property excluded.**

1195 (1) The legislative body of a county of the first class shall before an election described  
1196 in Section 10-2a-404:

1197 (a) in accordance with Subsection (3), publish notice of the public hearing described in  
1198 Subsection (1)(b);

1199 (b) hold a public hearing; and

1200 (c) at the public hearing, adopt a resolution:

1201 (i) identifying, including a map prepared by the county surveyor, all unincorporated  
1202 islands within the county;

1203 (ii) identifying each eligible city that will annex each unincorporated island, including  
1204 whether the unincorporated island may be annexed by one eligible city or divided and annexed  
1205 by multiple eligible cities, if approved by the residents at an election under Section 10-2a-404;  
1206 and

1207 (iii) identifying, including a map prepared by the county surveyor, the planning  
1208 townships within the county and any changes to the boundaries of a planning township that the  
1209 county legislative body proposes under Subsection (5).

1210 (2) The county legislative body shall exclude from a resolution adopted under  
1211 Subsection (1)(c) rural real property unless the owner of the rural real property provides written  
1212 consent to include the property in accordance with Subsection (7).

1213 (3) (a) The county clerk shall publish notice of the public hearing described in  
1214 Subsection (1)(b):

1215 (i) by mailing notice to each owner of real property located in an unincorporated island  
1216 or planning township no later than 15 days before the day of the public hearing;

1217 (ii) at least once a week for three successive weeks in a newspaper of general  
1218 circulation within each unincorporated island, each eligible city, and each planning township;  
1219 and

1220 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#),  
1221 for three weeks before the day of the public hearing.

1222 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least  
1223 three days before the first public hearing required under Subsection (1)(b).

1224 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation  
1225 within an unincorporated island, an eligible city, or a planning township, the county clerk shall  
1226 post at least one notice of the hearing per 1,000 population in conspicuous places within the  
1227 selected unincorporated island, eligible city, or planning township, as applicable, that are most  
1228 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or  
1229 planning township.

1230 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before  
1231 the hearing under Subsection (1)(b).

1232 (d) The notice under Subsection (3)(a) or (c) shall include:

1233 (i) (A) for a resident of an unincorporated island, a statement that the property in the  
1234 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by  
1235 an eligible city, including divided and annexed by multiple cities if applicable, and the name of  
1236 the eligible city or cities; or

1237 (B) for residents of a planning township, a statement that the property in the planning  
1238 township shall be, pending the results of the election held under Section [10-2a-404](#),  
1239 incorporated as a city, town, or metro township;

1240 (ii) the location and time of the public hearing; and

1241 (iii) the county website where a map may be accessed showing:

1242 (A) how the unincorporated island boundaries will change if annexed by an eligible  
1243 city; or

1244 (B) how the planning township area boundaries will change, if applicable under  
1245 Subsection (5), when the planning township incorporates as a metro township or as a city or  
1246 town.

1247 (e) The county clerk shall publish a map described in Subsection (3)(d)(iii) on the  
1248 county website.

1249 (4) The county legislative body may, by ordinance or resolution adopted at a public  
1250 meeting and in accordance with applicable law, resolve an issue that arises with an election  
1251 held in accordance with this part or the incorporation and establishment of a metro township in  
1252 accordance with this part.

1253 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public  
1254 meeting, change the boundaries of a planning township.

1255 (b) A change to a planning township boundary under this Subsection (5) is effective  
1256 only upon the vote of the residents of the planning township at an election under Section  
1257 [10-2a-404](#) to incorporate as a metro township or as a city or town and does not affect the  
1258 boundaries of the planning township before the election.

1259 (c) The county legislative body:

1260 (i) may alter a planning township boundary under Subsection (5)(a) only if the  
1261 alteration:

1262 (A) affects less than 5% of the residents residing within the planning advisory area; and

1263 (B) does not increase the area located within the planning township's boundaries; and

1264 (ii) may not alter the boundaries of a planning township whose boundaries are entirely  
1265 surrounded by one or more municipalities.

1266 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an  
1267 annexation or an incorporation process that, if approved, would change the boundaries of a  
1268 planning township.

1269 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1270 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1271 (ii) that does not include residential units with a density greater than one unit per acre.

1272 (b) Unless an owner of rural real property gives written consent to a county legislative  
1273 body, rural real property described in Subsection (7)(c) may not be:

1274 (i) included in a planning township identified under Subsection (1)(c); or

1275 (ii) incorporated as part of a metro township, city, or town, in accordance with this  
1276 part.

1277 (c) The following rural real property is subject to an owner's written consent under  
1278 Subsection (7)(b):

1279 (i) rural real property that consists of 1,500 or more contiguous acres of real property  
1280 consisting of one or more tax parcels;

1281 (ii) rural real property that is not contiguous to, but used in connection with, rural real  
1282 property that consists of 1,500 or more contiguous acres of real property consisting of one or  
1283 more tax parcels;

1284 (iii) rural real property that is owned, managed, or controlled by a person, company, or  
1285 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more  
1286 contiguous acres of rural real property consisting of one or more tax parcels; or

1287 (iv) rural real property that is located in whole or in part in one of the following as  
1288 defined in Section [17-41-101](#):

1289 (A) an agricultural protection area;

1290 (B) an industrial protection area; or

1291 (C) a mining protection area.

1292 Section 21. Section **10-3-301** is amended to read:

1293 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**  
1294 **office -- Mayor and recorder limitations.**

1295 (1) As used in this section:

1296 (a) "Absent" means that an elected municipal officer fails to perform official duties,  
1297 including the officer's failure to attend each regularly scheduled meeting that the officer is



1298 required to attend.

1299 (b) "Principal place of residence" means the same as that term is defined in Section  
1300 [20A-2-105](#).

1301 (c) "Secondary residence" means a place where an individual resides other than the  
1302 individual's principal place of residence.

1303 (2) (a) On or before May 1 in a year in which there is a municipal general election, the  
1304 municipal clerk shall publish a notice that identifies:

1305 (i) the municipal offices to be voted on in the municipal general election; and

1306 (ii) the dates for filing a declaration of candidacy for the offices identified under  
1307 Subsection (2)(a)(i).

1308 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

1309 (i) on the Utah Public Notice Website established by Section [~~63F-1-701~~] [63A-12-201](#);

1310 and

1311 (ii) in at least one of the following ways:

1312 (A) at the principal office of the municipality;

1313 (B) in a newspaper of general circulation within the municipality at least once a week  
1314 for two successive weeks in accordance with Section [45-1-101](#);

1315 (C) in a newsletter produced by the municipality;

1316 (D) on a website operated by the municipality; or

1317 (E) with a utility enterprise fund customer's bill.

1318 (3) (a) An individual who files a declaration of candidacy for a municipal office shall  
1319 comply with the requirements described in Section [20A-9-203](#).

1320 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of  
1321 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in  
1322 Subsections [20A-9-203](#)(3)(a)(i) and (c)(i) unless the date occurs on a:

1323 (A) Saturday or Sunday; or

1324 (B) state holiday as listed in Section [63G-1-301](#).

1325 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that  
1326 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection  
1327 (3)(b)(i) without maintaining office hours by:

1328 (A) posting the recorder's or clerk's contact information, including a phone number and  
1329 email address, on the recorder's or clerk's office door, the main door to the municipal offices,  
1330 and, if available, on the municipal website; and

1331 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),  
1332 via the contact information described in Subsection (3)(b)(ii)(A).

1333 (4) An individual elected to municipal office shall be a registered voter in the  
1334 municipality in which the individual is elected.

1335 (5) (a) Each elected officer of a municipality shall maintain a principal place of  
1336 residence within the municipality, and within the district that the elected officer represents,  
1337 during the officer's term of office.

1338 (b) Except as provided in Subsection (6), an elected municipal office is automatically  
1339 vacant if the officer elected to the municipal office, during the officer's term of office:

1340 (i) establishes a principal place of residence outside the district that the elected officer  
1341 represents;

1342 (ii) resides at a secondary residence outside the district that the elected officer  
1343 represents for a continuous period of more than 60 days while still maintaining a principal  
1344 place of residence within the district;

1345 (iii) is absent from the district that the elected officer represents for a continuous period  
1346 of more than 60 days; or

1347 (iv) fails to respond to a request, within 30 days after the day on which the elected  
1348 officer receives the request, from the county clerk or the lieutenant governor seeking  
1349 information to determine the officer's residency.

1350 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the  
1351 consent of the municipal legislative body in accordance with Subsection (6)(b) before the

1352 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1353 (i) reside at a secondary residence outside the district that the elected officer represents  
1354 while still maintaining a principal place of residence within the district for a continuous period  
1355 of up to one year during the officer's term of office; or

1356 (ii) be absent from the district that the elected officer represents for a continuous period  
1357 of up to one year during the officer's term of office.

1358 (b) At a public meeting, the municipal legislative body may give the consent described  
1359 in Subsection (6)(a) by majority vote after taking public comment regarding:

1360 (i) whether the legislative body should give the consent; and

1361 (ii) the length of time to which the legislative body should consent.

1362 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or  
1363 treasurer.

1364 (b) The recorder of a municipality may not also serve as the municipal treasurer.

1365 (c) An individual who holds a county elected office may not, at the same time, hold a  
1366 municipal elected office.

1367 (d) The restriction described in Subsection (7)(c) applies regardless of whether the  
1368 individual is elected to the office or appointed to fill a vacancy in the office.

1369 Section 22. Section **10-3-818** is amended to read:

1370 **10-3-818. Salaries in municipalities.**

1371 (1) The elective and statutory officers of municipalities shall receive such  
1372 compensation for their services as the governing body may fix by ordinance adopting  
1373 compensation or compensation schedules enacted after public hearing.

1374 (2) Upon its own motion the governing body may review or consider the compensation  
1375 of any officer or officers of the municipality or a salary schedule applicable to any officer or  
1376 officers of the city for the purpose of determining whether or not it should be adopted, changed,  
1377 or amended. In the event that the governing body decides that the compensation or  
1378 compensation schedules should be adopted, changed, or amended, it shall set a time and place

1379 for a public hearing at which all interested persons shall be given an opportunity to be heard.

1380 (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least  
1381 seven days before the meeting by publication:

1382 (i) at least once in a newspaper published in the county within which the municipality  
1383 is situated and generally circulated in the municipality; and

1384 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

1385 (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be  
1386 given by posting this notice in three public places in the municipality.

1387 (4) After the conclusion of the public hearing, the governing body may enact an  
1388 ordinance fixing, changing, or amending the compensation of any elective or appointive officer  
1389 of the municipality or adopting a compensation schedule applicable to any officer or officers.

1390 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality  
1391 establishing a salary or compensation schedule for its elective or appointive officers and any  
1392 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the  
1393 municipality has enacted an ordinance pursuant to the provisions of this chapter.

1394 (6) The compensation of all municipal officers shall be paid at least monthly out of the  
1395 municipal treasury provided that municipalities having 1,000 or fewer population may by  
1396 ordinance provide for the payment of its statutory officers less frequently. None of the  
1397 provisions of this chapter shall be considered as limiting or restricting the authority to any  
1398 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,  
1399 Section 5, to determine the salaries of its elective and appointive officers or employees.

1400 Section 23. Section **10-5-107.5** is amended to read:

1401 **10-5-107.5. Transfer of enterprise fund money to another fund.**

1402 (1) As used in this section:

1403 (a) "Budget hearing" means a public hearing required under Section [10-5-108](#).

1404 (b) "Enterprise fund accounting data" means a detailed overview of the various  
1405 enterprise funds of the town that includes:

1406 (i) a cost accounting breakdown of how money in the enterprise fund is being used to  
1407 cover, as applicable:

1408 (A) administrative and overhead costs of the town attributable to the operation of the  
1409 enterprise for which the enterprise fund was created; and

1410 (B) other costs not associated with the enterprise for which the enterprise fund was  
1411 created; and

1412 (ii) specific enterprise fund information.

1413 (c) "Enterprise fund hearing" means the public hearing required under Subsection  
1414 (3)(d).

1415 (d) "Specific enterprise fund information" means:

1416 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1417 (ii) the percentage of the total enterprise fund expenditures represented by each transfer  
1418 to another fund.

1419 (2) Subject to the requirements of this section, a town may transfer money in an  
1420 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose  
1421 that is not directly related to the goods or services provided by the enterprise for which the  
1422 enterprise fund was created.

1423 (3) The governing body of a town that intends to transfer money in an enterprise fund  
1424 to another fund shall:

1425 (a) provide notice of the intended transfer as required under Subsection (4);

1426 (b) clearly identify in a separate section or document accompanying the town's  
1427 tentative budget or, if an amendment to the town's budget includes or is based on an intended  
1428 transfer, in a separate section or document accompanying the amendment to the town's budget:

1429 (i) the enterprise fund from which money is intended to be transferred; and

1430 (ii) the specific enterprise fund information for that enterprise fund;

1431 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and

1432 (d) hold an enterprise fund hearing before the adoption of the town's budget or, if

1433 applicable, the amendment to the budget.

1434 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body  
1435 shall:

1436 (i) provide the notice described in Subsection (4)(b) by:

1437 (A) mailing a copy of the notice to users of the goods or services provided by the  
1438 enterprise for which the enterprise fund was created, if the town regularly mails users a  
1439 periodic billing for the goods or services;

1440 (B) emailing a copy of the notice to users of the goods or services provided by the  
1441 enterprise for which the enterprise fund was created, if the town regularly emails users a  
1442 periodic billing for the goods or services;

1443 (C) posting the notice on the Utah Public Notice Website created in Section  
1444 ~~[63F-1-701]~~ [63A-12-201](#); and

1445 (D) if the town has a website, prominently posting the notice on the town's website  
1446 until the enterprise fund hearing is concluded; and

1447 (ii) if the town communicates with the public through a social media platform, publish  
1448 notice of the date, time, place, and purpose of the enterprise fund hearing using the social  
1449 media platform.

1450 (b) The notice required under Subsection (4)(a)(i) shall:

1451 (i) explain the intended transfer of enterprise fund money to another fund;

1452 (ii) include specific enterprise fund information for each enterprise fund from which  
1453 money is intended to be transferred;

1454 (iii) provide the date, time, and place of the enterprise fund hearing; and

1455 (iv) explain the purpose of the enterprise fund hearing.

1456 (5) (a) An enterprise fund hearing shall be separate and independent from a budget  
1457 hearing and any other public hearing.

1458 (b) At an enterprise fund hearing, the governing body shall:

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

- 1460 (ii) provide enterprise fund accounting data to the public; and
- 1461 (iii) allow members of the public in attendance at the hearing to comment on:
- 1462 (A) the intended transfer of enterprise fund money to another fund; and
- 1463 (B) the enterprise fund accounting data.
- 1464 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is
- 1465 based on a transfer of money from an enterprise fund to another fund, the governing body shall:
- 1466 (i) within 60 days after adopting the budget or budget amendment:
- 1467 (A) mail a notice to users of the goods or services provided by the enterprise for which
- 1468 the enterprise fund was created, if the town regularly mails users a periodic billing for the
- 1469 goods or services; and
- 1470 (B) email a notice to users of the goods or services provided by the enterprise for
- 1471 which the enterprise fund was created, if the town regularly emails users a periodic billing for
- 1472 the goods or services;
- 1473 (ii) within seven days after adopting the budget or budget amendment:
- 1474 (A) post enterprise fund accounting data on the town's website, if the town has a
- 1475 website;
- 1476 (B) using the town's social media platform, publish notice of the adoption of a budget
- 1477 or budget amendment that includes or is based on a transfer of money from an enterprise fund
- 1478 to another fund, if the town communicates with the public through a social media platform; and
- 1479 (iii) within 30 days after adopting the budget, submit to the state auditor the specific
- 1480 enterprise fund information for each enterprise fund from which money will be transferred.
- 1481 (b) A notice required under Subsection (6)(a)(i) shall:
- 1482 (i) announce the adoption of a budget or budget amendment that includes or is based
- 1483 on a transfer of money from an enterprise fund to another fund; and
- 1484 (ii) include the specific enterprise fund information.
- 1485 (c) The governing body shall maintain the website posting required under Subsection
- 1486 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).

1487 Section 24. Section **10-5-108** is amended to read:

1488 **10-5-108. Budget hearing -- Notice -- Adjustments.**

1489 (1) Prior to the adoption of the final budget or an amendment to a budget, a town  
1490 council shall hold a public hearing to receive public comment.

1491 (2) The town council shall provide notice of the place, purpose, and time of the public  
1492 hearing by publishing notice at least seven days before the hearing:

1493 (a) (i) at least once in a newspaper of general circulation in the town; or

1494 (ii) if there is no newspaper of general circulation, then by posting the notice in three  
1495 public places at least 48 hours before the hearing;

1496 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

1497 (c) on the home page of the website, either in full or as a link, of the town or metro  
1498 township, if the town or metro township has a publicly viewable website, until the hearing  
1499 takes place.

1500 (3) After the hearing, the town council, subject to Section **10-5-110**, may adjust  
1501 expenditures and revenues in conformity with this chapter.

1502 Section 25. Section **10-6-113** is amended to read:

1503 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1504 At the meeting at which each tentative budget is adopted, the governing body shall  
1505 establish the time and place of a public hearing to consider its adoption and shall order that  
1506 notice of the public hearing be published at least seven days prior to the hearing:

1507 (1) (a) in at least one issue of a newspaper of general circulation published in the  
1508 county in which the city is located; or

1509 (b) if there is not a newspaper as described in Subsection (1)(a), in three public places  
1510 within the city;

1511 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

1512 (3) on the home page of the website, either in full or as a link, of the city or metro  
1513 township, if the city or metro township has a publicly viewable website, until the hearing takes



1514 place.

1515 Section 26. Section **10-6-135.5** is amended to read:

1516 **10-6-135.5. Transfer of enterprise fund money to another fund.**

1517 (1) As used in this section:

1518 (a) "Budget hearing" means a public hearing required under Section [10-6-114](#).

1519 (b) "Enterprise fund accounting data" means a detailed overview of the various  
1520 enterprise funds of the city that includes:

1521 (i) a cost accounting breakdown of how money in the enterprise fund is being used to  
1522 cover, as applicable:

1523 (A) administrative and overhead costs of the city attributable to the operation of the  
1524 enterprise for which the enterprise fund was created; and

1525 (B) other costs not associated with the enterprise for which the enterprise fund was  
1526 created; and

1527 (ii) specific enterprise fund information.

1528 (c) "Enterprise fund hearing" means the public hearing required under Subsection  
1529 (3)(d).

1530 (d) "Specific enterprise fund information" means:

1531 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1532 (ii) the percentage of the total enterprise fund expenditures represented by each transfer  
1533 to another fund.

1534 (2) Subject to the requirements of this section, a city may transfer money in an  
1535 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose  
1536 that is not directly related to the goods or services provided by the enterprise for which the  
1537 enterprise fund was created.

1538 (3) The governing body of a city that intends to transfer money in an enterprise fund to  
1539 another fund shall:

1540 (a) provide notice of the intended transfer as required under Subsection (4);

1541 (b) clearly identify in a separate section or document accompanying the city's tentative  
1542 budget or, if an amendment to the city's budget includes or is based on an intended transfer, in  
1543 a separate section or document accompanying the amendment to the city's budget:

- 1544 (i) the enterprise fund from which money is intended to be transferred; and
- 1545 (ii) the specific enterprise fund information for that enterprise fund;
- 1546 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and
- 1547 (d) hold an enterprise fund hearing before the adoption of the city's budget or, if  
1548 applicable, the amendment to the budget.

1549 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body  
1550 shall:

- 1551 (i) provide the notice described in Subsection (4)(b) by:
  - 1552 (A) mailing a copy of the notice to users of the goods or services provided by the  
1553 enterprise for which the enterprise fund was created, if the city regularly mails users a periodic  
1554 billing for the goods or services;
  - 1555 (B) emailing a copy of the notice to users of the goods or services provided by the  
1556 enterprise for which the enterprise fund was created, if the city regularly emails users a periodic  
1557 billing for the goods or services;
  - 1558 (C) posting the notice on the Utah Public Notice Website created in Section  
1559 ~~[63F-1-701]~~ [63A-12-201](#); and
  - 1560 (D) if the city has a website, prominently posting the notice on the city's website until  
1561 the enterprise fund hearing is concluded; and
- 1562 (ii) if the city communicates with the public through a social media platform, publish  
1563 notice of the date, time, place, and purpose of the enterprise fund hearing using the social  
1564 media platform.

- 1565 (b) The notice required under Subsection (4)(a)(i) shall:
  - 1566 (i) explain the intended transfer of enterprise fund money to another fund;
  - 1567 (ii) include specific enterprise fund information for each enterprise fund from which

1568 money is intended to be transferred;

1569 (iii) provide the date, time, and place of the enterprise fund hearing; and

1570 (iv) explain the purpose of the enterprise fund hearing.

1571 (5) (a) An enterprise fund hearing shall be separate and independent from a budget

1572 hearing and any other public hearing.

1573 (b) At an enterprise fund hearing, the governing body shall:

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

1575 (ii) provide enterprise fund accounting data to the public; and

1576 (iii) allow members of the public in attendance at the hearing to comment on:

1577 (A) the intended transfer of enterprise fund money to another fund; and

1578 (B) the enterprise fund accounting data.

1579 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is

1580 based on a transfer of money from an enterprise fund to another fund, the governing body shall:

1581 (i) within 60 days after adopting the budget or budget amendment:

1582 (A) mail a notice to users of the goods or services provided by the enterprise for which

1583 the enterprise fund was created, if the city regularly mails users a periodic billing for the goods

1584 or services; and

1585 (B) email a notice to users of the goods or services provided by the enterprise for

1586 which the enterprise fund was created, if the city regularly emails users a periodic billing for

1587 the goods or services;

1588 (ii) within seven days after adopting the budget or budget amendment:

1589 (A) post enterprise fund accounting data on the city's website, if the city has a website;

1590 (B) using the city's social media platform, publish notice of the adoption of a budget or

1591 budget amendment that includes or is based on a transfer of money from an enterprise fund to

1592 another fund, if the city communicates with the public through a social media platform; and

1593 (iii) within 30 days after adopting the budget, submit to the state auditor the specific

1594 enterprise fund information for each enterprise fund from which money will be transferred.

- 1595 (b) A notice required under Subsection (6)(a)(i) shall:  
1596 (i) announce the adoption of a budget or budget amendment that includes or is based  
1597 on a transfer of money from an enterprise fund to another fund; and  
1598 (ii) include the specific enterprise fund information.  
1599 (c) The governing body shall maintain the website posting required under Subsection  
1600 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).

1601 Section 27. Section **10-7-19** is amended to read:

1602 **10-7-19. Election to authorize -- Notice -- Ballots.**

1603 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or  
1604 the board of trustees of any incorporated town, may aid and encourage the building of railroads  
1605 by granting to any railroad company, for depot or other railroad purposes, real property of the  
1606 city or incorporated town, not necessary for municipal or public purposes, upon the limitations  
1607 and conditions established by the board of commissioners, city council, or board of trustees.

1608 (2) A board of commissioners, city council, or board of trustees may not grant real  
1609 property under Subsection (1) unless the grant is approved by the eligible voters of the city or  
1610 town at the next municipal election, or at a special election called for that purpose by the board  
1611 of commissioners, city council, or board of trustees.

1612 (3) If the question is submitted at a special election, the election shall be held as nearly  
1613 as practicable in conformity with the general election laws of the state.

1614 (4) The board of commissioners, city council, or board of trustees shall publish notice  
1615 of an election described in Subsections (2) and (3):

1616 (a) (i) in a newspaper of general circulation in the city or town once a week for four  
1617 weeks before the election;

1618 (ii) if there is no newspaper of general circulation in the city or town, at least four  
1619 weeks before the day of the election, by posting one notice, and at least one additional notice  
1620 per 2,000 population of the city or town, in places within the city or town that are most likely to  
1621 give notice to the voters in the city or town; or

1622 (iii) at least four weeks before the day of the election, by mailing notice to each  
1623 registered voter in the city or town;

1624 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
1625 four weeks before the day of the election;

1626 (c) in accordance with Section 45-1-101, for four weeks before the day of the election;  
1627 and

1628 (d) if the municipality has a website, on the municipality's website for at least four  
1629 weeks before the day of the election.

1630 (5) The board of commissioners, city council, or board of trustees shall cause ballots to  
1631 be printed and provided to the eligible voters, which shall read: "For the proposed grant for  
1632 depot or other railroad purposes: Yes. No."

1633 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,  
1634 city council, or board of trustees shall convey the real property to the railroad company.

1635 Section 28. Section **10-8-2** is amended to read:

1636 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**  
1637 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1638 (1) (a) A municipal legislative body may:

1639 (i) appropriate money for corporate purposes only;

1640 (ii) provide for payment of debts and expenses of the corporation;

1641 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and  
1642 dispose of real and personal property for the benefit of the municipality, whether the property is  
1643 within or without the municipality's corporate boundaries, if the action is in the public interest  
1644 and complies with other law;

1645 (iv) improve, protect, and do any other thing in relation to this property that an  
1646 individual could do; and

1647 (v) subject to Subsection (2) and after first holding a public hearing, authorize  
1648 municipal services or other nonmonetary assistance to be provided to or waive fees required to

1649 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1650 (b) A municipality may:

1651 (i) furnish all necessary local public services within the municipality;

1652 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities

1653 located and operating within and operated by the municipality; and

1654 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property

1655 located inside or outside the corporate limits of the municipality and necessary for any of the

1656 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,

1657 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1658 (c) Each municipality that intends to acquire property by eminent domain under

1659 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

1660 (d) Subsection (1)(b) may not be construed to diminish any other authority a

1661 municipality may claim to have under the law to acquire by eminent domain property located

1662 inside or outside the municipality.

1663 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to

1664 the provisions of Subsection (3).

1665 (b) The total amount of services or other nonmonetary assistance provided or fees

1666 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the

1667 municipality's budget for that fiscal year.

1668 (3) It is considered a corporate purpose to appropriate money for any purpose that, in

1669 the judgment of the municipal legislative body, provides for the safety, health, prosperity,

1670 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality

1671 subject to this Subsection (3).

1672 (a) The net value received for any money appropriated shall be measured on a

1673 project-by-project basis over the life of the project.

1674 (b) (i) A municipal legislative body shall establish the criteria for a determination

1675 under this Subsection (3).

1676 (ii) A municipal legislative body's determination of value received is presumed valid  
1677 unless a person can show that the determination was arbitrary, capricious, or illegal.

1678 (c) The municipality may consider intangible benefits received by the municipality in  
1679 determining net value received.

1680 (d) (i) Before the municipal legislative body makes any decision to appropriate any  
1681 funds for a corporate purpose under this section, the municipal legislative body shall hold a  
1682 public hearing.

1683 (ii) The municipal legislative body shall publish a notice of the hearing described in  
1684 Subsection (3)(d)(i):

1685 (A) in a newspaper of general circulation at least 14 days before the date of the hearing  
1686 or, if there is no newspaper of general circulation, by posting notice in at least three  
1687 conspicuous places within the municipality for the same time period; and

1688 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at  
1689 least 14 days before the date of the hearing.

1690 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the  
1691 municipality shall perform a study that analyzes and demonstrates the purpose for an  
1692 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

1693 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at  
1694 the municipality for review by interested parties at least 14 days immediately before the public  
1695 hearing described in Subsection (3)(d)(i).

1696 (iii) A municipality shall consider the following factors when conducting the study  
1697 described in Subsection (3)(e)(i):

1698 (A) what identified benefit the municipality will receive in return for any money or  
1699 resources appropriated;

1700 (B) the municipality's purpose for the appropriation, including an analysis of the way  
1701 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,  
1702 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1703 (C) whether the appropriation is necessary and appropriate to accomplish the  
1704 reasonable goals and objectives of the municipality in the area of economic development, job  
1705 creation, affordable housing, elimination of a development impediment, job preservation, the  
1706 preservation of historic structures and property, and any other public purpose.

1707 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,  
1708 to make an appropriation.

1709 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district  
1710 court within 30 days after the day on which the municipal legislative body makes a decision.

1711 (iii) Any appeal shall be based on the record of the proceedings before the legislative  
1712 body.

1713 (iv) A decision of the municipal legislative body shall be presumed to be valid unless  
1714 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1715 (g) The provisions of this Subsection (3) apply only to those appropriations made after  
1716 May 6, 2002.

1717 (h) This section applies only to appropriations not otherwise approved pursuant to Title  
1718 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform  
1719 Fiscal Procedures Act for Utah Cities.

1720 (4) (a) Before a municipality may dispose of a significant parcel of real property, the  
1721 municipality shall:

1722 (i) provide reasonable notice of the proposed disposition at least 14 days before the  
1723 opportunity for public comment under Subsection (4)(a)(ii); and

1724 (ii) allow an opportunity for public comment on the proposed disposition.

1725 (b) Each municipality shall, by ordinance, define what constitutes:

1726 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1727 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1728 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire  
1729 real property for the purpose of expanding the municipality's infrastructure or other facilities



1730 used for providing services that the municipality offers or intends to offer shall provide written  
1731 notice, as provided in this Subsection (5), of its intent to acquire the property if:

1732 (i) the property is located:

1733 (A) outside the boundaries of the municipality; and

1734 (B) in a county of the first or second class; and

1735 (ii) the intended use of the property is contrary to:

1736 (A) the anticipated use of the property under the general plan of the county in whose  
1737 unincorporated area or the municipality in whose boundaries the property is located; or

1738 (B) the property's current zoning designation.

1739 (b) Each notice under Subsection (5)(a) shall:

1740 (i) indicate that the municipality intends to acquire real property;

1741 (ii) identify the real property; and

1742 (iii) be sent to:

1743 (A) each county in whose unincorporated area and each municipality in whose  
1744 boundaries the property is located; and

1745 (B) each affected entity.

1746 (c) A notice under this Subsection (5) is a protected record as provided in Subsection  
1747 [63G-2-305\(8\)](#).

1748 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality  
1749 previously provided notice under Section [10-9a-203](#) identifying the general location within the  
1750 municipality or unincorporated part of the county where the property to be acquired is located.

1751 (ii) If a municipality is not required to comply with the notice requirement of  
1752 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide  
1753 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real  
1754 property.

1755 Section 29. Section **10-8-15** is amended to read:

1756 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

- 1757 (1) As used in this section, "affected entity" means a:
- 1758 (a) county that has land use authority over land subject to an ordinance or regulation
- 1759 described in this section;
- 1760 (b) local health department, as that term is defined in Section 26A-1-102, that has
- 1761 jurisdiction pursuant to Section 26A-1-108 over land subject to an ordinance or regulation
- 1762 described in this section;
- 1763 (c) municipality that has enacted or has the right to enact an ordinance or regulation
- 1764 described in this section over the land subject to an ordinance or regulation described in this
- 1765 section; and
- 1766 (d) municipality that has land use authority over land subject to an ordinance or
- 1767 regulation described in this section.
- 1768 (2) A municipality may construct or authorize the construction of waterworks within or
- 1769 without the municipal limits, and for the purpose of maintaining and protecting the same from
- 1770 injury and the water from pollution the municipality's jurisdiction shall extend over the territory
- 1771 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used
- 1772 in and necessary for the construction, maintenance and operation of the same, and over the
- 1773 stream or other source from which the water is taken, for 15 miles above the point from which
- 1774 it is taken and for a distance of 300 feet on each side of such stream and over highways along
- 1775 such stream or watercourse within said 15 miles and said 300 feet.
- 1776 (3) The jurisdiction of a city of the first class shall additionally be over the entire
- 1777 watershed within the county of origin of the city of the first class and subject to Subsection (6)
- 1778 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or
- 1779 source; and provided further, that the city of the first class shall provide a highway in and
- 1780 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not
- 1781 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any
- 1782 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners
- 1783 of the city may enact ordinances placing under police regulations the manner of driving such

1784 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over  
1785 which the city has jurisdiction.

1786 (4) A municipality may enact all ordinances and regulations necessary to carry the  
1787 power herein conferred into effect, and is authorized and empowered to enact ordinances  
1788 preventing pollution or contamination of the streams or watercourses from which the  
1789 municipality derives the municipality's water supply, in whole or in part, for domestic and  
1790 culinary purposes, and may enact ordinances prohibiting or regulating the construction or  
1791 maintenance of any closet, privy, outhouse or urinal within the area over which the  
1792 municipality has jurisdiction, and provide for permits for the construction and maintenance of  
1793 the same.

1794 (5) In granting a permit described in Subsection (4), a municipality may annex thereto  
1795 such reasonable conditions and requirements for the protection of the public health as the  
1796 municipality determines proper, and may, if determined advisable, require that all closets,  
1797 privies and urinals along such streams shall be provided with effective septic tanks or other  
1798 germ-destroying instrumentalities.

1799 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the  
1800 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all  
1801 municipalities and counties that have jurisdiction over the area where the watershed is located.

1802 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance  
1803 or regulation under the authority of this section shall:

- 1804 (i) hold a public hearing on the proposed ordinance or regulation; and  
1805 (ii) give notice of the date, place, and time of the hearing, as described in Subsection  
1806 (7)(b).

1807 (b) At least ten days before the day on which the public hearing described in  
1808 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

- 1809 (i) mailed to:  
1810 (A) each affected entity;

1811 (B) the director of the Division of Drinking Water; and  
1812 (C) the director of the Division of Water Quality; and  
1813 (ii) published:  
1814 (A) in a newspaper of general circulation in the county in which the land subject to the  
1815 proposed ordinance or regulation is located; and  
1816 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).  
1817 (c) An ordinance or regulation adopted under the authority of this section may not  
1818 conflict with:  
1819 (i) existing federal or state statutes; or  
1820 (ii) a rule created pursuant to a federal or state statute governing drinking water or  
1821 water quality.  
1822 (d) A municipality that enacts an ordinance or regulation under the authority of this  
1823 section shall:  
1824 (i) provide a copy of the ordinance or regulation to each affected entity; and  
1825 (ii) include a copy of the ordinance or regulation in the municipality's drinking water  
1826 source protection plan.  
1827 Section 30. Section **10-9a-203** is amended to read:  
1828 **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**  
1829 **plan amendments in certain municipalities.**  
1830 (1) Before preparing a proposed general plan or a comprehensive general plan  
1831 amendment, each municipality within a county of the first or second class shall provide 10  
1832 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general  
1833 plan amendment:  
1834 (a) to each affected entity;  
1835 (b) to the Automated Geographic Reference Center created in Section [63F-1-506](#);  
1836 (c) to the association of governments, established pursuant to an interlocal agreement  
1837 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;

1838 and

1839 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

1840 (2) Each notice under Subsection (1) shall:

1841 (a) indicate that the municipality intends to prepare a general plan or a comprehensive  
1842 general plan amendment, as the case may be;

1843 (b) describe or provide a map of the geographic area that will be affected by the general  
1844 plan or amendment;

1845 (c) be sent by mail, e-mail, or other effective means;

1846 (d) invite the affected entities to provide information for the municipality to consider in  
1847 the process of preparing, adopting, and implementing a general plan or amendment concerning:

1848 (i) impacts that the use of land proposed in the proposed general plan or amendment  
1849 may have; and

1850 (ii) uses of land within the municipality that the affected entity is considering that may  
1851 conflict with the proposed general plan or amendment; and

1852 (e) include the address of an Internet website, if the municipality has one, and the name  
1853 and telephone number of a person where more information can be obtained concerning the  
1854 municipality's proposed general plan or amendment.

1855 Section 31. Section **10-9a-204** is amended to read:

1856 **10-9a-204. Notice of public hearings and public meetings to consider general plan**  
1857 **or modifications.**

1858 (1) Each municipality shall provide:

1859 (a) notice of the date, time, and place of the first public hearing to consider the original  
1860 adoption or any modification of all or any portion of a general plan; and

1861 (b) notice of each public meeting on the subject.

1862 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar  
1863 days before the public hearing and shall be:

1864 (a) (i) published in a newspaper of general circulation in the area; and

1865 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]

1866 63A-12-201;

1867 (b) mailed to each affected entity; and

1868 (c) posted:

1869 (i) in at least three public locations within the municipality; or

1870 (ii) on the municipality's official website.

1871 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours

1872 before the meeting and shall be:

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

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

1875 63A-12-201; and

1876 (b) posted:

1877 (i) in at least three public locations within the municipality; or

1878 (ii) on the municipality's official website.

1879 Section 32. Section **10-9a-205** is amended to read:

1880 **10-9a-205. Notice of public hearings and public meetings on adoption or**

1881 **modification of land use regulation.**

1882 (1) Each municipality shall give:

1883 (a) notice of the date, time, and place of the first public hearing to consider the

1884 adoption or any modification of a land use regulation; and

1885 (b) notice of each public meeting on the subject.

1886 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

1887 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

1888 (b) posted:

1889 (i) in at least three public locations within the municipality; or

1890 (ii) on the municipality's official website; and

1891 (c) (i) (A) published in a newspaper of general circulation in the area at least 10

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

1919 (vii) notify the property owner that each written objection filed with the municipality  
1920 will be provided to the municipal legislative body; and

1921 (viii) state the location, date, and time of the public hearing described in Section  
1922 [10-9a-502](#).

1923 (c) If a municipality mails notice to a property owner in accordance with Subsection  
1924 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this  
1925 Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather  
1926 than sent separately.

1927 Section 33. Section **10-9a-208** is amended to read:

1928 **10-9a-208. Hearing and notice for petition to vacate a public street.**

1929 (1) For any petition to vacate some or all of a public street or municipal utility  
1930 easement the legislative body shall:

1931 (a) hold a public hearing; and

1932 (b) give notice of the date, place, and time of the hearing, as provided in Subsection  
1933 (2).

1934 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative  
1935 body shall ensure that the notice required under Subsection (1)(b) is:

1936 (a) mailed to the record owner of each parcel that is accessed by the public street or  
1937 municipal utility easement;

1938 (b) mailed to each affected entity;

1939 (c) posted on or near the public street or municipal utility easement in a manner that is  
1940 calculated to alert the public; and

1941 (d) (i) published on the website of the municipality in which the land subject to the  
1942 petition is located until the public hearing concludes; and

1943 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)  
1944 [63A-12-201](#).

1945 Section 34. Section **10-18-203** is amended to read:



1946           **10-18-203. Feasibility study on providing cable television or public**  
1947 **telecommunications services -- Public hearings.**

1948           (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of  
1949 the municipality shall require the feasibility consultant to:

1950           (a) complete the feasibility study in accordance with this section;

1951           (b) submit to the legislative body by no later than 180 days from the date the feasibility  
1952 consultant is hired to conduct the feasibility study:

1953           (i) the full written results of the feasibility study; and

1954           (ii) a summary of the results that is no longer than one page in length; and

1955           (c) attend the public hearings described in Subsection (4) to:

1956           (i) present the feasibility study results; and

1957           (ii) respond to questions from the public.

1958           (2) The feasibility study described in Subsection (1) shall at a minimum consider:

1959           (a) (i) if the municipality is proposing to provide cable television services to  
1960 subscribers, whether the municipality providing cable television services in the manner  
1961 proposed by the municipality will hinder or advance competition for cable television services  
1962 in the municipality; or

1963           (ii) if the municipality is proposing to provide public telecommunications services to  
1964 subscribers, whether the municipality providing public telecommunications services in the  
1965 manner proposed by the municipality will hinder or advance competition for public  
1966 telecommunications services in the municipality;

1967           (b) whether but for the municipality any person would provide the proposed:

1968           (i) cable television services; or

1969           (ii) public telecommunications services;

1970           (c) the fiscal impact on the municipality of:

1971           (i) the capital investment in facilities that will be used to provide the proposed:

1972           (A) cable television services; or

- 1973 (B) public telecommunications services; and
- 1974 (ii) the expenditure of funds for labor, financing, and administering the proposed:
- 1975 (A) cable television services; or
- 1976 (B) public telecommunications services;
- 1977 (d) the projected growth in demand in the municipality for the proposed:
- 1978 (i) cable television services; or
- 1979 (ii) public telecommunications services;
- 1980 (e) the projections at the time of the feasibility study and for the next five years, of a
- 1981 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
- 1982 facilities necessary to provide the proposed:
- 1983 (i) cable television services; or
- 1984 (ii) public telecommunications services; and
- 1985 (f) the projections at the time of the feasibility study and for the next five years of the
- 1986 revenues to be generated from the proposed:
- 1987 (i) cable television services; or
- 1988 (ii) public telecommunications services.
- 1989 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
- 1990 the feasibility consultant shall assume that the municipality will price the proposed cable
- 1991 television services or public telecommunications services consistent with Subsection
- 1992 [10-18-303\(5\)](#).
- 1993 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
- 1994 [10-18-202\(3\)](#), the legislative body, at the next regular meeting after the legislative body
- 1995 receives the results of the feasibility study, shall schedule at least two public hearings to be
- 1996 held:
- 1997 (a) within 60 days of the meeting at which the public hearings are scheduled;
- 1998 (b) at least seven days apart; and
- 1999 (c) for the purpose of allowing:

2000 (i) the feasibility consultant to present the results of the feasibility study; and  
2001 (ii) the public to:  
2002 (A) become informed about the feasibility study results; and  
2003 (B) ask questions of the feasibility consultant about the results of the feasibility study.  
2004 (5) (a) Except as provided in Subsection (5)(b), the municipality shall publish notice of  
2005 the public hearings required under Subsection (4):  
2006 (i) at least once a week for three consecutive weeks in a newspaper of general  
2007 circulation in the municipality and at least three days before the first public hearing required  
2008 under Subsection (4); and  
2009 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2010 three weeks, at least three days before the first public hearing required under Subsection (4).  
2011 (b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general  
2012 circulation in the municipality, for each 1,000 residents, the municipality shall post at least one  
2013 notice of the hearings in a conspicuous place within the municipality that is likely to give  
2014 notice of the hearings to the greatest number of residents of the municipality.  
2015 (ii) The municipality shall post the notices at least seven days before the first public  
2016 hearing required under Subsection (4) is held.  
2017 Section 35. Section **10-18-302** is amended to read:  
2018 **10-18-302. Bonding authority.**  
2019 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the  
2020 legislative body of a municipality may by resolution determine to issue one or more revenue  
2021 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide  
2022 to subscribers:  
2023 (a) a cable television service; or  
2024 (b) a public telecommunications service.  
2025 (2) The resolution described in Subsection (1) shall:  
2026 (a) describe the purpose for which the indebtedness is to be created; and

2027 (b) specify the dollar amount of the one or more bonds proposed to be issued.

2028 (3) (a) A revenue bond issued under this section shall be secured and paid for:

2029 (i) from the revenues generated by the municipality from providing:

2030 (A) cable television services with respect to revenue bonds issued to finance facilities

2031 for the municipality's cable television services; and

2032 (B) public telecommunications services with respect to revenue bonds issued to finance

2033 facilities for the municipality's public telecommunications services; and

2034 (ii) notwithstanding Subsection (3)(b) and Subsection 10-18-303(3)(a), from revenues

2035 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

2036 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections

2037 (4) and (5), the revenue bond is approved by the registered voters in an election held:

2038 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title

2039 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

2040 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;

2041 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the

2042 revenue bond; and

2043 (C) the municipality or municipalities annually appropriate the revenues described in

2044 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

2045 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the

2046 origination, financing, or other carrying costs associated with the one or more revenue bonds

2047 issued under this section from the town or city, respectively, general funds or other enterprise

2048 funds of the municipality.

2049 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created

2050 pursuant to an agreement:

2051 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

2052 (ii) to which a municipality is a party.

2053 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or

2054 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal  
2055 entity that issues revenue bonds, if:

2056 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is  
2057 a member of a municipal entity that is issuing revenue bonds has published the first notice  
2058 described in Subsection (4)(b)(iii);

2059 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that  
2060 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge  
2061 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in  
2062 this Subsection (4)(b)(ii);

2063 (iii) the municipality that is issuing the revenue bonds or the municipality that is a  
2064 member of the municipal entity that is issuing the revenue bonds has:

2065 (A) held a public hearing for which public notice was given by publication of the  
2066 notice:

2067 (I) in a newspaper published in the municipality or in a newspaper of general  
2068 circulation within the municipality for two consecutive weeks, with the first publication being  
2069 not less than 14 days before the public hearing; and

2070 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2071 two weeks before the public hearing; and

2072 (B) the notice identifies:

2073 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding  
2074 Act;

2075 (II) the purpose for the bonds to be issued;

2076 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will  
2077 be pledged in any fiscal year;

2078 (IV) the maximum number of years that the pledge will be in effect; and

2079 (V) the time, place, and location for the public hearing;

2080 (iv) the municipal entity that issues revenue bonds:

2081 (A) adopts a final financing plan; and  
2082 (B) in accordance with Title 63G, Chapter 2, Government Records Access and  
2083 Management Act, makes available to the public at the time the municipal entity adopts the final  
2084 financing plan:  
2085 (I) the final financing plan; and  
2086 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,  
2087 Chapter 2, Government Records Access and Management Act;  
2088 (v) any municipality that is a member of a municipal entity described in Subsection  
2089 (4)(b)(iv):  
2090 (A) not less than 30 calendar days after the municipal entity complies with Subsection  
2091 (4)(b)(iv)(B), holds a final public hearing;  
2092 (B) provides notice, at the time the municipality schedules the final public hearing, to  
2093 any person who has provided to the municipality a written request for notice; and  
2094 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all  
2095 interested parties; and  
2096 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not  
2097 more than 50% of the average annual debt service of all revenue bonds described in this section  
2098 to provide service throughout the municipality or municipal entity may be paid from the  
2099 revenues described in Subsection (3)(a)(ii).  
2100 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply  
2101 to a municipality that issues revenue bonds if:  
2102 (a) the municipality that is issuing the revenue bonds has:  
2103 (i) held a public hearing for which public notice was given by publication of the notice:  
2104 (A) in a newspaper published in the municipality or in a newspaper of general  
2105 circulation within the municipality for two consecutive weeks, with the first publication being  
2106 not less than 14 days before the public hearing; and  
2107 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for

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

- 2135 (C) have an official seal and alter that seal at will;
- 2136 (D) make and execute contracts and other instruments necessary or convenient for the  
2137 performance of its duties and the exercise of its powers and functions;
- 2138 (E) acquire real or personal property, or an undivided, fractional, or other interest in  
2139 real or personal property, necessary or convenient for the purposes contemplated in the  
2140 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;
- 2141 (F) directly or by contract with another:
- 2142 (I) own and acquire facilities and improvements or an undivided, fractional, or other  
2143 interest in facilities and improvements;
- 2144 (II) construct, operate, maintain, and repair facilities and improvements; and
- 2145 (III) provide the services contemplated in the agreement creating the interlocal entity  
2146 and establish, impose, and collect rates, fees, and charges for the services provided by the  
2147 interlocal entity;
- 2148 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other  
2149 obligations and secure their payment by an assignment, pledge, or other conveyance of all or  
2150 any part of the revenues and receipts from the facilities, improvements, or services that the  
2151 interlocal entity provides;
- 2152 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or  
2153 other obligations issued by the interlocal entity;
- 2154 (I) sell or contract for the sale of the services, output, product, or other benefits  
2155 provided by the interlocal entity to:
- 2156 (I) public agencies inside or outside the state; and
- 2157 (II) with respect to any excess services, output, product, or benefits, any person on  
2158 terms that the interlocal entity considers to be in the best interest of the public agencies that are  
2159 parties to the agreement creating the interlocal entity; and
- 2160 (J) create a local disaster recovery fund in the same manner and to the same extent as  
2161 authorized for a local government in accordance with Section [53-2a-605](#); and



2162 (iii) may not levy, assess, or collect ad valorem property taxes.

2163 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(ii)(G) may, to  
2164 the extent provided by the documents under which the assignment, pledge, or other conveyance  
2165 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes  
2166 payable to the state or its political subdivisions.

2167 (2) An energy services interlocal entity:

2168 (a) except with respect to any ownership interest it has in facilities providing additional  
2169 project capacity, is not subject to:

2170 (i) Part 3, Project Entity Provisions; or

2171 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to  
2172 Pay Corporate Franchise or Income Tax Act; and

2173 (b) may:

2174 (i) own, acquire, and, by itself or by contract with another, construct, operate, and  
2175 maintain a facility or improvement for the generation, transmission, and transportation of  
2176 electric energy or related fuel supplies;

2177 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary  
2178 services, transmission, and transportation services, and supplies of natural gas and fuels  
2179 necessary for the operation of generation facilities;

2180 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,  
2181 and others, whether located in or out of the state, for the sale of wholesale services provided by  
2182 the energy services interlocal entity; and

2183 (iv) adopt and implement risk management policies and strategies and enter into  
2184 transactions and agreements to manage the risks associated with the purchase and sale of  
2185 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,  
2186 and other instruments.

2187 (3) Notwithstanding Section [11-13-216](#), an agreement creating an interlocal entity or  
2188 an amendment to that agreement may provide that the agreement may continue and the

2189 interlocal entity may remain in existence until the latest to occur of:

2190 (a) 50 years after the date of the agreement or amendment;

2191 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its  
2192 indebtedness;

2193 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed  
2194 or transferred all of its interest in its facilities and improvements; or

2195 (d) five years after the facilities and improvements of the interlocal entity are no longer  
2196 useful in providing the service, output, product, or other benefit of the facilities and  
2197 improvements, as determined under the agreement governing the sale of the service, output,  
2198 product, or other benefit.

2199 (4) (a) Upon execution of an agreement to approve the creation of an interlocal entity,  
2200 including an electric interlocal entity and an energy services interlocal entity, the governing  
2201 body of a member of the interlocal entity under Section 11-13-203 shall:

2202 (i) within 30 days after the date of the agreement, jointly file with the lieutenant  
2203 governor:

2204 (A) a copy of a notice of an impending boundary action, as defined in Section  
2205 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2206 (B) if less than all of the territory of any Utah public agency that is a party to the  
2207 agreement is included within the interlocal entity, a copy of an approved final local entity plat,  
2208 as defined in Section 67-1a-6.5; and

2209 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section  
2210 67-1a-6.5:

2211 (A) if the interlocal entity is located within the boundary of a single county, submit to  
2212 the recorder of that county:

2213 (I) the original:

2214 (Aa) notice of an impending boundary action;

2215 (Bb) certificate of creation; and

2216 (Cc) approved final local entity plat, if an approved final local entity plat was required  
2217 to be filed with the lieutenant governor under Subsection (4)(a)(i)(B); and  
2218 (II) a certified copy of the agreement approving the creation of the interlocal entity; or  
2219 (B) if the interlocal entity is located within the boundaries of more than a single  
2220 county:  
2221 (I) submit to the recorder of one of those counties:  
2222 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and  
2223 (Cc); and  
2224 (Bb) a certified copy of the agreement approving the creation of the interlocal entity;  
2225 and  
2226 (II) submit to the recorder of each other county:  
2227 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb),  
2228 and (Cc); and  
2229 (Bb) a certified copy of the agreement approving the creation of the interlocal entity.  
2230 (b) Upon the lieutenant governor's issuance of a certificate of creation under Section  
2231 67-1a-6.5, the interlocal entity is created.  
2232 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the  
2233 recorder of each county in which the property is located, a newly created interlocal entity may  
2234 not charge or collect a fee for service provided to property within the interlocal entity.  
2235 (5) Nothing in this section may be construed as expanding the rights of any  
2236 municipality or interlocal entity to sell or provide retail service.  
2237 (6) Except as provided in Subsection (7):  
2238 (a) nothing in this section may be construed to expand or limit the rights of a  
2239 municipality to sell or provide retail electric service; and  
2240 (b) an energy services interlocal entity may not provide retail electric service to  
2241 customers located outside the municipal boundaries of its members.  
2242 (7) (a) An energy services interlocal entity created before July 1, 2003, that is

2243 comprised solely of Utah municipalities and that, for a minimum of 50 years before July 1,  
2244 2010, provided retail electric service to customers outside the municipal boundaries of its  
2245 members, may provide retail electric service outside the municipal boundaries of its members  
2246 if:

2247 (i) the energy services interlocal entity:

2248 (A) enters into a written agreement with each public utility holding a certificate of  
2249 public convenience and necessity issued by the Public Service Commission to provide service  
2250 within an agreed upon geographic area for the energy services interlocal entity to be  
2251 responsible to provide electric service in the agreed upon geographic area outside the municipal  
2252 boundaries of the members of the energy services interlocal entity; and

2253 (B) obtains a franchise agreement, with the legislative body of the county or other  
2254 governmental entity for the geographic area in which the energy services interlocal entity  
2255 provides service outside the municipal boundaries of its members; and

2256 (ii) each public utility described in Subsection (7)(a)(i)(A) applies for and obtains from  
2257 the Public Service Commission approval of the agreement specified in Subsection (7)(a)(i)(A).

2258 (b) (i) The Public Service Commission shall, after a public hearing held in accordance  
2259 with Title 52, Chapter 4, Open and Public Meetings Act, approve an agreement described in  
2260 Subsection (7)(a)(ii) if it determines that the agreement is in the public interest in that it  
2261 incorporates the customer protections described in Subsection (7)(c) and the franchise  
2262 agreement described in Subsection (7)(a)(i)(B) provides a reasonable mechanism using a  
2263 neutral arbiter or ombudsman for resolving potential future complaints by customers of the  
2264 energy services interlocal entity.

2265 (ii) In approving an agreement, the Public Service Commission shall also amend the  
2266 certificate of public convenience and necessity of any public utility described in Subsection  
2267 (7)(a)(i) to delete from the geographic area specified in the certificate or certificates of the  
2268 public utility the geographic area that the energy services interlocal entity has agreed to serve.

2269 (c) In providing retail electric service to customers outside of the municipal boundaries

2270 of its members, but not within the municipal boundaries of another municipality that grants a  
2271 franchise agreement in accordance with Subsection (7)(a)(i)(B), an energy services interlocal  
2272 entity shall comply with the following:

2273 (i) the rates and conditions of service for customers outside the municipal boundaries  
2274 of the members shall be at least as favorable as the rates and conditions of service for similarly  
2275 situated customers within the municipal boundaries of the members;

2276 (ii) the energy services interlocal entity shall operate as a single entity providing  
2277 service both inside and outside of the municipal boundaries of its members;

2278 (iii) a general rebate, refund, or other payment made to customers located within the  
2279 municipal boundaries of the members shall also be provided to similarly situated customers  
2280 located outside the municipal boundaries of the members;

2281 (iv) a schedule of rates and conditions of service, or any change to the rates and  
2282 conditions of service, shall be approved by the governing board of the energy services  
2283 interlocal entity;

2284 (v) before implementation of any rate increase, the governing board of the energy  
2285 services interlocal entity shall first hold a public meeting to take public comment on the  
2286 proposed increase, after providing at least 20 days and not more than 60 days' advance written  
2287 notice to its customers on the ordinary billing and on the Utah Public Notice Website, created  
2288 by Section [~~63F-1-701~~] [63A-12-201](#); and

2289 (vi) the energy services interlocal entity shall file with the Public Service Commission  
2290 its current schedule of rates and conditions of service.

2291 (d) The Public Service Commission shall make the schedule of rates and conditions of  
2292 service of the energy services interlocal entity available for public inspection.

2293 (e) Nothing in this section:

2294 (i) gives the Public Service Commission jurisdiction over the provision of retail  
2295 electric service by an energy services interlocal entity within the municipal boundaries of its  
2296 members; or

2297 (ii) makes an energy services interlocal entity a public utility under Title 54, Public  
2298 Utilities.

2299 (f) Nothing in this section expands or diminishes the jurisdiction of the Public Service  
2300 Commission over a municipality or an association of municipalities organized under Title 11,  
2301 Chapter 13, Interlocal Cooperation Act, except as specifically authorized by this section's  
2302 language.

2303 (g) (i) An energy services interlocal entity described in Subsection (7)(a) retains its  
2304 authority to provide electric service to the extent authorized by Sections [11-13-202](#) and  
2305 [11-13-203](#) and Subsections [11-13-204](#)(1) through (5).

2306 (ii) Notwithstanding Subsection (7)(g)(i), if the Public Service Commission approves  
2307 the agreement described in Subsection (7)(a)(i), the energy services interlocal entity may not  
2308 provide retail electric service to customers located outside the municipal boundaries of its  
2309 members, except for customers located within the geographic area described in the agreement.

2310 Section 37. Section **11-13-509** is amended to read:

2311 **11-13-509. Hearing to consider adoption -- Notice.**

2312 (1) At the meeting at which the tentative budget is adopted, the governing board shall:

2313 (a) establish the time and place of a public hearing to consider its adoption; and

2314 (b) except as provided in Subsection (2) or (5), order that notice of the hearing:

2315 (i) be published, at least seven days before the day of the hearing, in at least one issue  
2316 of a newspaper of general circulation in a county in which the interlocal entity provides service  
2317 to the public or in which its members are located, if such a newspaper is generally circulated in  
2318 the county or counties; and

2319 (ii) be published at least seven days before the day of the hearing on the Utah Public  
2320 Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

2321 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
2322 required in Subsection (1)(b):

2323 (a) may be combined with the notice required under Section [59-2-919](#); and

2324 (b) shall be published in accordance with the advertisement provisions of Section  
2325 59-2-919.

2326 (3) Proof that notice was given in accordance with Subsection (1)(b), (2), or (5) is  
2327 prima facie evidence that notice was properly given.

2328 (4) If a notice required under Subsection (1)(b), (2), or (5) is not challenged within 30  
2329 days after the day on which the hearing is held, the notice is adequate and proper.

2330 (5) A governing board of an interlocal entity with an annual operating budget of less  
2331 than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

2332 (a) mailing a written notice, postage prepaid, to each voter in an interlocal entity; and

2333 (b) posting the notice in three public places within the interlocal entity's service area.

2334 Section 38. Section **11-13-531** is amended to read:

2335 **11-13-531. Imposing or increasing a fee for service provided by interlocal entity.**

2336 (1) The governing board shall fix the rate for a service or commodity provided by the  
2337 interlocal entity.

2338 (2) (a) Before imposing a new fee or increasing an existing fee for a service provided  
2339 by an interlocal entity, an interlocal entity governing board shall first hold a public hearing at  
2340 which interested persons may speak for or against the proposal to impose a fee or to increase an  
2341 existing fee.

2342 (b) Each public hearing under Subsection (2)(a) shall be held on a weekday in the  
2343 evening beginning no earlier than 6 p.m.

2344 (c) A public hearing required under this Subsection (2) may be combined with a public  
2345 hearing on a tentative budget required under Section 11-13-510.

2346 (d) Except to the extent that this section imposes more stringent notice requirements,  
2347 the governing board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in  
2348 holding the public hearing under Subsection (2)(a).

2349 (3) (a) An interlocal entity board shall give notice of a hearing under Subsection (2)(a):

2350 (i) as provided in Subsection (3)(b)(i) or (c); and

2351 (ii) for at least 20 days before the day of the hearing on the Utah Public Notice  
2352 Website, created by Section [~~63F-1-701~~] 63A-12-201.

2353 (b) (i) Except as provided by Subsection (3)(c)(i), the notice required under Subsection  
2354 (2)(a) shall be published:

2355 (A) in a newspaper or combination of newspapers of general circulation in the  
2356 interlocal entity, if there is a newspaper or combination of newspapers of general circulation in  
2357 the interlocal entity; or

2358 (B) if there is no newspaper or combination of newspapers of general circulation in the  
2359 interlocal entity, the interlocal entity board shall post at least one notice per 1,000 population  
2360 within the interlocal entity, at places within the interlocal entity that are most likely to provide  
2361 actual notice to residents within the interlocal entity.

2362 (ii) The notice described in Subsection (3)(b)(i)(A):

2363 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18  
2364 point, and surrounded by a 1/4-inch border;

2365 (B) may not be placed in that portion of the newspaper where legal notices and  
2366 classified advertisements appear;

2367 (C) whenever possible, shall appear in a newspaper that is published at least one day  
2368 per week;

2369 (D) shall be in a newspaper or combination of newspapers of general interest and  
2370 readership in the interlocal entity, and not of limited subject matter; and

2371 (E) shall be run once each week for the two weeks preceding the hearing.

2372 (iii) The notice described in Subsections (3)(a)(ii) and (3)(b)(i) shall state that the  
2373 interlocal entity board intends to impose or increase a fee for a service provided by the  
2374 interlocal entity and will hold a public hearing on a certain day, time, and place fixed in the  
2375 notice, which shall be not less than seven days after the day the first notice is published, for the  
2376 purpose of hearing comments regarding the proposed imposition or increase of a fee and to  
2377 explain the reasons for the proposed imposition or increase.



2378 (c) (i) In lieu of providing notice under Subsection (3)(b)(i), the interlocal entity  
2379 governing board may give the notice required under Subsection (2)(a) by mailing the notice to  
2380 a person within the interlocal entity's service area who:

2381 (A) will be charged the fee for an interlocal entity's service, if the fee is being imposed  
2382 for the first time; or

2383 (B) is being charged a fee, if the fee is proposed to be increased.

2384 (ii) Each notice under Subsection (3)(c)(i) shall comply with Subsection (3)(b)(iii).

2385 (iii) A notice under Subsection (3)(c)(i) may accompany an interlocal entity bill for an  
2386 existing fee.

2387 (d) If the hearing required under this section is combined with the public hearing  
2388 required under Section 11-13-510, the notice requirements under this Subsection (3) are  
2389 satisfied if a notice that meets the requirements of Subsection (3)(b)(iii) is combined with the  
2390 notice required under Section 11-13-509.

2391 (e) Proof that notice was given as provided in Subsection (3)(b) or (c) is prima facie  
2392 evidence that notice was properly given.

2393 (f) If no challenge is made to the notice given of a public hearing required by  
2394 Subsection (2) within 30 days after the date of the hearing, the notice is considered adequate  
2395 and proper.

2396 (4) After holding a public hearing under Subsection (2)(a), a governing board may:

2397 (a) impose the new fee or increase the existing fee as proposed;

2398 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
2399 then impose the new fee or increase the existing fee as adjusted; or

2400 (c) decline to impose the new fee or increase the existing fee.

2401 (5) This section applies to each new fee imposed and each increase of an existing fee  
2402 that occurs on or after May 12, 2015.

2403 (6) An interlocal entity that accepts an electronic payment may charge an electronic  
2404 payment fee.

2405 Section 39. Section **11-13-603** is amended to read:

2406 **11-13-603. Taxed interlocal entity.**

2407 (1) Notwithstanding any other provision of law:

2408 (a) the use of an asset by a taxed interlocal entity does not constitute the use of a public  
2409 asset;

2410 (b) a taxed interlocal entity's use of an asset that was a public asset before the taxed  
2411 interlocal entity's use of the asset does not constitute a taxed interlocal entity's use of a public  
2412 asset;

2413 (c) an official of a project entity is not a public treasurer; and

2414 (d) a taxed interlocal entity's governing board shall determine and direct the use of an  
2415 asset by the taxed interlocal entity.

2416 (2) A taxed interlocal entity is not subject to the provisions of Title 63G, Chapter 6a,  
2417 Utah Procurement Code.

2418 (3) (a) A taxed interlocal entity is not a participating local entity as defined in Section  
2419 [~~63A-1-201~~] [67-3-12](#).

2420 (b) For each fiscal year of a taxed interlocal entity, the taxed interlocal entity shall  
2421 provide:

2422 (i) the taxed interlocal entity's financial statements for and as of the end of the fiscal  
2423 year and the prior fiscal year, including:

2424 (A) the taxed interlocal entity's statement of net position as of the end of the fiscal year  
2425 and the prior fiscal year, and the related statements of revenues and expenses and of cash flows  
2426 for the fiscal year; or

2427 (B) financial statements that are equivalent to the financial statements described in  
2428 Subsection (3)(b)(i)(A) and, at the time the financial statements were created, were in  
2429 compliance with generally accepted accounting principles that are applicable to taxed interlocal  
2430 entities; and

2431 (ii) the accompanying auditor's report and management's discussion and analysis with

2432 respect to the taxed interlocal entity's financial statements for and as of the end of the fiscal  
2433 year.

2434 (c) The taxed interlocal entity shall provide the information described in Subsection  
2435 (3)(b)[~~:(i) in a manner described in Subsection 63A-1-205(3), and (ii)] within a reasonable  
2436 time after the taxed interlocal entity's independent auditor delivers to the taxed interlocal  
2437 entity's governing board the auditor's report with respect to the financial statements for and as  
2438 of the end of the fiscal year.~~

2439 (d) Notwithstanding Subsections (3)(b) and (c) or a taxed interlocal entity's compliance  
2440 with one or more of the requirements of Title 63A, Chapter 3, Division of Finance:

2441 (i) the taxed interlocal entity is not subject to Title 63A, Chapter 3, Division of  
2442 Finance; and

2443 (ii) the information described in Subsection (3)(b)(i) or (ii) does not constitute public  
2444 financial information as defined in Section [~~63A-1-201~~] 67-3-12.

2445 (4) (a) A taxed interlocal entity's governing board is not a governing board as defined  
2446 in Section 51-2a-102.

2447 (b) A taxed interlocal entity is not subject to the provisions of Title 51, Chapter 2a,  
2448 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
2449 Entities Act.

2450 (5) Notwithstanding any other provision of law, a taxed interlocal entity is not subject  
2451 to the following provisions:

2452 (a) Part 4, Governance;

2453 (b) Part 5, Fiscal Procedures for Interlocal Entities;

2454 (c) Subsection 11-13-204(1)(a)(i) or (ii)(J);

2455 (d) Subsection 11-13-206(1)(f);

2456 (e) Subsection 11-13-218(5)(a);

2457 (f) Section 11-13-225;

2458 (g) Section 11-13-226; or

2459 (h) Section 53-2a-605.

2460 (6) (a) In addition to having the powers described in Subsection 11-13-204(1)(a)(ii), a  
2461 taxed interlocal entity may, for the regulation of the entity's affairs and conduct of its business,  
2462 adopt, amend, or repeal bylaws, policies, or procedures.

2463 (b) Nothing in Part 4, Governance, or Part 5, Fiscal Procedures for Interlocal Entities,  
2464 may be construed to limit the power or authority of a taxed interlocal entity.

2465 (7) (a) A governmental law enacted after May 12, 2015, is not applicable to, is not  
2466 binding upon, and does not have effect on a taxed interlocal entity unless the governmental law  
2467 expressly states the section of governmental law to be applicable to and binding upon the taxed  
2468 interlocal entity with the following words: "[Applicable section or subsection number]  
2469 constitutes an exception to Subsection 11-13-603(7)(a) and is applicable to and binding upon a  
2470 taxed interlocal entity."

2471 (b) Sections 11-13-601 through 11-13-608 constitute an exception to Subsection (7)(a)  
2472 and are applicable to and binding upon a taxed interlocal entity.

2473 Section 40. Section 11-14-202 is amended to read:

2474 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2475 (1) The governing body shall publish notice of the election:

2476 (a) (i) once per week for three consecutive weeks before the election in a newspaper of  
2477 general circulation in the local political subdivision, in accordance with Section 11-14-316, the  
2478 first publication occurring not less than 21, nor more than 35, days before the day of the  
2479 election;

2480 (ii) if there is no newspaper of general circulation in the local political subdivision, at  
2481 least 21 days before the day of the election, by posting one notice, and at least one additional  
2482 notice per 2,000 population of the local political subdivision, in places within the local political  
2483 subdivision that are most likely to give notice to the voters in the local political subdivision; or

2484 (iii) at least three weeks before the day of the election, by mailing notice to each  
2485 registered voter in the local political subdivision;

2486 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
 2487 three weeks before the day of the election;

2488 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;  
 2489 and

2490 (d) if the local political subdivision has a website, on the local political subdivision's  
 2491 website for at least three weeks before the day of the election.

2492 (2) When the debt service on the bonds to be issued will increase the property tax  
 2493 imposed upon the average value of a residence by an amount that is greater than or equal to \$15  
 2494 per year, the governing body shall prepare and mail either a voter information pamphlet or a  
 2495 notification described in Subsection (8):

2496 (a) at least 15 days, but not more than 45 days, before the bond election;

2497 (b) to each household containing a registered voter who is eligible to vote on the  
 2498 bonds; and

2499 (c) that includes the information required by Subsections (4) and (5).

2500 (3) The election officer may change the location of, or establish an additional:

2501 (a) voting precinct polling place, in accordance with Subsection (6);

2502 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or

2503 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).

2504 (4) The notice described in Subsection (1) and the voter information pamphlet  
 2505 described in Subsection (2):

2506 (a) shall include, in the following order:

2507 (i) the date of the election;

2508 (ii) the hours during which the polls will be open;

2509 (iii) the address of the Statewide Electronic Voter Information Website and, if  
 2510 available, the address of the election officer's website, with a statement indicating that the  
 2511 election officer will post on the website the location of each polling place for each voting  
 2512 precinct, each early voting polling place, and each election day voting center, including any

2513 changes to the location of a polling place and the location of an additional polling place;  
2514 (iv) a phone number that a voter may call to obtain information regarding the location  
2515 of a polling place; and  
2516 (v) the title and text of the ballot proposition, including the property tax cost of the  
2517 bond described in Subsection 11-14-206(2)(a); and  
2518 (b) may include the location of each polling place.  
2519 (5) The voter information pamphlet required by this section shall include:  
2520 (a) the information required under Subsection (4); and  
2521 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,  
2522 which may be based on information the governing body determines to be useful, including:  
2523 (i) expected debt service on the bonds to be issued;  
2524 (ii) a description of the purpose, remaining principal balance, and maturity date of any  
2525 outstanding general obligation bonds of the issuer;  
2526 (iii) funds other than property taxes available to pay debt service on general obligation  
2527 bonds;  
2528 (iv) timing of expenditures of bond proceeds;  
2529 (v) property values; and  
2530 (vi) any additional information that the governing body determines may be useful to  
2531 explain the property tax impact of issuance of the bonds.  
2532 (6) (a) Except as provided in Section 20A-1-308, the election officer may, after the  
2533 deadlines described in Subsections (1) and (2):  
2534 (i) if necessary, change the location of a voting precinct polling place; or  
2535 (ii) if the election officer determines that the number of voting precinct polling places  
2536 is insufficient due to the number of registered voters who are voting, designate additional  
2537 voting precinct polling places.  
2538 (b) Except as provided in Section 20A-1-308, if an election officer changes the  
2539 location of a voting precinct polling place or designates an additional voting precinct polling

2540 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,  
2541 times, and location of a changed voting precinct polling place or an additional voting precinct  
2542 polling place:

2543 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter  
2544 Information Website;

2545 (ii) by posting the information on the website of the election officer, if available; and

2546 (iii) by posting notice:

2547 (A) of a change in the location of a voting precinct polling place, at the new location  
2548 and, if possible, the old location; and

2549 (B) of an additional voting precinct polling place, at the additional voting precinct  
2550 polling place.

2551 (7) The governing body shall pay the costs associated with the notice required by this  
2552 section.

2553 (8) (a) The governing body may mail a notice printed on a postage prepaid,  
2554 preaddressed return form that a person may use to request delivery of a voter information  
2555 pamphlet by mail.

2556 (b) The notice described in Subsection (8)(a) shall include:

2557 (i) the website upon which the voter information pamphlet is available; and

2558 (ii) the phone number a voter may call to request delivery of a voter information  
2559 pamphlet by mail.

2560 (9) A local school board shall comply with the voter information pamphlet  
2561 requirements described in Section [53G-4-603](#).

2562 Section 41. Section **11-14-318** is amended to read:

2563 **11-14-318. Public hearing required.**

2564 (1) Before issuing bonds authorized under this chapter, a local political subdivision  
2565 shall:

2566 (a) in accordance with Subsection (2), provide public notice of the local political

2567 subdivision's intent to issue bonds; and  
2568 (b) hold a public hearing:  
2569 (i) if an election is required under this chapter:  
2570 (A) no sooner than 30 days before the day on which the notice of election is published  
2571 under Section [11-14-202](#); and  
2572 (B) no later than five business days before the day on which the notice of election is  
2573 published under Section [11-14-202](#); and  
2574 (ii) to receive input from the public with respect to:  
2575 (A) the issuance of the bonds; and  
2576 (B) the potential economic impact that the improvement, facility, or property for which  
2577 the bonds pay all or part of the cost will have on the private sector.  
2578 (2) A local political subdivision shall:  
2579 (a) publish the notice required by Subsection (1)(a):  
2580 (i) once each week for two consecutive weeks in the official newspaper described in  
2581 Section [11-14-316](#) with the first publication being not less than 14 days before the public  
2582 hearing required by Subsection (1)(b); and  
2583 (ii) on the Utah Public Notice Website, created under Section [~~63F-1-701~~]  
2584 [63A-12-201](#), no less than 14 days before the public hearing required by Subsection (1)(b); and  
2585 (b) ensure that the notice:  
2586 (i) identifies:  
2587 (A) the purpose for the issuance of the bonds;  
2588 (B) the maximum principal amount of the bonds to be issued;  
2589 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and  
2590 (D) the time, place, and location of the public hearing; and  
2591 (ii) informs the public that the public hearing will be held for the purposes described in  
2592 Subsection (1)(b)(ii).  
2593 Section 42. Section **11-36a-501** is amended to read:



2594 **11-36a-501. Notice of intent to prepare an impact fee facilities plan.**

2595 (1) Before preparing or amending an impact fee facilities plan, a local political  
2596 subdivision or private entity shall provide written notice of its intent to prepare or amend an  
2597 impact fee facilities plan.

2598 (2) A notice required under Subsection (1) shall:

2599 (a) indicate that the local political subdivision or private entity intends to prepare or  
2600 amend an impact fee facilities plan;

2601 (b) describe or provide a map of the geographic area where the proposed impact fee  
2602 facilities will be located; and

2603 (c) subject to Subsection (3), be posted on the Utah Public Notice Website created  
2604 under Section [~~63F-1-701~~] [63A-12-201](#).

2605 (3) For a private entity required to post notice on the Utah Public Notice Website under  
2606 Subsection (2)(c):

2607 (a) the private entity shall give notice to the general purpose local government in which  
2608 the private entity's private business office is located; and

2609 (b) the general purpose local government described in Subsection (3)(a) shall post the  
2610 notice on the Utah Public Notice Website.

2611 Section 43. Section **11-36a-503** is amended to read:

2612 **11-36a-503. Notice of preparation of an impact fee analysis.**

2613 (1) Before preparing or contracting to prepare an impact fee analysis, each local  
2614 political subdivision or, subject to Subsection (2), private entity shall post a public notice on  
2615 the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

2616 (2) For a private entity required to post notice on the Utah Public Notice Website under  
2617 Subsection (1):

2618 (a) the private entity shall give notice to the general purpose local government in which  
2619 the private entity's primary business is located; and

2620 (b) the general purpose local government described in Subsection (2)(a) shall post the

2621 notice on the Utah Public Notice Website.

2622 Section 44. Section **11-36a-504** is amended to read:

2623 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**

2624 **Protections.**

2625 (1) Before adopting an impact fee enactment:

2626 (a) a municipality legislative body shall:

2627 (i) comply with the notice requirements of Section **10-9a-205** as if the impact fee

2628 enactment were a land use regulation;

2629 (ii) hold a hearing in accordance with Section **10-9a-502** as if the impact fee enactment

2630 were a land use regulation; and

2631 (iii) except as provided in Subsection **11-36a-701(3)(b)(ii)**, receive the protections of

2632 Section **10-9a-801** as if the impact fee were a land use regulation;

2633 (b) a county legislative body shall:

2634 (i) comply with the notice requirements of Section **17-27a-205** as if the impact fee

2635 enactment were a land use regulation;

2636 (ii) hold a hearing in accordance with Section **17-27a-502** as if the impact fee

2637 enactment were a land use regulation; and

2638 (iii) except as provided in Subsection **11-36a-701(3)(b)(ii)**, receive the protections of

2639 Section **17-27a-801** as if the impact fee were a land use regulation;

2640 (c) a local district or special service district shall:

2641 (i) comply with the notice and hearing requirements of Section **17B-1-111**; and

2642 (ii) receive the protections of Section **17B-1-111**;

2643 (d) a local political subdivision shall at least 10 days before the day on which a public

2644 hearing is scheduled in accordance with this section:

2645 (i) make a copy of the impact fee enactment available to the public; and

2646 (ii) post notice of the local political subdivision's intent to enact or modify the impact

2647 fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice

2648 Website created under Section [~~63F-1-701~~] 63A-12-201; and

2649 (e) a local political subdivision shall submit a copy of the impact fee analysis and a  
2650 copy of the summary of the impact fee analysis prepared in accordance with Section  
2651 11-36a-303 on its website or to each public library within the local political subdivision.

2652 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning  
2653 commission in the impact fee enactment process.

2654 Section 45. Section **11-42-202** is amended to read:

2655 **11-42-202. Requirements applicable to a notice of a proposed assessment area**  
2656 **designation.**

2657 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

2658 (a) state that the local entity proposes to:

2659 (i) designate one or more areas within the local entity's jurisdictional boundaries as an  
2660 assessment area;

2661 (ii) provide an improvement to property within the proposed assessment area; and

2662 (iii) finance some or all of the cost of improvements by an assessment on benefitted  
2663 property within the assessment area;

2664 (b) describe the proposed assessment area by any reasonable method that allows an  
2665 owner of property in the proposed assessment area to determine that the owner's property is  
2666 within the proposed assessment area;

2667 (c) describe, in a general and reasonably accurate way, the improvements to be  
2668 provided to the assessment area, including:

2669 (i) the nature of the improvements; and

2670 (ii) the location of the improvements, by reference to streets or portions or extensions  
2671 of streets or by any other means that the governing body chooses that reasonably describes the  
2672 general location of the improvements;

2673 (d) state the estimated cost of the improvements as determined by a project engineer;

2674 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the

2675 estimated total assessment specific to the benefitted property for which the notice is mailed;  
2676 (f) state that the local entity proposes to levy an assessment on benefitted property  
2677 within the assessment area to pay some or all of the cost of the improvements according to the  
2678 estimated benefits to the property from the improvements;  
2679 (g) if applicable, state that an unassessed benefitted government property will receive  
2680 improvements for which the cost will be allocated proportionately to the remaining benefitted  
2681 properties within the proposed assessment area and that a description of each unassessed  
2682 benefitted government property is available for public review at the location or website  
2683 described in Subsection (6);  
2684 (h) state the assessment method by which the governing body proposes to calculate the  
2685 proposed assessment, including, if the local entity is a municipality or county, whether the  
2686 assessment will be collected:  
2687 (i) by directly billing a property owner; or  
2688 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317  
2689 and in compliance with Section 11-42-401;  
2690 (i) state:  
2691 (i) the date described in Section 11-42-203 and the location at which protests against  
2692 designation of the proposed assessment area or of the proposed improvements are required to  
2693 be filed;  
2694 (ii) the method by which the governing body will determine the number of protests  
2695 required to defeat the designation of the proposed assessment area or acquisition or  
2696 construction of the proposed improvements; and  
2697 (iii) in large, boldface, and conspicuous type that a property owner must protest the  
2698 designation of the assessment area in writing if the owner objects to the area designation or  
2699 being assessed for the proposed improvements, operation and maintenance costs, or economic  
2700 promotion activities;  
2701 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

2702 (k) if the governing body elects to create and fund a reserve fund under Section  
2703 11-42-702, include a description of:

- 2704 (i) how the reserve fund will be funded and replenished; and
- 2705 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of  
2706 the bonds;
- 2707 (l) if the governing body intends to designate a voluntary assessment area, include a  
2708 property owner consent form that:
  - 2709 (i) estimates the total assessment to be levied against the particular parcel of property;
  - 2710 (ii) describes any additional benefits that the governing body expects the assessed  
2711 property to receive from the improvements;
  - 2712 (iii) designates the date and time by which the fully executed consent form is required  
2713 to be submitted to the governing body; and
  - 2714 (iv) if the governing body intends to enforce an assessment lien on the property in  
2715 accordance with Subsection 11-42-502.1(2)(a)(ii)(C):
    - 2716 (A) appoints a trustee that satisfies the requirements described in Section 57-1-21;
    - 2717 (B) gives the trustee the power of sale;
    - 2718 (C) is binding on the property owner and all successors; and
    - 2719 (D) explains that if an assessment or an installment of an assessment is not paid when  
2720 due, the local entity may sell the property owner's property to satisfy the amount due plus  
2721 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;
  - 2722 (m) if the local entity intends to levy an assessment to pay operation and maintenance  
2723 costs or for economic promotion activities, include:
    - 2724 (i) a description of the operation and maintenance costs or economic promotion  
2725 activities to be paid by assessments and the initial estimated annual assessment to be levied;
    - 2726 (ii) a description of how the estimated assessment will be determined;
    - 2727 (iii) a description of how and when the governing body will adjust the assessment to  
2728 reflect the costs of:

2729 (A) in accordance with Section 11-42-406, current economic promotion activities; or

2730 (B) current operation and maintenance costs;

2731 (iv) a description of the method of assessment if different from the method of

2732 assessment to be used for financing any improvement; and

2733 (v) a statement of the maximum number of years over which the assessment will be

2734 levied for:

2735 (A) operation and maintenance costs; or

2736 (B) economic promotion activities;

2737 (n) if the governing body intends to divide the proposed assessment area into

2738 classifications under Subsection 11-42-201(1)(b), include a description of the proposed

2739 classifications;

2740 (o) if applicable, state the portion and value of the improvement that will be increased

2741 in size or capacity to serve property outside of the assessment area and how the increases will

2742 be financed; and

2743 (p) state whether the improvements will be financed with a bond and, if so, the

2744 currently estimated interest rate and term of financing, subject to Subsection (2), for which the

2745 benefitted properties within the assessment area may be obligated.

2746 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be

2747 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as

2748 subject to the market rate at the time of the issuance of the bond.

2749 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information

2750 that the governing body considers to be appropriate, including:

2751 (a) the amount or proportion of the cost of the improvement to be paid by the local

2752 entity or from sources other than an assessment;

2753 (b) the estimated total amount of each type of assessment for the various improvements

2754 to be financed according to the method of assessment that the governing body chooses; and

2755 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

2756 (4) Each notice required under Subsection [11-42-201](#)(2)(a) shall:  
2757 (a) (i) (A) be published in a newspaper of general circulation within the local entity's  
2758 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at  
2759 least five but not more than 20 days before the day of the hearing required in Section  
2760 [11-42-204](#); or  
2761 (B) if there is no newspaper of general circulation within the local entity's jurisdictional  
2762 boundaries, be posted in at least three public places within the local entity's jurisdictional  
2763 boundaries at least 20 but not more than 35 days before the day of the hearing required in  
2764 Section [11-42-204](#); and  
2765 (ii) be published on the Utah Public Notice Website described in Section [~~63F-1-701~~]  
2766 [63A-12-201](#) for four weeks before the deadline for filing protests specified in the notice under  
2767 Subsection (1)(i); and  
2768 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of  
2769 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed  
2770 assessment area at the property owner's mailing address.  
2771 (5) (a) The local entity may record the version of the notice that is published or posted  
2772 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description  
2773 and tax identification number as identified in county records, against the property proposed to  
2774 be assessed.  
2775 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year  
2776 after the day on which the local entity records the notice if the local entity has failed to adopt  
2777 the designation ordinance or resolution under Section [11-42-201](#) designating the assessment  
2778 area for which the notice was recorded.  
2779 (6) A local entity shall make available on the local entity's website, or, if no website is  
2780 available, at the local entity's place of business, the address and type of use of each unassessed  
2781 benefitted government property described in Subsection (1)(g).  
2782 (7) If a governing body fails to provide actual or constructive notice under this section,

2783 the local entity may not assess a levy against a benefitted property omitted from the notice  
2784 unless:

- 2785 (a) the property owner gives written consent;
- 2786 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did  
2787 not object to the levy of the assessment before the final hearing of the board of equalization; or
- 2788 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date  
2789 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,  
2790 Subsection 11-42-207(1)(d)(i) are met.

2791 Section 46. Section 11-42-402 is amended to read:

2792 **11-42-402. Notice of assessment and board of equalization hearing.**

2793 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

2794 (1) state:

- 2795 (a) that an assessment list is completed and available for examination at the offices of  
2796 the local entity;
- 2797 (b) the total estimated or actual cost of the improvements;
- 2798 (c) the amount of the total estimated or actual cost of the proposed improvements to be  
2799 paid by the local entity;
- 2800 (d) the amount of the assessment to be levied against benefitted property within the  
2801 assessment area;
- 2802 (e) the assessment method used to calculate the proposed assessment;
- 2803 (f) the unit cost used to calculate the assessments shown on the assessment list, based  
2804 on the assessment method used to calculate the proposed assessment; and
- 2805 (g) the dates, times, and place of the board of equalization hearings under Subsection  
2806 11-42-401(2)(b)(i);

2807 (2) (a) beginning at least 20 but not more than 35 days before the day on which the first  
2808 hearing of the board of equalization is held:

- 2809 (i) be published at least once in a newspaper of general circulation within the local



- 2810 entity's jurisdictional boundaries; or
- 2811 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional
- 2812 boundaries, be posted in at least three public places within the local entity's jurisdictional
- 2813 boundaries; and
- 2814 (b) be published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
- 2815 [63A-12-201](#) for 35 days immediately before the day on which the first hearing of the board of
- 2816 equalization is held; and
- 2817 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of
- 2818 the notice under Subsection (2) to each owner of property to be assessed within the proposed
- 2819 assessment area at the property owner's mailing address.

2820 Section 47. Section **11-58-502** is amended to read:

2821 **11-58-502. Public meeting to consider and discuss draft project area plan --**

2822 **Notice -- Adoption of plan.**

- 2823 (1) The board shall hold at least one public meeting to consider and discuss a draft
- 2824 project area plan.
- 2825 (2) At least 10 days before holding a public meeting under Subsection (1), the board
- 2826 shall give notice of the public meeting:
- 2827 (a) to each taxing entity;
- 2828 (b) to a municipality in which the proposed project area is located or that is located
- 2829 within one-half mile of the proposed project area; and
- 2830 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).
- 2831 (3) Following consideration and discussion of the draft project area plan, and any
- 2832 modification of the project area plan under Subsection **11-58-501**(2)(d), the board may adopt
- 2833 the draft project area plan or modified draft project area plan as the project area plan.

2834 Section 48. Section **11-58-801** is amended to read:

2835 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**

2836 **-- Auditor forms -- Requirement to file annual budget.**

2837 (1) The authority shall prepare and its board adopt an annual budget of revenues and  
2838 expenditures for the authority for each fiscal year.

2839 (2) Each annual authority budget shall be adopted before June 22, except that the  
2840 authority's initial budget shall be adopted as soon as reasonably practicable after the  
2841 organization of the board and the beginning of authority operations.

2842 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2843 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the  
2844 annual budget.

2845 (b) The authority shall provide notice of the public hearing on the annual budget by  
2846 publishing notice:

2847 (i) at least once in a newspaper of general circulation within the state, one week before  
2848 the public hearing; and

2849 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2850 at least one week immediately before the public hearing.

2851 (c) The authority shall make the annual budget available for public inspection at least  
2852 three days before the date of the public hearing.

2853 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
2854 in each authority budget, including:

2855 (a) revenues and expenditures for the budget year;

2856 (b) legal fees; and

2857 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
2858 authority personnel.

2859 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of  
2860 the annual budget with the auditor of each county in which the authority jurisdictional land is  
2861 located, the State Tax Commission, the state auditor, the State Board of Education, and each  
2862 taxing entity that levies a tax on property from which the authority collects property tax  
2863 differential.

2864 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the  
2865 state as a taxing entity is met if the authority files a copy with the State Tax Commission and  
2866 the state auditor.

2867 Section 49. Section **11-59-401** is amended to read:

2868 **11-59-401. Annual authority budget -- Fiscal year -- Public hearing and notice**  
2869 **required -- Auditor forms.**

2870 (1) The authority shall prepare and its board adopt an annual budget of revenues and  
2871 expenditures for the authority for each fiscal year.

2872 (2) Each annual authority budget shall be adopted before June 22.

2873 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2874 (4) (a) Before adopting an annual budget, the authority board shall hold a public  
2875 hearing on the annual budget.

2876 (b) The authority shall provide notice of the public hearing on the annual budget by  
2877 publishing notice:

2878 (i) at least once in a newspaper of general circulation within the state, one week before  
2879 the public hearing; and

2880 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
2881 at least one week immediately before the public hearing.

2882 (c) The authority shall make the annual budget available for public inspection at least  
2883 three days before the date of the public hearing.

2884 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
2885 in each authority budget, including:

2886 (a) revenues and expenditures for the budget year;

2887 (b) legal fees; and

2888 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
2889 authority personnel.

2890 Section 50. Section **17-27a-203** is amended to read:

2891           **17-27a-203. Notice of intent to prepare a general plan or comprehensive general**  
2892 **plan amendments in certain counties.**

2893           (1) Before preparing a proposed general plan or a comprehensive general plan  
2894 amendment, each county of the first or second class shall provide 10 calendar days notice of its  
2895 intent to prepare a proposed general plan or a comprehensive general plan amendment:

- 2896           (a) to each affected entity;
- 2897           (b) to the Automated Geographic Reference Center created in Section [63F-1-506](#);
- 2898           (c) to the association of governments, established pursuant to an interlocal agreement  
2899 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and
- 2900           (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

2901           (2) Each notice under Subsection (1) shall:

- 2902           (a) indicate that the county intends to prepare a general plan or a comprehensive  
2903 general plan amendment, as the case may be;
- 2904           (b) describe or provide a map of the geographic area that will be affected by the general  
2905 plan or amendment;
- 2906           (c) be sent by mail, e-mail, or other effective means;
- 2907           (d) invite the affected entities to provide information for the county to consider in the  
2908 process of preparing, adopting, and implementing a general plan or amendment concerning:
  - 2909           (i) impacts that the use of land proposed in the proposed general plan or amendment  
2910 may have; and
  - 2911           (ii) uses of land within the county that the affected entity is considering that may  
2912 conflict with the proposed general plan or amendment; and
- 2913           (e) include the address of an Internet website, if the county has one, and the name and  
2914 telephone number of a person where more information can be obtained concerning the county's  
2915 proposed general plan or amendment.

2916           Section 51. Section **17-27a-204** is amended to read:

2917           **17-27a-204. Notice of public hearings and public meetings to consider general**

2918 **plan or modifications.**

2919 (1) A county shall provide:

2920 (a) notice of the date, time, and place of the first public hearing to consider the original  
2921 adoption or any modification of all or any portion of a general plan; and

2922 (b) notice of each public meeting on the subject.

2923 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar  
2924 days before the public hearing and shall be:

2925 (a) (i) published in a newspaper of general circulation in the area; and

2926 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)

2927 [63A-12-201](#);

2928 (b) mailed to each affected entity; and

2929 (c) posted:

2930 (i) in at least three public locations within the county; or

2931 (ii) on the county's official website.

2932 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
2933 before the meeting and shall be:

2934 (a) (i) submitted to a newspaper of general circulation in the area; and

2935 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)

2936 [63A-12-201](#); and

2937 (b) posted:

2938 (i) in at least three public locations within the county; or

2939 (ii) on the county's official website.

2940 Section 52. Section **17-27a-205** is amended to read:

2941 **17-27a-205. Notice of public hearings and public meetings on adoption or**  
2942 **modification of land use regulation.**

2943 (1) Each county shall give:

2944 (a) notice of the date, time, and place of the first public hearing to consider the

2945 adoption or modification of a land use regulation; and  
2946 (b) notice of each public meeting on the subject.  
2947 (2) Each notice of a public hearing under Subsection (1)(a) shall be:  
2948 (a) mailed to each affected entity at least 10 calendar days before the public hearing;  
2949 (b) posted:  
2950 (i) in at least three public locations within the county; or  
2951 (ii) on the county's official website; and  
2952 (c) (i) published:  
2953 (A) in a newspaper of general circulation in the area at least 10 calendar days before  
2954 the public hearing; and  
2955 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at  
2956 least 10 calendar days before the public hearing; or  
2957 (ii) mailed at least 10 days before the public hearing to:  
2958 (A) each property owner whose land is directly affected by the land use ordinance  
2959 change; and  
2960 (B) each adjacent property owner within the parameters specified by county ordinance.  
2961 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
2962 before the hearing and shall be posted:  
2963 (a) in at least three public locations within the county; or  
2964 (b) on the county's official website.  
2965 (4) (a) A county shall send a courtesy notice to each owner of private real property  
2966 whose property is located entirely or partially within the proposed zoning map enactment or  
2967 amendment at least 10 days before the scheduled day of the public hearing.  
2968 (b) The notice shall:  
2969 (i) identify with specificity each owner of record of real property that will be affected  
2970 by the proposed zoning map or map amendments;  
2971 (ii) state the current zone in which the real property is located;

2972 (iii) state the proposed new zone for the real property;

2973 (iv) provide information regarding or a reference to the proposed regulations,  
2974 prohibitions, and permitted uses that the property will be subject to if the zoning map or map  
2975 amendment is adopted;

2976 (v) state that the owner of real property may no later than 10 days after the day of the  
2977 first public hearing file a written objection to the inclusion of the owner's property in the  
2978 proposed zoning map or map amendment;

2979 (vi) state the address where the property owner should file the protest;

2980 (vii) notify the property owner that each written objection filed with the county will be  
2981 provided to the county legislative body; and

2982 (viii) state the location, date, and time of the public hearing described in Section  
2983 [17-27a-502](#).

2984 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)  
2985 for a public hearing on a zoning map or map amendment, the notice required in this Subsection  
2986 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent  
2987 separately.

2988 Section 53. Section **17-27a-208** is amended to read:

2989 **17-27a-208. Hearing and notice for petition to vacate a public street.**

2990 (1) For any petition to vacate some or all of a public street or county utility easement,  
2991 the legislative body shall:

2992 (a) hold a public hearing; and

2993 (b) give notice of the date, place, and time of the hearing, as provided in Subsection  
2994 (2).

2995 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative  
2996 body shall ensure that the notice required under Subsection (1)(b) is:

2997 (a) mailed to the record owner of each parcel that is accessed by the public street or  
2998 county utility easement;

2999 (b) mailed to each affected entity;  
3000 (c) posted on or near the public street or county utility easement in a manner that is  
3001 calculated to alert the public; and  
3002 (d) (i) published on the website of the county in which the land subject to the petition is  
3003 located until the public hearing concludes; and  
3004 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
3005 [63A-12-201](#).  
3006 Section 54. Section **17-27a-306** is amended to read:  
3007 **17-27a-306. Planning advisory areas.**  
3008 (1) (a) A planning advisory area may be established as provided in this Subsection (1).  
3009 (b) A planning advisory area may not be established unless the area to be included  
3010 within the proposed planning advisory area:  
3011 (i) is unincorporated;  
3012 (ii) is contiguous; and  
3013 (iii) (A) contains:  
3014 (I) at least 20% but not more than 80% of:  
3015 (Aa) the total private land area in the unincorporated county; or  
3016 (Bb) the total value of locally assessed taxable property in the unincorporated county;  
3017 or  
3018 (II) (Aa) in a county of the second or third class, at least 5% of the total population of  
3019 the unincorporated county, but not less than 300 residents; or  
3020 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population  
3021 of the unincorporated county; or  
3022 (B) has been declared by the United States Census Bureau as a census designated  
3023 place.  
3024 (c) (i) The process to establish a planning advisory area is initiated by the filing of a  
3025 petition with the clerk of the county in which the proposed planning advisory area is located.



3026           (ii) A petition to establish a planning advisory area may not be filed if it proposes the  
3027 establishment of a planning advisory area that includes an area within a proposed planning  
3028 advisory area in a petition that has previously been certified under Subsection (1)(g), until after  
3029 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

3030           (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:

3031           (i) be signed by the owners of private real property that:

3032           (A) is located within the proposed planning advisory area;

3033           (B) covers at least 10% of the total private land area within the proposed planning  
3034 advisory area; and

3035           (C) is equal in value to at least 10% of the value of all private real property within the  
3036 proposed planning advisory area;

3037           (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous  
3038 area proposed to be established as a planning advisory area;

3039           (iii) indicate the typed or printed name and current residence address of each owner  
3040 signing the petition;

3041           (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
3042 be designated as the contact sponsor, with the mailing address and telephone number of each  
3043 petition sponsor;

3044           (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
3045 petition for purposes of the petition; and

3046           (vi) request the county legislative body to provide notice of the petition and of a public  
3047 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning  
3048 advisory area.

3049           (e) Subsection [10-2a-102\(3\)](#) applies to a petition to establish a planning advisory area  
3050 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal  
3051 Incorporation.

3052           (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing

3053 the establishment of a planning advisory area in a county of the second class, the county clerk  
3054 shall provide notice of the filing of the petition to:

3055 (A) each owner of real property owning more than 1% of the assessed value of all real  
3056 property within the proposed planning advisory area; and

3057 (B) each owner of real property owning more than 850 acres of real property within the  
3058 proposed planning advisory area.

3059 (ii) A property owner may exclude all or part of the property owner's property from a  
3060 proposed planning advisory area in a county of the second class:

3061 (A) if:

3062 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all  
3063 property within the proposed planning advisory area;

3064 (IIIii) the property is nonurban; and

3065 (IIIiii) the property does not or will not require municipal provision of municipal-type  
3066 services; or

3067 (Bb) the property owner owns more than 850 acres of real property within the proposed  
3068 planning advisory area; and

3069 (II) exclusion of the property will not leave within the planning advisory area an island  
3070 of property that is not part of the planning advisory area; and

3071 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice  
3072 under Subsection (1)(f)(i).

3073 (iii) (A) The county legislative body shall exclude from the proposed planning advisory  
3074 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if  
3075 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

3076 (B) If the county legislative body excludes property from a proposed planning advisory  
3077 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the  
3078 exclusion, send written notice of its action to the contact sponsor.

3079 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county

3080 clerk shall:

3081 (A) with the assistance of other county officers from whom the clerk requests  
3082 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);  
3083 and

3084 (B) (I) if the clerk determines that the petition complies with the requirements of  
3085 Subsection (1)(d):

3086 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
3087 and

3088 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3089 (II) if the clerk determines that the petition fails to comply with any of the requirements  
3090 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the  
3091 rejection and the reasons for the rejection.

3092 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition  
3093 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
3094 county clerk.

3095 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,  
3096 the county legislative body shall hold a public hearing on the proposal to establish a planning  
3097 advisory area.

3098 (ii) A public hearing under Subsection (1)(h)(i) shall be:

3099 (A) within the boundary of the proposed planning advisory area; or

3100 (B) if holding a public hearing in that area is not practicable, as close to that area as  
3101 practicable.

3102 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the  
3103 county legislative body shall publish notice of the petition and the time, date, and place of the  
3104 public hearing:

3105 (A) at least once in a newspaper of general circulation in the county; and

3106 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

3107 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body  
3108 shall arrange for the proposal to establish a planning advisory area to be submitted to voters  
3109 residing within the proposed planning advisory area at the next regular general election that is  
3110 more than 90 days after the public hearing.

3111 (j) A planning advisory area is established at the time of the canvass of the results of an  
3112 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the  
3113 proposal to establish a planning advisory area voted in favor of the proposal.

3114 (k) An area that is an established township before May 12, 2015:

3115 (i) is, as of May 12, 2015, a planning advisory area; and

3116 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

3117 and

3118 (B) may use the word "planning advisory area" in its name.

3119 (2) The county legislative body may:

3120 (a) assign to the countywide planning commission the duties established in this part  
3121 that would have been assumed by a planning advisory area planning commission designated  
3122 under Subsection (2)(b); or

3123 (b) designate and appoint a planning commission for the planning advisory area.

3124 (3) (a) An area within the boundary of a planning advisory area may be withdrawn  
3125 from the planning advisory area as provided in this Subsection (3) or in accordance with  
3126 Subsection (5)(a).

3127 (b) The process to withdraw an area from a planning advisory area is initiated by the  
3128 filing of a petition with the clerk of the county in which the planning advisory area is located.

3129 (c) A petition under Subsection (3)(b) shall:

3130 (i) be signed by the owners of private real property that:

3131 (A) is located within the area proposed to be withdrawn from the planning advisory  
3132 area;

3133 (B) covers at least 50% of the total private land area within the area proposed to be

3134 withdrawn from the planning advisory area; and  
3135 (C) is equal in value to at least 33% of the value of all private real property within the  
3136 area proposed to be withdrawn from the planning advisory area;  
3137 (ii) state the reason or reasons for the proposed withdrawal;  
3138 (iii) be accompanied by an accurate plat or map showing the boundary of the  
3139 contiguous area proposed to be withdrawn from the planning advisory area;  
3140 (iv) indicate the typed or printed name and current residence address of each owner  
3141 signing the petition;  
3142 (v) designate up to five signers of the petition as petition sponsors, one of whom shall  
3143 be designated as the contact sponsor, with the mailing address and telephone number of each  
3144 petition sponsor;  
3145 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the  
3146 petition for purposes of the petition; and  
3147 (vii) request the county legislative body to withdraw the area from the planning  
3148 advisory area.  
3149 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning  
3150 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter  
3151 2a, Municipal Incorporation.  
3152 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county  
3153 clerk shall:  
3154 (A) with the assistance of other county officers from whom the clerk requests  
3155 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);  
3156 and  
3157 (B) (I) if the clerk determines that the petition complies with the requirements of  
3158 Subsection (3)(c):  
3159 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
3160 and

3161 (Bb) mail or deliver written notification of the certification to the contact sponsor; or  
3162 (II) if the clerk determines that the petition fails to comply with any of the requirements  
3163 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection  
3164 and the reasons for the rejection.

3165 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition  
3166 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
3167 county clerk.

3168 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area  
3169 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw  
3170 the area from the planning advisory area.

3171 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

3172 (A) within the area proposed to be withdrawn from the planning advisory area; or

3173 (B) if holding a public hearing in that area is not practicable, as close to that area as  
3174 practicable.

3175 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
3176 body shall:

3177 (A) publish notice of the petition and the time, date, and place of the public hearing:

3178 (I) at least once a week for three consecutive weeks in a newspaper of general  
3179 circulation in the planning advisory area; and

3180 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
3181 three consecutive weeks; and

3182 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
3183 each owner of private real property within the area proposed to be withdrawn.

3184 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county  
3185 legislative body shall make a written decision on the proposal to withdraw the area from the  
3186 planning advisory area.

3187 (ii) In making its decision as to whether to withdraw the area from the planning

3188 advisory area, the county legislative body shall consider:

3189 (A) whether the withdrawal would leave the remaining planning advisory area in a  
3190 situation where the future incorporation of an area within the planning advisory area or the  
3191 annexation of an area within the planning advisory area to an adjoining municipality would be  
3192 economically or practically not feasible;

3193 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn  
3194 area:

3195 (I) whether the proposed subsequent incorporation or withdrawal:

3196 (Aa) will leave or create an unincorporated island or peninsula; or

3197 (Bb) will leave the county with an area within its unincorporated area for which the  
3198 cost, requirements, or other burdens of providing municipal services would materially increase  
3199 over previous years; and

3200 (II) whether the municipality to be created or the municipality into which the  
3201 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of  
3202 providing service to the withdrawn area that the county will no longer provide due to the  
3203 incorporation or annexation;

3204 (C) the effects of a withdrawal on adjoining property owners, existing or projected  
3205 county streets or other public improvements, law enforcement, and zoning and other municipal  
3206 services provided by the county; and

3207 (D) whether justice and equity favor the withdrawal.

3208 (h) Upon the written decision of the county legislative body approving the withdrawal  
3209 of an area from a planning advisory area, the area is withdrawn from the planning advisory area  
3210 and the planning advisory area continues as a planning advisory area with a boundary that  
3211 excludes the withdrawn area.

3212 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).

3213 (b) The process to dissolve a planning advisory area is initiated by the filing of a  
3214 petition with the clerk of the county in which the planning advisory area is located.

3215 (c) A petition under Subsection (4)(b) shall:  
3216 (i) be signed by registered voters within the planning advisory area equal in number to  
3217 at least 25% of all votes cast by voters within the planning advisory area at the last  
3218 congressional election;  
3219 (ii) state the reason or reasons for the proposed dissolution;  
3220 (iii) indicate the typed or printed name and current residence address of each person  
3221 signing the petition;  
3222 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall  
3223 be designated as the contact sponsor, with the mailing address and telephone number of each  
3224 petition sponsor;  
3225 (v) authorize the petition sponsors to act on behalf of all persons signing the petition  
3226 for purposes of the petition; and  
3227 (vi) request the county legislative body to provide notice of the petition and of a public  
3228 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning  
3229 advisory area.  
3230 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county  
3231 clerk shall:  
3232 (A) with the assistance of other county officers from whom the clerk requests  
3233 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);  
3234 and  
3235 (B) (I) if the clerk determines that the petition complies with the requirements of  
3236 Subsection (4)(c):  
3237 (Aa) certify the petition and deliver the certified petition to the county legislative body;  
3238 and  
3239 (Bb) mail or deliver written notification of the certification to the contact sponsor; or  
3240 (II) if the clerk determines that the petition fails to comply with any of the requirements  
3241 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection



3242 and the reasons for the rejection.

3243 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition  
3244 may be amended to correct the deficiencies for which it was rejected and then refiled with the  
3245 county clerk.

3246 (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,  
3247 the county legislative body shall hold a public hearing on the proposal to dissolve the planning  
3248 advisory area.

3249 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

3250 (A) within the boundary of the planning advisory area; or

3251 (B) if holding a public hearing in that area is not practicable, as close to that area as  
3252 practicable.

3253 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative  
3254 body shall publish notice of the petition and the time, date, and place of the public hearing:

3255 (A) at least once a week for three consecutive weeks in a newspaper of general  
3256 circulation in the planning advisory area; and

3257 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
3258 three consecutive weeks immediately before the public hearing.

3259 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body  
3260 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters  
3261 residing within the planning advisory area at the next regular general election that is more than  
3262 90 days after the public hearing.

3263 (g) A planning advisory area is dissolved at the time of the canvass of the results of an  
3264 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the  
3265 proposal to dissolve the planning advisory area voted in favor of the proposal.

3266 (5) (a) If a portion of an area located within a planning advisory area is annexed by a  
3267 municipality or incorporates, that portion is withdrawn from the planning advisory area.

3268 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,

3269 the planning advisory area is dissolved.

3270 Section 55. Section **17-27a-404** is amended to read:

3271 **17-27a-404. Public hearing by planning commission on proposed general plan or**  
3272 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
3273 **by legislative body.**

3274 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
3275 amend the general plan, the planning commission shall schedule and hold a public hearing on  
3276 the proposed plan or amendment.

3277 (b) The planning commission shall provide notice of the public hearing, as required by  
3278 Section [17-27a-204](#).

3279 (c) After the public hearing, the planning commission may modify the proposed  
3280 general plan or amendment.

3281 (2) The planning commission shall forward the proposed general plan or amendment to  
3282 the legislative body.

3283 (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body  
3284 shall provide notice of its intent to consider the general plan proposal.

3285 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
3286 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
3287 regarding Subsection [17-27a-401](#)(4). The hearing procedure shall comply with this Subsection  
3288 (3)(b).

3289 (ii) The hearing format shall allow adequate time for public comment at the actual  
3290 public hearing, and shall also allow for public comment in writing to be submitted to the  
3291 legislative body for not fewer than 90 days after the date of the public hearing.

3292 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
3293 Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401](#)(4) are  
3294 complete.

3295 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of

3296 the state Legislature, executive director of the Department of Environmental Quality, the state  
3297 planning coordinator, the Resource Development Coordinating Committee, and any other  
3298 citizens or entities who specifically request notice in writing.

3299 (iii) Public notice shall be given by publication:

3300 (A) in at least one major Utah newspaper having broad general circulation in the state;

3301 (B) in at least one Utah newspaper having a general circulation focused mainly on the  
3302 county where the proposed high-level nuclear waste or greater than class C radioactive waste  
3303 site is to be located; and

3304 (C) on the Utah Public Notice Website created in Section ~~[63F-1-701]~~ [63A-12-201](#).

3305 (iv) The notice shall be published to allow reasonable time for interested parties and  
3306 the state to evaluate the information regarding the provisions of Subsection [17-27a-401\(4\)](#),  
3307 including:

3308 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before  
3309 the date of the hearing to be held under this Subsection (3); and

3310 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the  
3311 date of the hearing to be held under this Subsection (3).

3312 (4) (a) After the public hearing required under this section, the legislative body may  
3313 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

3314 (b) The legislative body shall respond in writing and in a substantive manner to all  
3315 those providing comments as a result of the hearing required by Subsection (3).

3316 (c) If the county legislative body rejects the proposed general plan or amendment, it  
3317 may provide suggestions to the planning commission for the planning commission's review and  
3318 recommendation.

3319 (5) The legislative body shall adopt:

3320 (a) a land use element as provided in Subsection [17-27a-403\(2\)\(a\)\(i\)](#);

3321 (b) a transportation and traffic circulation element as provided in Subsection  
3322 [17-27a-403\(2\)\(a\)\(ii\)](#);

3323 (c) after considering the factors included in Subsection [17-27a-403\(2\)\(b\)](#), a plan to  
3324 provide a realistic opportunity to meet the need for additional moderate income housing; and

3325 (d) before August 1, 2017, a resource management plan as provided by Subsection  
3326 [17-27a-403\(2\)\(a\)\(iv\)](#).

3327 Section 56. Section **17-36-12** is amended to read:

3328 **17-36-12. Notice of budget hearing.**

3329 (1) The governing body shall determine the time and place for the public hearing on the  
3330 adoption of the budget.

3331 (2) Notice of such hearing shall be published:

3332 (a) (i) at least seven days before the hearing in at least one newspaper of general  
3333 circulation within the county, if there is such a paper; or

3334 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in  
3335 three conspicuous places within the county seven days before the hearing;

3336 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
3337 seven days before the hearing; and

3338 (c) on the home page of the county's website, either in full or as a link, if the county has  
3339 a publicly viewable website, beginning at least seven days before the hearing and until the  
3340 hearing takes place.

3341 Section 57. Section **17-36-26** is amended to read:

3342 **17-36-26. Increase in budgetary fund or county general fund -- Public hearing.**

3343 (1) Before the governing body may, by resolution, increase a budget appropriation of  
3344 any budgetary fund, increase the budget of the county general fund, or make an amendment to a  
3345 budgetary fund or the county general fund, the governing body shall hold a public hearing  
3346 giving all interested parties an opportunity to be heard.

3347 (2) Notice of the public hearing described in Subsection (1) shall be published at least  
3348 five days before the day of the hearing:

3349 (a) (i) in at least one issue of a newspaper generally circulated in the county; or

3350 (ii) if there is not a newspaper generally circulated in the county, the hearing may be  
3351 published by posting notice in three conspicuous places within the county;

3352 (b) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#);  
3353 and

3354 (c) on the home page of the county's website, either in full or as a link, if the county has  
3355 a publicly viewable website, until the hearing takes place.

3356 Section 58. Section **17-41-304** is amended to read:

3357 **17-41-304. Public hearing -- Review and action on proposal.**

3358 (1) After receipt of the written reports from the advisory committee and planning  
3359 commission, or after the 45 days have expired, whichever is earlier, the county or municipal  
3360 legislative body shall:

3361 (a) schedule a public hearing;

3362 (b) provide notice of the public hearing by:

3363 (i) publishing notice:

3364 (A) in a newspaper having general circulation within:

3365 (I) the same county as the land proposed for inclusion within the agriculture protection  
3366 area, industrial protection area, or critical infrastructure materials protection area, if the land is  
3367 within the unincorporated part of the county; or

3368 (II) the same city or town as the land proposed for inclusion within an agriculture  
3369 protection area, industrial protection area, or critical infrastructure materials protection area, if  
3370 the land is within a city or town; and

3371 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

3372 (ii) posting notice at five public places, designated by the applicable legislative body,  
3373 within or near the proposed agriculture protection area, industrial protection area, or critical  
3374 infrastructure materials protection area; and

3375 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed  
3376 for inclusion within an agriculture protection area, industrial protection area, or critical

3377 infrastructure materials protection area; and

3378 (c) ensure that the notice includes:

3379 (i) the time, date, and place of the public hearing on the proposal;

3380 (ii) a description of the proposed agriculture protection area, industrial protection area,  
3381 or critical infrastructure materials protection area;

3382 (iii) any proposed modifications to the proposed agriculture protection area, industrial  
3383 protection area, or critical infrastructure materials protection area;

3384 (iv) a summary of the recommendations of the advisory committee and planning  
3385 commission; and

3386 (v) a statement that interested persons may appear at the public hearing and speak in  
3387 favor of or against the proposal, any proposed modifications to the proposal, or the  
3388 recommendations of the advisory committee and planning commission.

3389 (2) The applicable legislative body shall:

3390 (a) convene the public hearing at the time, date, and place specified in the notice; and

3391 (b) take oral or written testimony from interested persons.

3392 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative  
3393 body shall approve, modify and approve, or reject the proposal.

3394 (b) The creation of an agriculture protection area, industrial protection area, or critical  
3395 infrastructure materials protection area is effective at the earlier of:

3396 (i) the applicable legislative body's approval of a proposal or modified proposal; or

3397 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if  
3398 the applicable legislative body has failed to approve or reject the proposal within that time.

3399 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area  
3400 is effective only if the applicable legislative body, at its discretion, approves a proposal or  
3401 modified proposal.

3402 (4) (a) To give constructive notice of the existence of the agriculture protection area,  
3403 industrial protection area, or critical infrastructure materials protection area to all persons who

3404 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant  
3405 protection area within 10 days of the creation of the relevant protection area, the applicable  
3406 legislative body shall file an executed document containing a legal description of the relevant  
3407 protection area with:

- 3408 (i) the county recorder of deeds; and
- 3409 (ii) the affected planning commission.

3410 (b) If the legal description of the property to be included in the relevant protection area  
3411 is available through the county recorder's office, the applicable legislative body shall use that  
3412 legal description in its executed document required in Subsection (4)(a).

3413 (5) Within 10 days of the recording of the agriculture protection area, the applicable  
3414 legislative body shall:

3415 (a) send written notification to the commissioner of agriculture and food that the  
3416 agriculture protection area has been created; and

3417 (b) include in the notification:

- 3418 (i) the number of landowners owning land within the agriculture protection area;
- 3419 (ii) the total acreage of the area;
- 3420 (iii) the date of approval of the area; and
- 3421 (iv) the date of recording.

3422 (6) The applicable legislative body's failure to record the notice required under  
3423 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the  
3424 creation of an agriculture protection area.

3425 (7) The applicable legislative body may consider the cost of recording notice under  
3426 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee  
3427 under Subsection 17-41-301(4)(b).

3428 Section 59. Section **17-41-405** is amended to read:

3429 **17-41-405. Eminent domain restrictions.**

3430 (1) A political subdivision having or exercising eminent domain powers may not

3431 condemn for any purpose any land within an agriculture protection area that is being used for  
3432 agricultural production, land within an industrial protection area that is being put to an  
3433 industrial use, or land within a critical infrastructure materials protection area, unless the  
3434 political subdivision obtains approval, according to the procedures and requirements of this  
3435 section, from the applicable legislative body and the advisory board.

3436 (2) Any condemnor wishing to condemn property within an agriculture protection area,  
3437 industrial protection area, or critical infrastructure materials protection area shall file a notice  
3438 of condemnation with the applicable legislative body and the relevant protection area's advisory  
3439 board at least 30 days before filing an eminent domain complaint.

3440 (3) The applicable legislative body and the advisory board shall:

3441 (a) hold a joint public hearing on the proposed condemnation at a location within the  
3442 county in which the relevant protection area is located;

3443 (b) publish notice of the time, date, place, and purpose of the public hearing:

3444 (i) in a newspaper of general circulation within the relevant protection area; and

3445 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

3446 and

3447 (c) post notice of the time, date, place, and purpose of the public hearing in five  
3448 conspicuous public places, designated by the applicable legislative body, within or near the  
3449 relevant protection area.

3450 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or  
3451 liquid waste materials, the applicable legislative body and the advisory board may approve the  
3452 condemnation only if there is no reasonable and prudent alternative to the use of the land  
3453 within the agriculture protection area, industrial protection area, or critical infrastructure  
3454 materials protection area for the project.

3455 (b) If the condemnation is for any other purpose, the applicable legislative body and the  
3456 advisory board may approve the condemnation only if:

3457 (i) the proposed condemnation would not have an unreasonably adverse effect upon the



3458 preservation and enhancement of:

3459 (A) agriculture within the agriculture protection area;

3460 (B) the industrial use within the industrial protection area; or

3461 (C) critical infrastructure materials operations within the critical infrastructure

3462 materials protection area; or

3463 (ii) there is no reasonable and prudent alternative to the use of the land within ~~the~~ the

3464 relevant protection area for the project.

3465 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable  
3466 legislative body and the advisory board shall approve or reject the proposed condemnation.

3467 (b) If the applicable legislative body and the advisory board fail to act within the 60  
3468 days or such further time as the applicable legislative body establishes, the condemnation shall  
3469 be considered rejected.

3470 (6) The applicable legislative body or the advisory board may request the county or  
3471 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of  
3472 this section.

3473 Section 60. Section **17-50-303** is amended to read:

3474 **17-50-303. County may not give or lend credit -- County may borrow in**  
3475 **anticipation of revenues -- Assistance to nonprofit and private entities.**

3476 (1) A county may not give or lend its credit to or in aid of any person or corporation,  
3477 or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

3478 (2) (a) A county may borrow money in anticipation of the collection of taxes and other  
3479 county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local  
3480 Government Bonding Act.

3481 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which  
3482 funds of the county may be expended.

3483 (3) (a) A county may appropriate money to or provide nonmonetary assistance to a  
3484 nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of

3485 the county legislative body, the assistance contributes to the safety, health, prosperity, moral  
3486 well-being, peace, order, comfort, or convenience of county residents.

3487 (b) A county may appropriate money to a nonprofit entity from the county's own funds  
3488 or from funds the county receives from the state or any other source.

3489 (4) (a) As used in this Subsection (4):

3490 (i) "Private enterprise" means a person that engages in an activity for profit.

3491 (ii) "Project" means an activity engaged in by a private enterprise.

3492 (b) A county may appropriate money in aid of a private enterprise project if:

3493 (i) subject to Subsection (4)(c), the county receives value in return for the money  
3494 appropriated; and

3495 (ii) in the judgment of the county legislative body, the private enterprise project  
3496 provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or  
3497 convenience of the county residents.

3498 (c) The county shall measure the net value received by the county for money  
3499 appropriated by the county to a private entity on a project-by-project basis over the life of the  
3500 project.

3501 (d) (i) Before a county legislative body may appropriate funds in aid of a private  
3502 enterprise project under this Subsection (4), the county legislative body shall:

3503 (A) adopt by ordinance criteria to determine what value, if any, the county will receive  
3504 in return for money appropriated under this Subsection (4);

3505 (B) conduct a study as described in Subsection (4)(e) on the proposed appropriation  
3506 and private enterprise project; and

3507 (C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed  
3508 appropriation and the private enterprise project.

3509 (ii) The county legislative body may consider an intangible benefit as a value received  
3510 by the county.

3511 (e) (i) Before publishing or posting notice in accordance with Subsection (4)(f), the

3512 county shall study:

3513 (A) any value the county will receive in return for money or resources appropriated to a  
3514 private entity;

3515 (B) the county's purpose for the appropriation, including an analysis of the way the  
3516 appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace,  
3517 order, comfort, or convenience of the county residents; and

3518 (C) whether the appropriation is necessary and appropriate to accomplish the  
3519 reasonable goals and objectives of the county in the area of economic development, job  
3520 creation, affordable housing, elimination of a development impediment, as defined in Section  
3521 [17C-1-102](#), job preservation, the preservation of historic structures, analyzing and improving  
3522 county government structure or property, or any other public purpose.

3523 (ii) The county shall:

3524 (A) prepare a written report of the results of the study; and

3525 (B) make the report available to the public at least 14 days immediately prior to the  
3526 scheduled day of the public hearing described in Subsection (4)(d)(i)(C).

3527 (f) The county shall publish notice of the public hearing required in Subsection  
3528 (4)(d)(i)(C):

3529 (i) in a newspaper of general circulation at least 14 days before the date of the hearing  
3530 or, if there is no newspaper of general circulation, by posting notice in at least three  
3531 conspicuous places within the county for the same time period; and

3532 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at  
3533 least 14 days before the date of the hearing.

3534 (g) (i) A person may appeal the decision of the county legislative body to appropriate  
3535 funds under this Subsection (4).

3536 (ii) A person shall file an appeal with the district court within 30 days after the day on  
3537 which the legislative body adopts an ordinance or approves a budget to appropriate the funds.

3538 (iii) A court shall:

3539 (A) presume that an ordinance adopted or appropriation made under this Subsection (4)  
3540 is valid; and

3541 (B) determine only whether the ordinance or appropriation is arbitrary, capricious, or  
3542 illegal.

3543 (iv) A determination of illegality requires a determination that the decision or  
3544 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the  
3545 ordinance was adopted.

3546 (v) The district court's review is limited to:

3547 (A) a review of the criteria adopted by the county legislative body under Subsection  
3548 (4)(d)(i)(A);

3549 (B) the record created by the county legislative body at the public hearing described in  
3550 Subsection (4)(d)(i)(C); and

3551 (C) the record created by the county in preparation of the study and the study itself as  
3552 described in Subsection (4)(e).

3553 (vi) If there is no record, the court may call witnesses and take evidence.

3554 (h) This section applies only to an appropriation not otherwise approved in accordance  
3555 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

3556 Section 61. Section **17B-1-106** is amended to read:

3557 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**  
3558 **certain property.**

3559 (1) As used in this section:

3560 (a) (i) "Affected entity" means each county, municipality, local district under this title,  
3561 special service district, school district, interlocal cooperation entity established under Title 11,  
3562 Chapter 13, Interlocal Cooperation Act, and specified public utility:

3563 (A) whose services or facilities are likely to require expansion or significant  
3564 modification because of an intended use of land; or

3565 (B) that has filed with the local district a copy of the general or long-range plan of the

3566 county, municipality, local district, school district, interlocal cooperation entity, or specified  
3567 public utility.

3568 (ii) "Affected entity" does not include the local district that is required under this  
3569 section to provide notice.

3570 (b) "Specified public utility" means an electrical corporation, gas corporation, or  
3571 telephone corporation, as those terms are defined in Section [54-2-1](#).

3572 (2) (a) If a local district under this title located in a county of the first or second class  
3573 prepares a long-range plan regarding its facilities proposed for the future or amends an already  
3574 existing long-range plan, the local district shall, before preparing a long-range plan or  
3575 amendments to an existing long-range plan, provide written notice, as provided in this section,  
3576 of its intent to prepare a long-range plan or to amend an existing long-range plan.

3577 (b) Each notice under Subsection (2)(a) shall:

3578 (i) indicate that the local district intends to prepare a long-range plan or to amend a  
3579 long-range plan, as the case may be;

3580 (ii) describe or provide a map of the geographic area that will be affected by the  
3581 long-range plan or amendments to a long-range plan;

3582 (iii) be:

3583 (A) sent to each county in whose unincorporated area and each municipality in whose  
3584 boundaries is located the land on which the proposed long-range plan or amendments to a  
3585 long-range plan are expected to indicate that the proposed facilities will be located;

3586 (B) sent to each affected entity;

3587 (C) sent to the Automated Geographic Reference Center created in Section [63F-1-506](#);

3588 (D) sent to each association of governments, established pursuant to an interlocal  
3589 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or  
3590 municipality described in Subsection (2)(b)(iii)(A) is a member; and

3591 (E) (I) placed on the Utah Public Notice Website created under Section [~~[63F-1-701](#)~~]  
3592 [63A-12-201](#), if the local district:

3593 (Aa) is required under Subsection 52-4-203(3) to use that website to provide public  
3594 notice of a meeting; or

3595 (Bb) voluntarily chooses to place notice on that website despite not being required to  
3596 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

3597 (II) the state planning coordinator appointed under Section 63J-4-202, if the local  
3598 district does not provide notice on the Utah Public Notice Website under Subsection  
3599 (2)(b)(iii)(E)(I);

3600 (iv) with respect to the notice to counties and municipalities described in Subsection  
3601 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to  
3602 consider in the process of preparing, adopting, and implementing the long-range plan or  
3603 amendments to a long-range plan concerning:

3604 (A) impacts that the use of land proposed in the proposed long-range plan or  
3605 amendments to a long-range plan may have on the county, municipality, or affected entity; and

3606 (B) uses of land that the county, municipality, or affected entity is planning or  
3607 considering that may conflict with the proposed long-range plan or amendments to a long-range  
3608 plan; and

3609 (v) include the address of an Internet website, if the local district has one, and the name  
3610 and telephone number of a person where more information can be obtained concerning the  
3611 local district's proposed long-range plan or amendments to a long-range plan.

3612 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire  
3613 real property in a county of the first or second class for the purpose of expanding the district's  
3614 infrastructure or other facilities used for providing the services that the district is authorized to  
3615 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire  
3616 the property if the intended use of the property is contrary to:

3617 (i) the anticipated use of the property under the county or municipality's general plan;

3618 or

3619 (ii) the property's current zoning designation.

3620 (b) Each notice under Subsection (3)(a) shall:  
3621 (i) indicate that the local district intends to acquire real property;  
3622 (ii) identify the real property; and  
3623 (iii) be sent to:  
3624 (A) each county in whose unincorporated area and each municipality in whose  
3625 boundaries the property is located; and  
3626 (B) each affected entity.  
3627 (c) A notice under this Subsection (3) is a protected record as provided in Subsection  
3628 [63G-2-305](#)(8).

3629 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district  
3630 previously provided notice under Subsection (2) identifying the general location within the  
3631 municipality or unincorporated part of the county where the property to be acquired is located.  
3632 (ii) If a local district is not required to comply with the notice requirement of  
3633 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide  
3634 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real  
3635 property.

3636 Section 62. Section **17B-1-211** is amended to read:

3637 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3638 (1) Before holding a public hearing or set of public hearings under Section [17B-1-210](#),  
3639 the legislative body of each county or municipality with which a request is filed or that adopts a  
3640 resolution under Subsection [17B-1-203](#)(1)(d) and the board of trustees of each local district  
3641 that adopts a resolution under Subsection [17B-1-203](#)(1)(e) shall:

3642 (a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice  
3643 in a newspaper or combination of newspapers of general circulation within the applicable area  
3644 in accordance with Subsection (2); or

3645 (B) if there is no newspaper or combination of newspapers of general circulation  
3646 within the applicable area, post notice in accordance with Subsection (2) at least one notice per

3647 1,000 population of that area and at places within the area that are most likely to provide actual  
3648 notice to residents of the area; and

3649 (ii) publish notice on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
3650 [63A-12-201](#), for two weeks before the hearing or the first of the set of hearings; or

3651 (b) mail a notice to each registered voter residing within and each owner of real  
3652 property located within the proposed local district.

3653 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

3654 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be  
3655 surrounded by a 1/4-inch border;

3656 (b) if possible, appear in a newspaper that is published at least one day per week;

3657 (c) if possible, appear in a newspaper of general interest and readership in the area and  
3658 not of limited subject matter;

3659 (d) be placed in a portion of the newspaper other than where legal notices and  
3660 classified advertisements appear; and

3661 (e) be published once each week for four consecutive weeks, with the final publication  
3662 being no fewer than five and no more than 20 days before the hearing or the first of the set of  
3663 hearings.

3664 (3) Each notice required under Subsection (1) shall:

3665 (a) if the hearing or set of hearings is concerning a resolution:

3666 (i) contain the entire text or an accurate summary of the resolution; and

3667 (ii) state the deadline for filing a protest against the creation of the proposed local  
3668 district;

3669 (b) clearly identify each governing body involved in the hearing or set of hearings;

3670 (c) state the date, time, and place for the hearing or set of hearings and the purposes for  
3671 the hearing or set of hearings; and

3672 (d) describe or include a map of the entire proposed local district.

3673 (4) County or municipal legislative bodies may jointly provide the notice required



3674 under this section if all the requirements of this section are met as to each notice.

3675 Section 63. Section **17B-1-303** is amended to read:

3676 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**  
3677 **of board member contact information.**

3678 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each  
3679 member of a board of trustees begins at noon on the January 1 following the member's election  
3680 or appointment.

3681 (b) The term of each member of the initial board of trustees of a newly created local  
3682 district begins:

3683 (i) upon appointment, for an appointed member; and

3684 (ii) upon the member taking the oath of office after the canvass of the election at which  
3685 the member is elected, for an elected member.

3686 (c) The term of each water conservancy district board member whom the governor  
3687 appoints in accordance with Subsection [17B-2a-1005\(2\)\(c\)](#):

3688 (i) begins on the later of the following:

3689 (A) the date on which the Senate consents to the appointment; or

3690 (B) the expiration date of the prior term; and

3691 (ii) ends on the February 1 that is approximately four years after the date described in  
3692 Subsection (1)(c)(i)(A) or (B).

3693 (d) The term of a member of a board of trustees whom an appointing authority appoints  
3694 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

3695 (e) If the member of the board of trustees fails to assume or qualify for office on  
3696 January 1 for any reason, the term begins on the date the member assumes or qualifies for  
3697 office.

3698 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)  
3699 and (iii), the term of each member of a board of trustees is four years, except that  
3700 approximately half the members of the initial board of trustees, chosen by lot, shall serve a

3701 two-year term so that the term of approximately half the board members expires every two  
3702 years.

3703 (ii) If the terms of members of the initial board of trustees of a newly created local  
3704 district do not begin on January 1 because of application of Subsection (1)(b), the terms of  
3705 those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the  
3706 terms of their successors complying with:

3707 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following  
3708 a member's election or appointment; and

3709 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

3710 (iii) If the term of a member of a board of trustees does not begin on January 1 because  
3711 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term  
3712 complying with the requirement under Subsection (1)(a) that the successor member's term,  
3713 regardless of whether the incumbent is the successor, begins at noon on January 1 following the  
3714 successor member's election or appointment.

3715 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or  
3716 subtract more than a year from a member's term.

3717 (b) Each board of trustees member shall serve until a successor is duly elected or  
3718 appointed and qualified, unless the member earlier is removed from office or resigns or  
3719 otherwise leaves office.

3720 (c) If a member of a board of trustees no longer meets the qualifications of Subsection  
3721 [17B-1-302](#)(1), (2), or (3), or if the member's term expires without a duly elected or appointed  
3722 successor:

3723 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

3724 (ii) the member may continue to serve until a successor is duly elected or appointed  
3725 and qualified.

3726 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees  
3727 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

3728 (ii) A judge, county clerk, notary public, or the local district clerk may administer an  
3729 oath of office.

3730 (b) The member of the board of trustees taking the oath of office shall file the oath of  
3731 office with the clerk of the local district.

3732 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)  
3733 does not invalidate any official act of that member.

3734 (4) A board of trustees member may serve any number of terms.

3735 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of  
3736 trustees position is filled in accordance with Section 20A-1-512.

3737 (b) When the number of members of a board of trustees increases in accordance with  
3738 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new  
3739 board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

3740 (6) (a) For purposes of this Subsection (6):

3741 (i) "Appointed official" means a person who:

3742 (A) is appointed as a member of a local district board of trustees by a county or  
3743 municipality that is entitled to appoint a member to the board; and

3744 (B) holds an elected position with the appointing county or municipality.

3745 (ii) "Appointing entity" means the county or municipality that appointed the appointed  
3746 official to the board of trustees.

3747 (b) The board of trustees shall declare a midterm vacancy for the board position held  
3748 by an appointed official if:

3749 (i) during the appointed official's term on the board of trustees, the appointed official  
3750 ceases to hold the elected position with the appointing entity; and

3751 (ii) the appointing entity submits a written request to the board to declare the vacancy.

3752 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the  
3753 appointing entity shall appoint another person to fill the remaining unexpired term on the board  
3754 of trustees.

3755 (7) (a) Each member of a board of trustees shall give a bond for the faithful  
3756 performance of the member's duties, in the amount and with the sureties that the board of  
3757 trustees prescribes.

3758 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

3759 (8) (a) The lieutenant governor may extend the term of an elected district board  
3760 member by one year in order to compensate for a change in the election year under Subsection  
3761 [17B-1-306](#)(14).

3762 (b) When the number of members of a board of trustees increases in accordance with  
3763 Subsection [17B-1-302](#)(6), to ensure that the term of approximately half of the board members  
3764 expires every two years in accordance with Subsection (2)(a):

3765 (i) the board shall set shorter terms for approximately half of the new board members,  
3766 chosen by lot; and

3767 (ii) the initial term of a new board member position may be less than two or four years.

3768 (9) (a) A local district shall:

3769 (i) post on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#)  
3770 the name, phone number, and email address of each member of the local district's board of  
3771 trustees;

3772 (ii) update the information described in Subsection (9)(a)(i) when:

3773 (A) the membership of the board of trustees changes; or

3774 (B) a member of the board of trustees' phone number or email address changes; and

3775 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date  
3776 on which the change requiring the update occurs.

3777 (b) This Subsection (9) applies regardless of whether the county or municipal  
3778 legislative body also serves as the board of trustees of the local district.

3779 Section 64. Section **17B-1-306** is amended to read:

3780 **17B-1-306. Local district board -- Election procedures.**

3781 (1) Except as provided in Subsection (12), each elected board member shall be selected

3782 as provided in this section.

3783 (2) (a) Each election of a local district board member shall be held:

3784 (i) at the same time as the municipal general election or the regular general election, as  
3785 applicable; and

3786 (ii) at polling places designated by the local district board in consultation with the  
3787 county clerk for each county in which the local district is located, which polling places shall  
3788 coincide with municipal general election or regular general election polling places, as  
3789 applicable, whenever feasible.

3790 (b) The local district board, in consultation with the county clerk, may consolidate two  
3791 or more polling places to enable voters from more than one district to vote at one consolidated  
3792 polling place.

3793 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under  
3794 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
3795 polling place per division of the district, designated by the district board.

3796 (ii) Each polling place designated by an irrigation district board under Subsection  
3797 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection  
3798 (2)(a)(ii).

3799 (3) The clerk of each local district with a board member position to be filled at the next  
3800 municipal general election or regular general election, as applicable, shall provide notice of:

3801 (a) each elective position of the local district to be filled at the next municipal general  
3802 election or regular general election, as applicable;

3803 (b) the constitutional and statutory qualifications for each position; and

3804 (c) the dates and times for filing a declaration of candidacy.

3805 (4) The clerk of the local district shall publish the notice described in Subsection (3):

3806 (a) by posting the notice on the Utah Public Notice Website created in Section  
3807 [~~63F-1-701~~] [63A-12-201](#), for 10 days before the first day for filing a declaration of candidacy;

3808 and

3809 (b) (i) by posting the notice in at least five public places within the local district at least  
3810 10 days before the first day for filing a declaration of candidacy; or

3811 (ii) publishing the notice:

3812 (A) in a newspaper of general circulation within the local district at least three but no  
3813 more than 10 days before the first day for filing a declaration of candidacy;

3814 (B) in accordance with Section 45-1-101, for 10 days before the first day for filing a  
3815 declaration of candidacy; and

3816 (c) if the local district has a website, on the local district's website for 10 days before  
3817 the first day for filing a declaration of candidacy.

3818 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective  
3819 local district board position, an individual shall file a declaration of candidacy in person with  
3820 an official designated by the local district, during office hours, within the candidate filing  
3821 period for the applicable election year in which the election for the local district board is held.

3822 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the  
3823 filing time shall be extended until the close of normal office hours on the following regular  
3824 business day.

3825 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a  
3826 declaration of candidacy with the official designated by the local district if:

3827 (i) the individual is located outside of the state during the entire filing period;

3828 (ii) the designated agent appears in person before the official designated by the local  
3829 district; and

3830 (iii) the individual communicates with the official designated by the local district using  
3831 an electronic device that allows the individual and official to see and hear each other.

3832 (d) (i) Before the filing officer may accept any declaration of candidacy from an  
3833 individual, the filing officer shall:

3834 (A) read to the individual the constitutional and statutory qualification requirements for  
3835 the office that the individual is seeking; and

3836 (B) require the individual to state whether the individual meets those requirements.

3837 (ii) If the individual does not meet the qualification requirements for the office, the  
3838 filing officer may not accept the individual's declaration of candidacy.

3839 (iii) If it appears that the individual meets the requirements of candidacy, the filing  
3840 officer shall accept the individual's declaration of candidacy.

3841 (e) The declaration of candidacy shall be in substantially the following form:

3842 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
3843 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, state of Utah, (Zip  
3844 Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications for the  
3845 office of board of trustees member for \_\_\_\_\_ (state the name of the local  
3846 district); that I am a candidate for that office to be voted upon at the next election; and that, if  
3847 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing  
3848 period, and I hereby request that my name be printed upon the official ballot for that election.

3849 (Signed) \_\_\_\_\_

3850 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
3851 of \_\_\_\_\_, \_\_\_\_\_.

3852 (Signed) \_\_\_\_\_

3853 (Clerk or Notary Public)"

3854 (f) An agent designated under Subsection (5)(c) may not sign the form described in  
3855 Subsection (5)(e).

3856 (g) Each individual wishing to become a valid write-in candidate for an elective local  
3857 district board position is governed by Section 20A-9-601.

3858 (h) If at least one individual does not file a declaration of candidacy as required by this  
3859 section, an individual shall be appointed to fill that board position in accordance with the  
3860 appointment provisions of Section 20A-1-512.

3861 (i) If only one candidate files a declaration of candidacy and there is no write-in  
3862 candidate who complies with Section 20A-9-601, the board, in accordance with Section

3863 20A-1-206, may:

3864 (i) consider the candidate to be elected to the position; and

3865 (ii) cancel the election.

3866 (6) (a) A primary election may be held if:

3867 (i) the election is authorized by the local district board; and

3868 (ii) the number of candidates for a particular local board position or office exceeds

3869 twice the number of persons needed to fill that position or office.

3870 (b) The primary election shall be conducted:

3871 (i) on the same date as the municipal primary election or the regular primary election,

3872 as applicable; and

3873 (ii) according to the procedures for primary elections provided under Title 20A,

3874 Election Code.

3875 (7) (a) Except as provided in Subsection (7)(c), within one business day after the

3876 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate

3877 names to the clerk of each county in which the local district is located.

3878 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section

3879 20A-6-305, the clerk of each county in which the local district is located and the local district

3880 clerk shall coordinate the placement of the name of each candidate for local district office in

3881 the nonpartisan section of the ballot with the appropriate election officer.

3882 (ii) If consolidation of the local district election ballot with the municipal general

3883 election ballot or the regular general election ballot, as applicable, is not feasible, the local

3884 district board of trustees, in consultation with the county clerk, shall provide for a separate

3885 local district election ballot to be administered by poll workers at polling locations designated

3886 under Subsection (2).

3887 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board

3888 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3889 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall



3890 prescribe the form of the ballot for each board member election.

3891 (B) Each ballot for an election of an irrigation district board member shall be in a  
3892 nonpartisan format.

3893 (C) The name of each candidate shall be placed on the ballot in the order specified  
3894 under Section 20A-6-305.

3895 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

3896 (i) be a registered voter within the district, except for an election of:

3897 (A) an irrigation district board of trustees member; or

3898 (B) a basic local district board of trustees member who is elected by property owners;

3899 and

3900 (ii) meet the requirements to vote established by the district.

3901 (b) Each voter may vote for as many candidates as there are offices to be filled.

3902 (c) The candidates who receive the highest number of votes are elected.

3903 (9) Except as otherwise provided by this section, the election of local district board  
3904 members is governed by Title 20A, Election Code.

3905 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a  
3906 local district board shall serve a four-year term, beginning at noon on the January 1 after the  
3907 person's election.

3908 (b) A person elected shall be sworn in as soon as practical after January 1.

3909 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse  
3910 the county or municipality holding an election under this section for the costs of the election  
3911 attributable to that local district.

3912 (b) Each irrigation district shall bear its own costs of each election it holds under this  
3913 section.

3914 (12) This section does not apply to an improvement district that provides electric or gas  
3915 service.

3916 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,

3917 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

3918 (14) (a) As used in this Subsection (14), "board" means:

3919 (i) a local district board; or

3920 (ii) the administrative control board of a special service district that has elected  
3921 members on the board.

3922 (b) A board may hold elections for membership on the board at a regular general  
3923 election instead of a municipal general election if the board submits an application to the  
3924 lieutenant governor that:

3925 (i) requests permission to hold elections for membership on the board at a regular  
3926 general election instead of a municipal general election; and

3927 (ii) indicates that holding elections at the time of the regular general election is  
3928 beneficial, based on potential cost savings, a potential increase in voter turnout, or another  
3929 material reason.

3930 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant  
3931 governor may approve the application if the lieutenant governor concludes that holding the  
3932 elections at the regular general election is beneficial based on the criteria described in  
3933 Subsection (14)(b)(ii).

3934 (d) If the lieutenant governor approves a board's application described in this section:

3935 (i) all future elections for membership on the board shall be held at the time of the  
3936 regular general election; and

3937 (ii) the board may not hold elections at the time of a municipal general election unless  
3938 the board receives permission from the lieutenant governor to hold all future elections for  
3939 membership on the board at a municipal general election instead of a regular general election,  
3940 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3941 Section 65. Section **17B-1-413** is amended to read:

3942 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**  
3943 **petitions.**

3944 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),  
3945 Sections 17B-1-409 and 17B-1-410 do not apply:  
3946 (a) if the process to annex an area to a local district was initiated by:  
3947 (i) a petition under Subsection 17B-1-403(1)(a)(i);  
3948 (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners  
3949 of private real property that:  
3950 (A) is located within the area proposed to be annexed;  
3951 (B) covers at least 75% of the total private land area within the entire area proposed to  
3952 be annexed and within each applicable area; and  
3953 (C) is equal in assessed value to at least 75% of the assessed value of all private real  
3954 property within the entire area proposed to be annexed and within each applicable area; or  
3955 (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered  
3956 voters residing within the entire area proposed to be annexed and within each applicable area  
3957 equal in number to at least 75% of the number of votes cast within the entire area proposed to  
3958 be annexed and within each applicable area, respectively, for the office of governor at the last  
3959 regular general election before the filing of the petition;  
3960 (b) to an annexation under Section 17B-1-415; or  
3961 (c) to a boundary adjustment under Section 17B-1-417.  
3962 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under  
3963 Section 17B-1-405, the local district board:  
3964 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);  
3965 and  
3966 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section  
3967 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and  
3968 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),  
3969 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is  
3970 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to

3971 the local district board by an owner of property that is located within or a registered voter  
3972 residing within the area proposed to be annexed who did not sign the annexation petition.

3973 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

3974 (i) be given:

3975 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition  
3976 certification; or

3977 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more  
3978 than 30 days before the public hearing; and

3979 (B) by:

3980 (I) posting written notice at the local district's principal office and in one or more other  
3981 locations within or proximate to the area proposed to be annexed as are reasonable under the  
3982 circumstances, considering the number of parcels included in that area, the size of the area, the  
3983 population of the area, and the contiguousness of the area; and

3984 (II) providing written notice:

3985 (Aa) to at least one newspaper of general circulation, if there is one, within the area  
3986 proposed to be annexed or to a local media correspondent; and

3987 (Bb) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);  
3988 and

3989 (ii) contain a brief explanation of the proposed annexation and include the name of the  
3990 local district, the service provided by the local district, a description or map of the area  
3991 proposed to be annexed, a local district telephone number where additional information about  
3992 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an  
3993 explanation of the right of a property owner or registered voter to request a public hearing as  
3994 provided in Subsection (2)(a)(ii)(B).

3995 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is  
3996 required for a public hearing under Subsection (2)(a)(ii)(A).

3997 Section 66. Section **17B-1-417** is amended to read:

3998           **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**  
3999 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**  
4000 **Recording requirements -- Effective date.**

4001           (1) As used in this section, "affected area" means the area located within the  
4002 boundaries of one local district that will be removed from that local district and included within  
4003 the boundaries of another local district because of a boundary adjustment under this section.

4004           (2) The boards of trustees of two or more local districts having a common boundary  
4005 and providing the same service on the same wholesale or retail basis may adjust their common  
4006 boundary as provided in this section.

4007           (3) (a) The board of trustees of each local district intending to adjust a boundary that is  
4008 common with another local district shall:

4009           (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4010           (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days  
4011 after the adoption of the resolution under Subsection (3)(a)(i); and

4012           (iii) (A) publish notice:

4013           (I) (Aa) once a week for two successive weeks in a newspaper of general circulation  
4014 within the local district; or

4015           (Bb) if there is no newspaper of general circulation within the local district, post notice  
4016 in at least four conspicuous places within the local district; and

4017           (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4018 two weeks; or

4019           (B) mail a notice to each owner of property located within the affected area and to each  
4020 registered voter residing within the affected area.

4021           (b) The notice required under Subsection (3)(a)(iii) shall:

4022           (i) state that the board of trustees of the local district has adopted a resolution  
4023 indicating the board's intent to adjust a boundary that the local district has in common with  
4024 another local district that provides the same service as the local district;

4025 (ii) describe the affected area;

4026 (iii) state the date, time, and location of the public hearing required under Subsection  
4027 (3)(a)(ii);

4028 (iv) provide a local district telephone number where additional information about the  
4029 proposed boundary adjustment may be obtained;

4030 (v) explain the financial and service impacts of the boundary adjustment on property  
4031 owners or residents within the affected area; and

4032 (vi) state in conspicuous and plain terms that the board of trustees may approve the  
4033 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),  
4034 written protests to the adjustment are filed with the board by:

4035 (A) the owners of private real property that:

4036 (I) is located within the affected area;

4037 (II) covers at least 50% of the total private land area within the affected area; and

4038 (III) is equal in assessed value to at least 50% of the assessed value of all private real  
4039 property within the affected area; or

4040 (B) registered voters residing within the affected area equal in number to at least 50%  
4041 of the votes cast in the affected area for the office of governor at the last regular general  
4042 election before the filing of the protests.

4043 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be  
4044 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

4045 (d) The boards of trustees of the local districts whose boundaries are being adjusted  
4046 may jointly:

4047 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

4048 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4049 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees  
4050 may adopt a resolution approving the adjustment of the common boundary unless, at or before  
4051 the public hearing, written protests to the boundary adjustment have been filed with the board

4052 by:

4053 (a) the owners of private real property that:

4054 (i) is located within the affected area;

4055 (ii) covers at least 50% of the total private land area within the affected area; and

4056 (iii) is equal in assessed value to at least 50% of the assessed value of all private real  
4057 property within the affected area; or

4058 (b) registered voters residing within the affected area equal in number to at least 50%  
4059 of the votes cast in the affected area for the office of governor at the last regular general  
4060 election before the filing of the protests.

4061 (5) A resolution adopted under Subsection (4) does not take effect until the board of  
4062 each local district whose boundaries are being adjusted has adopted a resolution under  
4063 Subsection (4).

4064 (6) The board of the local district whose boundaries are being adjusted to include the  
4065 affected area shall:

4066 (a) within 30 days after the resolutions take effect under Subsection (5), file with the  
4067 lieutenant governor:

4068 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
4069 that meets the requirements of Subsection 67-1a-6.5(3); and

4070 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

4071 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment  
4072 under Section 67-1a-6.5:

4073 (i) if the affected area is located within the boundary of a single county, submit to the  
4074 recorder of that county:

4075 (A) the original:

4076 (I) notice of an impending boundary action;

4077 (II) certificate of boundary adjustment; and

4078 (III) approved final local entity plat; and

4079 (B) a certified copy of each resolution adopted under Subsection (4); or  
4080 (ii) if the affected area is located within the boundaries of more than a single county:  
4081 (A) submit to the recorder of one of those counties:  
4082 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and  
4083 (II) a certified copy of each resolution adopted under Subsection (4); and  
4084 (B) submit to the recorder of each other county:  
4085 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);  
4086 and  
4087 (II) a certified copy of each resolution adopted under Subsection (4).  
4088 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment  
4089 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are  
4090 being adjusted to include the affected area, and the affected area is withdrawn from the local  
4091 district whose boundaries are being adjusted to exclude the affected area.  
4092 (b) (i) The effective date of a boundary adjustment under this section for purposes of  
4093 assessing property within the affected area is governed by Section 59-2-305.5.  
4094 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the  
4095 recorder of the county in which the property is located, a local district in whose boundary an  
4096 affected area is included because of a boundary adjustment under this section may not:  
4097 (A) levy or collect a property tax on property within the affected area;  
4098 (B) levy or collect an assessment on property within the affected area; or  
4099 (C) charge or collect a fee for service provided to property within the affected area.  
4100 (iii) Subsection (7)(b)(ii)(C):  
4101 (A) may not be construed to limit a local district's ability before a boundary adjustment  
4102 to charge and collect a fee for service provided to property that is outside the local district's  
4103 boundary; and  
4104 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the  
4105 local district's boundary adjustment, with respect to a fee that the local district was charging for



4106 service provided to property within the area affected by the boundary adjustment immediately  
4107 before the boundary adjustment.

4108 Section 67. Section **17B-1-505.5** is amended to read:

4109 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**  
4110 **district providing fire protection, paramedic, and emergency services or law enforcement**  
4111 **service.**

4112 (1) As used in this section:

4113 (a) "Feasibility consultant" means a person with expertise in:

4114 (i) the processes and economics of local government; and

4115 (ii) the economics of providing fire protection, paramedic, and emergency services or  
4116 law enforcement service.

4117 (b) "Feasibility study" means a study to determine the functional and financial  
4118 feasibility of a municipality's withdrawal from a first responder local district.

4119 (c) "First responder district" means a local district, other than a municipal services  
4120 district, that provides:

4121 (i) fire protection, paramedic, and emergency services; or

4122 (ii) law enforcement service.

4123 (d) "Withdrawing municipality" means a municipality whose legislative body has  
4124 adopted a resolution under Subsection **17B-1-505(3)(a)** to initiate the process of the  
4125 municipality's withdrawal from a first responder district.

4126 (2) This section applies and a feasibility study shall be conducted, as provided in this  
4127 section, if:

4128 (a) the legislative body of a municipality has adopted a resolution under Subsection  
4129 **17B-1-505(3)(a)** to initiate the process of the municipality's withdrawal from a first responder  
4130 district;

4131 (b) the municipality and first responder district have not agreed in writing to the  
4132 withdrawal; and

4133 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election  
4134 to be held approving the withdrawal.

4135 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first  
4136 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

4137 (b) The withdrawing municipality and first responder district shall jointly choose and  
4138 engage a feasibility consultant according to applicable municipal or local district procurement  
4139 procedures.

4140 (c) (i) If the withdrawing municipality and first responder district cannot agree on and  
4141 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the  
4142 legislative body of the withdrawing municipality submits written notice to the first responder  
4143 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder  
4144 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of  
4145 at least eight feasibility consultants provided by the Utah Association of Certified Public  
4146 Accountants.

4147 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a  
4148 feasibility consultant that has had a contract to provide services to the withdrawing  
4149 municipality or first responder district at any time during the two-year period immediately  
4150 preceding the date the list is provided under Subsection (3)(c)(i).

4151 (iii) (A) Beginning with the first responder district, the first responder district and  
4152 withdrawing municipality shall alternately eliminate one feasibility consultant each from the  
4153 list of feasibility consultants until one feasibility consultant remains.

4154 (B) Within five days after receiving the list of consultants from the Utah Association of  
4155 Certified Public Accountants, the first responder district shall make the first elimination of a  
4156 feasibility consultant from the list and notify the withdrawing municipality in writing of the  
4157 elimination.

4158 (C) After the first elimination of a feasibility consultant from the list, the withdrawing  
4159 municipality and first responder district shall each, within three days after receiving the written

4160 notification of the preceding elimination, notify the other in writing of the elimination of a  
4161 feasibility consultant from the list.

4162 (d) If a withdrawing municipality and first responder district do not engage a feasibility  
4163 consultant under Subsection (3)(b), the withdrawing municipality and first responder district  
4164 shall engage the feasibility consultant that has not been eliminated from the list at the  
4165 completion of the process described in Subsection (3)(c).

4166 (4) A feasibility consultant that conducts a feasibility study under this section shall be  
4167 independent of and unaffiliated with the withdrawing municipality and first responder district.

4168 (5) In conducting a feasibility study under this section, the feasibility consultant shall  
4169 consider:

4170 (a) population and population density within the withdrawing municipality;

4171 (b) current and five-year projections of demographics and economic base in the  
4172 withdrawing municipality, including household size and income, commercial and industrial  
4173 development, and public facilities;

4174 (c) projected growth in the withdrawing municipality during the next five years;

4175 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,  
4176 including overhead, of providing the same service in the withdrawing municipality as is  
4177 provided by the first responder district, including:

4178 (i) the estimated cost if the first responder district continues to provide service; and

4179 (ii) the estimated cost if the withdrawing municipality provides service;

4180 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,  
4181 including overhead, of the first responder district providing service with:

4182 (i) the municipality included in the first responder district's service area; and

4183 (ii) the withdrawing municipality excluded from the first responder district's service  
4184 area;

4185 (f) a projection of any new taxes per household that may be levied within the  
4186 withdrawing municipality within five years after the withdrawal;

4187 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other  
4188 municipalities and unincorporated areas served by the first responder district, including any rate  
4189 increase that may become necessary to maintain required coverage ratios for the first responder  
4190 district's debt;

4191 (h) the physical and other assets that will be required by the withdrawing municipality  
4192 to provide, without interruption or diminution of service, the same service that is being  
4193 provided by the first responder district;

4194 (i) the physical and other assets that will no longer be required by the first responder  
4195 district to continue to provide the current level of service to the remainder of the first responder  
4196 district, excluding the withdrawing municipality, and could be transferred to the withdrawing  
4197 municipality;

4198 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder  
4199 district's assets between the first responder district and the withdrawing municipality, effective  
4200 upon the withdrawal of the withdrawing municipality from the first responder district;

4201 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first  
4202 responder district and any local building authority of the first responder district, between the  
4203 withdrawing municipality and the remaining first responder district, taking into consideration:

4204 (i) any requirement to maintain the excludability of interest from the income of the  
4205 holder of the debt, liability, or obligation for federal income tax purposes; and

4206 (ii) any first responder district assets that have been purchased with the proceeds of  
4207 bonds issued by the first responder district that the first responder district will retain and any of  
4208 those assets that will be transferred to the withdrawing municipality;

4209 (l) the number and classification of first responder district employees who will no  
4210 longer be required to serve the remaining portions of the first responder district after the  
4211 withdrawing municipality withdraws from the first responder district, including the dollar  
4212 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost  
4213 associated with termination of the employees if the withdrawing municipality does not employ

4214 the employees;

4215 (m) maintaining as a base, for a period of three years after withdrawal, the existing  
4216 schedule of pay and benefits for first responder district employees who are transferred to the  
4217 employment of the withdrawing municipality; and

4218 (n) any other factor that the feasibility consultant considers relevant to the question of  
4219 the withdrawing municipality's withdrawal from the first responder district.

4220 (6) (a) For purposes of Subsections (5)(d) and (e):

4221 (i) the feasibility consultant shall assume a level and quality of service to be provided  
4222 in the future to the withdrawing municipality that fairly and reasonably approximates the level  
4223 and quality of service that the first responder district provides to the withdrawing municipality  
4224 at the time of the feasibility study;

4225 (ii) in determining the present value cost of a service that the first responder district  
4226 provides, the feasibility consultant shall consider:

4227 (A) the cost to the withdrawing municipality of providing the service for the first five  
4228 years after the withdrawal; and

4229 (B) the first responder district's present and five-year projected cost of providing the  
4230 same service within the withdrawing municipality; and

4231 (iii) the feasibility consultant shall consider inflation and anticipated growth in  
4232 calculating the cost of providing service.

4233 (b) The feasibility consultant may not consider an allocation of first responder district  
4234 assets or a transfer of first responder district employees to the extent that the allocation or  
4235 transfer would impair the first responder district's ability to continue to provide the current  
4236 level of service to the remainder of the first responder district without the withdrawing  
4237 municipality, unless the first responder district consents to the allocation or transfer.

4238 (7) A feasibility consultant may retain an architect, engineer, or other professional, as  
4239 the feasibility consultant considers prudent and as provided in the agreement with the  
4240 withdrawing municipality and first responder district, to assist the feasibility consultant to

4241 conduct a feasibility study.

4242 (8) The withdrawing municipality and first responder district shall require the  
4243 feasibility consultant to:

4244 (a) complete the feasibility study within a time established by the withdrawing  
4245 municipality and first responder district;

4246 (b) prepare and submit a written report communicating the results of the feasibility  
4247 study, including a one-page summary of the results; and

4248 (c) attend all public hearings relating to the feasibility study under Subsection (14).

4249 (9) A written report of the results of a feasibility study under this section shall:

4250 (a) contain a recommendation concerning whether a withdrawing municipality's  
4251 withdrawal from a first responder district is functionally and financially feasible for both the  
4252 first responder district and the withdrawing municipality; and

4253 (b) include any conditions the feasibility consultant determines need to be satisfied in  
4254 order to make the withdrawal functionally and financially feasible, including:

4255 (i) first responder district assets and liabilities to be allocated to the withdrawing  
4256 municipality; and

4257 (ii) (A) first responder district employees to become employees of the withdrawing  
4258 municipality; and

4259 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first  
4260 responder district employees that the withdrawing municipality needs to assume.

4261 (10) The withdrawing municipality and first responder district shall equally share the  
4262 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing  
4263 municipality and first responder district and the feasibility consultant.

4264 (11) (a) Upon completion of the feasibility study and preparation of a written report,  
4265 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and  
4266 first responder district.

4267 (b) (i) A withdrawing municipality or first responder district that disagrees with any

4268 aspect of a feasibility study report may, within 20 business days after receiving a copy of the  
4269 report under Subsection (11)(a), submit to the feasibility consultant a written objection  
4270 detailing the disagreement.

4271 (ii) (A) A withdrawing municipality that submits a written objection under Subsection  
4272 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

4273 (B) A first responder district that submits a written objection under Subsection  
4274 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

4275 (iii) A withdrawing municipality or first responder district may, within 10 business  
4276 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility  
4277 consultant a written response to the objection.

4278 (iv) (A) A withdrawing municipality that submits a response under Subsection  
4279 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

4280 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall  
4281 simultaneously deliver a copy of the response to the withdrawing municipality.

4282 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,  
4283 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for  
4284 submitting a response to an objection:

4285 (A) modify the feasibility study report or explain in writing why the feasibility  
4286 consultant is not modifying the feasibility study report; and

4287 (B) deliver the modified feasibility study report or written explanation to the  
4288 withdrawing municipality and first responder local district.

4289 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)  
4290 for submitting an objection or, if an objection is submitted, within seven days after receiving a  
4291 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least  
4292 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

4293 (a) make a copy of the report available to the public at the primary office of the  
4294 withdrawing municipality; and

4295 (b) if the withdrawing municipality has a website, post a copy of the report on the  
4296 municipality's website.

4297 (13) A feasibility study report or, if a feasibility study report is modified under  
4298 Subsection (11), a modified feasibility study report may not be challenged unless the basis of  
4299 the challenge is that the report results from collusion or fraud.

4300 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for  
4301 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following  
4302 the withdrawing municipality's receipt of the modified feasibility study report or written  
4303 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality  
4304 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be  
4305 held:

4306 (i) within the following 60 days; and

4307 (ii) for the purpose of allowing:

4308 (A) the feasibility consultant to present the results of the feasibility study; and

4309 (B) the public to become informed about the feasibility study results, to ask the  
4310 feasibility consultant questions about the feasibility study, and to express the public's views  
4311 about the proposed withdrawal.

4312 (b) At a public hearing under Subsection (14)(a), the legislative body of the  
4313 withdrawing municipality shall:

4314 (i) provide a copy of the feasibility study for public review; and

4315 (ii) allow the public to:

4316 (A) ask the feasibility consultant questions about the feasibility study; and

4317 (B) express the public's views about the withdrawing municipality's proposed  
4318 withdrawal from the first responder district.

4319 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a  
4320 hearing under Subsection (14):

4321 (i) at least once a week for three successive weeks in a newspaper of general



4322 circulation within the withdrawing municipality, with the last publication occurring no less  
4323 than three days before the first public hearing held under Subsection (14); and

4324 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4325 three consecutive weeks immediately before the public hearing.

4326 (b) A notice under Subsection (15)(a) shall state:

4327 (i) the date, time, and location of the public hearing; and

4328 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the  
4329 office of the withdrawing municipality or on the withdrawing municipality's website.

4330 (16) Unless the withdrawing municipality and first responder district agree otherwise,  
4331 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to  
4332 be functionally and financially feasible for the withdrawing municipality and first responder  
4333 district are binding on the withdrawing municipality and first responder district if the  
4334 withdrawal occurs.

4335 Section 68. Section **17B-1-609** is amended to read:

4336 **17B-1-609. Hearing to consider adoption -- Notice.**

4337 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

4338 (a) establish the time and place of a public hearing to consider its adoption; and

4339 (b) except as provided in Subsection (6), order that notice of the hearing:

4340 (i) (A) be published at least seven days before the hearing in at least one issue of a  
4341 newspaper of general circulation in the county or counties in which the district is located; or

4342 (B) if no newspaper is circulated generally in the county or counties, be posted in three  
4343 public places within the district; and

4344 (ii) be published at least seven days before the hearing on the Utah Public Notice  
4345 Website created in Section [~~63F-1-701~~] [63A-12-201](#).

4346 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
4347 required in Subsection (1)(b):

4348 (a) may be combined with the notice required under Section [59-2-919](#); and

4349 (b) shall be published in accordance with the advertisement provisions of Section  
4350 59-2-919.

4351 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the  
4352 notice required in Subsection (1)(b):

4353 (a) may be combined with the notice required under Section 17B-1-643; and

4354 (b) shall be published or mailed in accordance with the notice provisions of Section  
4355 17B-1-643.

4356 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is  
4357 prima facie evidence that notice was properly given.

4358 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within  
4359 30 days after the day on which the hearing is held, the notice is adequate and proper.

4360 (6) A board of trustees of a local district with an annual operating budget of less than  
4361 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

4362 (a) mailing a written notice, postage prepaid, to each voter in the local district; and

4363 (b) posting the notice in three public places within the district.

4364 Section 69. Section 17B-1-643 is amended to read:

4365 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

4366 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided  
4367 by a local district, each local district board of trustees shall first hold a public hearing at which:

4368 (i) the local district shall demonstrate its need to impose or increase the fee; and

4369 (ii) any interested person may speak for or against the proposal to impose a fee or to  
4370 increase an existing fee.

4371 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning  
4372 no earlier than 6 p.m.

4373 (c) A public hearing required under this Subsection (1) may be combined with a public  
4374 hearing on a tentative budget required under Section 17B-1-610.

4375 (d) Except to the extent that this section imposes more stringent notice requirements,

4376 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,  
4377 in holding the public hearing under Subsection (1)(a).

4378 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as  
4379 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

4380 (b) The notice required under Subsection (2)(a) shall be published:

4381 (i) on the Utah Public Notice Website established in Section [~~63F-1-701~~] 63A-12-201;

4382 and

4383 (ii) (A) in a newspaper or combination of newspapers of general circulation in the local  
4384 district, if there is a newspaper or combination of newspapers of general circulation in the local  
4385 district; or

4386 (B) if there is no newspaper or combination of newspapers of general circulation in the  
4387 local district, the local district board shall post at least one notice per 1,000 population within  
4388 the local district, at places within the local district that are most likely to provide actual notice  
4389 to residents within the local district.

4390 (c) (i) The notice described in Subsection (2)(b)(ii)(A):

4391 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18  
4392 point, and surrounded by a 1/4-inch border;

4393 (B) may not be placed in that portion of the newspaper where legal notices and  
4394 classified advertisements appear;

4395 (C) whenever possible, shall appear in a newspaper that is published at least one day  
4396 per week;

4397 (D) shall be in a newspaper or combination of newspapers of general interest and  
4398 readership in the local district, and not of limited subject matter; and

4399 (E) shall be run once each week for the two weeks preceding the hearing.

4400 (ii) The notice described in Subsection (2)(b) shall state that the local district board  
4401 intends to impose or increase a fee for a service provided by the local district and will hold a  
4402 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than

4403 seven days after the day the first notice is published, for the purpose of hearing comments  
4404 regarding the proposed imposition or increase of a fee and to explain the reasons for the  
4405 proposed imposition or increase.

4406 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of  
4407 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those  
4408 within the district who:

4409 (A) will be charged the fee for a district service, if the fee is being imposed for the first  
4410 time; or

4411 (B) are being charged a fee, if the fee is proposed to be increased.

4412 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)(ii).

4413 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing  
4414 fee.

4415 (e) If the hearing required under this section is combined with the public hearing  
4416 required under Section 17B-1-610, the notice required under this Subsection (2):

4417 (i) may be combined with the notice required under Section 17B-1-609; and

4418 (ii) shall be published, posted, or mailed in accordance with the notice provisions of  
4419 this section.

4420 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie  
4421 evidence that notice was properly given.

4422 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)  
4423 within 30 days after the date of the hearing, the notice is considered adequate and proper.

4424 (3) After holding a public hearing under Subsection (1), a local district board may:

4425 (a) impose the new fee or increase the existing fee as proposed;

4426 (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
4427 then impose the new fee or increase the existing fee as adjusted; or

4428 (c) decline to impose the new fee or increase the existing fee.

4429 (4) This section applies to each new fee imposed and each increase of an existing fee

4430 that occurs on or after July 1, 1998.

4431 (5) (a) This section does not apply to an impact fee.

4432 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,  
4433 Impact Fees Act.

4434 Section 70. Section **17B-1-1204** is amended to read:

4435 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**  
4436 **supplemented validation petition.**

4437 (1) Upon the entry of an order under Section [17B-1-1203](#) setting a hearing on a  
4438 validation petition, the local district that filed the petition shall:

4439 (a) publish notice:

4440 (i) at least once a week for three consecutive weeks in a newspaper of general  
4441 circulation in the county in which the principal office of the district is located; and

4442 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
4443 three weeks immediately before the hearing; and

4444 (b) post notice in its principal office at least 21 days before the date set for the hearing.

4445 (2) Each notice under Subsection (1) shall:

4446 (a) state the date, time, and place of the hearing on the validation petition;

4447 (b) include a general description of the contents of the validation petition; and

4448 (c) if applicable, state the location where a complete copy of a contract that is the  
4449 subject of the validation petition may be examined.

4450 (3) If a district amends or supplements a validation petition under Subsection  
4451 [17B-1-1202](#)(3) after publishing and posting notice as required under Subsection (1), the district  
4452 is not required to publish or post notice again unless required by the court.

4453 Section 71. Section **17B-1-1307** is amended to read:

4454 **17B-1-1307. Notice of public hearing and of dissolution.**

4455 (1) Before holding a public hearing required under Section [17B-1-1306](#), the  
4456 administrative body shall:

- 4457 (a) (i) publish notice of the public hearing and of the proposed dissolution:  
4458 (A) in a newspaper of general circulation within the local district proposed to be  
4459 dissolved; and  
4460 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
4461 30 days before the public hearing; and  
4462 (ii) post notice of the public hearing and of the proposed dissolution in at least four  
4463 conspicuous places within the local district proposed to be dissolved, no less than five and no  
4464 more than 30 days before the public hearing; or  
4465 (b) mail a notice to each owner of property located within the local district and to each  
4466 registered voter residing within the local district.
- 4467 (2) Each notice required under Subsection (1) shall:  
4468 (a) identify the local district proposed to be dissolved and the service it was created to  
4469 provide; and  
4470 (b) state the date, time, and location of the public hearing.
- 4471 Section 72. Section **17B-2a-705** is amended to read:  
4472 **17B-2a-705. Taxation -- Additional levy -- Election.**
- 4473 (1) If a mosquito abatement district board of trustees determines that the funds required  
4474 during the next ensuing fiscal year will exceed the maximum amount that the district is  
4475 authorized to levy under Subsection 17B-1-103(2)(g), the board of trustees may call an election  
4476 on a date specified in Section 20A-1-204 and submit to district voters the question of whether  
4477 the district should be authorized to impose an additional tax to raise the necessary additional  
4478 funds.
- 4479 (2) The board shall publish notice of the election:  
4480 (a) (i) in a newspaper of general circulation within the district at least once, no later  
4481 than four weeks before the day of the election;  
4482 (ii) if there is no newspaper of general circulation in the district, at least four weeks  
4483 before the day of the election, by posting one notice, and at least one additional notice per

4484 2,000 population of the district, in places within the district that are most likely to give notice  
 4485 to the voters in the district; or

4486 (iii) at least four weeks before the day of the election, by mailing notice to each  
 4487 registered voter in the district;

4488 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
 4489 four weeks before the day of the election;

4490 (c) in accordance with Section 45-1-101, for four weeks before the day of the election;  
 4491 and

4492 (d) if the district has a website, on the district's website for four weeks before the day  
 4493 of the election.

4494 (3) No particular form of ballot is required, and no informalities in conducting the  
 4495 election may invalidate the election, if it is otherwise fairly conducted.

4496 (4) At the election each ballot shall contain the words, "Shall the district be authorized  
 4497 to impose an additional tax to raise the additional sum of \$\_\_\_\_?"

4498 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority  
 4499 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an  
 4500 additional levy to raise the additional amount of money required.

4501 Section 73. Section **17B-2a-1110** is amended to read:

4502 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**  
 4503 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**  
 4504 **transferred to municipal services district.**

4505 (1) (a) A municipality may withdraw from a municipal services district in accordance  
 4506 with Section 17B-1-502 or 17B-1-505, as applicable, and the requirements of this section.

4507 (b) If a municipality engages a feasibility consultant to conduct a feasibility study  
 4508 under Subsection (2)(a), the 180 days described in Subsection 17B-1-502(3)(a)(iii)(B) is tolled  
 4509 from the day that the municipality engages the feasibility consultant to the day on which the  
 4510 municipality holds the final public hearing under Subsection (5).

4511 (2) (a) If a municipality decides to withdraw from a municipal services district, the  
4512 municipal legislative body shall, before adopting a resolution under Section 17B-1-502 or  
4513 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study.

4514 (b) The feasibility consultant shall be chosen:

4515 (i) by the municipal legislative body; and

4516 (ii) in accordance with applicable municipal procurement procedures.

4517 (3) The municipal legislative body shall require the feasibility consultant to:

4518 (a) complete the feasibility study and submit the written results to the municipal  
4519 legislative body before the council adopts a resolution under Section 17B-1-502;

4520 (b) submit with the full written results of the feasibility study a summary of the results  
4521 no longer than one page in length; and

4522 (c) attend the public hearings under Subsection (5).

4523 (4) (a) The feasibility study shall consider:

4524 (i) population and population density within the withdrawing municipality;

4525 (ii) current and five-year projections of demographics and economic base in the  
4526 withdrawing municipality, including household size and income, commercial and industrial  
4527 development, and public facilities;

4528 (iii) projected growth in the withdrawing municipality during the next five years;

4529 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,  
4530 including overhead, of municipal services in the withdrawing municipality;

4531 (v) assuming the same tax categories and tax rates as currently imposed by the  
4532 municipal services district and all other current service providers, the present and five-year  
4533 projected revenue for the withdrawing municipality;

4534 (vi) a projection of any new taxes per household that may be levied within the  
4535 withdrawing municipality within five years of the withdrawal; and

4536 (vii) the fiscal impact on other municipalities serviced by the municipal services  
4537 district.



4538 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a  
4539 level and quality of municipal services to be provided to the withdrawing municipality in the  
4540 future that fairly and reasonably approximates the level and quality of municipal services being  
4541 provided to the withdrawing municipality at the time of the feasibility study.

4542 (ii) In determining the present cost of a municipal service, the feasibility consultant  
4543 shall consider:

4544 (A) the amount it would cost the withdrawing municipality to provide municipal  
4545 services for the first five years after withdrawing; and

4546 (B) the municipal services district's present and five-year projected cost of providing  
4547 municipal services.

4548 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation  
4549 and anticipated growth.

4550 (5) If the results of the feasibility study meet the requirements of Subsection (4), the  
4551 municipal legislative body shall, at its next regular meeting after receipt of the results of the  
4552 feasibility study, schedule at least one public hearing to be held:

4553 (a) within the following 60 days; and

4554 (b) for the purpose of allowing:

4555 (i) the feasibility consultant to present the results of the study; and

4556 (ii) the public to become informed about the feasibility study results, including the  
4557 requirement that if the municipality withdraws from the municipal services district, the  
4558 municipality must comply with Subsection (9), and to ask questions about those results of the  
4559 feasibility consultant.

4560 (6) At a public hearing described in Subsection (5), the municipal legislative body  
4561 shall:

4562 (a) provide a copy of the feasibility study for public review; and

4563 (b) allow the public to express its views about the proposed withdrawal from the  
4564 municipal services district.

4565 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings  
4566 required under Subsection (5):

4567 (A) at least once a week for three successive weeks in a newspaper of general  
4568 circulation within the municipality; and

4569 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
4570 three weeks.

4571 (ii) The municipal clerk or recorder shall publish the last publication of notice required  
4572 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under  
4573 Subsection (5).

4574 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation  
4575 within the proposed municipality, the municipal clerk or recorder shall post at least one notice  
4576 of the hearings per 1,000 population in conspicuous places within the municipality that are  
4577 most likely to give notice of the hearings to the residents.

4578 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at  
4579 least seven days before the first hearing under Subsection (5).

4580 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study  
4581 summary and shall indicate that a full copy of the study is available for inspection and copying  
4582 at the office of the municipal clerk or recorder.

4583 (8) At a public meeting held after the public hearing required under Subsection (5), the  
4584 municipal legislative body may adopt a resolution under Section 17B-1-502 or 17B-1-505, as  
4585 applicable, if the municipality is in compliance with the other requirements of that section.

4586 (9) The municipality shall pay revenues in excess of 5% to the municipal services  
4587 district for 10 years beginning on the next fiscal year immediately following the municipal  
4588 legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502  
4589 or 17B-1-505 if the results of the feasibility study show that the average annual amount of  
4590 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection  
4591 (4)(a)(iv) by more than 5%.

4592 Section 74. Section **17C-1-207** is amended to read:

4593 **17C-1-207. Public entities may assist with project area development.**

4594 (1) In order to assist and cooperate in the planning, undertaking, construction, or  
4595 operation of project area development within an area in which the public entity is authorized to  
4596 act, a public entity may:

4597 (a) (i) provide or cause to be furnished:

4598 (A) parks, playgrounds, or other recreational facilities;

4599 (B) community, educational, water, sewer, or drainage facilities; or

4600 (C) any other works which the public entity is otherwise empowered to undertake;

4601 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or

4602 replan streets, roads, roadways, alleys, sidewalks, or other places;

4603 (iii) in any part of the project area:

4604 (A) (I) plan or replan any property within the project area;

4605 (II) plat or replat any property within the project area;

4606 (III) vacate a plat;

4607 (IV) amend a plat; or

4608 (V) zone or rezone any property within the project area; and

4609 (B) make any legal exceptions from building regulations and ordinances;

4610 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the

4611 rights of any holder of the bonds;

4612 (v) notwithstanding any law to the contrary, enter into an agreement for a period of

4613 time with another public entity concerning action to be taken pursuant to any of the powers

4614 granted in this title;

4615 (vi) do anything necessary to aid or cooperate in the planning or implementation of the

4616 project area development;

4617 (vii) in connection with the project area plan, become obligated to the extent

4618 authorized and funds have been made available to make required improvements or construct

4619 required structures; and

4620 (viii) lend, grant, or contribute funds to an agency for project area development or  
4621 proposed project area development, including assigning revenue or taxes in support of an  
4622 agency bond or obligation; and

4623 (b) for less than fair market value or for no consideration, and subject to Subsection  
4624 (3):

4625 (i) purchase or otherwise acquire property from an agency;

4626 (ii) lease property from an agency;

4627 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to  
4628 an agency; or

4629 (iv) lease the public entity's property to an agency.

4630 (2) The following are not subject to Section [10-8-2](#), [17-50-312](#), or [17-50-303](#):

4631 (a) project area development assistance that a public entity provides under this section;

4632 or

4633 (b) a transfer of funds or property from an agency to a public entity.

4634 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner  
4635 than 15 days after the day on which the public entity posts notice of the assistance on:

4636 (a) the Utah Public Notice Website described in Section ~~[63F-1-701]~~ [63A-12-201](#); and

4637 (b) the public entity's public website.

4638 Section 75. Section **17C-1-601.5** is amended to read:

4639 **17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --**

4640 **Auditor forms -- Requirement to file form.**

4641 (1) Each agency shall prepare an annual budget of the agency's revenues and  
4642 expenditures for each fiscal year.

4643 (2) The board shall adopt each agency budget:

4644 (a) for an agency created by a municipality, before June 30; or

4645 (b) for an agency created by a county, before December 15.

4646 (3) The agency's fiscal year shall be the same as the fiscal year of the community that  
4647 created the agency.

4648 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the  
4649 annual budget.

4650 (b) Each agency shall provide notice of the public hearing on the annual budget by:

4651 (i) (A) publishing at least one notice in a newspaper of general circulation within the  
4652 agency boundaries, one week before the public hearing; or

4653 (B) if there is no newspaper of general circulation within the agency boundaries,  
4654 posting a notice of the public hearing in at least three public places within the agency  
4655 boundaries; and

4656 (ii) publishing notice on the Utah Public Notice Website created in Section  
4657 [~~63F-1-701~~] [63A-12-201](#), at least one week before the public hearing.

4658 (c) Each agency shall make the annual budget available for public inspection at least  
4659 three days before the date of the public hearing.

4660 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
4661 in each annual budget, including:

4662 (a) revenues and expenditures for the budget year;

4663 (b) legal fees; and

4664 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
4665 agency personnel.

4666 (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of  
4667 the annual budget with the auditor of the county in which the agency is located, the State Tax  
4668 Commission, the state auditor, the State Board of Education, and each taxing entity from which  
4669 the agency receives project area funds.

4670 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the  
4671 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the  
4672 state auditor.

4673 Section 76. Section **17C-1-804** is amended to read:

4674 **17C-1-804. Notice required for continued hearing.**

4675 The board shall give notice of a hearing continued under Section **17C-1-803** by  
4676 announcing at the hearing:

4677 (1) the date, time, and place the hearing will be resumed; or

4678 (2) (a) that the hearing is being continued to a later time; and

4679 (b) that the board will cause a notice of the continued hearing to be published on the  
4680 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at least seven days  
4681 before the day on which the hearing is scheduled to resume.

4682 Section 77. Section **17C-1-806** is amended to read:

4683 **17C-1-806. Requirements for notice provided by agency.**

4684 (1) The notice required by Section **17C-1-805** shall be given by:

4685 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a  
4686 newspaper of general circulation within the county in which the project area or proposed  
4687 project area is located, at least 14 days before the hearing;

4688 (ii) if there is no newspaper of general circulation, posting notice at least 14 days  
4689 before the day of the hearing in at least three conspicuous places within the county in which the  
4690 project area or proposed project area is located; or

4691 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days  
4692 before the day on which the hearing is held on:

4693 (A) the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-12-201](#); and

4694 (B) the public website of a community located within the boundaries of the project  
4695 area; and

4696 (b) at least 30 days before the hearing, mailing notice to:

4697 (i) each record owner of property located within the project area or proposed project  
4698 area;

4699 (ii) the State Tax Commission;

4700 (iii) the assessor and auditor of the county in which the project area or proposed project  
4701 area is located; and

4702 (iv) (A) if a project area is subject to a taxing entity committee, each member of the  
4703 taxing entity committee and the State Board of Education; or

4704 (B) if a project area is not subject to a taxing entity committee, the legislative body or  
4705 governing board of each taxing entity within the boundaries of the project area or proposed  
4706 project area.

4707 (2) The mailing of the notice to record property owners required under Subsection  
4708 (1)(b)(i) shall be conclusively considered to have been properly completed if:

4709 (a) the agency mails the notice to the property owners as shown in the records,  
4710 including an electronic database, of the county recorder's office and at the addresses shown in  
4711 those records; and

4712 (b) the county recorder's office records used by the agency in identifying owners to  
4713 whom the notice is mailed and their addresses were obtained or accessed from the county  
4714 recorder's office no earlier than 30 days before the mailing.

4715 (3) The agency shall include in each notice required under Section [17C-1-805](#):

4716 (a) (i) a boundary description of the project area or proposed project area; or

4717 (ii) (A) a mailing address or telephone number where a person may request that a copy  
4718 of the boundary description be sent at no cost to the person by mail, email, or facsimile  
4719 transmission; and

4720 (B) if the agency or community has an Internet website, an Internet address where a  
4721 person may gain access to an electronic, printable copy of the boundary description and other  
4722 related information;

4723 (b) a map of the boundaries of the project area or proposed project area;

4724 (c) an explanation of the purpose of the hearing; and

4725 (d) a statement of the date, time, and location of the hearing.

4726 (4) The agency shall include in each notice under Subsection (1)(b):

4727 (a) a statement that property tax revenue resulting from an increase in valuation of  
4728 property within the project area or proposed project area will be paid to the agency for project  
4729 area development rather than to the taxing entity to which the tax revenue would otherwise  
4730 have been paid if:

4731 (i) (A) the taxing entity committee consents to the project area budget; or  
4732 (B) one or more taxing entities agree to share property tax revenue under an interlocal  
4733 agreement; and

4734 (ii) the project area plan provides for the agency to receive tax increment; and  
4735 (b) an invitation to the recipient of the notice to submit to the agency comments  
4736 concerning the subject matter of the hearing before the date of the hearing.

4737 (5) An agency may include in a notice under Subsection (1) any other information the  
4738 agency considers necessary or advisable, including the public purpose achieved by the project  
4739 area development and any future tax benefits expected to result from the project area  
4740 development.

4741 Section 78. Section **17C-2-108** is amended to read:

4742 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**  
4743 **of plan -- Contesting the formation of the plan.**

4744 (1) (a) Upon the community legislative body's adoption of an urban renewal project  
4745 area plan, or an amendment to a project area plan under Section **17C-2-110**, the community  
4746 legislative body shall provide notice as provided in Subsection (1)(b) by:

4747 (i) (A) publishing or causing to be published a notice in a newspaper of general  
4748 circulation within the agency's boundaries; or

4749 (B) if there is no newspaper of general circulation within the agency's boundaries,  
4750 causing a notice to be posted in at least three public places within the agency's boundaries; and

4751 (ii) posting a notice on the Utah Public Notice Website described in Section  
4752 ~~[63F-1-701]~~ 63A-12-201.

4753 (b) Each notice under Subsection (1)(a) shall:



4754 (i) set forth the community legislative body's ordinance adopting the project area plan  
4755 or a summary of the ordinance; and

4756 (ii) include a statement that the project area plan is available for general public  
4757 inspection and the hours for inspection.

4758 (2) The project area plan shall become effective on the date of:

4759 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4760 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4761 (3) (a) For a period of 30 days after the effective date of the project area plan under  
4762 Subsection (2), any person may contest the project area plan or the procedure used to adopt the  
4763 project area plan if the plan or procedure fails to comply with applicable statutory  
4764 requirements.

4765 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest  
4766 the project area plan or procedure used to adopt the project area plan for any cause.

4767 (4) Upon adoption of the project area plan by the community legislative body, the  
4768 agency may carry out the project area plan.

4769 (5) Each agency shall make the project area plan available to the general public at the  
4770 agency's office during normal business hours.

4771 Section 79. Section **17C-3-107** is amended to read:

4772 **17C-3-107. Notice of economic development project area plan adoption --**

4773 **Effective date of plan -- Contesting the formation of the plan.**

4774 (1) (a) Upon the community legislative body's adoption of an economic development  
4775 project area plan, or an amendment to the project area plan under Section **17C-3-109** that  
4776 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4777 (i) publishing or causing to be published a notice:

4778 (A) in a newspaper of general circulation within the agency's boundaries; or

4779 (B) if there is no newspaper of general circulation within the agency's boundaries,  
4780 causing a notice to be posted in at least three public places within the agency's boundaries; and

4781 (ii) on the Utah Public Notice Website described in Section [~~63F-1-701~~] 63A-12-201.

4782 (b) Each notice under Subsection (1)(a) shall:

4783 (i) set forth the community legislative body's ordinance adopting the project area plan  
4784 or a summary of the ordinance; and

4785 (ii) include a statement that the project area plan is available for public inspection and  
4786 the hours for inspection.

4787 (2) The project area plan shall become effective on the date of:

4788 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4789 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4790 (3) (a) For a period of 30 days after the effective date of the project area plan under  
4791 Subsection (2), any person may contest the project area plan or the procedure used to adopt the  
4792 project area plan if the plan or procedure fails to comply with applicable statutory  
4793 requirements.

4794 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest  
4795 the project area plan or procedure used to adopt the project area plan for any cause.

4796 (4) Upon adoption of the economic development project area plan by the community  
4797 legislative body, the agency may implement the project area plan.

4798 (5) Each agency shall make the economic development project area plan available to  
4799 the general public at the agency's office during normal business hours.

4800 Section 80. Section **17C-4-109** is amended to read:

4801 **17C-4-109. Expedited community development project area plan.**

4802 (1) As used in this section, "tax increment incentive" means the portion of tax  
4803 increment awarded to an industry or business.

4804 (2) A community development project area plan may be adopted or amended without  
4805 complying with the notice and public hearing requirements of this part and Chapter 1, Part 8,  
4806 Hearing and Notice Requirements, if the following requirements are met:

4807 (a) the agency determines by resolution adopted in an open and public meeting the

4808 need to create or amend a project area plan on an expedited basis, which resolution shall  
4809 include a description of why expedited action is needed;

4810 (b) a public hearing on the amendment or adoption of the project area plan is held by  
4811 the agency;

4812 (c) notice of the public hearing is published at least 14 days before the public hearing  
4813 on:

4814 (i) the website of the community that created the agency; and

4815 (ii) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

4816 (d) written consent to the amendment or adoption of the project area plan is given by  
4817 all record property owners within the existing or proposed project area;

4818 (e) each taxing entity that will be affected by the tax increment incentive enters into or  
4819 amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation  
4820 Act, and Sections [17C-4-201](#), [17C-4-203](#), and [17C-4-204](#);

4821 (f) the primary market for the goods or services that will be created by the industry or  
4822 business entity that will receive a tax increment incentive from the amendment or adoption of  
4823 the project area plan is outside of the state;

4824 (g) the industry or business entity that will receive a tax increment incentive from the  
4825 amendment or adoption of the project area plan is not primarily engaged in retail trade; and

4826 (h) a tax increment incentive is only provided to an industry or business entity:

4827 (i) on a postperformance basis as described in Subsection (3); and

4828 (ii) on an annual basis after the tax increment is received by the agency.

4829 (3) An industry or business entity may only receive a tax increment incentive under this  
4830 section after entering into an agreement with the agency that sets postperformance targets that  
4831 shall be met before the industry or business entity may receive the tax increment incentive,  
4832 including annual targets for:

4833 (a) capital investment in the project area;

4834 (b) the increase in the taxable value of the project area;

- 4835 (c) the number of new jobs created in the project area;
- 4836 (d) the average wages of the jobs created, which shall be at least 110% of the
- 4837 prevailing wage of the county where the project area is located; and
- 4838 (e) the amount of local vendor opportunity generated by the industry or business entity.

4839 Section 81. Section 17C-4-202 is amended to read:

4840 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**  
4841 **the community development project area plan -- Notice -- Effective date of resolution or**  
4842 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**  
4843 **of resolution or interlocal agreement.**

4844 (1) The approval and adoption of each resolution or interlocal agreement under  
4845 Subsection 17C-4-201(2) shall be in an open and public meeting.

4846 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section  
4847 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

4848 (i) (A) publishing or causing to be published a notice in a newspaper of general  
4849 circulation within the agency's boundaries; or

4850 (B) if there is no newspaper of general circulation within the agency's boundaries,  
4851 causing a notice to be posted in at least three public places within the agency's boundaries; and

4852 (ii) publishing or causing to be published a notice on the Utah Public Notice Website  
4853 created in Section [~~63F-1-701~~] 63A-12-201.

4854 (b) Each notice under Subsection (2)(a) shall:

4855 (i) set forth a summary of the resolution or interlocal agreement; and

4856 (ii) include a statement that the resolution or interlocal agreement is available for  
4857 public inspection and the hours of inspection.

4858 (3) The resolution or interlocal agreement shall become effective on the date of:

4859 (a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of the  
4860 notice; or

4861 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

4862 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal  
4863 agreement under Subsection (3), any person may contest the resolution or interlocal agreement  
4864 or the procedure used to adopt the resolution or interlocal agreement if the resolution or  
4865 interlocal agreement or procedure fails to comply with applicable statutory requirements.

4866 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

4867 (i) the resolution or interlocal agreement;

4868 (ii) a distribution of tax increment to the agency under the resolution or interlocal  
4869 agreement; or

4870 (iii) the agency's use of project area funds under the resolution or interlocal agreement.

4871 (5) Each agency that is to receive project area funds under a resolution or interlocal  
4872 agreement under Section 17C-4-201 and each taxing entity that approves a resolution or enters  
4873 into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal  
4874 agreement, as the case may be, available at the taxing entity's offices to the public for  
4875 inspection and copying during normal business hours.

4876 Section 82. Section 17C-5-110 is amended to read:

4877 **17C-5-110. Notice of community reinvestment project area plan adoption --**  
4878 **Effective date of plan -- Contesting the formation of the plan.**

4879 (1) (a) Upon a community legislative body's adoption of a community reinvestment  
4880 project area plan in accordance with Section 17C-5-109, or an amendment to a community  
4881 reinvestment project area plan in accordance with Section 17C-5-112, the community  
4882 legislative body shall provide notice of the adoption or amendment in accordance with  
4883 Subsection (1)(b) by:

4884 (i) (A) causing a notice to be published in a newspaper of general circulation within the  
4885 community; or

4886 (B) if there is no newspaper of general circulation within the community, causing a  
4887 notice to be posted in at least three public places within the community; and

4888 (ii) posting a notice on the Utah Public Notice Website described in Section

4889 [~~63F-1-701~~] 63A-12-201.

4890 (b) A notice described in Subsection (1)(a) shall include:

4891 (i) a copy of the community legislative body's ordinance, or a summary of the  
4892 ordinance, that adopts the community reinvestment project area plan; and

4893 (ii) a statement that the community reinvestment project area plan is available for  
4894 public inspection and the hours for inspection.

4895 (2) A community reinvestment project area plan is effective on the day on which notice  
4896 of adoption is published or posted in accordance with Subsection (1)(a).

4897 (3) A community reinvestment project area is considered created the day on which the  
4898 community reinvestment project area plan becomes effective as described in Subsection (2).

4899 (4) (a) Within 30 days after the day on which a community reinvestment project area  
4900 plan is effective, a person may contest the community reinvestment project area plan or the  
4901 procedure used to adopt the community reinvestment project area plan if the community  
4902 reinvestment project area plan or the procedure fails to comply with a provision of this title.

4903 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not  
4904 contest the community reinvestment project area plan or the procedure used to adopt the  
4905 community reinvestment project area plan.

4906 (5) Upon adoption of a community reinvestment project area plan by the community  
4907 legislative body, the agency may implement the community reinvestment project area plan.

4908 (6) The agency shall make the community reinvestment project area plan available to  
4909 the public at the agency's office during normal business hours.

4910 Section 83. Section **17C-5-113** is amended to read:

4911 **17C-5-113. Expedited community reinvestment project area plan.**

4912 (1) As used in this section:

4913 (a) "Qualified business entity" means a business entity that:

4914 (i) has a primary market for the qualified business entity's goods or services outside of  
4915 the state; and

- 4916 (ii) is not primarily engaged in retail sales.
- 4917 (b) "Tax increment incentive" means the portion of an agency's tax increment that is  
4918 paid to a qualified business entity for the purpose of implementing a community reinvestment  
4919 project area plan.
- 4920 (2) An agency and a qualified business entity may, in accordance with Subsection (3),  
4921 enter into an agreement that allows the qualified business entity to receive a tax increment  
4922 incentive.
- 4923 (3) An agreement described in Subsection (2) shall set annual postperformance targets  
4924 for:
- 4925 (a) capital investment within the community reinvestment project area;  
4926 (b) the number of new jobs created within the community reinvestment project area;  
4927 (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of  
4928 the prevailing wage of the county within which the community reinvestment project area is  
4929 located; and
- 4930 (d) the amount of local vendor opportunity generated by the qualified business entity.
- 4931 (4) A qualified business entity may only receive a tax increment incentive:
- 4932 (a) if the qualified business entity complies with the agreement described in Subsection  
4933 (3);
- 4934 (b) on a postperformance basis; and  
4935 (c) on an annual basis after the agency receives tax increment from a taxing entity.
- 4936 (5) An agency may create or amend a community reinvestment project area plan for the  
4937 purpose of providing a tax increment incentive without complying with the requirements  
4938 described in Chapter 1, Part 8, Hearing and Notice Requirements, if:
- 4939 (a) the agency:
- 4940 (i) holds a public hearing to consider the need to create or amend a community  
4941 reinvestment project area plan on an expedited basis;
- 4942 (ii) posts notice at least 14 days before the day on which the public hearing described

4943 in Subsection (5)(a)(i) is held on:

4944 (A) the community's website; and

4945 (B) the Utah Public Notice Website as described in Section [~~63F-1-701~~] [63A-12-201](#);

4946 and

4947 (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or  
4948 amend the community reinvestment project area plan on an expedited basis;

4949 (b) all record property owners within the existing or proposed community reinvestment  
4950 project area plan give written consent; and

4951 (c) each taxing entity affected by the tax increment incentive consents and enters into  
4952 an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive  
4953 to the qualified business entity.

4954 Section 84. Section **17C-5-205** is amended to read:

4955 **17C-5-205. Interlocal agreement to provide project area funds for the community**  
4956 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**  
4957 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**  
4958 **agreement.**

4959 (1) An agency shall:

4960 (a) approve and adopt an interlocal agreement described in Section [17C-5-204](#) at an  
4961 open and public meeting; and

4962 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community  
4963 Reinvestment Project Area."

4964 (2) (a) Upon the execution of an interlocal agreement described in Section [17C-5-204](#),  
4965 the agency shall provide notice of the execution by:

4966 (i) (A) publishing or causing to be published a notice in a newspaper of general  
4967 circulation within the agency's boundaries; or

4968 (B) if there is no newspaper of general circulation within the agency's boundaries,  
4969 causing the notice to be posted in at least three public places within the agency's boundaries;



4970 and

4971 (ii) publishing or causing the notice to be published on the Utah Public Notice Website  
4972 created in Section [~~63F-1-701~~] [63A-12-201](#).

4973 (b) A notice described in Subsection (2)(a) shall include:

4974 (i) a summary of the interlocal agreement; and

4975 (ii) a statement that the interlocal agreement:

4976 (A) is available for public inspection and the hours for inspection; and

4977 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or  
4978 sales and use tax revenue.

4979 (3) An interlocal agreement described in Section [17C-5-204](#) is effective the day on  
4980 which the notice described in Subsection (2) is published or posted in accordance with  
4981 Subsection (2)(a).

4982 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a  
4983 person may contest the interlocal agreement or the procedure used to adopt the interlocal  
4984 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

4985 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not  
4986 contest:

4987 (i) the interlocal agreement;

4988 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

4989 (iii) the agency's use of project area funds under the interlocal agreement.

4990 (5) A taxing entity that enters into an interlocal agreement under Section [17C-5-204](#)  
4991 shall make a copy of the interlocal agreement available to the public at the taxing entity's office  
4992 for inspection and copying during normal business hours.

4993 Section 85. Section [17D-3-107](#) is amended to read:

4994 **[17D-3-107. Annual budget and financial reports requirements.](#)**

4995 (1) Upon agreement with the commission, the state auditor may modify:

4996 (a) for filing a budget, a requirement in Subsection [17B-1-614\(2\)](#) or [17B-1-629\(3\)\(d\)](#);

4997 or

4998 (b) for filing a financial report, a requirement in Section [17B-1-639](#).

4999 (2) Beginning on July 1, 2019, a conservation district is a participating local entity, as  
5000 that term is defined in Section [~~63A-1-201~~, and subject to Title 63A, Chapter 1, Part 2, Utah  
5001 ~~Public Finance Website~~] [67-3-12](#), and is subject to Section [67-3-12](#).

5002 Section 86. Section **17D-3-305** is amended to read:

5003 **17D-3-305. Setting the date of nomination of the board of supervisors -- Notice**  
5004 **requirements.**

5005 (1) The commission shall set the date of the nomination of members of the board of  
5006 supervisors of a conservation district.

5007 (2) The commission shall publish notice of the nomination day described in Subsection  
5008 (1):

5009 (a) (i) in a newspaper of general circulation within the conservation district at least  
5010 once, no later than four weeks before the day of the nomination; or

5011 (ii) if there is no newspaper of general circulation in the conservation district, at least  
5012 four weeks before the nomination day, by posting one notice, and at least one additional notice  
5013 per 2,000 population of the conservation district, in places within the conservation district that  
5014 are most likely to give notice to the residents in the conservation district;

5015 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5016 four weeks before the day of the nomination;

5017 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the  
5018 nomination; and

5019 (d) if the conservation district has a website, on the conservation district's website for  
5020 four weeks before the day of the nomination.

5021 (3) The commissioner shall appoint the board of members by no later than six weeks  
5022 after the date set by the commission for the close of nominations.

5023 (4) The notice required under Subsection (2) shall state:

5024 (a) the nomination date; and  
5025 (b) the number of open board member positions for the conservation district.  
5026 Section 87. Section **19-2-109** is amended to read:  
5027 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of director --**  
5028 **Adoption of emission control requirements.**  
5029 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public  
5030 hearings.  
5031 (b) Notice of any public hearing for the consideration, adoption, or amendment of air  
5032 quality standards shall specify the locations to which the proposed standards apply and the  
5033 time, date, and place of the hearing.  
5034 (c) The notice shall be:  
5035 (i) (A) published at least twice in any newspaper of general circulation in the area  
5036 affected; and  
5037 (B) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
5038 63A-12-201, at least 20 days before the public hearing; and  
5039 (ii) mailed at least 20 days before the public hearing to the chief executive of each  
5040 political subdivision of the area affected and to other persons the director has reason to believe  
5041 will be affected by the standards.  
5042 (d) The adoption of air quality standards or any modification or changes to air quality  
5043 standards shall be by order of the director following formal action of the board with respect to  
5044 the standards.  
5045 (e) The order shall be published:  
5046 (i) in a newspaper of general circulation in the area affected; and  
5047 (ii) as required in Section 45-1-101.  
5048 (2) (a) The board may establish emission control requirements by rule that in its  
5049 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or  
5050 may vary from area to area, taking into account varying local conditions.

5051 (b) In adopting these requirements, the board shall give notice and conduct public  
5052 hearings in accordance with the requirements in Subsection (1).

5053 Section 88. Section **20A-1-512** is amended to read:

5054 **20A-1-512. Midterm vacancies on local district boards.**

5055 (1) (a) Whenever a vacancy occurs on any local district board for any reason, the  
5056 following shall appoint a replacement to serve out the unexpired term in accordance with this  
5057 section:

5058 (i) the local district board, if the person vacating the position was elected; or

5059 (ii) the appointing authority, as that term is defined in Section [17B-1-102](#), if the  
5060 appointing authority appointed the person vacating the position.

5061 (b) Except as provided in Subsection (1)(c), before acting to fill the vacancy, the local  
5062 district board or appointing authority shall:

5063 (i) give public notice of the vacancy at least two weeks before the local district board  
5064 or appointing authority meets to fill the vacancy by:

5065 (A) if there is a newspaper of general circulation, as that term is defined in Section  
5066 [45-1-201](#), within the district, publishing the notice in the newspaper of general circulation;

5067 (B) posting the notice in three public places within the local district; and

5068 (C) posting on the Utah Public Notice Website created under Section [~~63F-1-701~~]  
5069 [63A-12-201](#); and

5070 (ii) identify, in the notice:

5071 (A) the date, time, and place of the meeting where the vacancy will be filled;

5072 (B) the individual to whom an individual who is interested in an appointment to fill the  
5073 vacancy may submit the individual's name for consideration; and

5074 (C) any submission deadline.

5075 (c) An appointing authority is not subject to Subsection (1)(b) if:

5076 (i) the appointing authority appoints one of the appointing authority's own members;

5077 and

5078 (ii) that member meets all applicable statutory board member qualifications.

5079 (2) If the local district board fails to appoint an individual to complete an elected board  
5080 member's term within 90 days, the legislative body of the county or municipality that created  
5081 the local district shall fill the vacancy in accordance with the procedure for a local district  
5082 described in Subsection (1)(b).

5083 Section 89. Section **20A-3a-604** is amended to read:

5084 **20A-3a-604. Notice of time and place of early voting.**

5085 (1) Except as provided in Section [20A-1-308](#) or Subsection [20A-3a-603\(2\)](#), the  
5086 election officer shall, at least 19 days before the date of the election, publish notice of the dates,  
5087 times, and locations of early voting:

5088 (a) (i) in one issue of a newspaper of general circulation in the county;

5089 (ii) if there is no newspaper of general circulation in the county, in addition to posting  
5090 the notice described in Subsection (1)(b), by posting one notice, and at least one additional  
5091 notice per 2,000 population of the county, in places within the county that are most likely to  
5092 give notice to the residents in the county; or

5093 (iii) by mailing notice to each registered voter in the county;

5094 (b) by posting the notice at each early voting polling place;

5095 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5096 19 days before the day of the election;

5097 (d) in accordance with Section [45-1-101](#), for 19 days before the date of the election;

5098 and

5099 (e) on the county's website for 19 days before the day of the election.

5100 (2) Instead of publishing all dates, times, and locations of early voting under  
5101 Subsection (1), the election officer may publish a statement that specifies the following sources  
5102 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

5103 (a) the county's website;

5104 (b) the physical address of the county's offices; and

5105 (c) a mailing address and telephone number.

5106 (3) The election officer shall include in the notice described in Subsection (1):

5107 (a) the address of the Statewide Electronic Voter Information Website and, if available,  
5108 the address of the election officer's website, with a statement indicating that the election officer  
5109 will post on the website the location of each early voting polling place, including any changes  
5110 to the location of an early voting polling place and the location of additional early voting  
5111 polling places; and

5112 (b) a phone number that a voter may call to obtain information regarding the location  
5113 of an early voting polling place.

5114 Section 90. Section **20A-4-104** is amended to read:

5115 **20A-4-104. Counting ballots electronically.**

5116 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the  
5117 election officer shall test the automatic tabulating equipment to ensure that it will accurately  
5118 count the votes cast for all offices and all measures.

5119 (b) The election officer shall publish public notice of the time and place of the test:

5120 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of  
5121 general circulation in the county, municipality, or jurisdiction where the equipment is used;

5122 (B) if there is no daily or weekly newspaper of general circulation in the county,  
5123 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the  
5124 test, by posting one notice, and at least one additional notice per 2,000 population of the  
5125 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction  
5126 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

5127 (C) at least 10 days before the day of the test, by mailing notice to each registered voter  
5128 in the county, municipality, or jurisdiction where the equipment is used;

5129 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5130 four weeks before the day of the test;

5131 (iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the test;

5132 and

5133 (iv) if the county, municipality, or jurisdiction has a website, on the website for four  
5134 weeks before the day of the test.

5135 (c) The election officer shall conduct the test by processing a preaudited group of  
5136 ballots.

5137 (d) The election officer shall ensure that:

5138 (i) a predetermined number of valid votes for each candidate and measure are recorded  
5139 on the ballots;

5140 (ii) for each office, one or more ballots have votes in excess of the number allowed by  
5141 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

5142 (iii) a different number of valid votes are assigned to each candidate for an office, and  
5143 for and against each measure.

5144 (e) If any error is detected, the election officer shall determine the cause of the error  
5145 and correct it.

5146 (f) The election officer shall ensure that:

5147 (i) the automatic tabulating equipment produces an errorless count before beginning  
5148 the actual counting; and

5149 (ii) the automatic tabulating equipment passes the same test at the end of the count  
5150 before the election returns are approved as official.

5151 (2) (a) The election officer or the election officer's designee shall supervise and direct  
5152 all proceedings at the counting center.

5153 (b) (i) Proceedings at the counting center are public and may be observed by interested  
5154 persons.

5155 (ii) Only those persons authorized to participate in the count may touch any ballot or  
5156 return.

5157 (c) The election officer shall deputize and administer an oath or affirmation to all  
5158 persons who are engaged in processing and counting the ballots that they will faithfully

5159 perform their assigned duties.

5160 (3) If any ballot is damaged or defective so that it cannot properly be counted by the  
5161 automatic tabulating equipment, the election officer shall ensure that two counting judges  
5162 jointly:

5163 (a) make a true replication of the ballot with an identifying serial number;

5164 (b) substitute the replicated ballot for the damaged or defective ballot;

5165 (c) label the replicated ballot "replicated"; and

5166 (d) record the replicated ballot's serial number on the damaged or defective ballot.

5167 (4) The election officer may:

5168 (a) conduct an unofficial count before conducting the official count in order to provide  
5169 early unofficial returns to the public;

5170 (b) release unofficial returns from time to time after the polls close; and

5171 (c) report the progress of the count for each candidate during the actual counting of  
5172 ballots.

5173 (5) The election officer shall review and evaluate the provisional ballot envelopes and  
5174 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

5175 (6) (a) The election officer or the election officer's designee shall:

5176 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

5177 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

5178 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast  
5179 more votes for an office than that voter is entitled to vote for that office, the poll workers shall  
5180 count the valid write-in vote as being the obvious intent of the voter.

5181 (7) (a) The election officer shall certify the return printed by the automatic tabulating  
5182 equipment, to which have been added write-in and absentee votes, as the official return of each  
5183 voting precinct.

5184 (b) Upon completion of the count, the election officer shall make official returns open  
5185 to the public.



5186 (8) If for any reason it becomes impracticable to count all or a part of the ballots with  
5187 tabulating equipment, the election officer may direct that they be counted manually according  
5188 to the procedures and requirements of this part.

5189 (9) After the count is completed, the election officer shall seal and retain the programs,  
5190 test materials, and ballots as provided in Section [20A-4-202](#).

5191 Section 91. Section **20A-4-304** is amended to read:

5192 **20A-4-304. Declaration of results -- Canvassers' report.**

5193 (1) Each board of canvassers shall:

5194 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,  
5195 declare "elected" or "nominated" those persons who:

5196 (i) had the highest number of votes; and

5197 (ii) sought election or nomination to an office completely within the board's  
5198 jurisdiction;

5199 (b) declare:

5200 (i) "approved" those ballot propositions that:

5201 (A) had more "yes" votes than "no" votes; and

5202 (B) were submitted only to the voters within the board's jurisdiction;

5203 (ii) "rejected" those ballot propositions that:

5204 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"  
5205 votes; and

5206 (B) were submitted only to the voters within the board's jurisdiction;

5207 (c) certify the vote totals for persons and for and against ballot propositions that were  
5208 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to  
5209 the lieutenant governor; and

5210 (d) if applicable, certify the results of each local district election to the local district  
5211 clerk.

5212 (2) As soon as the result is declared, the election officer shall prepare a report of the

- 5213 result, which shall contain:
- 5214 (a) the total number of votes cast in the board's jurisdiction;
- 5215 (b) the names of each candidate whose name appeared on the ballot;
- 5216 (c) the title of each ballot proposition that appeared on the ballot;
- 5217 (d) each office that appeared on the ballot;
- 5218 (e) from each voting precinct:
- 5219 (i) the number of votes for each candidate;
- 5220 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 5221 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 5222 potential ballot-counting phase and the name of the candidate excluded in each canvassing
- 5223 phase; and
- 5224 (iii) the number of votes for and against each ballot proposition;
- 5225 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 5226 and against each ballot proposition;
- 5227 (g) the number of ballots that were rejected; and
- 5228 (h) a statement certifying that the information contained in the report is accurate.
- 5229 (3) The election officer and the board of canvassers shall:
- 5230 (a) review the report to ensure that it is correct; and
- 5231 (b) sign the report.
- 5232 (4) The election officer shall:
- 5233 (a) record or file the certified report in a book kept for that purpose;
- 5234 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 5235 to each nominated or elected candidate;
- 5236 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 5237 (d) file a copy of the certified report with the lieutenant governor.
- 5238 (5) Except as provided in Subsection (6), the election officer shall, no later than seven

5239 days after the day on which the board of canvassers declares the election results, publish the  
5240 certified report described in Subsection (2):

- 5241 (a) (i) at least once in a newspaper of general circulation within the jurisdiction;
- 5242 (ii) if there is no newspaper of general circulation within the jurisdiction, by posting  
5243 one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places  
5244 within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or  
5245 (iii) by mailing notice to each residence within the jurisdiction;

5246 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5247 one week;

5248 (c) in accordance with Section [45-1-101](#), for one week; and

5249 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.

5250 (6) Instead of publishing the entire certified report under Subsection (5), the election  
5251 officer may publish a statement that:

5252 (a) includes the following: "The Board of Canvassers for [indicate name of  
5253 jurisdiction] has prepared a report of the election results for the [indicate type and date of  
5254 election]."; and

5255 (b) specifies the following sources where an individual may view or obtain a copy of  
5256 the entire certified report:

- 5257 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5258 (ii) the physical address for the jurisdiction; and
- 5259 (iii) a mailing address and telephone number.

5260 (7) When there has been a regular general or a statewide special election for statewide  
5261 officers, for officers that appear on the ballot in more than one county, or for a statewide or two  
5262 or more county ballot proposition, each board of canvassers shall:

5263 (a) prepare a separate report detailing the number of votes for each candidate and the  
5264 number of votes for and against each ballot proposition; and

5265 (b) transmit the separate report by registered mail to the lieutenant governor.

5266 (8) In each county election, municipal election, school election, local district election,  
5267 and local special election, the election officer shall transmit the reports to the lieutenant  
5268 governor within 14 days after the date of the election.

5269 (9) In a regular primary election and in a presidential primary election, the board shall  
5270 transmit to the lieutenant governor:

5271 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant  
5272 governor not later than the second Tuesday after the election; and

5273 (b) a complete tabulation showing voting totals for all primary races, precinct by  
5274 precinct, to be mailed to the lieutenant governor on or before the third Friday following the  
5275 primary election.

5276 Section 92. Section **20A-5-101** is amended to read:

5277 **20A-5-101. Notice of election.**

5278 (1) On or before November 15 in the year before each regular general election year, the  
5279 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

5280 (a) designates the offices to be filled at the next year's regular general election;

5281 (b) identifies the dates for filing a declaration of candidacy, and for submitting and  
5282 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),  
5283 and [20A-9-408](#) for those offices; and

5284 (c) contains a description of any ballot propositions to be decided by the voters that  
5285 have qualified for the ballot as of that date.

5286 (2) No later than seven business days after the day on which the lieutenant governor  
5287 transmits the written notice described in Subsection (1), each county clerk shall publish notice,  
5288 in accordance with Subsection (3):

5289 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in  
5290 each voting precinct within the county; and

5291 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places  
5292 where the notice was posted;

- 5293 (b) (i) in a newspaper of general circulation in the county;
- 5294 (ii) if there is no newspaper of general circulation within the county, in addition to the
- 5295 notice described in Subsection (2)(a), by posting one notice, and at least one additional notice
- 5296 per 2,000 population of the county, in places within the county that are most likely to give
- 5297 notice of the election to the voters in the county; or
- 5298 (iii) by mailing notice to each registered voter in the county;
- 5299 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
- 5300 seven days before the day of the election;
- 5301 (d) in accordance with Section [45-1-101](#), for seven days before the day of the election;
- 5302 and
- 5303 (e) on the county's website for seven days before the day of the election.
- 5304 (3) The notice described in Subsection (2) shall:
- 5305 (a) designate the offices to be voted on in that election; and
- 5306 (b) identify the dates for filing a declaration of candidacy for those offices.
- 5307 (4) Except as provided in Subsection (6), before each election, the election officer shall
- 5308 give printed notice of the following information:
- 5309 (a) the date of election;
- 5310 (b) the hours during which the polls will be open;
- 5311 (c) the polling places for each voting precinct, early voting polling place, and election
- 5312 day voting center;
- 5313 (d) the address of the Statewide Electronic Voter Information Website and, if available,
- 5314 the address of the election officer's website, with a statement indicating that the election officer
- 5315 will post on the website any changes to the location of a polling place and the location of any
- 5316 additional polling place;
- 5317 (e) a phone number that a voter may call to obtain information regarding the location of
- 5318 a polling place; and
- 5319 (f) the qualifications for persons to vote in the election.

5320 (5) To provide the printed notice described in Subsection (4), the election officer shall  
5321 publish the notice:

5322 (a) (i) in a newspaper of general circulation in the jurisdiction to which the election  
5323 pertains at least two days before the day of the election;

5324 (ii) if there is no newspaper of general circulation in the jurisdiction to which the  
5325 election pertains, at least two days before the day of the election, by posting one notice, and at  
5326 least one additional notice per 2,000 population of the jurisdiction, in places within the  
5327 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

5328 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to  
5329 which the election pertains at least five days before the day of the election;

5330 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
5331 two days before the day of the election;

5332 (c) in accordance with Section [45-1-101](#), for two days before the day of the election;  
5333 and

5334 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before  
5335 the day of the election.

5336 (6) Instead of including the information described in Subsection (4) in the notice, the  
5337 election officer may give printed notice that:

5338 (a) is entitled "Notice of Election";

5339 (b) includes the following: "A [indicate election type] will be held in [indicate the  
5340 jurisdiction] on [indicate date of election]. Information relating to the election, including  
5341 polling places, polling place hours, and qualifications of voters may be obtained from the  
5342 following sources:"; and

5343 (c) specifies the following sources where an individual may view or obtain the  
5344 information described in Subsection (4):

5345 (i) if the jurisdiction has a website, the jurisdiction's website;

5346 (ii) the physical address of the jurisdiction offices; and

5347 (iii) a mailing address and telephone number.

5348 Section 93. Section **20A-5-403.5** is amended to read:

5349 **20A-5-403.5. Ballot drop boxes.**

5350 (1) An election officer:

5351 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

5352 (b) shall clearly mark each ballot drop box as an official ballot drop box for the  
5353 election officer's jurisdiction.

5354 (2) Except as provided in Section **20A-1-308** or Subsection (5), the election officer  
5355 shall, at least 19 days before the date of the election, publish notice of the location of each  
5356 ballot drop box designated under Subsection (1):

5357 (a) (i) in one issue of a newspaper of general circulation in the jurisdiction holding the  
5358 election;

5359 (ii) if there is no newspaper of general circulation in the jurisdiction holding the  
5360 election, by posting one notice, and at least one additional notice per 2,000 population of the  
5361 jurisdiction holding the election, in places within the jurisdiction that are most likely to give  
5362 notice to the residents in the jurisdiction; or

5363 (iii) by mailing notice to each registered voter in the jurisdiction holding the election;

5364 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
5365 19 days before the day of the election;

5366 (c) in accordance with Section **45-1-101**, for 19 days before the date of the election;  
5367 and

5368 (d) on the jurisdiction's website for 19 days before the day of the election.

5369 (3) Instead of publishing the location of ballot drop boxes under Subsection (2), the  
5370 election officer may publish a statement that specifies the following sources where a voter may  
5371 view or obtain a copy of all ballot drop box locations:

5372 (a) the jurisdiction's website;

5373 (b) the physical address of the jurisdiction's offices; and

5374 (c) a mailing address and telephone number.

5375 (4) The election officer shall include in the notice described in Subsection (2):

5376 (a) the address of the Statewide Electronic Voter Information Website and, if available,

5377 the address of the election officer's website, with a statement indicating that the election officer

5378 will post on the website the location of each ballot drop box, including any changes to the

5379 location of a ballot drop box and the location of additional ballot drop boxes; and

5380 (b) a phone number that a voter may call to obtain information regarding the location

5381 of a ballot drop box.

5382 (5) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the

5383 deadline described in Subsection (2):

5384 (i) if necessary, change the location of a ballot drop box; or

5385 (ii) if the election officer determines that the number of ballot drop boxes is

5386 insufficient due to the number of registered voters who are voting, designate additional ballot

5387 drop boxes.

5388 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the

5389 location of a ballot box or designates an additional ballot drop box location, the election officer

5390 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or

5391 the additional ballot drop box location:

5392 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

5393 (ii) by posting the information on the website of the election officer, if available; and

5394 (iii) by posting notice:

5395 (A) for a change in the location of a ballot drop box, at the new location and, if

5396 possible, the old location; and

5397 (B) for an additional ballot drop box location, at the additional ballot drop box

5398 location.

5399 (6) An election officer may, at any time, authorize two or more poll workers to remove

5400 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.



5401 Section 94. Section **20A-5-405** is amended to read:

5402 **20A-5-405. Election officer to provide ballots.**

5403 (1) An election officer shall:

5404 (a) provide ballots for every election of public officers in which the voters, or any of  
5405 the voters, within the election officer's jurisdiction participate;

5406 (b) cause the name of every candidate whose nomination has been certified to or filed  
5407 with the election officer in the manner provided by law to be included on each ballot;

5408 (c) cause any ballot proposition that has qualified for the ballot as provided by law to  
5409 be included on each ballot;

5410 (d) ensure that the ballots are prepared and in the possession of the election officer  
5411 before commencement of voting;

5412 (e) allow candidates and their agents and the sponsors of ballot propositions that have  
5413 qualified for the official ballot to inspect the ballots;

5414 (f) cause sample ballots to be printed that are in the same form as official ballots and  
5415 that contain the same information as official ballots but that are printed on different colored  
5416 paper than official ballots or are identified by a watermark;

5417 (g) ensure that the sample ballots are printed and in the possession of the election  
5418 officer at least seven days before commencement of voting;

5419 (h) make the sample ballots available for public inspection by:

5420 (i) posting a copy of the sample ballot in the election officer's office at least seven days  
5421 before commencement of voting;

5422 (ii) mailing a copy of the sample ballot to:

5423 (A) each candidate listed on the ballot; and

5424 (B) the lieutenant governor;

5425 (iii) publishing a copy of the sample ballot:

5426 (A) except as provided in Subsection (2), at least seven days before the day of the  
5427 election in a newspaper of general circulation in the jurisdiction holding the election;

5428 (B) if there is no newspaper of general circulation in the jurisdiction holding the  
5429 election, at least seven days before the day of the election, by posting one copy of the sample  
5430 ballot, and at least one additional copy of the sample ballot per 2,000 population of the  
5431 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in  
5432 the jurisdiction; or

5433 (C) at least 10 days before the day of the election, by mailing a copy of the sample  
5434 ballot to each registered voter who resides in the jurisdiction holding the election;

5435 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created  
5436 in Section [~~63F-1-701~~] 63A-12-201, for seven days before the day of the election;

5437 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at  
5438 least seven days before the day of the election; and

5439 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least  
5440 seven days before the day of the election;

5441 (i) deliver at least five copies of the sample ballot to poll workers for each polling  
5442 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5443 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough  
5444 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in  
5445 each voting precinct.

5446 (2) Instead of publishing the entire sample ballot under Subsection (1)(h)(iii)(A), the  
5447 election officer may publish a statement that:

5448 (a) is entitled, "sample ballot";

5449 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the  
5450 upcoming [indicate type and date of election] may be obtained from the following sources:";  
5451 and

5452 (c) specifies the following sources where an individual may view or obtain a copy of  
5453 the sample ballot:

5454 (i) if the jurisdiction has a website, the jurisdiction's website;

5455 (ii) the physical address of the jurisdiction's offices; and

5456 (iii) a mailing address and telephone number.

5457 (3) (a) Each election officer shall, without delay, correct any error discovered in any  
5458 ballot, if the correction can be made without interfering with the timely distribution of the  
5459 ballots.

5460 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is  
5461 not possible to correct the error or omission, the election officer shall direct the poll workers to  
5462 make the necessary corrections on the manual ballots before the ballots are distributed.

5463 (ii) If the election officer discovers an error or omission in an electronic ballot and it is  
5464 not possible to correct the error or omission by revising the electronic ballot, the election  
5465 officer shall direct the poll workers to post notice of each error or omission with instructions on  
5466 how to correct each error or omission in a prominent position at each polling booth.

5467 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a  
5468 candidate or a candidate's agent may file a verified petition with the district court asserting that:

5469 (A) an error or omission has occurred in:

5470 (I) the publication of the name or description of a candidate;

5471 (II) the preparation or display of an electronic ballot; or

5472 (III) in the printing of sample or official manual ballots; and

5473 (B) the election officer has failed to correct or provide for the correction of the error or  
5474 omission.

5475 (ii) The district court shall issue an order requiring correction of any error in a ballot or  
5476 an order to show cause why the error should not be corrected if it appears to the court that the  
5477 error or omission has occurred and the election officer has failed to correct or provide for the  
5478 correction of the error or omission.

5479 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah  
5480 Supreme Court within five days after the day on which the district court enters the decision.

5481 Section 95. Section **20A-7-204.1** is amended to read:

5482           **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**  
5483 **Changes to an initiative and initial fiscal impact estimate.**

5484           (1) (a) After issuance of the initial fiscal impact estimate by the Office of the  
5485 Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide,  
5486 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as  
5487 follows:

5488           (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

5489           (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington  
5490 County;

5491           (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

5492           (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne  
5493 County;

5494           (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

5495           (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

5496           (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber  
5497 County.

5498           (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of  
5499 the public hearings in a first or second class county, but not in the same county.

5500           (c) The sponsors may not hold a public hearing described in this section until the later  
5501 of:

5502           (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact  
5503 estimate under Subsection [20A-7-202.5\(3\)\(b\)](#); or

5504           (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal  
5505 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

5506           (2) The sponsors shall:

5507           (a) before 5 p.m. at least three calendar days before the date of the public hearing,  
5508 provide written notice of the public hearing to:

- 5509 (i) the lieutenant governor for posting on the state's website; and
- 5510 (ii) each state senator, state representative, and county commission or county council
- 5511 member who is elected in whole or in part from the region where the public hearing will be
- 5512 held; and
- 5513 (b) publish written notice of the public hearing, including the time, date, and location
- 5514 of the public hearing, in each county in the region where the public hearing will be held:
- 5515 (i) (A) at least three calendar days before the day of the public hearing, in a newspaper
- 5516 of general circulation in the county;
- 5517 (B) if there is no newspaper of general circulation in the county, at least three calendar
- 5518 days before the day of the public hearing, by posting one copy of the notice, and at least one
- 5519 additional copy of the notice per 2,000 population of the county, in places within the county
- 5520 that are most likely to give notice to the residents of the county; or
- 5521 (C) at least seven days before the day of the public hearing, by mailing notice to each
- 5522 residence in the county;
- 5523 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
- 5524 at least three calendar days before the day of the public hearing;
- 5525 (iii) in accordance with Section [45-1-101](#), for at least three calendar days before the
- 5526 day of the public hearing; and
- 5527 (iv) on the county's website for at least three calendar days before the day of the public
- 5528 hearing.
- 5529 (3) If the initiative petition proposes a tax increase, the written notice described in
- 5530 Subsection (2) shall include the following statement, in bold, in the same font and point size as
- 5531 the largest font and point size appearing in the notice:
- 5532 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
- 5533 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
- 5534 percent increase in the current tax rate."
- 5535 (4) (a) During the public hearing, the sponsors shall either:

5536 (i) video tape or audio tape the public hearing and, when the hearing is complete,  
5537 deposit the complete audio or video tape of the meeting with the lieutenant governor; or  
5538 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
5539 each speaker and summarizing each speaker's comments.

5540 (b) The lieutenant governor shall make copies of the tapes or minutes available to the  
5541 public.

5542 (c) For each public hearing, the sponsors shall:

5543 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal  
5544 impact statement in a conspicuous location at the entrance to the room where the sponsors hold  
5545 the public hearing; and

5546 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to  
5547 public hearing attendees, in a conspicuous location at the entrance to the room where the  
5548 sponsors hold the public hearing.

5549 (5) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the  
5550 seventh public hearing described in Subsection (1)(a), and before circulating an initiative  
5551 petition for signatures, the sponsors of the initiative petition may change the text of the  
5552 proposed law if:

5553 (i) a change to the text is:

5554 (A) germane to the text of the proposed law filed with the lieutenant governor under  
5555 Section [20A-7-202](#); and

5556 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and

5557 (ii) each sponsor signs, attested to by a notary public, an application addendum to  
5558 change the text of the proposed law.

5559 (b) (i) Within three working days after the day on which the lieutenant governor  
5560 receives an application addendum to change the text of the proposed law in an initiative  
5561 petition, the lieutenant governor shall submit a copy of the application addendum to the Office  
5562 of the Legislative Fiscal Analyst.

5563 (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact  
5564 estimate by following the procedures and requirements of Section 20A-7-202.5 to reflect a  
5565 change to the text of the proposed law.

5566 Section 96. Section 20A-7-401.5 is amended to read:

5567 **20A-7-401.5. Proposition information pamphlet.**

5568 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to  
5569 circulate an initiative petition under Section 20A-7-502 or an application to circulate a  
5570 referendum petition under Section 20A-7-602:

5571 (A) the sponsors of the proposed initiative or referendum may submit a written  
5572 argument in favor of the proposed initiative or referendum to the election officer of the county  
5573 or municipality to which the petition relates; and

5574 (B) the county or municipality to which the application relates may submit a written  
5575 argument in favor of, or against, the proposed initiative or referendum to the county's or  
5576 municipality's election officer.

5577 (ii) If a county or municipality submits more than one written argument under  
5578 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving  
5579 preference to a written argument submitted by a member of a local legislative body if a  
5580 majority of the local legislative body supports the written argument.

5581 (b) Within one business day after the day on which an election officer receives an  
5582 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the  
5583 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as  
5584 applicable.

5585 (c) Within one business day after the date on which an election officer receives an  
5586 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the  
5587 argument to the first three sponsors of the proposed initiative or referendum described in  
5588 Subsection (1)(a)(i)(A).

5589 (d) The sponsors of the proposed initiative or referendum may submit a revised version

5590 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the  
5591 county or municipality to which the petition relates within 20 days after the day on which the  
5592 eligible voter files an application to circulate an initiative petition under Section 20A-7-502 or  
5593 an application to circulate a referendum petition under Section 20A-7-602.

5594 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by  
5595 a county or municipality may submit a revised version of the written argument to the county's  
5596 or municipality's election officer within 20 days after the day on which the eligible voter files  
5597 an application to circulate an initiative petition under Section 20A-7-502 or an application to  
5598 circulate a referendum petition under Section 20A-7-602.

5599 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

5600 (b) Except as provided in Subsection (2)(c), a person may not modify a written  
5601 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the  
5602 election officer.

5603 (c) The election officer and the person that submits the written argument described in  
5604 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

5605 (i) correct factual, grammatical, or spelling errors; or

5606 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

5607 (d) An election officer shall refuse to include a written argument in the proposition  
5608 information pamphlet described in this section if the person who submits the argument:

5609 (i) fails to negotiate, in good faith, to modify the argument in accordance with  
5610 Subsection (2)(c); or

5611 (ii) does not timely submit the written argument to the election officer.

5612 (e) An election officer shall make a good faith effort to negotiate a modification  
5613 described in Subsection (2)(c) in an expedited manner.

5614 (3) An election officer who receives a written argument described in Subsection (1)  
5615 shall prepare a proposition information pamphlet for publication that includes:

5616 (a) a copy of the application for the proposed initiative or referendum;



5617 (b) except as provided in Subsection (2)(d), immediately after the copy described in  
5618 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or  
5619 referendum, if any;

5620 (c) except as provided in Subsection (2)(d), immediately after the argument described  
5621 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

5622 (d) a copy of the initial fiscal impact statement and legal impact statement described in  
5623 Section [20A-7-502.5](#) or [20A-7-602.5](#).

5624 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,  
5625 Chapter 2, Government Records Access and Management Act, until the earlier of when the  
5626 election officer:

- 5627 (i) complies with Subsection (4)(b); or
- 5628 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

5629 (b) Within 21 days after the day on which the eligible voter files an application to  
5630 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a  
5631 referendum petition under Section [20A-7-602](#), the election officer shall provide a copy of the  
5632 proposition information pamphlet to the sponsors of the initiative or referendum and each  
5633 individual who submitted an argument included in the proposition information pamphlet.

5634 (5) An election officer for a municipality shall publish the proposition information  
5635 pamphlet as follows:

5636 (a) within the later of 10 days after the day on which the municipality or a court  
5637 determines that the proposed initiative or referendum is legally referable to voters, or, if the  
5638 election officer modifies an argument under Subsection (2)(c), three days after the day on  
5639 which the election officer and the person that submitted the argument agree on the  
5640 modification:

- 5641 (i) by sending the proposition information pamphlet electronically to each individual in  
5642 the municipality for whom the municipality has an email address, unless the individual has  
5643 indicated that the municipality is prohibited from using the individual's email address for that

5644 purpose; and

5645 (ii) by posting the proposition information pamphlet on the Utah Public Notice  
5646 Website, created in Section [~~63F-1-701~~] [63A-12-201](#), and the home page of the municipality's  
5647 website, if the municipality has a website, until:

5648 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any  
5649 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under  
5650 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative  
5651 packets or verified referendum packets;

5652 (B) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the  
5653 number of signatures necessary to qualify the proposed initiative or referendum for placement  
5654 on the ballot is insufficient and the determination is not timely appealed or is upheld after  
5655 appeal; or

5656 (C) the day after the date of the election at which the proposed initiative or referendum  
5657 appears on the ballot; and

5658 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the  
5659 municipality's residents, including an Internet address, where a resident may view the  
5660 proposition information pamphlet, in the next mailing, for which the municipality has not  
5661 begun preparation, that falls on or after the later of:

5662 (i) 10 days after the day on which the municipality or a court determines that the  
5663 proposed initiative or referendum is legally referable to voters; or

5664 (ii) if the election officer modifies an argument under Subsection (2)(c), three days  
5665 after the day on which the election officer and the person that submitted the argument agree on  
5666 the modification.

5667 (6) An election officer for a county shall, within the later of 10 days after the day on  
5668 which the county or a court determines that the proposed initiative or referendum is legally  
5669 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),  
5670 three days after the day on which the election officer and the person that submitted the

5671 argument agree on the modification, publish the proposition information pamphlet as follows:

5672 (a) by sending the proposition information pamphlet electronically to each individual  
5673 in the county for whom the county has an email address obtained via voter registration; and

5674 (b) by posting the proposition information pamphlet on the Utah Public Notice  
5675 Website, created in Section [~~63F-1-701~~] 63A-12-201, and the home page of the county's  
5676 website, until:

5677 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any  
5678 verified initiative packets under Section 20A-7-506 or any verified referendum packets under  
5679 Section 20A-7-606, the day after the date of the deadline for delivery of the verified initiative  
5680 packets or verified referendum packets;

5681 (ii) the local clerk determines, under Section 20A-7-507 or 20A-7-607, that the number  
5682 of signatures necessary to qualify the proposed initiative or referendum for placement on the  
5683 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

5684 (iii) the day after the date of the election at which the proposed initiative or referendum  
5685 appears on the ballot.

5686 Section 97. Section 20A-7-402 is amended to read:

5687 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**  
5688 **Preparation -- Statement on front cover.**

5689 (1) The county or municipality that is subject to a ballot proposition shall prepare a  
5690 local voter information pamphlet that complies with the requirements of this part.

5691 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality  
5692 that is subject to a special local ballot proposition shall provide a notice that complies with the  
5693 requirements of Subsection (2)(c)(ii) to the municipality's residents by:

5694 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the  
5695 municipality's residents, including the notice with a newsletter, utility bill, or other material;

5696 (ii) posting the notice, until after the deadline described in Subsection (2)(d) has  
5697 passed, on:

5698 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and  
5699 (B) the home page of the municipality's website, if the municipality has a website; and  
5700 (iii) sending the notice electronically to each individual in the municipality for whom

5701 the municipality has an email address.

5702 (b) A county that is subject to a special local ballot proposition shall:

5703 (i) send an electronic notice that complies with the requirements of Subsection  
5704 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

5705 (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that  
5706 complies with the requirements of Subsection (2)(c)(ii) on:

5707 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

5708 (B) the home page of the county's website.

5709 (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a)  
5710 or (b) shall:

5711 (i) mail, send, or post the notice:

5712 (A) not less than 90 days before the date of the election at which a special local ballot  
5713 proposition will be voted upon; or

5714 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable  
5715 after the special local ballot proposition is approved to be voted upon in an election; and

5716 (ii) ensure that the notice contains:

5717 (A) the ballot title for the special local ballot proposition;

5718 (B) instructions on how to file a request under Subsection (2)(d); and

5719 (C) the deadline described in Subsection (2)(d).

5720 (d) To prepare a written argument for or against a special local ballot proposition, an  
5721 eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days  
5722 before the day of the election at which the special local ballot proposition is to be voted on.

5723 (e) If more than one eligible voter requests the opportunity to prepare a written  
5724 argument for or against a special local ballot proposition, the election officer shall make the

5725 final designation in accordance with the following order of priority:

5726 (i) sponsors have priority in preparing an argument regarding a special local ballot  
5727 proposition; and

5728 (ii) members of the local legislative body have priority over others if a majority of the  
5729 local legislative body supports the written argument.

5730 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no  
5731 later than 60 days before the day of the election at which the ballot proposition is to be voted  
5732 on.

5733 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in  
5734 favor of the special local ballot proposition.

5735 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot  
5736 proposition who submits a request under Subsection (2)(d) may prepare a written argument  
5737 against the special local ballot proposition.

5738 (h) An eligible voter who submits a written argument under this section in relation to a  
5739 special local ballot proposition shall:

5740 (i) ensure that the written argument does not exceed 500 words in length, not counting  
5741 the information described in Subsection (2)(h)(ii) or (iv);

5742 (ii) list, at the end of the argument, at least one, but no more than five, names as  
5743 sponsors;

5744 (iii) submit the written argument to the election officer before 5 p.m. no later than 55  
5745 days before the election day on which the ballot proposition will be submitted to the voters;

5746 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's  
5747 residential address; and

5748 (v) submit with the written argument the eligible voter's name, residential address,  
5749 postal address, email address if available, and phone number.

5750 (i) An election officer shall refuse to accept and publish an argument submitted after  
5751 the deadline described in Subsection (2)(h)(iii).

5752 (3) (a) An election officer who timely receives the written arguments in favor of and  
5753 against a special local ballot proposition shall, within one business day after the day on which  
5754 the election office receives both written arguments, send, via mail or email:

5755 (i) a copy of the written argument in favor of the special local ballot proposition to the  
5756 eligible voter who submitted the written argument against the special local ballot proposition;  
5757 and

5758 (ii) a copy of the written argument against the special local ballot proposition to the  
5759 eligible voter who submitted the written argument in favor of the special local ballot  
5760 proposition.

5761 (b) The eligible voter who submitted a timely written argument in favor of the special  
5762 local ballot proposition:

5763 (i) may submit to the election officer a written rebuttal argument of the written  
5764 argument against the special local ballot proposition;

5765 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
5766 not counting the information described in Subsection (2)(h)(ii) or (iv); and

5767 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
5768 before the election day on which the special local ballot proposition will be submitted to the  
5769 voters.

5770 (c) The eligible voter who submitted a timely written argument against the special local  
5771 ballot proposition:

5772 (i) may submit to the election officer a written rebuttal argument of the written  
5773 argument in favor of the special local ballot proposition;

5774 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,  
5775 not counting the information described in Subsection (2)(h)(ii) or (iv); and

5776 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days  
5777 before the election day on which the special local ballot proposition will be submitted to the  
5778 voters.

5779 (d) An election officer shall refuse to accept and publish a written rebuttal argument in  
5780 relation to a special local ballot proposition that is submitted after the deadline described in  
5781 Subsection (3)(b)(iii) or (3)(c)(iii).

5782 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot  
5783 proposition:

5784 (i) an eligible voter may not modify a written argument or a written rebuttal argument  
5785 after the eligible voter submits the written argument or written rebuttal argument to the election  
5786 officer; and

5787 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not  
5788 modify a written argument or a written rebuttal argument.

5789 (b) The election officer, and the eligible voter who submits a written argument or  
5790 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to  
5791 modify a written argument or written rebuttal argument in order to:

5792 (i) correct factual, grammatical, or spelling errors; and

5793 (ii) reduce the number of words to come into compliance with the requirements of this  
5794 section.

5795 (c) An election officer shall refuse to accept and publish a written argument or written  
5796 rebuttal argument in relation to a special local ballot proposition if the eligible voter who  
5797 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to  
5798 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

5799 (5) In relation to a special local ballot proposition, an election officer may designate  
5800 another eligible voter to take the place of an eligible voter described in this section if the  
5801 original eligible voter is, due to injury, illness, death, or another circumstance, unable to  
5802 continue to fulfill the duties of an eligible voter described in this section.

5803 (6) Sponsors whose written argument in favor of a standard local ballot proposition is  
5804 included in a proposition information pamphlet under Section [20A-7-401.5](#):

5805 (a) may, if a written argument against the standard local ballot proposition is included

5806 in the proposition information pamphlet, submit a written rebuttal argument to the election  
5807 officer;

5808 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
5809 and

5810 (c) shall submit the written rebuttal argument no later than 45 days before the election  
5811 day on which the standard local ballot proposition will be submitted to the voters.

5812 (7) (a) A county or municipality that submitted a written argument against a standard  
5813 local ballot proposition that is included in a proposition information pamphlet under Section  
5814 [20A-7-401.5](#):

5815 (i) may, if a written argument in favor of the standard local ballot proposition is  
5816 included in the proposition information pamphlet, submit a written rebuttal argument to the  
5817 election officer;

5818 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;  
5819 and

5820 (iii) shall submit the written rebuttal argument no later than 45 days before the election  
5821 day on which the ballot proposition will be submitted to the voters.

5822 (b) If a county or municipality submits more than one written rebuttal argument under  
5823 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,  
5824 giving preference to a written rebuttal argument submitted by a member of a local legislative  
5825 body.

5826 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument  
5827 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

5828 (b) Before an election officer publishes a local voter information pamphlet under this  
5829 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government  
5830 Records Access and Management Act.

5831 (c) An election officer who receives a written rebuttal argument described in this  
5832 section may not, before publishing the local voter information pamphlet described in this



5833 section, disclose the written rebuttal argument, or any information contained in the written  
5834 rebuttal argument, to any person who may in any way be involved in preparing an opposing  
5835 rebuttal argument.

5836 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written  
5837 rebuttal argument after the written rebuttal argument is submitted to the election officer.

5838 (b) The election officer, and the person who submits a written rebuttal argument, may  
5839 jointly agree to modify a written rebuttal argument in order to:

5840 (i) correct factual, grammatical, or spelling errors; or

5841 (ii) reduce the number of words to come into compliance with the requirements of this  
5842 section.

5843 (c) An election officer shall refuse to accept and publish a written rebuttal argument if  
5844 the person who submits the written rebuttal argument:

5845 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in  
5846 accordance with Subsection (9)(b); or

5847 (ii) does not timely submit the written rebuttal argument to the election officer.

5848 (d) An election officer shall make a good faith effort to negotiate a modification  
5849 described in Subsection (9)(b) in an expedited manner.

5850 (10) An election officer may designate another person to take the place of a person who  
5851 submits a written rebuttal argument in relation to a standard local ballot proposition if the  
5852 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the  
5853 person's duties.

5854 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal  
5855 impact estimate and the legal impact statement prepared for each initiative under Section  
5856 [20A-7-502.5](#).

5857 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall  
5858 include the following statement in bold type:

5859 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax

5860 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
5861 increase in the current tax rate."

5862 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

5863 (i) ensure that the written arguments are printed on the same sheet of paper upon which  
5864 the ballot proposition is also printed;

5865 (ii) ensure that the following statement is printed on the front cover or the heading of  
5866 the first page of the printed written arguments:

5867 "The arguments for or against a ballot proposition are the opinions of the authors.";

5868 (iii) pay for the printing and binding of the local voter information pamphlet; and

5869 (iv) not less than 15 days before, but not more than 45 days before, the election at  
5870 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered  
5871 voter entitled to vote on the ballot proposition:

5872 (A) a voter information pamphlet; or

5873 (B) the notice described in Subsection (12)(c).

5874 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the  
5875 election officer may summarize the ballot proposition in 500 words or less.

5876 (ii) The summary shall state where a complete copy of the ballot proposition is  
5877 available for public review.

5878 (c) (i) The election officer may distribute a notice printed on a postage prepaid,  
5879 preaddressed return form that a person may use to request delivery of a voter information  
5880 pamphlet by mail.

5881 (ii) The notice described in Subsection (12)(c)(i) shall include:

5882 (A) the address of the Statewide Electronic Voter Information Website authorized by  
5883 Section [20A-7-801](#); and

5884 (B) the phone number a voter may call to request delivery of a voter information  
5885 pamphlet by mail or carrier.

5886 Section 98. Section **20A-9-203** is amended to read:

5887           **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5888           (1) An individual may become a candidate for any municipal office if:

5889           (a) the individual is a registered voter; and

5890           (b) (i) the individual has resided within the municipality in which the individual seeks  
5891 to hold elective office for the 12 consecutive months immediately before the date of the  
5892 election; or

5893           (ii) the territory in which the individual resides was annexed into the municipality, the  
5894 individual has resided within the annexed territory or the municipality the 12 consecutive  
5895 months immediately before the date of the election.

5896           (2) (a) For purposes of determining whether an individual meets the residency  
5897 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months  
5898 before the election, the municipality is considered to have been incorporated 12 months before  
5899 the date of the election.

5900           (b) In addition to the requirements of Subsection (1), each candidate for a municipal  
5901 council position shall, if elected from a district, be a resident of the council district from which  
5902 the candidate is elected.

5903           (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent  
5904 individual, an individual convicted of a felony, or an individual convicted of treason or a crime  
5905 against the elective franchise may not hold office in this state until the right to hold elective  
5906 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

5907           (3) (a) An individual seeking to become a candidate for a municipal office shall,  
5908 regardless of the nomination method by which the individual is seeking to become a candidate:

5909           (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal  
5910 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a  
5911 declaration of candidacy, in person with the city recorder or town clerk, during the office hours  
5912 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1  
5913 and June 7 of any odd-numbered year; and

5914 (ii) pay the filing fee, if one is required by municipal ordinance.

5915 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a  
5916 declaration of candidacy with the city recorder or town clerk if:

5917 (i) the individual is located outside of the state during the entire filing period;

5918 (ii) the designated agent appears in person before the city recorder or town clerk;

5919 (iii) the individual communicates with the city recorder or town clerk using an  
5920 electronic device that allows the individual and city recorder or town clerk to see and hear each  
5921 other; and

5922 (iv) the individual provides the city recorder or town clerk with an email address to  
5923 which the city recorder or town clerk may send the individual the copies described in  
5924 Subsection (4).

5925 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5926 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting  
5927 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during  
5928 the office hours described in Section 10-3-301 and not later than the close of those office  
5929 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support  
5930 of the nomination petition of the lesser of at least:

5931 (A) 25 registered voters who reside in the municipality; or

5932 (B) 20% of the registered voters who reside in the municipality; and

5933 (ii) paying the filing fee, if one is required by municipal ordinance.

5934 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination  
5935 petition, the filing officer shall:

5936 (i) read to the prospective candidate or individual filing the petition the constitutional  
5937 and statutory qualification requirements for the office that the candidate is seeking;

5938 (ii) require the candidate or individual filing the petition to state whether the candidate  
5939 meets the requirements described in Subsection (4)(a)(i); and

5940 (iii) inform the candidate or the individual filing the petition that an individual who

5941 holds a municipal elected office may not, at the same time, hold a county elected office.

5942 (b) If the prospective candidate does not meet the qualification requirements for the  
5943 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5944 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
5945 filing officer shall:

5946 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
5947 written on the declaration of candidacy;

5948 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
5949 for the office the candidate is seeking and inform the candidate that failure to comply will  
5950 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5951 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
5952 Electronic Voter Information Website Program and inform the candidate of the submission  
5953 deadline under Subsection 20A-7-801(4)(a);

5954 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
5955 described under Section 20A-9-206 and inform the candidate that:

5956 (A) signing the pledge is voluntary; and

5957 (B) signed pledges shall be filed with the filing officer; and

5958 (v) accept the declaration of candidacy or nomination petition.

5959 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
5960 officer shall:

5961 (i) accept the candidate's pledge; and

5962 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
5963 candidate's pledge to the chair of the county or state political party of which the candidate is a  
5964 member.

5965 (5) (a) The declaration of candidacy shall be in substantially the following form:

5966 "I, (print name) \_\_\_\_, being first sworn, say that I reside at \_\_\_\_ Street, City of \_\_\_\_,  
5967 County of \_\_\_\_, state of Utah, Zip Code \_\_\_\_, Telephone Number (if any) \_\_\_\_; that I am a

5968 registered voter; and that I am a candidate for the office of \_\_\_\_ (stating the term). I will meet  
5969 the legal qualifications required of candidates for this office. If filing via a designated agent, I  
5970 attest that I will be out of the state of Utah during the entire candidate filing period. I will file  
5971 all campaign financial disclosure reports as required by law and I understand that failure to do  
5972 so will result in my disqualification as a candidate for this office and removal of my name from  
5973 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

5974 \_\_\_\_\_

5975           Subscribed and sworn to (or affirmed) before me by \_\_\_\_ on this  
5976 \_\_\_\_\_(month\day\year).

5977           (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)".

5978           (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may  
5979 not sign the form described in Subsection (5)(a).

5980           (c) (i) A nomination petition shall be in substantially the following form:

5981           "NOMINATION PETITION

5982           The undersigned residents of (name of municipality), being registered voters, nominate  
5983 (name of nominee) for the office of (name of office) for the (length of term of office)."

5984           (ii) The remainder of the petition shall contain lines and columns for the signatures of  
5985 individuals signing the petition and each individual's address and phone number.

5986           (6) If the declaration of candidacy or nomination petition fails to state whether the  
5987 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be  
5988 for the four-year term.

5989           (7) (a) The clerk shall verify with the county clerk that all candidates are registered  
5990 voters.

5991           (b) Any candidate who is not registered to vote is disqualified and the clerk may not  
5992 print the candidate's name on the ballot.

5993           (8) Immediately after expiration of the period for filing a declaration of candidacy, the  
5994 clerk shall:

- 5995 (a) publish a list of the names of the candidates as they will appear on the ballot:
- 5996 (i) (A) in at least two successive publications of a newspaper of general circulation in
- 5997 the municipality;
- 5998 (B) if there is no newspaper of general circulation in the municipality, by posting one
- 5999 copy of the list, and at least one additional copy of the list per 2,000 population of the
- 6000 municipality, in places within the municipality that are most likely to give notice to the voters
- 6001 in the municipality; or
- 6002 (C) by mailing notice to each registered voter in the municipality;
- 6003 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
- 6004 seven days;
- 6005 (iii) in accordance with Section [45-1-101](#), for seven days; and
- 6006 (iv) if the municipality has a website, on the municipality's website for seven days; and
- 6007 (b) notify the lieutenant governor of the names of the candidates as they will appear on
- 6008 the ballot.
- 6009 (9) Except as provided in Subsection (10)(c), an individual may not amend a
- 6010 declaration of candidacy or nomination petition filed under this section after the candidate
- 6011 filing period ends.
- 6012 (10) (a) A declaration of candidacy or nomination petition that an individual files under
- 6013 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
- 6014 five days after the last day for filing.
- 6015 (b) If a person files an objection, the clerk shall:
- 6016 (i) mail or personally deliver notice of the objection to the affected candidate
- 6017 immediately; and
- 6018 (ii) decide any objection within 48 hours after the objection is filed.
- 6019 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
- 6020 days after the day on which the clerk sustains the objection, correct the problem for which the
- 6021 objection is sustained by amending the candidate's declaration of candidacy or nomination

6022 petition, or by filing a new declaration of candidacy.

6023 (d) (i) The clerk's decision upon objections to form is final.

6024 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
6025 prompt application is made to the district court.

6026 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
6027 of its discretion, agrees to review the lower court decision.

6028 (11) A candidate who qualifies for the ballot under this section may withdraw as a  
6029 candidate by filing a written affidavit with the municipal clerk.

6030 Section 99. Section **26-61a-303** is amended to read:

6031 **26-61a-303. Renewal.**

6032 (1) The department shall renew a license under this part every year if, at the time of  
6033 renewal:

6034 (a) the licensee meets the requirements of Section [26-61a-301](#);

6035 (b) the licensee pays the department a license renewal fee in an amount that, subject to  
6036 Subsection [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

6037 (c) if the medical cannabis pharmacy changes the operating plan described in Section  
6038 [26-61a-304](#) that the department approved under Subsection [26-61a-301\(2\)\(b\)\(iv\)](#), the  
6039 department approves the new operating plan.

6040 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis  
6041 pharmacy's license, the department shall publish notice of an available license:

6042 (i) in a newspaper of general circulation for the geographic area in which the medical  
6043 cannabis pharmacy license is available; or

6044 (ii) on the Utah Public Notice Website established in Section [~~63F-1-701~~] [63A-12-201](#).

6045 (b) The department may establish criteria, in collaboration with the Division of  
6046 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with  
6047 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis  
6048 pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.



6049 Section 100. Section **32B-8a-302** is amended to read:

6050 **32B-8a-302. Application -- Approval process.**

6051 (1) To obtain the transfer of an alcohol license from an alcohol licensee, the transferee  
6052 shall file a transfer application with the department that includes:

6053 (a) an application in the form provided by the department;

6054 (b) a statement as to whether the consideration, if any, to be paid to the transferor  
6055 includes payment for transfer of the alcohol license;

6056 (c) a statement executed under penalty of perjury that the consideration as set forth in  
6057 the escrow agreement required by Section **32B-8a-401** is deposited with the escrow holder; and

6058 (d) (i) an application fee of \$300; and

6059 (ii) a transfer fee determined in accordance with Section **32B-8a-303**.

6060 (2) If the intended transfer of an alcohol license involves consideration, at least 10 days  
6061 before the commission may approve the transfer, the department shall post a notice of the  
6062 intended transfer on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
6063 63A-12-201 that states the following:

6064 (a) the name of the transferor;

6065 (b) the name and address of the business currently associated with the alcohol license;

6066 (c) instructions for filing a claim with the escrow holder; and

6067 (d) the projected date that the commission may consider the transfer application.

6068 (3) (a) (i) Before the commission may approve the transfer of an alcohol license, the  
6069 department shall conduct an investigation and may hold public hearings to gather information  
6070 and make recommendations to the commission as to whether the transfer of the alcohol license  
6071 should be approved.

6072 (ii) The department shall forward the information and recommendations described in  
6073 this Subsection (3)(a) to the commission to aid in the commission's determination.

6074 (b) Before approving a transfer, the commission shall:

6075 (i) determine that the transferee filed a complete application;

6076 (ii) determine that the transferee is eligible to hold the type of alcohol license that is to  
6077 be transferred at the premises to which the alcohol license would be transferred;

6078 (iii) determine that the transferee is not delinquent in the payment of an amount  
6079 described in Subsection 32B-8a-201(3);

6080 (iv) determine that the transferee is not disqualified under Section 32B-1-304;

6081 (v) consider the locality within which the proposed licensed premises is located,  
6082 including:

6083 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;

6084 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer  
6085 retailer state license;

6086 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing  
6087 license; and

6088 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit  
6089 that is an industrial and manufacturing use permit;

6090 (vi) consider the transferee's ability to manage and operate the retail license to be  
6091 transferred, including:

6092 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;

6093 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer  
6094 retailer state license;

6095 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing  
6096 license; and

6097 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit  
6098 that is an industrial and manufacturing use permit;

6099 (vii) consider the nature or type of alcohol licensee operation of the transferee,  
6100 including:

6101 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;

6102 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer

6103 retailer state license;

6104 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing  
6105 license; and

6106 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit  
6107 that is an industrial and manufacturing use permit;

6108 (viii) if the transfer involves consideration, determine that the transferee and transferor  
6109 have complied with Part 4, Protection of Creditors; and

6110 (ix) consider any other factor the commission considers necessary.

6111 (4) Except as otherwise provided in Section 32B-1-202, the commission may not  
6112 approve the transfer of an alcohol license to premises that do not meet the proximity  
6113 requirements of Subsection 32B-1-202(2), Section 32B-7-201, or Section 32B-11-210, as  
6114 applicable.

6115 Section 101. Section 45-1-101 is amended to read:

6116 **45-1-101. Legal notice publication requirements.**

6117 (1) As used in this section:

6118 (a) "Average advertisement rate" means:

6119 (i) in determining a rate for publication on the public legal notice website or in a  
6120 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth  
6121 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the  
6122 gross column-inch space used in the newspaper for advertising for the previous calendar  
6123 quarter; or

6124 (ii) in determining a rate for publication in a newspaper that primarily distributes  
6125 publications in a county of the first or second class, a newspaper's average rate for all  
6126 qualifying advertising segments for the preceding calendar quarter for an advertisement:

6127 (A) published in the same section of the newspaper as the legal notice; and

6128 (B) of the same column-inch space as the legal notice.

6129 (b) "Column-inch space" means a unit of space that is one standard column wide by

6130 one inch high.

6131 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from  
6132 all of its qualifying advertising segments.

6133 (d) (i) "Legal notice" means:

6134 (A) a communication required to be made public by a state statute or state agency rule;  
6135 or

6136 (B) a notice required for judicial proceedings or by judicial decision.

6137 (ii) "Legal notice" does not include:

6138 (A) a public notice published by a public body in accordance with the provisions of  
6139 Sections [52-4-202](#) and [~~63F-1-701~~] [63A-12-201](#); or

6140 (B) a notice of delinquency in the payment of property taxes described in Section  
6141 [59-2-1332.5](#).

6142 (e) "Local district" is as defined in Section [17B-1-102](#).

6143 (f) "Public legal notice website" means the website described in Subsection (2)(b) for  
6144 the purpose of publishing a legal notice online.

6145 (g) (i) "Qualifying advertising segment" means, except as provided in Subsection  
6146 (1)(g)(ii), a category of print advertising sold by a newspaper, including classified advertising,  
6147 line advertising, and display advertising.

6148 (ii) "Qualifying advertising segment" does not include legal notice advertising.

6149 (h) "Special service district" is as defined in Section [17D-1-102](#).

6150 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal  
6151 notice provision established by law, a person required by law to publish legal notice shall  
6152 publish the notice:

6153 (a) (i) as required by the statute establishing the legal notice requirement; or

6154 (ii) by serving legal notice, by certified mail or in person, directly on all parties for  
6155 whom the statute establishing the legal notice requirement requires legal notice, if:

6156 (A) the direct service of legal notice does not replace publication in a newspaper that

6157 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;

6158 (B) the statute clearly identifies the parties;

6159 (C) the person can prove that the person has identified all parties for whom notice is

6160 required; and

6161 (D) the person keeps a record of the service for at least two years; and

6162 (b) on a public legal notice website established by the combined efforts of Utah's

6163 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in

6164 the state.

6165 (3) The public legal notice website shall:

6166 (a) be available for viewing and searching by the general public, free of charge; and

6167 (b) accept legal notice posting from any newspaper in the state.

6168 (4) A person that publishes legal notice as required under Subsection (2) is not relieved

6169 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and

6170 Public Meetings Act.

6171 (5) If legal notice is required by law and one option for complying with the

6172 requirement is publication in a newspaper, or if a local district or a special service district

6173 publishes legal notice in a newspaper, the newspaper:

6174 (a) may not charge more for publication than the newspaper's average advertisement

6175 rate; and

6176 (b) shall publish the legal notice on the public legal notice website at no additional

6177 cost.

6178 (6) If legal notice is not required by law, if legal notice is required by law and the

6179 person providing legal notice, in accordance with the requirements of law, chooses not to

6180 publish the legal notice in a newspaper, or if a local district or a special service district with an

6181 annual operating budget of less than \$250,000 chooses to publish a legal notice on the public

6182 notice website without publishing the complete notice in the newspaper, a newspaper:

6183 (a) may not charge more than an amount equal to 15% of the newspaper's average

6184 advertisement rate for publishing five column lines in the newspaper to publish legal notice on  
6185 the public legal notice website;

6186 (b) may not require that the legal notice be published in the newspaper; and

6187 (c) at the request of the person publishing on the legal notice website, shall publish in  
6188 the newspaper up to five column lines, at no additional charge, that briefly describe the legal  
6189 notice and provide the web address where the full public legal notice can be found.

6190 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),  
6191 it may not refuse to publish the type of legal notice described in Subsection (6).

6192 (8) Notwithstanding the requirements of a statute that requires the publication of legal  
6193 notice, if legal notice is required by law to be published by a local district or a special service  
6194 district with an annual operating budget of \$250,000 or more, the local district or special  
6195 service district shall satisfy its legal notice publishing requirements by:

6196 (a) mailing a written notice, postage prepaid:

6197 (i) to each voter in the local district or special service district; and

6198 (ii) that contains the information required by the statute that requires the publication of  
6199 legal notice; or

6200 (b) publishing the legal notice in a newspaper and on the legal public notice website as  
6201 described in Subsection (5).

6202 (9) Notwithstanding the requirements of a statute that requires the publication of legal  
6203 notice, if legal notice is required by law to be published by a local district or a special service  
6204 district with an annual operating budget of less than \$250,000, the local district or special  
6205 service district shall satisfy its legal notice publishing requirements by:

6206 (a) mailing a written notice, postage prepaid:

6207 (i) to each voter in the local district or special service district; and

6208 (ii) that contains the information required by the statute that requires the publication of  
6209 legal notice; or

6210 (b) publishing the legal notice in a newspaper and on the public legal notice website as

6211 described in Subsection (5); or

6212 (c) publishing the legal notice on the public legal notice website as described in  
6213 Subsection (6).

6214 Section 102. Section **49-11-1102** is amended to read:

6215 **49-11-1102. Public notice of administrative board meetings -- Posting on Utah**  
6216 **Public Notice Website.**

6217 (1) The office shall provide advance public notice of meetings and agendas on the Utah  
6218 Public Notice Website established in Section [~~63F-1-701~~] [63A-12-201](#) for administrative board  
6219 meetings.

6220 (2) The office may post other public materials, as directed by the board, on the Utah  
6221 Public Notice Website.

6222 Section 103. Section **52-4-202** is amended to read:

6223 **52-4-202. Public notice of meetings -- Emergency meetings.**

6224 (1) (a) (i) A public body shall give not less than 24 hours' public notice of each  
6225 meeting.

6226 (ii) A specified body shall give not less than 24 hours' public notice of each meeting  
6227 that the specified body holds on the capitol hill complex.

6228 (b) The public notice required under Subsection (1)(a) shall include the meeting:

6229 (i) agenda;

6230 (ii) date;

6231 (iii) time; and

6232 (iv) place.

6233 (2) (a) In addition to the requirements under Subsection (1), a public body which holds  
6234 regular meetings that are scheduled in advance over the course of a year shall give public  
6235 notice at least once each year of its annual meeting schedule as provided in this section.

6236 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of  
6237 the scheduled meetings.

- 6238 (3) (a) A public body or specified body satisfies a requirement for public notice by:
- 6239 (i) posting written notice:
- 6240 (A) except for an electronic meeting held without an anchor location under Subsection
- 6241 [52-4-207](#)(4), at the principal office of the public body or specified body, or if no principal
- 6242 office exists, at the building where the meeting is to be held; and
- 6243 (B) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#);
- 6244 and
- 6245 (ii) providing notice to:
- 6246 (A) at least one newspaper of general circulation within the geographic jurisdiction of
- 6247 the public body; or
- 6248 (B) a local media correspondent.
- 6249 (b) A public body or specified body is in compliance with the provisions of Subsection
- 6250 (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions
- 6251 of Subsection [~~63F-1-701~~] [63A-12-201](#)(4)(d).
- 6252 (c) A public body whose limited resources make compliance with Subsection
- 6253 (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in
- 6254 Section [63A-12-101](#), to provide technical assistance to help the public body in its effort to
- 6255 comply.
- 6256 (4) A public body and a specified body are encouraged to develop and use additional
- 6257 electronic means to provide notice of their meetings under Subsection (3).
- 6258 (5) (a) The notice requirement of Subsection (1) may be disregarded if:
- 6259 (i) because of unforeseen circumstances it is necessary for a public body or specified
- 6260 body to hold an emergency meeting to consider matters of an emergency or urgent nature; and
- 6261 (ii) the public body or specified body gives the best notice practicable of:
- 6262 (A) the time and place of the emergency meeting; and
- 6263 (B) the topics to be considered at the emergency meeting.
- 6264 (b) An emergency meeting of a public body may not be held unless:



6265 (i) an attempt has been made to notify all the members of the public body; and  
6266 (ii) a majority of the members of the public body approve the meeting.

6267 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall  
6268 provide reasonable specificity to notify the public as to the topics to be considered at the  
6269 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

6270 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding  
6271 member of the public body, a topic raised by the public may be discussed during an open  
6272 meeting, even if the topic raised by the public was not included in the agenda or advance public  
6273 notice for the meeting.

6274 (c) Except as provided in Subsection (5), relating to emergency meetings, a public  
6275 body may not take final action on a topic in an open meeting unless the topic is:

6276 (i) listed under an agenda item as required by Subsection (6)(a); and  
6277 (ii) included with the advance public notice required by this section.

6278 (7) Except as provided in this section, this chapter does not apply to a specified body.  
6279 Section 104. Section **52-4-203** is amended to read:

6280 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**  
6281 **meetings.**

6282 (1) Except as provided under Subsection (7), written minutes and a recording shall be  
6283 kept of all open meetings.

6284 (2) (a) Written minutes of an open meeting shall include:

6285 (i) the date, time, and place of the meeting;  
6286 (ii) the names of members present and absent;  
6287 (iii) the substance of all matters proposed, discussed, or decided by the public body  
6288 which may include a summary of comments made by members of the public body;

6289 (iv) a record, by individual member, of each vote taken by the public body;  
6290 (v) the name of each person who:  
6291 (A) is not a member of the public body; and

6292 (B) after being recognized by the presiding member of the public body, provided  
6293 testimony or comments to the public body;

6294 (vi) the substance, in brief, of the testimony or comments provided by the public under  
6295 Subsection (2)(a)(v); and

6296 (vii) any other information that is a record of the proceedings of the meeting that any  
6297 member requests be entered in the minutes or recording.

6298 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that  
6299 minutes include the substance of matters proposed, discussed, or decided or the substance of  
6300 testimony or comments by maintaining a publicly available online version of the minutes that  
6301 provides a link to the meeting recording at the place in the recording where the matter is  
6302 proposed, discussed, or decided or the testimony or comments provided.

6303 (3) A recording of an open meeting shall:

6304 (a) be a complete and unedited record of all open portions of the meeting from the  
6305 commencement of the meeting through adjournment of the meeting; and

6306 (b) be properly labeled or identified with the date, time, and place of the meeting.

6307 (4) (a) As used in this Subsection (4):

6308 (i) "Approved minutes" means written minutes:

6309 (A) of an open meeting; and

6310 (B) that have been approved by the public body that held the open meeting.

6311 (ii) "Electronic information" means information presented or provided in an electronic  
6312 format.

6313 (iii) "Pending minutes" means written minutes:

6314 (A) of an open meeting; and

6315 (B) that have been prepared in draft form and are subject to change before being  
6316 approved by the public body that held the open meeting.

6317 (iv) "Specified local public body" means a legislative body of a county, city, town, or  
6318 metro township.

6319 (v) "State public body" means a public body that is an administrative, advisory,  
6320 executive, or legislative body of the state.

6321 (vi) "State website" means the Utah Public Notice Website created under Section  
6322 [~~63F-1-701~~] [63A-12-201](#).

6323 (b) Pending minutes, approved minutes, and a recording of a public meeting are public  
6324 records under Title 63G, Chapter 2, Government Records Access and Management Act.

6325 (c) Pending minutes shall contain a clear indication that the public body has not yet  
6326 approved the minutes or that the minutes are subject to change until the public body approves  
6327 them.

6328 (d) A state public body and a specified local public body shall require an individual  
6329 who, at an open meeting of the public body, publicly presents or provides electronic  
6330 information, relating to an item on the public body's meeting agenda, to provide the public  
6331 body, at the time of the meeting, an electronic or hard copy of the electronic information for  
6332 inclusion in the public record.

6333 (e) A state public body shall:

6334 (i) make pending minutes available to the public within 30 days after holding the open  
6335 meeting that is the subject of the pending minutes;

6336 (ii) within three business days after approving written minutes of an open meeting:

6337 (A) post to the state website a copy of the approved minutes and any public materials  
6338 distributed at the meeting;

6339 (B) make the approved minutes and public materials available to the public at the  
6340 public body's primary office; and

6341 (C) if the public body provides online minutes under Subsection (2)(b), post approved  
6342 minutes that comply with Subsection (2)(b) and the public materials on the public body's  
6343 website; and

6344 (iii) within three business days after holding an open meeting, post on the state website  
6345 an audio recording of the open meeting, or a link to the recording.

- 6346 (f) A specified local public body shall:
- 6347 (i) make pending minutes available to the public within 30 days after holding the open
- 6348 meeting that is the subject of the pending minutes;
- 6349 (ii) within three business days after approving written minutes of an open meeting, post
- 6350 and make available a copy of the approved minutes and any public materials distributed at the
- 6351 meeting, as provided in Subsection (4)(e)(ii); and
- 6352 (iii) within three business days after holding an open meeting, make an audio recording
- 6353 of the open meeting available to the public for listening.
- 6354 (g) A public body that is not a state public body or a specified local public body shall:
- 6355 (i) make pending minutes available to the public within a reasonable time after holding
- 6356 the open meeting that is the subject of the pending minutes;
- 6357 (ii) within three business days after approving written minutes, make the approved
- 6358 minutes available to the public; and
- 6359 (iii) within three business days after holding an open meeting, make an audio recording
- 6360 of the open meeting available to the public for listening.
- 6361 (h) A public body shall establish and implement procedures for the public body's
- 6362 approval of the written minutes of each meeting.
- 6363 (i) Approved minutes of an open meeting are the official record of the meeting.
- 6364 (5) All or any part of an open meeting may be independently recorded by any person in
- 6365 attendance if the recording does not interfere with the conduct of the meeting.
- 6366 (6) The written minutes or recording of an open meeting that are required to be
- 6367 retained permanently shall be maintained in or converted to a format that meets long-term
- 6368 records storage requirements.
- 6369 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:
- 6370 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
- 6371 by the public body; or
- 6372 (b) an open meeting of a local district under Title 17B, Limited Purpose Local

6373 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,  
6374 Special Service District Act, if the district's annual budgeted expenditures for all funds,  
6375 excluding capital expenditures and debt service, are \$50,000 or less.

6376 Section 105. Section **53-13-114** is amended to read:

6377 **53-13-114. Off-duty peace officer working as a security officer.**

6378 A peace officer may engage in off-duty employment as a security officer under Section  
6379 [58-63-304](#) only if:

6380 (1) the law enforcement agency employing the peace officer:

6381 (a) has a written policy regarding peace officer employees working while off-duty as  
6382 security officers; and

6383 (b) the policy under Subsection (1)(a) is:

6384 (i) posted and publicly available on the appropriate city, county, or state website; or

6385 (ii) posted on the Utah Public Notice Website created in Section [~~63F-1-701~~]

6386 [63A-12-201](#) if the law enforcement agency does not have access to a website under Subsection  
6387 (1)(b)(i).

6388 (2) the agency's chief administrative officer, or that officer's designee, provides written  
6389 authorization for an off-duty peace officer to work as a security officer; and

6390 (3) the business or entity employing the off-duty peace officer to work as a security  
6391 officer complies with state and federal income reporting and withholding requirements  
6392 regarding the off-duty officer's wages.

6393 Section 106. Section **53B-7-101.5** is amended to read:

6394 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

6395 (1) If an institution within the State System of Higher Education listed in Section  
6396 [53B-1-102](#) considers increasing tuition rates for undergraduate students in the process of  
6397 preparing or implementing its budget, it shall hold a meeting to receive public input and  
6398 response on the issue.

6399 (2) The institution shall advertise the hearing required under Subsection (1) using the

6400 following procedure:

6401 (a) The institution shall advertise its intent to consider an increase in student tuition  
6402 rates:

6403 (i) in the institution's student newspaper twice during a period of 10 days prior to the  
6404 meeting; and

6405 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
6406 10 days immediately before the meeting.

6407 (b) The advertisement shall state that the institution will meet on a certain day, time,  
6408 and place fixed in the advertisement, which shall not be less than seven days after the day the  
6409 second advertisement is published, for the purpose of hearing comments regarding the  
6410 proposed increase and to explain the reasons for the proposed increase.

6411 (3) The form and content of the notice shall be substantially as follows:

6412 "NOTICE OF PROPOSED TUITION INCREASE

6413 The (name of the higher education institution) is proposing to increase student tuition  
6414 rates. This would be an increase of \_\_\_\_\_ %, which is an increase of \$ \_\_\_\_\_ per semester  
6415 for a full-time resident undergraduate student. All concerned students and citizens are invited  
6416 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

6417 (4) (a) The institution shall provide the following information to those in attendance at  
6418 the meeting required under Subsection (1):

6419 (i) the current year's student enrollment for:

6420 (A) the State System of Higher Education, if a systemwide increase is being  
6421 considered; or

6422 (B) the institution, if an increase is being considered for just a single institution;

6423 (ii) total tuition revenues for the current school year;

6424 (iii) projected student enrollment growth for the next school year and projected tuition  
6425 revenue increases from that anticipated growth; and

6426 (iv) a detailed accounting of how and where the increased tuition revenues would be

6427 spent.

6428 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken  
6429 down into majors or departments if the proposed tuition increases are department or major  
6430 specific.

6431 (5) If the institution does not make a final decision on the proposed tuition increase at  
6432 the meeting, it shall announce the date, time, and place of the meeting where that determination  
6433 shall be made.

6434 Section 107. Section **53B-8a-103** is amended to read:

6435 **53B-8a-103. Creation of Utah Educational Savings Plan -- Powers and duties of**  
6436 **plan -- Certain exemptions.**

6437 (1) There is created the Utah Educational Savings Plan, which may also be known and  
6438 do business as:

6439 (a) the Utah Educational Savings Plan Trust; or

6440 (b) another related name.

6441 (2) The plan:

6442 (a) is a non-profit, self-supporting agency that administers a public trust;

6443 (b) shall administer the various programs, funds, trusts, plans, functions, duties, and  
6444 obligations assigned to the plan:

6445 (i) consistent with sound fiduciary principles; and

6446 (ii) subject to review of the board; and

6447 (c) shall be known as and managed as a qualified tuition program in compliance with  
6448 Section 529, Internal Revenue Code, that is sponsored by the state.

6449 (3) The plan may:

6450 (a) make and enter into contracts necessary for the administration of the plan payable  
6451 from plan money, including:

6452 (i) contracts for goods and services; and

6453 (ii) contracts to engage personnel, with demonstrated ability or expertise, including

6454 consultants, actuaries, managers, counsel, and auditors for the purpose of rendering  
6455 professional, managerial, and technical assistance and advice;

6456 (b) adopt a corporate seal and change and amend the corporate seal;

6457 (c) invest money within the program, administrative, and endowment funds in  
6458 accordance with the provisions under Section [53B-8a-107](#);

6459 (d) enter into agreements with account owners, any institution of higher education, any  
6460 federal or state agency, or other entity as required to implement this chapter;

6461 (e) solicit and accept any grants, gifts, legislative appropriations, and other money from  
6462 the state, any unit of federal, state, or local government, or any other person, firm, partnership,  
6463 or corporation for deposit to the administrative fund, endowment fund, or the program fund;

6464 (f) make provision for the payment of costs of administration and operation of the plan;

6465 (g) carry out studies and projections to advise account owners regarding:

6466 (i) present and estimated future higher education costs; and  
6467 (ii) levels of financial participation in the plan required to enable account owners to  
6468 achieve their educational funding objective;

6469 (h) participate in federal, state, local governmental, or private programs;

6470 (i) create public and private partnerships, including investment or management  
6471 relationships with other 529 plans or entities;

6472 (j) promulgate, impose, and collect administrative fees and charges in connection with  
6473 transactions of the plan, and provide for reasonable service charges;

6474 (k) procure insurance:

6475 (i) against any loss in connection with the property, assets, or activities of the plan; and  
6476 (ii) indemnifying any member of the board from personal loss or accountability arising  
6477 from liability resulting from a member's action or inaction as a member of the plan's board;

6478 (l) administer outreach efforts to:

6479 (i) market and publicize the plan and the plan's products to existing and prospective  
6480 account owners; and



- 6481 (ii) encourage economically challenged populations to save for post-secondary  
6482 education;
- 6483 (m) adopt, trademark, and copyright names and materials for use in marketing and  
6484 publicizing the plan and the plan's products;
- 6485 (n) administer the funds of the plan;
- 6486 (o) sue and be sued in the plan's own name;
- 6487 (p) own institutional accounts in the plan to establish and administer:
- 6488 (i) scholarship programs; or
- 6489 (ii) other college savings incentive programs, including programs designed to enhance  
6490 the savings of low income account owners investing in the plan; and
- 6491 (q) have and exercise any other powers or duties that are necessary or appropriate to  
6492 carry out and effectuate the purposes of this chapter.
- 6493 (4) (a) Except as provided in Subsection (4)(b), the plan is exempt from the provisions  
6494 of Title 63G, Chapter 2, Government Records Access and Management Act.
- 6495 (b) (i) The annual audited financial statements of the plan described in Section  
6496 [53B-8a-111](#) are public records.
- 6497 (ii) Financial information that is provided by the plan to the [~~Division of Finance and~~  
6498 ~~posted on the Utah Public Finance Website in accordance with Section [63A-1-202](#)] state  
6499 auditor and posted on the public finance website established by the state auditor in accordance  
6500 with Section [67-3-12](#) is a public record.~~
- 6501 (5) The plan is subject to:
- 6502 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
- 6503 (b) Title 63G, Chapter 6a, Utah Procurement Code.
- 6504 Section 108. Section **53D-1-103** is amended to read:
- 6505 **53D-1-103. Application of other law.**
- 6506 (1) The office, board, and nominating committee are subject to:
- 6507 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

- 6508 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] Section 67-3-12.
- 6509 (2) Subject to Subsection 63E-1-304(2), the office may participate in coverage under  
6510 the Risk Management Fund, created in Section 63A-4-201.
- 6511 (3) The office and board are subject to:
- 6512 (a) Title 63G, Chapter 2, Government Records Access and Management Act, except  
6513 for records relating to investment activities; and
- 6514 (b) Title 63G, Chapter 6a, Utah Procurement Code.
- 6515 (4) (a) In making rules under this chapter, the director is subject to and shall comply  
6516 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as provided in  
6517 Subsection (4)(b).
- 6518 (b) Subsections 63G-3-301(6) and (7) and Section 63G-3-601 do not apply to the  
6519 director's making of rules under this chapter.
- 6520 (5) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to a board  
6521 member to the same extent as it applies to an employee, as defined in Section 63G-7-102.
- 6522 (6) (a) A board member, the director, and an office employee or agent are subject to:
- 6523 (i) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and  
6524 (ii) other requirements that the board establishes.
- 6525 (b) In addition to any restrictions or requirements imposed under Subsection (6)(a), a  
6526 board member, the director, and an office employee or agent may not directly or indirectly  
6527 acquire an interest in the trust fund or receive any direct benefit from any transaction dealing  
6528 with trust fund money.
- 6529 (7) (a) Except as provided in Subsection (7)(b), the office shall comply with Title 67,  
6530 Chapter 19, Utah State Personnel Management Act.
- 6531 (b) (i) Upon a recommendation from the director after the director's consultation with  
6532 the executive director of the Department of Human Resource Management, the board may  
6533 provide that specified positions in the office are exempt from Section 67-19-12 and the career  
6534 service provisions of Title 67, Chapter 19, Utah State Personnel Management Act, as provided

6535 in Subsection 67-19-15(1), if the board determines that exemption is required for the office to  
6536 fulfill efficiently its responsibilities under this chapter.

6537 (ii) The director position is exempt from Section 67-19-12 and the career service  
6538 provisions of Title 67, Chapter 19, Utah State Personnel Management Act, as provided in  
6539 Subsection 67-19-15(1).

6540 (iii) (A) After consultation with the executive director of the Department of Human  
6541 Resource Management, the director shall set salaries for positions that are exempted under  
6542 Subsection (7)(b)(i), within ranges that the board approves.

6543 (B) In approving salary ranges for positions that are exempted under Subsection  
6544 (7)(b)(i), the board shall consider salaries for similar positions in private enterprise and other  
6545 public employment.

6546 (8) The office is subject to legislative appropriation, to executive branch budgetary  
6547 review and recommendation, and to legislative and executive branch review.

6548 Section 109. Section 53E-3-705 is amended to read:

6549 **53E-3-705. School plant capital outlay report.**

6550 (1) The state board shall prepare an annual school plant capital outlay report of all  
6551 school districts, which includes information on the number and size of building projects  
6552 completed and under construction.

6553 (2) A school district or charter school shall prepare and submit an annual school plant  
6554 capital outlay report [~~in accordance with Section 63A-1-202~~] to the state auditor on or before a  
6555 date designated by the state auditor.

6556 Section 110. Section 53E-4-202 is amended to read:

6557 **53E-4-202. Core standards for Utah public schools.**

6558 (1) (a) In establishing minimum standards related to curriculum and instruction  
6559 requirements under Section 53E-3-501, the state board shall, in consultation with local school  
6560 boards, school superintendents, teachers, employers, and parents implement core standards for  
6561 Utah public schools that will enable students to, among other objectives:

- 6562 (i) communicate effectively, both verbally and through written communication;  
6563 (ii) apply mathematics; and  
6564 (iii) access, analyze, and apply information.
- 6565 (b) Except as provided in this public education code, the state board may recommend  
6566 but may not require a local school board or charter school governing board to use:
- 6567 (i) a particular curriculum or instructional material; or  
6568 (ii) a model curriculum or instructional material.
- 6569 (2) The state board shall, in establishing the core standards for Utah public schools:
- 6570 (a) identify the basic knowledge, skills, and competencies each student is expected to  
6571 acquire or master as the student advances through the public education system; and  
6572 (b) align with each other the core standards for Utah public schools and the  
6573 assessments described in Section [53E-4-303](#).
- 6574 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection  
6575 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and  
6576 continual progress within and between grade levels and courses in the basic academic areas of:
- 6577 (a) English, including explicit phonics, spelling, grammar, reading, writing,  
6578 vocabulary, speech, and listening; and  
6579 (b) mathematics, including basic computational skills.
- 6580 (4) Before adopting core standards for Utah public schools, the state board shall:
- 6581 (a) publicize draft core standards for Utah public schools on the state board's website  
6582 and the Utah Public Notice website created under Section [~~63F-1-701~~] [63A-12-201](#);
- 6583 (b) invite public comment on the draft core standards for Utah public schools for a  
6584 period of not less than 90 days; and  
6585 (c) conduct three public hearings that are held in different regions of the state on the  
6586 draft core standards for Utah public schools.
- 6587 (5) LEA governing boards shall design their school programs, that are supported by  
6588 generally accepted scientific standards of evidence, to focus on the core standards for Utah

6589 public schools with the expectation that each program will enhance or help achieve mastery of  
6590 the core standards for Utah public schools.

6591 (6) Except as provided in Section 53G-10-402, each school may select instructional  
6592 materials and methods of teaching, that are supported by generally accepted scientific standards  
6593 of evidence, that the school considers most appropriate to meet the core standards for Utah  
6594 public schools.

6595 (7) The state may exit any agreement, contract, memorandum of understanding, or  
6596 consortium that cedes control of the core standards for Utah public schools to any other entity,  
6597 including a federal agency or consortium, for any reason, including:

6598 (a) the cost of developing or implementing the core standards for Utah public schools;

6599 (b) the proposed core standards for Utah public schools are inconsistent with  
6600 community values; or

6601 (c) the agreement, contract, memorandum of understanding, or consortium:

6602 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National  
6603 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;

6604 (ii) conflicts with Utah law;

6605 (iii) requires Utah student data to be included in a national or multi-state database;

6606 (iv) requires records of teacher performance to be included in a national or multi-state  
6607 database; or

6608 (v) imposes curriculum, assessment, or data tracking requirements on home school or  
6609 private school students.

6610 (8) The state board shall submit a report in accordance with Section 53E-1-203 on the  
6611 development and implementation of the core standards for Utah public schools, including the  
6612 time line established for the review of the core standards for Utah public schools by a standards  
6613 review committee and the recommendations of a standards review committee established under  
6614 Section 53E-4-203.

6615 Section 111. Section 53G-3-204 is amended to read:

6616           **53G-3-204. Notice before preparing or amending a long-range plan or acquiring**  
6617 **certain property.**

6618           (1) As used in this section:

6619           (a) "Affected entity" means each county, municipality, local district under Title 17B,  
6620 Limited Purpose Local Government Entities - Local Districts, special service district under  
6621 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established  
6622 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

6623           (i) whose services or facilities are likely to require expansion or significant  
6624 modification because of an intended use of land; or

6625           (ii) that has filed with the school district a copy of the general or long-range plan of the  
6626 county, municipality, local district, special service district, school district, interlocal  
6627 cooperation entity, or specified public utility.

6628           (b) "Specified public utility" means an electrical corporation, gas corporation, or  
6629 telephone corporation, as those terms are defined in Section [54-2-1](#).

6630           (2) (a) If a school district located in a county of the first or second class prepares a  
6631 long-range plan regarding its facilities proposed for the future or amends an already existing  
6632 long-range plan, the school district shall, before preparing a long-range plan or amendments to  
6633 an existing long-range plan, provide written notice, as provided in this section, of its intent to  
6634 prepare a long-range plan or to amend an existing long-range plan.

6635           (b) Each notice under Subsection (2)(a) shall:

6636           (i) indicate that the school district intends to prepare a long-range plan or to amend a  
6637 long-range plan, as the case may be;

6638           (ii) describe or provide a map of the geographic area that will be affected by the  
6639 long-range plan or amendments to a long-range plan;

6640           (iii) be:

6641           (A) sent to each county in whose unincorporated area and each municipality in whose  
6642 boundaries is located the land on which the proposed long-range plan or amendments to a

6643 long-range plan are expected to indicate that the proposed facilities will be located;  
6644 (B) sent to each affected entity;  
6645 (C) sent to the Automated Geographic Reference Center created in Section [63F-1-506](#);  
6646 (D) sent to each association of governments, established pursuant to an interlocal  
6647 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or  
6648 municipality described in Subsection (2)(b)(iii)(A) is a member; and  
6649 (E) placed on the Utah Public Notice Website created under Section [~~63F-1-701~~]  
6650 [63A-12-201](#);  
6651 (iv) with respect to the notice to counties and municipalities described in Subsection  
6652 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to  
6653 consider in the process of preparing, adopting, and implementing the long-range plan or  
6654 amendments to a long-range plan concerning:  
6655 (A) impacts that the use of land proposed in the proposed long-range plan or  
6656 amendments to a long-range plan may have on the county, municipality, or affected entity; and  
6657 (B) uses of land that the county, municipality, or affected entity is planning or  
6658 considering that may conflict with the proposed long-range plan or amendments to a long-range  
6659 plan; and  
6660 (v) include the address of an Internet website, if the school district has one, and the  
6661 name and telephone number of a person where more information can be obtained concerning  
6662 the school district's proposed long-range plan or amendments to a long-range plan.  
6663 (3) (a) Except as provided in Subsection (3)(d), each school district intending to  
6664 acquire real property in a county of the first or second class for the purpose of expanding the  
6665 district's infrastructure or other facilities shall provide written notice, as provided in this  
6666 Subsection (3), of its intent to acquire the property if the intended use of the property is  
6667 contrary to:  
6668 (i) the anticipated use of the property under the county or municipality's general plan;  
6669 or

- 6670 (ii) the property's current zoning designation.
- 6671 (b) Each notice under Subsection (3)(a) shall:
- 6672 (i) indicate that the school district intends to acquire real property;
- 6673 (ii) identify the real property; and
- 6674 (iii) be sent to:
- 6675 (A) each county in whose unincorporated area and each municipality in whose
- 6676 boundaries the property is located; and
- 6677 (B) each affected entity.
- 6678 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
- 6679 [63G-2-305\(8\)](#).
- 6680 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
- 6681 previously provided notice under Subsection (2) identifying the general location within the
- 6682 municipality or unincorporated part of the county where the property to be acquired is located.
- 6683 (ii) If a school district is not required to comply with the notice requirement of
- 6684 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
- 6685 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of
- 6686 the real property.
- 6687 Section 112. Section **53G-4-204** is amended to read:
- 6688 **53G-4-204. Compensation for services -- Additional per diem -- Approval of**
- 6689 **expenses.**
- 6690 (1) Each member of a local school board, except the student member, shall receive
- 6691 compensation for services and for necessary expenses in accordance with compensation
- 6692 schedules adopted by the local school board in accordance with the provisions of this section.
- 6693 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
- 6694 compensation schedules, the local school board shall set a time and place for a public hearing
- 6695 at which all interested persons shall be given an opportunity to be heard.
- 6696 (3) Notice of the time, place, and purpose of the meeting shall be provided at least



6697 seven days prior to the meeting by:

6698 (a) (i) publication at least once in a newspaper published in the county where the  
6699 school district is situated and generally circulated within the school district; and

6700 (ii) publication on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
6701 [63A-12-201](#); and

6702 (b) posting a notice:

6703 (i) at each school within the school district;

6704 (ii) in at least three other public places within the school district; and

6705 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

6706 (4) After the conclusion of the public hearing, the local school board may adopt or  
6707 amend its compensation schedules.

6708 (5) Each member shall submit an itemized account of necessary travel expenses for  
6709 local school board approval.

6710 (6) A local school board may, without following the procedures described in  
6711 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to  
6712 July 1, 2007, until, at the discretion of the local school board, the compensation schedule is  
6713 amended or a new compensation schedule is adopted.

6714 Section 113. Section **53G-4-402** is amended to read:

6715 **53G-4-402. Powers and duties generally.**

6716 (1) A local school board shall:

6717 (a) implement the core standards for Utah public schools using instructional materials  
6718 that best correlate to the core standards for Utah public schools and graduation requirements;

6719 (b) administer tests, required by the state board, which measure the progress of each  
6720 student, and coordinate with the state superintendent and state board to assess results and create  
6721 plans to improve the student's progress, which shall be submitted to the state board for  
6722 approval;

6723 (c) use progress-based assessments as part of a plan to identify schools, teachers, and

6724 students that need remediation and determine the type and amount of federal, state, and local  
6725 resources to implement remediation;

6726 (d) develop early warning systems for students or classes failing to make progress;

6727 (e) work with the state board to establish a library of documented best practices,  
6728 consistent with state and federal regulations, for use by the local districts;

6729 (f) implement training programs for school administrators, including basic  
6730 management training, best practices in instructional methods, budget training, staff  
6731 management, managing for learning results and continuous improvement, and how to help  
6732 every child achieve optimal learning in basic academic subjects; and

6733 (g) ensure that the local school board meets the data collection and reporting standards  
6734 described in Section [53E-3-501](#).

6735 (2) Local school boards shall spend Minimum School Program funds for programs and  
6736 activities for which the state board has established minimum standards or rules under Section  
6737 [53E-3-501](#).

6738 (3) (a) A local school board may purchase, sell, and make improvements on school  
6739 sites, buildings, and equipment and construct, erect, and furnish school buildings.

6740 (b) School sites or buildings may only be conveyed or sold on local school board  
6741 resolution affirmed by at least two-thirds of the members.

6742 (4) (a) A local school board may participate in the joint construction or operation of a  
6743 school attended by children residing within the district and children residing in other districts  
6744 either within or outside the state.

6745 (b) Any agreement for the joint operation or construction of a school shall:

6746 (i) be signed by the president of the local school board of each participating district;

6747 (ii) include a mutually agreed upon pro rata cost; and

6748 (iii) be filed with the state board.

6749 (5) A local school board may establish, locate, and maintain elementary, secondary,  
6750 and applied technology schools.

6751           (6) Except as provided in Section 53E-3-905, a local school board may enroll children  
6752 in school who are at least five years of age before September 2 of the year in which admission  
6753 is sought.

6754           (7) A local school board may establish and support school libraries.

6755           (8) A local school board may collect damages for the loss, injury, or destruction of  
6756 school property.

6757           (9) A local school board may authorize guidance and counseling services for children  
6758 and their parents before, during, or following enrollment of the children in schools.

6759           (10) (a) A local school board shall administer and implement federal educational  
6760 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National  
6761 Education Programs.

6762           (b) Federal funds are not considered funds within the school district budget under  
6763 Chapter 7, Part 3, Budgets.

6764           (11) (a) A local school board may organize school safety patrols and adopt policies  
6765 under which the patrols promote student safety.

6766           (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
6767 parental consent for the appointment.

6768           (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
6769 of a highway intended for vehicular traffic use.

6770           (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
6771 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
6772 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

6773           (12) (a) A local school board may on its own behalf, or on behalf of an educational  
6774 institution for which the local school board is the direct governing body, accept private grants,  
6775 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

6776           (b) These contributions are not subject to appropriation by the Legislature.

6777           (13) (a) A local school board may appoint and fix the compensation of a compliance

6778 officer to issue citations for violations of Subsection 76-10-105(2)(b).

6779 (b) A person may not be appointed to serve as a compliance officer without the  
6780 person's consent.

6781 (c) A teacher or student may not be appointed as a compliance officer.

6782 (14) A local school board shall adopt bylaws and policies for the local school board's  
6783 own procedures.

6784 (15) (a) A local school board shall make and enforce policies necessary for the control  
6785 and management of the district schools.

6786 (b) Local school board policies shall be in writing, filed, and referenced for public  
6787 access.

6788 (16) A local school board may hold school on legal holidays other than Sundays.

6789 (17) (a) A local school board shall establish for each school year a school traffic safety  
6790 committee to implement this Subsection (17).

6791 (b) The committee shall be composed of one representative of:

6792 (i) the schools within the district;

6793 (ii) the Parent Teachers' Association of the schools within the district;

6794 (iii) the municipality or county;

6795 (iv) state or local law enforcement; and

6796 (v) state or local traffic safety engineering.

6797 (c) The committee shall:

6798 (i) receive suggestions from school community councils, parents, teachers, and others  
6799 and recommend school traffic safety improvements, boundary changes to enhance safety, and  
6800 school traffic safety program measures;

6801 (ii) review and submit annually to the Department of Transportation and affected  
6802 municipalities and counties a child access routing plan for each elementary, middle, and junior  
6803 high school within the district;

6804 (iii) consult the Utah Safety Council and the Division of Family Health Services and

6805 provide training to all school children in kindergarten through grade 6, within the district, on  
6806 school crossing safety and use; and

6807 (iv) help ensure the district's compliance with rules made by the Department of  
6808 Transportation under Section 41-6a-303.

6809 (d) The committee may establish subcommittees as needed to assist in accomplishing  
6810 its duties under Subsection (17)(c).

6811 (18) (a) A local school board shall adopt and implement a comprehensive emergency  
6812 response plan to prevent and combat violence in the local school board's public schools, on  
6813 school grounds, on its school vehicles, and in connection with school-related activities or  
6814 events.

6815 (b) The plan shall:

6816 (i) include prevention, intervention, and response components;

6817 (ii) be consistent with the student conduct and discipline policies required for school  
6818 districts under Chapter 11, Part 2, Miscellaneous Requirements;

6819 (iii) require professional learning for all district and school building staff on what their  
6820 roles are in the emergency response plan;

6821 (iv) provide for coordination with local law enforcement and other public safety  
6822 representatives in preventing, intervening, and responding to violence in the areas and activities  
6823 referred to in Subsection (18)(a); and

6824 (v) include procedures to notify a student, to the extent practicable, who is off campus  
6825 at the time of a school violence emergency because the student is:

6826 (A) participating in a school-related activity; or

6827 (B) excused from school for a period of time during the regular school day to  
6828 participate in religious instruction at the request of the student's parent.

6829 (c) The state board, through the state superintendent, shall develop comprehensive  
6830 emergency response plan models that local school boards may use, where appropriate, to  
6831 comply with Subsection (18)(a).

6832 (d) A local school board shall, by July 1 of each year, certify to the state board that its  
6833 plan has been practiced at the school level and presented to and reviewed by its teachers,  
6834 administrators, students, and their parents and local law enforcement and public safety  
6835 representatives.

6836 (19) (a) A local school board may adopt an emergency response plan for the treatment  
6837 of sports-related injuries that occur during school sports practices and events.

6838 (b) The plan may be implemented by each secondary school in the district that has a  
6839 sports program for students.

6840 (c) The plan may:

6841 (i) include emergency personnel, emergency communication, and emergency  
6842 equipment components;

6843 (ii) require professional learning on the emergency response plan for school personnel  
6844 who are involved in sports programs in the district's secondary schools; and

6845 (iii) provide for coordination with individuals and agency representatives who:

6846 (A) are not employees of the school district; and

6847 (B) would be involved in providing emergency services to students injured while  
6848 participating in sports events.

6849 (d) The local school board, in collaboration with the schools referred to in Subsection  
6850 (19)(b), may review the plan each year and make revisions when required to improve or  
6851 enhance the plan.

6852 (e) The state board, through the state superintendent, shall provide local school boards  
6853 with an emergency plan response model that local school boards may use to comply with the  
6854 requirements of this Subsection (19).

6855 (20) A local school board shall do all other things necessary for the maintenance,  
6856 prosperity, and success of the schools and the promotion of education.

6857 (21) (a) Before closing a school or changing the boundaries of a school, a local school  
6858 board shall:

6859 (i) at least 120 days before approving the school closure or school boundary change,  
6860 provide notice to the following that the local school board is considering the closure or  
6861 boundary change:

6862 (A) parents of students enrolled in the school, using the same form of communication  
6863 the local school board regularly uses to communicate with parents;

6864 (B) parents of students enrolled in other schools within the school district that may be  
6865 affected by the closure or boundary change, using the same form of communication the local  
6866 school board regularly uses to communicate with parents; and

6867 (C) the governing council and the mayor of the municipality in which the school is  
6868 located;

6869 (ii) provide an opportunity for public comment on the proposed school closure or  
6870 school boundary change during at least two public local school board meetings; and

6871 (iii) hold a public hearing as defined in Section [10-9a-103](#) and provide public notice of  
6872 the public hearing as described in Subsection (21)(b).

6873 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

6874 (i) indicate the:

6875 (A) school or schools under consideration for closure or boundary change; and

6876 (B) the date, time, and location of the public hearing;

6877 (ii) at least 10 days before the public hearing, be:

6878 (A) published:

6879 (I) in a newspaper of general circulation in the area; and

6880 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

6881 (B) posted in at least three public locations within the municipality in which the school  
6882 is located on the school district's official website, and prominently at the school; and

6883 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be  
6884 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

6885 (22) A local school board may implement a facility energy efficiency program

6886 established under Title 11, Chapter 44, Performance Efficiency Act.

6887 (23) A local school board may establish or partner with a certified youth court  
6888 program, in accordance with Section 78A-6-1203, or establish or partner with a comparable  
6889 restorative justice program, in coordination with schools in that district. A school may refer a  
6890 student to youth court or a comparable restorative justice program in accordance with Section  
6891 53G-8-211.

6892 Section 114. Section 53G-5-504 is amended to read:

6893 **53G-5-504. Charter school closure.**

6894 (1) As used in this section, "receiving charter school" means a charter school that an  
6895 authorizer permits under Subsection (13)(a), to accept enrollment applications from students of  
6896 a closing charter school.

6897 (2) If a charter school is closed for any reason, including the termination of a charter  
6898 agreement in accordance with Section 53G-5-503 or the conversion of a charter school to a  
6899 private school, the provisions of this section apply.

6900 (3) A decision to close a charter school is made:

6901 (a) when a charter school authorizer approves a motion to terminate described in  
6902 Subsection 53G-5-503(2)(c);

6903 (b) when the state board takes final action described in Subsection 53G-5-503(2)(d)(ii);

6904 or

6905 (c) when a charter school provides notice to the charter school's authorizer that the  
6906 charter school is relinquishing the charter school's charter.

6907 (4) (a) No later than 10 days after the day on which a decision to close a charter school  
6908 is made, the charter school shall:

6909 (i) provide notice to the following, in writing, of the decision:

6910 (A) if the charter school made the decision to close, the charter school's authorizer;

6911 (B) the State Charter School Board;

6912 (C) if the state board did not make the decision to close, the state board;



- 6913 (D) parents of students enrolled at the charter school;
- 6914 (E) the charter school's creditors;
- 6915 (F) the charter school's lease holders;
- 6916 (G) the charter school's bond issuers;
- 6917 (H) other entities that may have a claim to the charter school's assets;
- 6918 (I) the school district in which the charter school is located and other charter schools
- 6919 located in that school district; and
- 6920 (J) any other person that the charter school determines to be appropriate; and
- 6921 (ii) post notice of the decision on the Utah Public Notice Website, created in Section
- 6922 ~~[63F-1-701]~~ [63A-12-201](#).
- 6923 (b) The notice described in Subsection (4)(a) shall include:
- 6924 (i) the proposed date of the charter school closure;
- 6925 (ii) the charter school's plans to help students identify and transition into a new school;
- 6926 and
- 6927 (iii) contact information for the charter school during the transition.
- 6928 (5) No later than 10 days after the day on which a decision to close a charter school is
- 6929 made, the closing charter school shall:
- 6930 (a) designate a custodian for the protection of student files and school business records;
- 6931 (b) designate a base of operation that will be maintained throughout the charter school
- 6932 closing, including:
- 6933 (i) an office;
- 6934 (ii) hours of operation;
- 6935 (iii) operational telephone service with voice messaging stating the hours of operation;
- 6936 and
- 6937 (iv) a designated individual to respond to questions or requests during the hours of
- 6938 operation;
- 6939 (c) assure that the charter school will maintain private insurance coverage or risk

6940 management coverage for covered claims that arise before closure, throughout the transition to  
6941 closure and for a period following closure of the charter school as specified by the charter  
6942 school's authorizer;

6943 (d) assure that the charter school will complete by the set deadlines for all fiscal years  
6944 in which funds are received or expended by the charter school a financial audit and any other  
6945 procedure required by state board rule;

6946 (e) inventory all assets of the charter school; and

6947 (f) list all creditors of the charter school and specifically identify secured creditors and  
6948 assets that are security interests.

6949 (6) The closing charter school's authorizer shall oversee the closing charter school's  
6950 compliance with Subsection (5).

6951 (7) (a) A closing charter school shall return any assets remaining, after all liabilities  
6952 and obligations of the closing charter school are paid or discharged, to the closing charter  
6953 school's authorizer.

6954 (b) The closing charter school's authorizer shall liquidate assets at fair market value or  
6955 assign the assets to another public school.

6956 (8) The closing charter school's authorizer shall oversee liquidation of assets and  
6957 payment of debt in accordance with state board rule.

6958 (9) The closing charter school shall:

6959 (a) comply with all state and federal reporting requirements; and

6960 (b) submit all documentation and complete all state and federal reports required by the  
6961 closing charter school's authorizer or the state board, including documents to verify the closing  
6962 charter school's compliance with procedural requirements and satisfaction of all financial  
6963 issues.

6964 (10) When the closing charter school's financial affairs are closed out and dissolution is  
6965 complete, the authorizer shall ensure that a final audit of the charter school is completed.

6966 (11) On or before January 1, 2017, the state board shall, in accordance with Title 63G,

6967 Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from  
6968 charter school authorizers, make rules that:

6969 (a) provide additional closure procedures for charter schools; and

6970 (b) establish a charter school closure process.

6971 (12) (a) Upon termination of the charter school's charter agreement:

6972 (i) notwithstanding provisions to the contrary in Title 16, Chapter 6a, Part 14,

6973 Dissolution, the nonprofit corporation under which the charter school is organized and

6974 managed may be unilaterally dissolved by the authorizer; and

6975 (ii) the net assets of the charter school shall revert to the authorizer as described in

6976 Subsection (7).

6977 (b) The charter school and the authorizer shall mutually agree in writing on the

6978 effective date and time of the dissolution described in Subsection (12)(a).

6979 (c) The effective date and time of dissolution described in Subsection (12)(b) may not

6980 exceed five years after the date of the termination of the charter agreement.

6981 (13) Notwithstanding the provisions of Chapter 6, Part 5, Charter School Enrollment:

6982 (a) an authorizer may permit a specified number of students from a closing charter

6983 school to be enrolled in another charter school, if the receiving charter school:

6984 (i) (A) is authorized by the same authorizer as the closing charter school; or

6985 (B) is authorized by a different authorizer and the authorizer of the receiving charter

6986 school approves the increase in enrollment; and

6987 (ii) agrees to accept enrollment applications from students of the closing charter

6988 school;

6989 (b) a receiving charter school shall give new enrollment preference to applications

6990 from students of the closing charter school in the first school year in which the closing charter

6991 school is not operational; and

6992 (c) a receiving charter school's enrollment capacity is increased by the number of

6993 students enrolled in the receiving charter school from the closing charter school under this

6994 Subsection (13).

6995 (14) A member of the governing board or staff of the receiving charter school that is  
6996 also a member of the governing board of the receiving charter school's authorizer, shall recuse  
6997 himself or herself from a decision regarding the enrollment of students from a closing charter  
6998 school as described in Subsection (13).

6999 Section 115. Section **53G-7-1105** is amended to read:

7000 **53G-7-1105. Association budgets.**

7001 (1) An association shall:

7002 (a) adopt a budget in accordance with this section; and

7003 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall  
7004 be in accordance with generally accepted accounting principles or auditing standards.

7005 (2) An association budget officer or executive director shall annually prepare a  
7006 tentative budget, with supporting documentation, to be submitted to the governing body.

7007 (3) The tentative budget and supporting documents shall include the following items:

7008 (a) the revenues and expenditures of the preceding fiscal year;

7009 (b) the estimated revenues and expenditures of the current fiscal year;

7010 (c) a detailed estimate of the essential expenditures for all purposes for the next  
7011 succeeding fiscal year; and

7012 (d) the estimated financial condition of the association by funds at the close of the  
7013 current fiscal year.

7014 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,  
7015 before the date of the tentative budget's proposed adoption by the governing body.

7016 (5) The governing body shall adopt a budget.

7017 (6) Before the adoption or amendment of a budget, the governing body shall hold a  
7018 public hearing on the proposed budget or budget amendment.

7019 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings  
7020 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the

7021 public hearing, a governing body shall:

7022 (i) publish a notice of the public hearing electronically in accordance with Section  
7023 [~~63F-1-701~~] [63A-12-201](#); and

7024 (ii) post the proposed budget on the association's Internet website.

7025 (b) A notice of a public hearing on an association's proposed budget shall include  
7026 information on how the public may access the proposed budget as provided in Subsection  
7027 (7)(a).

7028 (8) No later than September 30 of each year, the governing body shall file a copy of the  
7029 adopted budget with the state auditor and the state board.

7030 Section 116. Section **54-8-10** is amended to read:

7031 **54-8-10. Public hearing -- Notice -- Publication.**

7032 (1) Such notice shall be:

7033 (a) (i) published:

7034 (A) in full one time in a newspaper of general circulation in the district; or

7035 (B) if there be no such newspaper, in a newspaper of general circulation in the county,  
7036 city, or town in which the district is located; and

7037 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
7038 [63A-12-201](#); and

7039 (b) posted in not less than three public places in the district.

7040 (2) A copy of the notice shall be mailed by certified mail to the last known address of  
7041 each owner of land within the proposed district whose property will be assessed for the cost of  
7042 the improvement.

7043 (3) The address to be used for that purpose shall be that last appearing on the real  
7044 property assessment rolls of the county in which the property is located.

7045 (4) In addition, a copy of the notice shall be addressed to "Owner" and shall be so  
7046 mailed addressed to the street number of each piece of improved property to be affected by the  
7047 assessment.

7048 (5) Mailed notices and the published notice shall state where a copy of the resolution  
7049 creating the district will be available for inspection by any interested parties.

7050 Section 117. Section **54-8-16** is amended to read:

7051 **54-8-16. Notice of assessment -- Publication.**

7052 (1) After the preparation of a resolution under Section [54-8-14](#), notice of a public  
7053 hearing on the proposed assessments shall be given.

7054 (2) The notice described in Subsection (1) shall be:

7055 (a) published:

7056 (i) one time in a newspaper in which the first notice of hearing was published at least  
7057 20 days before the date fixed for the hearing; and

7058 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
7059 at least 20 days before the date fixed for the hearing; and

7060 (b) mailed by certified mail not less than 15 days prior to the date fixed for such  
7061 hearing to each owner of real property whose property will be assessed for part of the cost of  
7062 the improvement at the last known address of such owner using for such purpose the names  
7063 and addresses appearing on the last completed real property assessment rolls of the county  
7064 wherein said affected property is located.

7065 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so  
7066 mailed addressed to the street number of each piece of improved property to be affected by  
7067 such assessment.

7068 (4) Each notice shall state that at the specified time and place, the governing body will  
7069 hold a public hearing upon the proposed assessments and shall state that any owner of any  
7070 property to be assessed pursuant to the resolution will be heard on the question of whether his  
7071 property will be benefited by the proposed improvement to the amount of the proposed  
7072 assessment against his property and whether the amount assessed against his property  
7073 constitutes more than his proper proportional share of the total cost of the improvement.

7074 (5) The notice shall further state where a copy of the resolution proposed to be adopted

7075 levying the assessments against all real property in the district will be on file for public  
7076 inspection, and that subject to such changes and corrections therein as may be made by the  
7077 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

7078 (6) A published notice shall describe the boundaries or area of the district with  
7079 sufficient particularity to permit each owner of real property therein to ascertain that his  
7080 property lies in the district.

7081 (7) The mailed notice may refer to the district by name and date of creation and shall  
7082 state the amount of the assessment proposed to be levied against the real property of the person  
7083 to whom the notice is mailed.

7084 Section 118. Section **57-11-11** is amended to read:

7085 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**  
7086 **Intervention by division in suits -- General powers of division.**

7087 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,  
7088 or repealed only after a public hearing.

7089 (b) The division shall:

7090 (i) publish notice of the public hearing described in Subsection (1)(a):

7091 (A) once in a newspaper or newspapers with statewide circulation and at least 20 days  
7092 before the hearing; and

7093 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
7094 at least 20 days before the hearing; and

7095 (ii) send a notice to a nonprofit organization which files a written request for notice  
7096 with the division at least 20 days prior to the hearing.

7097 (2) The rules shall include but need not be limited to:

7098 (a) provisions for advertising standards to assure full and fair disclosure; and

7099 (b) provisions for escrow or trust agreements, performance bonds, or other means

7100 reasonably necessary to assure that all improvements referred to in the application for

7101 registration and advertising will be completed and that purchasers will receive the interest in

7102 land contracted for.

7103 (3) These provisions, however, shall not be required if the city or county in which the  
7104 subdivision is located requires similar means of assurance of a nature and in an amount no less  
7105 adequate than is required under said rules:

7106 (a) provisions for operating procedures;

7107 (b) provisions for a shortened form of registration in cases where the division  
7108 determines that the purposes of this act do not require a subdivision to be registered pursuant to  
7109 an application containing all the information required by Section 57-11-6 or do not require that  
7110 the public offering statement contain all the information required by Section 57-11-7; and

7111 (c) other rules necessary and proper to accomplish the purpose of this chapter.

7112 (4) The division by rule or order, after reasonable notice, may require the filing of  
7113 advertising material relating to subdivided lands prior to its distribution, provided that the  
7114 division must approve or reject any advertising material within 15 days from the receipt thereof  
7115 or the material shall be considered approved.

7116 (5) If it appears that a person has engaged or is about to engage in an act or practice  
7117 constituting a violation of a provision of this chapter or a rule or order hereunder, the agency,  
7118 with or without prior administrative proceedings, may bring an action in the district court of the  
7119 district where said person maintains his residence or a place of business or where said act or  
7120 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce  
7121 compliance with this chapter or any rule or order hereunder. Upon proper showing, injunctive  
7122 relief or temporary restraining orders shall be granted, and a receiver or conservator may be  
7123 appointed. The division shall not be required to post a bond in any court proceedings.

7124 (6) The division shall be allowed to intervene in a suit involving subdivided lands,  
7125 either as a party or as an amicus curiae, where it appears that the interpretation or  
7126 constitutionality of any provision of law will be called into question. In any suit by or against a  
7127 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice  
7128 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,



7129 constitute grounds for the division withholding any approval required by this chapter.

7130 (7) The division may:

7131 (a) accept registrations filed in other states or with the federal government;

7132 (b) contract with public agencies or qualified private persons in this state or other  
7133 jurisdictions to perform investigative functions; and

7134 (c) accept grants-in-aid from any source.

7135 (8) The division shall cooperate with similar agencies in other jurisdictions to establish  
7136 uniform filing procedures and forms, uniform public offering statements, advertising standards,  
7137 rules, and common administrative practices.

7138 Section 119. Section **59-2-919** is amended to read:

7139 **59-2-919. Notice and public hearing requirements for certain tax increases --**

7140 **Exceptions.**

7141 (1) As used in this section:

7142 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue  
7143 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

7144 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including  
7145 revenue from:

7146 (i) eligible new growth as defined in Section [59-2-924](#); or

7147 (ii) personal property that is:

7148 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

7149 (B) semiconductor manufacturing equipment.

7150 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year  
7151 that begins on January 1 and ends on December 31.

7152 (d) "County executive calendar year taxing entity" means a calendar year taxing entity  
7153 that operates under the county executive-council form of government described in Section

7154 [17-52a-203](#).

7155 (e) "Current calendar year" means the calendar year immediately preceding the

7156 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the  
7157 calendar year taxing entity's certified tax rate.

7158 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that  
7159 begins on July 1 and ends on June 30.

7160 (g) "Last year's property tax budgeted revenue" does not include revenue received by a  
7161 taxing entity from a debt service levy voted on by the public.

7162 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax  
7163 rate unless the taxing entity meets:

7164 (a) the requirements of this section that apply to the taxing entity; and

7165 (b) all other requirements as may be required by law.

7166 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar  
7167 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax  
7168 rate if the calendar year taxing entity:

7169 (i) 14 or more days before the date of the regular general election or municipal general  
7170 election held in the current calendar year, states at a public meeting:

7171 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the  
7172 calendar year taxing entity's certified tax rate;

7173 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would  
7174 be generated by the proposed increase in the certified tax rate; and

7175 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity  
7176 based on the proposed increase described in Subsection (3)(a)(i)(B);

7177 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in  
7178 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a  
7179 separate item on the meeting agenda that notifies the public that the calendar year taxing entity  
7180 intends to make the statement described in Subsection (3)(a)(i);

7181 (iii) meets the advertisement requirements of Subsections (6) and (7) before the  
7182 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

- 7183 (iv) provides notice by mail:
- 7184 (A) seven or more days before the regular general election or municipal general
- 7185 election held in the current calendar year; and
- 7186 (B) as provided in Subsection (3)(c); and
- 7187 (v) conducts a public hearing that is held:
- 7188 (A) in accordance with Subsections (8) and (9); and
- 7189 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).
- 7190 (b) (i) For a county executive calendar year taxing entity, the statement described in
- 7191 Subsection (3)(a)(i) shall be made by the:
- 7192 (A) county council;
- 7193 (B) county executive; or
- 7194 (C) both the county council and county executive.
- 7195 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
- 7196 county council states a dollar amount of additional ad valorem tax revenue that is greater than
- 7197 the amount of additional ad valorem tax revenue previously stated by the county executive in
- 7198 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:
- 7199 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
- 7200 county executive calendar year taxing entity conducts the public hearing under Subsection
- 7201 (3)(a)(v); and
- 7202 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
- 7203 county executive calendar year taxing entity conducts the public hearing required by
- 7204 Subsection (3)(a)(v).
- 7205 (c) The notice described in Subsection (3)(a)(iv):
- 7206 (i) shall be mailed to each owner of property:
- 7207 (A) within the calendar year taxing entity; and
- 7208 (B) listed on the assessment roll;
- 7209 (ii) shall be printed on a separate form that:

7210 (A) is developed by the commission;

7211 (B) states at the top of the form, in bold upper-case type no smaller than 18 point

7212 "NOTICE OF PROPOSED TAX INCREASE"; and

7213 (C) may be mailed with the notice required by Section [59-2-1317](#);

7214 (iii) shall contain for each property described in Subsection (3)(c)(i):

7215 (A) the value of the property for the current calendar year;

7216 (B) the tax on the property for the current calendar year; and

7217 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year

7218 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax

7219 rate, the estimated tax on the property;

7220 (iv) shall contain the following statement:

7221 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar

7222 year]. This notice contains estimates of the tax on your property and the proposed tax increase

7223 on your property as a result of this tax increase. These estimates are calculated on the basis of

7224 [insert previous applicable calendar year] data. The actual tax on your property and proposed

7225 tax increase on your property may vary from this estimate.";

7226 (v) shall state the date, time, and place of the public hearing described in Subsection

7227 (3)(a)(v); and

7228 (vi) may contain other property tax information approved by the commission.

7229 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall

7230 calculate the estimated tax on property on the basis of:

7231 (i) data for the current calendar year; and

7232 (ii) the amount of additional ad valorem tax revenue stated in accordance with this

7233 section.

7234 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate

7235 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

7236 (a) provides notice by meeting the advertisement requirements of Subsections (6) and

7237 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year  
7238 taxing entity's annual budget is adopted; and

7239 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the  
7240 fiscal year taxing entity's annual budget is adopted.

7241 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements  
7242 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with  
7243 the requirements of this section.

7244 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or  
7245 (4) if:

7246 (i) Section [53F-8-301](#) allows the taxing entity to levy a tax rate that exceeds that  
7247 certified tax rate without having to comply with the notice provisions of this section; or

7248 (ii) the taxing entity:

7249 (A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal year;  
7250 and

7251 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax  
7252 revenue.

7253 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this  
7254 section shall be published:

7255 (i) subject to Section [45-1-101](#), in a newspaper or combination of newspapers of  
7256 general circulation in the taxing entity;

7257 (ii) electronically in accordance with Section [45-1-101](#); and

7258 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

7259 (b) The advertisement described in Subsection (6)(a)(i) shall:

7260 (i) be no less than 1/4 page in size;

7261 (ii) use type no smaller than 18 point; and

7262 (iii) be surrounded by a 1/4-inch border.

7263 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that

7264 portion of the newspaper where legal notices and classified advertisements appear.

7265 (d) It is the intent of the Legislature that:

7266 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a  
7267 newspaper that is published at least one day per week; and

7268 (ii) the newspaper or combination of newspapers selected:

7269 (A) be of general interest and readership in the taxing entity; and

7270 (B) not be of limited subject matter.

7271 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

7272 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks  
7273 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);  
7274 and

7275 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
7276 advertisement, which shall be seven or more days after the day the first advertisement is  
7277 published, for the purpose of hearing comments regarding any proposed increase and to explain  
7278 the reasons for the proposed increase.

7279 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

7280 (A) be published two weeks before a taxing entity conducts a public hearing described  
7281 in Subsection (3)(a)(v) or (4)(b); and

7282 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
7283 advertisement, which shall be seven or more days after the day the first advertisement is  
7284 published, for the purpose of hearing comments regarding any proposed increase and to explain  
7285 the reasons for the proposed increase.

7286 (f) If a fiscal year taxing entity's public hearing information is published by the county  
7287 auditor in accordance with Section [59-2-919.2](#), the fiscal year taxing entity is not subject to the  
7288 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run  
7289 the advertisement once during the week before the fiscal year taxing entity conducts a public  
7290 hearing at which the taxing entity's annual budget is discussed.

7291 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an  
7292 advertisement shall be substantially as follows:

7293 "NOTICE OF PROPOSED TAX INCREASE

7294 (NAME OF TAXING ENTITY)

7295 The (name of the taxing entity) is proposing to increase its property tax revenue.

7296 ● The (name of the taxing entity) tax on a (insert the average value of a residence  
7297 in the taxing entity rounded to the nearest thousand dollars) residence would  
7298 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

7299 ● The (name of the taxing entity) tax on a (insert the value of a business having  
7300 the same value as the average value of a residence in the taxing entity) business  
7301 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

7302 ● If the proposed budget is approved, (name of the taxing entity) would increase  
7303 its property tax budgeted revenue by \_\_\_% above last year's property tax  
7304 budgeted revenue excluding eligible new growth.

7305 All concerned citizens are invited to a public hearing on the tax increase.

7306 PUBLIC HEARING

7307 Date/Time: (date) (time)

7308 Location: (name of meeting place and address of meeting place)

7309 To obtain more information regarding the tax increase, citizens may contact the (name  
7310 of the taxing entity) at (phone number of taxing entity)."

7311 (7) The commission:

7312 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
7313 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by  
7314 two or more taxing entities; and

7315 (b) subject to Section 45-1-101, may authorize:

7316 (i) the use of a weekly newspaper:

7317 (A) in a county having both daily and weekly newspapers if the weekly newspaper

7318 would provide equal or greater notice to the taxpayer; and  
7319 (B) if the county petitions the commission for the use of the weekly newspaper; or  
7320 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer  
7321 if:  
7322 (A) the cost of the advertisement would cause undue hardship;  
7323 (B) the direct notice is different and separate from that provided for in Section  
7324 59-2-919.1; and  
7325 (C) the taxing entity petitions the commission for the use of a commission approved  
7326 direct notice.  
7327 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county  
7328 legislative body in which the fiscal year taxing entity is located of the date, time, and place of  
7329 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.  
7330 (B) A county that receives notice from a fiscal year taxing entity under Subsection  
7331 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place  
7332 of the public hearing described in Subsection (8)(a)(i)(A).  
7333 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar  
7334 year, notify the county legislative body in which the calendar year taxing entity is located of the  
7335 date, time, and place of the first public hearing at which the calendar year taxing entity's annual  
7336 budget will be discussed.  
7337 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:  
7338 (A) open to the public; and  
7339 (B) held at a meeting of the taxing entity with no items on the agenda other than  
7340 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing  
7341 entity's certified tax rate, the taxing entity's budget, a local district's or special service district's  
7342 fee implementation or increase, or a combination of these items.  
7343 (ii) The governing body of a taxing entity conducting a public hearing described in  
7344 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an



7345 opportunity to present oral testimony:

7346 (A) within reasonable time limits; and

7347 (B) without unreasonable restriction on the number of individuals allowed to make  
7348 public comment.

7349 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a  
7350 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing  
7351 of another overlapping taxing entity in the same county.

7352 (ii) The taxing entities in which the power to set tax levies is vested in the same  
7353 governing board or authority may consolidate the public hearings described in Subsection  
7354 (3)(a)(v) or (4)(b) into one public hearing.

7355 (d) A county legislative body shall resolve any conflict in public hearing dates and  
7356 times after consultation with each affected taxing entity.

7357 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or  
7358 (4)(b) beginning at or after 6 p.m.

7359 (ii) If a taxing entity holds a public meeting for the purpose of addressing general  
7360 business of the taxing entity on the same date as a public hearing described in Subsection  
7361 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before  
7362 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).

7363 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the  
7364 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public  
7365 hearing of the taxing entity.

7366 (ii) A taxing entity may hold the following hearings on the same date as a public  
7367 hearing described in Subsection (3)(a)(v) or (4)(b):

7368 (A) a budget hearing;

7369 (B) if the taxing entity is a local district or a special service district, a fee hearing  
7370 described in Section [17B-1-643](#);

7371 (C) if the taxing entity is a town, an enterprise fund hearing described in Section

7372 10-5-107.5; or

7373 (D) if the taxing entity is a city, an enterprise fund hearing described in Section

7374 10-6-135.5.

7375 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad  
7376 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing  
7377 entity shall:

7378 (i) announce at that public hearing the scheduled time and place of the next public  
7379 meeting at which the taxing entity will consider budgeting the additional ad valorem tax  
7380 revenue; and

7381 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described  
7382 in Subsection (9)(a)(i) before September 1.

7383 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount  
7384 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem  
7385 tax revenue stated at a public meeting under Subsection (3)(a)(i).

7386 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's  
7387 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed  
7388 annual budget.

7389 Section 120. Section **59-2-919.2** is amended to read:

7390 **59-2-919.2. Consolidated advertisement of public hearings.**

7391 (1) (a) Except as provided in Subsection (1)(b), on the same day on which a taxing  
7392 entity provides the notice to the county required under Subsection 59-2-919(8)(a)(i), the taxing  
7393 entity shall provide to the county auditor the information required by Subsection

7394 59-2-919(8)(a)(i).

7395 (b) A taxing entity is not required to notify the county auditor of the taxing entity's  
7396 public hearing in accordance with Subsection (1)(a) if the taxing entity is exempt from the  
7397 notice requirements of Section 59-2-919.

7398 (2) If as of July 22, two or more taxing entities notify the county auditor under

7399 Subsection (1), the county auditor shall by no later than July 22 of each year:

7400           (a) compile a list of the taxing entities that notify the county auditor under Subsection

7401 (1);

7402           (b) include on the list described in Subsection (2)(a), the following information for

7403 each taxing entity on the list:

7404           (i) the name of the taxing entity;

7405           (ii) the date, time, and location of the public hearing described in Subsection

7406 [59-2-919](#)(8)(a)(i);

7407           (iii) the average dollar increase on a residence in the taxing entity that the proposed tax

7408 increase would generate; and

7409           (iv) the average dollar increase on a business in the taxing entity that the proposed tax

7410 increase would generate;

7411           (c) provide a copy of the list described in Subsection (2)(a) to each taxing entity that

7412 notifies the county auditor under Subsection (1); and

7413           (d) in addition to the requirements of Subsection (3), if the county has a webpage,

7414 publish a copy of the list described in Subsection (2)(a) on the county's webpage until

7415 December 31.

7416           (3) (a) At least two weeks before any public hearing included in the list under

7417 Subsection (2) is held, the county auditor shall publish:

7418           (i) the list compiled under Subsection (2); and

7419           (ii) a statement that:

7420           (A) the list is for informational purposes only;

7421           (B) the list should not be relied on to determine a person's tax liability under this

7422 chapter; and

7423           (C) for specific information related to the tax liability of a taxpayer, the taxpayer

7424 should review the taxpayer's tax notice received under Section [59-2-919.1](#).

7425           (b) Except as provided in Subsection (3)(d)(ii), the information described in Subsection

7426 (3)(a) shall be published:

7427 (i) in no less than 1/4 page in size;

7428 (ii) in type no smaller than 18 point; and

7429 (iii) surrounded by a 1/4-inch border.

7430 (c) The published information described in Subsection (3)(a) and published in

7431 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a

7432 legal notice or classified advertisement appears.

7433 (d) A county auditor shall publish the information described in Subsection (3)(a):

7434 (i) (A) in a newspaper or combination of newspapers that are:

7435 (I) published at least one day per week;

7436 (II) of general interest and readership in the county; and

7437 (III) not of limited subject matter; and

7438 (B) once each week for the two weeks preceding the first hearing included in the list

7439 compiled under Subsection (2); and

7440 (ii) for two weeks preceding the first hearing included in the list compiled under

7441 Subsection (2):

7442 (A) as required in Section [45-1-101](#); and

7443 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

7444 (4) A taxing entity that notifies the county auditor under Subsection (1) shall provide

7445 the list described in Subsection (2)(c) to a person:

7446 (a) who attends the public hearing described in Subsection [59-2-919\(8\)\(a\)\(i\)](#) of the

7447 taxing entity; or

7448 (b) who requests a copy of the list.

7449 (5) (a) A county auditor shall by no later than 30 days from the day on which the last

7450 publication of the information required by Subsection (3)(a) is made:

7451 (i) determine the costs of compiling and publishing the list; and

7452 (ii) charge each taxing entity included on the list an amount calculated by dividing the

7453 amount determined under Subsection (5)(a) by the number of taxing entities on the list.

7454 (b) A taxing entity shall pay the county auditor the amount charged under Subsection  
7455 (5)(a).

7456 (6) The publication of the list under this section does not remove or change the notice  
7457 requirements of Section 59-2-919 for a taxing entity.

7458 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
7459 commission may make rules:

7460 (a) relating to the publication of a consolidated advertisement which includes the  
7461 information described in Subsection (2) for a taxing entity that overlaps two or more counties;

7462 (b) relating to the payment required in Subsection (5)(b); and

7463 (c) to oversee the administration of this section and provide for uniform  
7464 implementation.

7465 Section 121. Section 59-12-1102 is amended to read:

7466 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**  
7467 **Administration -- Administrative charge -- Commission requirement to retain an amount**  
7468 **to be deposited into the Qualified Emergency Food Agencies Fund -- Enactment or repeal**  
7469 **of tax -- Effective date -- Notice requirements.**

7470 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax  
7471 authorized by this chapter, a county may impose by ordinance a county option sales and use tax  
7472 of .25% upon the transactions described in Subsection 59-12-103(1).

7473 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this  
7474 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
7475 exempt from taxation under Section 59-12-104.

7476 (b) For purposes of this Subsection (1), the location of a transaction shall be  
7477 determined in accordance with Sections 59-12-211 through 59-12-215.

7478 (c) The county option sales and use tax under this section shall be imposed:

7479 (i) upon transactions that are located within the county, including transactions that are

7480 located within municipalities in the county; and  
7481 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of  
7482 January:  
7483 (A) of the next calendar year after adoption of the ordinance imposing the tax if the  
7484 ordinance is adopted on or before May 25; or  
7485 (B) of the second calendar year after adoption of the ordinance imposing the tax if the  
7486 ordinance is adopted after May 25.  
7487 (d) The county option sales and use tax under this section shall be imposed:  
7488 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before  
7489 September 4, 1997; or  
7490 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997  
7491 but after September 4, 1997.  
7492 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a  
7493 county shall hold two public hearings on separate days in geographically diverse locations in  
7494 the county.  
7495 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting  
7496 time of no earlier than 6 p.m.  
7497 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven  
7498 days after the day the first advertisement required by Subsection (2)(c) is published.  
7499 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county  
7500 shall advertise:  
7501 (A) its intent to adopt a county option sales and use tax;  
7502 (B) the date, time, and location of each public hearing; and  
7503 (C) a statement that the purpose of each public hearing is to obtain public comments  
7504 regarding the proposed tax.  
7505 (ii) The advertisement shall be published:  
7506 (A) in a newspaper of general circulation in the county once each week for the two

7507 weeks preceding the earlier of the two public hearings; and

7508 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
7509 two weeks preceding the earlier of the two public hearings.

7510 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8  
7511 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch  
7512 border.

7513 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that  
7514 portion of the newspaper where legal notices and classified advertisements appear.

7515 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

7516 (A) the advertisement shall appear in a newspaper that is published at least five days a  
7517 week, unless the only newspaper in the county is published less than five days a week; and

7518 (B) the newspaper selected shall be one of general interest and readership in the  
7519 community, and not one of limited subject matter.

7520 (d) The adoption of an ordinance imposing a county option sales and use tax is subject  
7521 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part  
7522 6, Local Referenda - Procedures.

7523 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a  
7524 county option sales and use tax under Subsection (1) is less than 75% of the state population,  
7525 the tax levied under Subsection (1) shall be distributed to the county in which the tax was  
7526 collected.

7527 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a  
7528 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state  
7529 population:

7530 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to  
7531 the county in which the tax was collected; and

7532 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection  
7533 (1) in each county shall be distributed proportionately among all counties imposing the tax,

7534 based on the total population of each county.

7535 (c) Except as provided in Subsection (5), the amount to be distributed annually to a  
7536 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county  
7537 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

7538 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall  
7539 be increased so that, when combined with the amount distributed to the county under  
7540 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

7541 (ii) the amount to be distributed annually to all other counties under Subsection  
7542 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under  
7543 Subsection (3)(c)(i).

7544 (d) The commission shall establish rules to implement the distribution of the tax under  
7545 Subsections (3)(a), (b), and (c).

7546 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part  
7547 shall be administered, collected, and enforced in accordance with:

7548 (i) the same procedures used to administer, collect, and enforce the tax under:

7549 (A) Part 1, Tax Collection; or

7550 (B) Part 2, Local Sales and Use Tax Act; and

7551 (ii) Chapter 1, General Taxation Policies.

7552 (b) A tax under this part is not subject to Subsections 59-12-205(2) through (6).

7553 (c) (i) Subject to Subsection (4)(c)(ii), the commission shall retain and deposit an  
7554 administrative charge in accordance with Section 59-1-306 from the revenue the commission  
7555 collects from a tax under this part.

7556 (ii) Notwithstanding Section 59-1-306, the administrative charge described in  
7557 Subsection (4)(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of  
7558 the distribution amounts resulting after:

7559 (A) the applicable distribution calculations under Subsection (3) have been made; and

7560 (B) the commission retains the amount required by Subsection (5).



7561 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion  
7562 of the sales and use tax collected under this part as provided in this Subsection (5).

7563 (b) For a county that imposes a tax under this part, the commission shall calculate a  
7564 percentage each month by dividing the sales and use tax collected under this part for that  
7565 month within the boundaries of that county by the total sales and use tax collected under this  
7566 part for that month within the boundaries of all of the counties that impose a tax under this part.

7567 (c) For a county that imposes a tax under this part, the commission shall retain each  
7568 month an amount equal to the product of:

7569 (i) the percentage the commission determines for the month under Subsection (5)(b)  
7570 for the county; and

7571 (ii) \$6,354.

7572 (d) The commission shall deposit an amount the commission retains in accordance  
7573 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section  
7574 [35A-8-1009](#).

7575 (e) An amount the commission deposits into the Qualified Emergency Food Agencies  
7576 Fund shall be expended as provided in Section [35A-8-1009](#).

7577 (6) (a) For purposes of this Subsection (6):

7578 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County  
7579 Consolidations and Annexations.

7580 (ii) "Annexing area" means an area that is annexed into a county.

7581 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a  
7582 county enacts or repeals a tax under this part:

7583 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

7584 (II) the repeal shall take effect on the first day of a calendar quarter; and

7585 (B) after a 90-day period beginning on the date the commission receives notice meeting  
7586 the requirements of Subsection (6)(b)(ii) from the county.

7587 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

7588 (A) that the county will enact or repeal a tax under this part;  
7589 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);  
7590 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and  
7591 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the  
7592 tax.

7593 (c) (i) If the billing period for a transaction begins before the effective date of the  
7594 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day  
7595 of the first billing period that begins on or after the effective date of the enactment of the tax.

7596 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing  
7597 period is produced on or after the effective date of the repeal of the tax imposed under  
7598 Subsection (1).

7599 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
7600 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
7601 Subsection (6)(b)(i) takes effect:

7602 (A) on the first day of a calendar quarter; and

7603 (B) beginning 60 days after the effective date of the enactment or repeal under  
7604 Subsection (6)(b)(i).

7605 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
7606 commission may by rule define the term "catalogue sale."

7607 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs  
7608 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
7609 part for an annexing area, the enactment or repeal shall take effect:

7610 (A) on the first day of a calendar quarter; and

7611 (B) after a 90-day period beginning on the date the commission receives notice meeting  
7612 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

7613 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

7614 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or

7615 repeal of a tax under this part for the annexing area;

7616 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

7617 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

7618 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

7619 (f) (i) If the billing period for a transaction begins before the effective date of the

7620 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day

7621 of the first billing period that begins on or after the effective date of the enactment of the tax.

7622 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing

7623 period is produced on or after the effective date of the repeal of the tax imposed under

7624 Subsection (1).

7625 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of

7626 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in

7627 Subsection (6)(e)(i) takes effect:

7628 (A) on the first day of a calendar quarter; and

7629 (B) beginning 60 days after the effective date of the enactment or repeal under

7630 Subsection (6)(e)(i).

7631 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

7632 commission may by rule define the term "catalogue sale."

7633 Section 122. Section **63A-3-103** is amended to read:

7634 **63A-3-103. Duties of director of division -- Application to institutions of higher**

7635 **education.**

7636 (1) The director of the Division of Finance shall:

7637 (a) define fiscal procedures relating to approval and allocation of funds;

7638 (b) provide for the accounting control of funds;

7639 (c) promulgate rules that:

7640 (i) establish procedures for maintaining detailed records of all types of leases;

7641 (ii) account for all types of leases in accordance with generally accepted accounting

7642 principles;

7643 (iii) require the performance of a lease with an option to purchase study by state  
7644 agencies prior to any lease with an option to purchase acquisition of capital equipment; and

7645 (iv) require that the completed lease with an option to purchase study be approved by  
7646 the director of the Division of Finance;

7647 (d) if the department operates the Division of Finance as an internal service fund  
7648 agency in accordance with Section [63A-1-109.5](#), submit to the Rate Committee established in  
7649 Section [63A-1-114](#):

7650 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and

7651 (ii) other information or analysis requested by the Rate Committee;

7652 (e) oversee the Office of State Debt Collection;

7653 (f) publish the state's current constitutional debt limit on the [~~Utah Public Finance~~  
7654 ~~Website, created in Section [63A-1-202](#)]~~ public finance website established by the state auditor  
7655 in accordance with Section [67-3-12](#); and

7656 (g) prescribe other fiscal functions required by law or under the constitutional authority  
7657 of the governor to transact all executive business for the state.

7658 (2) (a) Institutions of higher education are subject to the provisions of Title 63A,  
7659 Chapter 3, Part 1, General Provisions, and Title 63A, Chapter 3, Part 2, Accounting System,  
7660 only to the extent expressly authorized or required by the Utah Board of Higher Education  
7661 under Title 53B, State System of Higher Education.

7662 (b) Institutions of higher education shall submit financial data for the past fiscal year  
7663 conforming to generally accepted accounting principles to the director of the Division of  
7664 Finance.

7665 (3) The Division of Finance shall prepare financial statements and other reports in  
7666 accordance with legal requirements and generally accepted accounting principles for the state  
7667 auditor's examination and certification:

7668 (a) not later than 60 days after a request from the state auditor; and

7669 (b) at the end of each fiscal year.

7670 Section 123. Section **63A-5b-905** is amended to read:

7671 **63A-5b-905. Notice required before division may convey division-owned**  
7672 **property.**

7673 (1) Before the division may convey vacant division-owned property, the division shall  
7674 give notice as provided in Subsection (2).

7675 (2) A notice required under Subsection (1) shall:

7676 (a) identify and describe the vacant division-owned property;

7677 (b) indicate the availability of the vacant division-owned property;

7678 (c) invite persons interested in the vacant division-owned property to submit a written  
7679 proposal to the division;

7680 (d) indicate the deadline for submitting a written proposal;

7681 (e) be posted on the division's website for at least 60 consecutive days before the  
7682 deadline for submitting a written proposal, in a location specifically designated for notices  
7683 dealing with vacant division-owned property;

7684 (f) be posted on the Utah Public Notice Website created in Section [~~63F-1-701~~]  
7685 [63A-12-201](#) for at least 60 consecutive days before the deadline for submitting a written  
7686 proposal; and

7687 (g) be sent by email to each person who has previously submitted to the division a  
7688 written request to receive notices under this section.

7689 Section 124. Section **63A-12-100** is amended to read:

7690 **CHAPTER 12. DIVISION OF ARCHIVES AND RECORDS SERVICE**

7691 **Part 1. General Provisions**

7692 **63A-12-100. Title.**

7693 This chapter is known as the [~~"Public Records Management Act."~~] "Division of  
7694 Archives and Records Service."

7695 Section 125. Section **63A-12-101** is amended to read:

- 7696           **63A-12-101. Division of Archives and Records Service created -- Duties.**  
7697           (1) There is created the Division of Archives and Records Service within the  
7698 Department of Administrative Services.  
7699           (2) The state archives shall:  
7700           (a) administer the state's archives and records management programs, including storage  
7701 of records, central microphotography programs, and quality control;  
7702           (b) apply fair, efficient, and economical management methods to the collection,  
7703 creation, use, maintenance, retention, preservation, disclosure, and disposal of records and  
7704 documents;  
7705           (c) establish standards, procedures, and techniques for the effective management and  
7706 physical care of records;  
7707           (d) conduct surveys of office operations and recommend improvements in current  
7708 records management practices, including the use of space, equipment, automation, and supplies  
7709 used in creating, maintaining, storing, and servicing records;  
7710           (e) establish standards for the preparation of schedules providing for the retention of  
7711 records of continuing value and for the prompt and orderly disposal of state records no longer  
7712 possessing sufficient administrative, historical, legal, or fiscal value to warrant further  
7713 retention;  
7714           (f) establish, maintain, and operate centralized microphotography lab facilities and  
7715 quality control for the state;  
7716           (g) provide staff and support services to the Records Management Committee created  
7717 in Section [63A-12-112](#) and the State Records Committee created in Section [63G-2-501](#);  
7718           (h) develop training programs to assist records officers and other interested officers and  
7719 employees of governmental entities to administer this chapter and Title 63G, Chapter 2,  
7720 Government Records Access and Management Act;  
7721           (i) provide access to public records deposited in the archives;  
7722           (j) administer and maintain the Utah Public Notice Website established under Section

7723 [~~63F-1-701~~] [63A-12-201](#);

7724 (k) provide assistance to any governmental entity in administering this chapter and  
7725 Title 63G, Chapter 2, Government Records Access and Management Act;

7726 (l) prepare forms for use by all governmental entities for a person requesting access to  
7727 a record; and

7728 (m) if the department operates the Division of Archives and Records Service as an  
7729 internal service fund agency in accordance with Section [63A-1-109.5](#), submit to the Rate  
7730 Committee established in Section [63A-1-114](#):

7731 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and

7732 (ii) other information or analysis requested by the Rate Committee.

7733 (3) The state archives may:

7734 (a) establish a report and directives management program; and

7735 (b) establish a forms management program.

7736 (4) The executive director of the Department of Administrative Services may direct the  
7737 state archives to administer other functions or services consistent with this chapter and Title  
7738 63G, Chapter 2, Government Records Access and Management Act.

7739 Section 126. Section **63A-12-114** is enacted to read:

7740 **63A-12-114. Utah Open Records Portal Website.**

7741 (1) As used in this section:

7742 (a) "Governmental entity" means the same as that term is defined in Section  
7743 [63G-2-103](#).

7744 (b) "Website" means the Utah Open Records Portal Website created in this section.

7745 (2) There is created the Utah Open Records Portal Website to be administered by the  
7746 division.

7747 (3) Unless otherwise provided by a governmental entity, the website shall serve as an  
7748 additional point of access for requests for records under Title 63G, Chapter 2, Government  
7749 Records Access and Management Act.

- 7750           (4) The division is responsible for:  
7751           (a) establishing and maintaining the website, with the technical assistance of the  
7752 Department of Technology Services, including the provision of equipment, resources, and  
7753 personnel as necessary;  
7754           (b) providing a mechanism for governmental entities to gain access to the website for  
7755 the purpose of posting, modifying, and maintaining records; and  
7756           (c) maintaining an archive of all records posted to the website.  
7757           (5) The timing for posting and the content of records posted to the website is the  
7758 responsibility of the governmental entity posting the record.

7759           Section 127. Section **63A-12-201**, which is renumbered from Section 63F-1-701 is  
7760 renumbered and amended to read:

7761           ~~[63F-1-701].~~           **63A-12-201. Utah Public Notice Website -- Establishment**  
7762 **and administration.**

- 7763           (1) As used in this part:  
7764           (a) "Division" means the Division of Archives and Records Service of the Department  
7765 of Administrative Services.  
7766           (b) "Executive board" means the same as that term is defined in Section [67-1-2.5](#).  
7767           (c) "Public body" means the same as that term is defined in Section [52-4-103](#).  
7768           (d) "Public information" means a public body's public notices, minutes, audio  
7769 recordings, and other materials that are required to be posted to the website under Title 52,  
7770 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.  
7771           (e) "Website" means the Utah Public Notice Website created under this section.  
7772           (2) There is created the Utah Public Notice Website to be administered by the  
7773 ~~[Division of Archives and Records Service]~~ division.  
7774           (3) The website shall consist of an Internet website provided to assist the public to find  
7775 posted public information.  
7776           (4) The division, with the technical assistance of the Department of Technology



7777 Services, shall create the website that shall:

7778 (a) allow a public body, or other certified entity, to easily post any public information,  
7779 including the contact information required under Subsections [17B-1-303\(9\)](#) and  
7780 [17D-1-106\(1\)\(b\)\(ii\)](#);

7781 (b) allow the public to easily search the public information by:

7782 (i) public body name;

7783 (ii) date of posting of the notice;

7784 (iii) date of any meeting or deadline included as part of the public information; and

7785 (iv) any other criteria approved by the division;

7786 (c) allow the public to easily search and view past, archived public information;

7787 (d) allow an individual to subscribe to receive updates and notices associated with a  
7788 public body or a particular type of public information;

7789 [~~(e) be easily accessible by the public from the State of Utah home page;~~]

7790 [~~(f)~~] (e) have a unique and simplified website address;

7791 [~~(g)~~] (f) be directly accessible via a link from the main page of the official state  
7792 website; [~~and~~]

7793 [~~(h)~~] (g) include other links, features, or functionality that will assist the public in  
7794 obtaining and reviewing public information posted on the website, as may be approved by the  
7795 division[.]; and

7796 (h) be guided by the principles described in Subsection [63A-16-202\(2\)](#).

7797 (5) (a) Subject to Subsection (5)(b), the division and the governor's office shall  
7798 coordinate to ensure that the website, the database described in Section [67-1-2.5](#), and the  
7799 website described in Section [67-1-2.5](#) automatically share appropriate information in order to  
7800 ensure that:

7801 (i) an individual who subscribes to receive information under Subsection (4)(d) for an  
7802 executive board automatically receives notifications of vacancies on the executive board that  
7803 will be publicly filled, including a link to information regarding how an individual may apply

7804 to fill the vacancy; and

7805 (ii) an individual who accesses an executive board's information on the website has  
7806 access to the following through the website:

7807 (A) the executive board's information in the database, except an individual's physical  
7808 address, e-mail address, or phone number; and

7809 (B) the portal described in Section [67-1-2.5](#) through which an individual may provide  
7810 input on an appointee to, or member of, the executive board.

7811 (b) The division and the governor's office shall comply with Subsection (5)(a) as soon  
7812 as reasonably possible within existing funds appropriated to the division and the governor's  
7813 office.

7814 (6) Before August 1 of each year, the division shall:

7815 (a) identify each executive board that is a public body that did not submit to the  
7816 website a notice of a public meeting during the previous fiscal year; and

7817 (b) report the name of each identified executive board to the governor's boards and  
7818 commissions administrator.

7819 (7) The division is responsible for:

7820 (a) establishing and maintaining the website, including the provision of equipment,  
7821 resources, and personnel as is necessary;

7822 (b) providing a mechanism for public bodies or other certified entities to have access to  
7823 the website for the purpose of posting and modifying public information; and

7824 (c) maintaining an archive of all public information posted to the website.

7825 (8) A public body is responsible for the content the public body is required to post to  
7826 the website and the timing of posting of that information.

7827 Section 128. Section **63A-12-202**, which is renumbered from Section 63F-1-702 is  
7828 renumbered and amended to read:

7829 ~~**[63F-1-702].**~~ **63A-12-202. Notice and training by the Division of Archives**  
7830 **and Records Service.**

7831 (1) The division shall provide notice of the provisions and requirements of this chapter  
7832 to all public bodies that are subject to the provision of Subsection [52-4-202\(3\)\(a\)\(ii\)](#).

7833 (2) The division shall, as necessary, provide periodic training on the use of the [~~Utah~~  
7834 ~~Public Notice Website~~] website to public bodies that are authorized to post notice on the  
7835 website.

7836 Section 129. Section **63A-16-101** is enacted to read:

7837 **CHAPTER 16. UTAH TRANSPARENCY ADVISORY BOARD**

7838 **Part 1. General Provisions**

7839 **63A-16-101. Title.**

7840 This chapter is known as the "Utah Transparency Advisory Board."

7841 Section 130. Section **63A-16-102** is enacted to read:

7842 **63A-16-102. Definitions.**

7843 As used in this chapter:

7844 (1) "Board" means the Utah Transparency Advisory Board created in Section  
7845 [63A-16-201](#).

7846 (2) "Public information" means the same as that term is defined in Section [63F-1-108](#).

7847 (3) "Public information website" means:

7848 (a) the website established by the State Board of Education in accordance with  
7849 Subsection [53E-5-211\(1\)](#);

7850 (b) the Utah Open Records Portal Website created in Section [63A-12-114](#);

7851 (c) the Utah Public Notice Website created in Section [63A-12-201](#);

7852 (d) the Utah Open Data Portal Website created in Section [63F-1-108](#); or

7853 (e) the public finance website established by the state auditor in accordance with  
7854 Section [67-3-12](#).

7855 Section 131. Section **63A-16-201**, which is renumbered from Section 63A-1-203 is  
7856 renumbered and amended to read:

7857 **Part 2. Creation and Duties**

7858           ~~[63A-1-203].~~           **63A-16-201. Utah Transparency Advisory Board -- Creation**  
7859 **-- Membership -- Duties.**

7860           (1) There is created within the department the Utah Transparency Advisory Board  
7861 comprised of members knowledgeable about public finance or providing public access to  
7862 public information.

7863           (2) The board consists of:

7864           (a) the state auditor or the state auditor's designee;

7865           (b) an individual appointed by the executive director of the department;

7866           (c) an individual appointed by the executive director of the Governor's Office of  
7867 Management and Budget;

7868           ~~[(d) an individual appointed by the governor on advice from the Legislative Fiscal~~  
7869 ~~Analyst;]~~

7870           ~~[(e) one member of the Senate, appointed by the governor on advice from the president~~  
7871 ~~of the Senate;]~~

7872           ~~[(f) one member of the House of Representatives, appointed by the governor on advice~~  
7873 ~~from the speaker of the House of Representatives;]~~

7874           ~~[(g) an individual appointed by the director of the Department of Technology~~  
7875 ~~Services;]~~

7876           ~~[(h) the director of the Division of Archives and Records Service created in Section~~  
7877 ~~63A-12-101 or the director's designee;]~~

7878           ~~[(i) an individual who is a member of the State Records Committee created in Section~~  
7879 ~~63G-2-501, appointed by the governor;]~~

7880           ~~[(j) an individual representing counties, appointed by the governor;]~~

7881           ~~[(k) an individual representing municipalities, appointed by the governor;]~~

7882           ~~[(l) an individual representing special districts, appointed by the governor;]~~

7883           ~~[(m) an individual representing the State Board of Education, appointed by the State~~  
7884 ~~Board of Education; and]~~

7885 ~~[(n) one individual who is a member of the public and who has knowledge, expertise,~~  
7886 ~~or experience in matters relating to the board's duties under Subsection (10), appointed by the~~  
7887 ~~board members identified in Subsections (2)(a) through (m).]~~

7888 ~~[(3) The board shall:]~~

7889 ~~[(a) advise the state auditor and the department on matters related to the~~  
7890 ~~implementation and administration of this part;]~~

7891 ~~[(b) develop plans, make recommendations, and assist in implementing the provisions~~  
7892 ~~of this part;]~~

7893 ~~[(c) determine what public financial information shall be provided by a participating~~  
7894 ~~state entity, independent entity, and participating local entity, if the public financial~~  
7895 ~~information:]~~

7896 ~~[(i) only includes records that:]~~

7897 ~~[(A) are classified as public under Title 63G, Chapter 2, Government Records Access~~  
7898 ~~and Management Act, or, subject to any specific limitations and requirements regarding the~~  
7899 ~~provision of financial information from the entity described in Section 63A-1-202, if an entity~~  
7900 ~~is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,~~  
7901 ~~records that would normally be classified as public if the entity were not exempt from Title~~  
7902 ~~63G, Chapter 2, Government Records Access and Management Act;]~~

7903 ~~[(B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or~~  
7904 ~~revenues, regardless of the source; and]~~

7905 ~~[(C) are owned, held, or administered by the participating state entity, independent~~  
7906 ~~entity, or participating local entity that is required to provide the record; and]~~

7907 ~~[(ii) is of the type or nature that should be accessible to the public via a website based~~  
7908 ~~on considerations of:]~~

7909 ~~[(A) the cost effectiveness of providing the information;]~~

7910 ~~[(B) the value of providing the information to the public; and]~~

7911 ~~[(C) privacy and security considerations;]~~

7912           ~~[(d) evaluate the cost effectiveness of implementing specific information resources and~~  
7913 ~~features on the website;]~~

7914           ~~[(e) require participating local entities to provide public financial information in~~  
7915 ~~accordance with the requirements of this part, with a specified content, reporting frequency,~~  
7916 ~~and form;]~~

7917           ~~[(f) require an independent entity's website or a participating local entity's website to be~~  
7918 ~~accessible by link or other direct route from the Utah Public Finance Website if the~~  
7919 ~~independent entity or participating local entity does not use the Utah Public Finance Website;]~~

7920           ~~[(g) determine the search methods and the search criteria that shall be made available~~  
7921 ~~to the public as part of a website used by an independent entity or a participating local entity~~  
7922 ~~under the requirements of this part, which criteria may include:]~~

7923           ~~[(i) fiscal year;]~~

7924           ~~[(ii) expenditure type;]~~

7925           ~~[(iii) name of the agency;]~~

7926           ~~[(iv) payee;]~~

7927           ~~[(v) date; and]~~

7928           ~~[(vi) amount; and]~~

7929           ~~[(h) analyze ways to improve the information on the Utah Public Finance Website so~~  
7930 ~~the information is more relevant to citizens, including through the use of:]~~

7931           ~~[(i) infographics that provide more context to the data; and]~~

7932           ~~[(ii) geolocation services, if possible.]~~

7933           (d) an individual appointed by the executive director of the Department of Technology  
7934 Services;

7935           (e) the director of the Division of Archives and Records Service created in Section  
7936 63A-12-101 or the director's designee;

7937           (f) an individual representing the State Board of Education, appointed by the State  
7938 Board of Education;

- 7939 (g) the following individuals appointed by the governor:
- 7940 (i) an individual recommended by the Office of the Legislative Fiscal Analyst;
- 7941 (ii) one member of the Senate, recommended by the president of the Senate;
- 7942 (iii) one member of the House of Representatives, recommended by the speaker of the
- 7943 House of Representatives;
- 7944 (iv) an individual who is a member of the State Records Committee created in Section
- 7945 [63G-2-501](#);
- 7946 (v) an individual representing counties;
- 7947 (vi) an individual representing municipalities; and
- 7948 (vii) an individual representing special districts; and
- 7949 (h) one individual who is a member of the public and who has knowledge, expertise, or
- 7950 experience in matters relating to the board's duties under Section [63A-16-202](#), appointed by the
- 7951 board members identified in Subsections (2)(a) through (g).
- 7952 ~~[(4)]~~ (3) Every two years, the board shall elect a chair and a vice chair from its
- 7953 members.
- 7954 ~~[(5)]~~ (4) (a) Each member shall serve a four-year term.
- 7955 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
- 7956 appointed for a four-year term.
- 7957 ~~[(6)]~~ (5) To accomplish its duties, the board shall meet as it determines necessary.
- 7958 ~~[(7)]~~ (6) Reasonable notice shall be given to each member of the board before any
- 7959 meeting.
- 7960 ~~[(8)]~~ (7) A majority of the board constitutes a quorum for the transaction of business.
- 7961 ~~[(9)]~~ (8) (a) A member who is not a legislator may not receive compensation or
- 7962 benefits for the member's service, but may receive per diem and travel expenses as allowed in:
- 7963 (i) Section [63A-3-106](#);
- 7964 (ii) Section [63A-3-107](#); and
- 7965 (iii) rules made by the Division of Finance according to Sections [63A-3-106](#) and

7966 63A-3-107.

7967 (b) Compensation and expenses of a member who is a legislator are governed by  
7968 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

7969 ~~[(10)(a) As used in Subsections (10) and (11):]~~

7970 ~~[(i) "Information website" means a single Internet website containing public  
7971 information or links to public information.]~~

7972 ~~[(ii) "Public information" means records of state government, local government, or an  
7973 independent entity that are classified as public under Title 63G, Chapter 2, Government  
7974 Records Access and Management Act, or, subject to any specific limitations and requirements  
7975 regarding the provision of financial information from the entity described in Section  
7976 63A-1-202, if an entity is exempt from Title 63G, Chapter 2, Government Records Access and  
7977 Management Act, records that would normally be classified as public if the entity were not  
7978 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.]~~

7979 ~~[(b) The board shall:]~~

7980 ~~[(i) study the establishment of an information website and develop recommendations  
7981 for its establishment;]~~

7982 ~~[(ii) develop recommendations about how to make public information more readily  
7983 available to the public through the information website;]~~

7984 ~~[(iii) develop standards to make uniform the format and accessibility of public  
7985 information posted to the information website; and]~~

7986 ~~[(iv) identify and prioritize public information in the possession of a state agency or  
7987 political subdivision that may be appropriate for publication on the information website.]~~

7988 ~~[(c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by  
7989 principles that encourage:]~~

7990 ~~[(i) (A) the establishment of a standardized format of public information that makes the  
7991 information more easily accessible by the public;]~~

7992 ~~[(B) the removal of restrictions on the reuse of public information;]~~



7993            [~~(C) minimizing limitations on the disclosure of public information while appropriately~~  
7994 ~~safeguarding sensitive information; and]~~

7995            [~~(D) balancing factors in favor of excluding public information from an information~~  
7996 ~~website against the public interest in having the information accessible on an information~~  
7997 ~~website;]~~

7998            [~~(ii) (A) permanent, lasting, open access to public information; and]~~

7999            [~~(B) the publication of bulk public information;]~~

8000            [~~(iii) the implementation of well-designed public information systems that ensure data~~  
8001 ~~quality, create a public, comprehensive list or index of public information, and define a process~~  
8002 ~~for continuous publication of and updates to public information;]~~

8003            [~~(iv) the identification of public information not currently made available online and~~  
8004 ~~the implementation of a process, including a timeline and benchmarks, for making that public~~  
8005 ~~information available online; and]~~

8006            [~~(v) accountability on the part of those who create, maintain, manage, or store public~~  
8007 ~~information or post it to an information website.]~~

8008            [~~(d) The department shall implement the board's recommendations, including the~~  
8009 ~~establishment of an information website, to the extent that implementation:]~~

8010            [~~(i) is approved by the Legislative Management Committee;]~~

8011            [~~(ii) does not require further legislative appropriation; and]~~

8012            [~~(iii) is within the department's existing statutory authority.]~~

8013            [~~(11) The department shall, in consultation with the board and as funding allows,~~  
8014 ~~modify the information website described in Subsection (10) to:]~~

8015            [~~(a) by January 1, 2015, serve as a point of access for Government Records Access and~~  
8016 ~~Management requests for executive agencies;]~~

8017            [~~(b) by January 1, 2016, serve as a point of access for Government Records Access and~~  
8018 ~~Management requests for:]~~

8019            [~~(i) school districts;]~~

8020           ~~[(ii) charter schools;]~~  
8021           ~~[(iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit~~  
8022 ~~District Act;]~~  
8023           ~~[(iv) counties; and]~~  
8024           ~~[(v) municipalities;]~~  
8025           ~~[(c) by January 1, 2017, serve as a point of access for Government Records Access and~~  
8026 ~~Management requests for:]~~  
8027           ~~[(i) local districts under Title 17B, Limited Purpose Local Government Entities - Local~~  
8028 ~~Districts; and]~~  
8029           ~~[(ii) special service districts under Title 17D, Chapter 1, Special Service District Act;]~~  
8030           ~~[(d) except as provided in Subsection (12)(a), provide link capabilities to other existing~~  
8031 ~~repositories of public information, including maps, photograph collections, legislatively~~  
8032 ~~required reports, election data, statute, rules, regulations, and local ordinances that exist on~~  
8033 ~~other agency and political subdivision websites;]~~  
8034           ~~[(e) provide multiple download options in different formats, including nonproprietary,~~  
8035 ~~open formats where possible;]~~  
8036           ~~[(f) provide any other public information that the board, under Subsection (10);~~  
8037 ~~identifies as appropriate for publication on the information website; and]~~  
8038           ~~[(g) incorporate technical elements the board identifies as useful to a citizen using the~~  
8039 ~~information website.]~~  
8040           ~~[(12) (a) The department, in consultation with the board, shall establish by rule any~~  
8041 ~~restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on~~  
8042 ~~the website described in Subsection (10) if the inclusion would pose a potential security~~  
8043 ~~concern.]~~  
8044           ~~[(b) The website described in Subsection (10) may not publish any record that is~~  
8045 ~~classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records~~  
8046 ~~Access and Management Act.]~~

8047 (9) The department shall provide staff support for the board.  
8048 Section 132. Section **63A-16-202** is enacted to read:  
8049 **63A-16-202. Utah Transparency Advisory Board -- Duties.**  
8050 (1) (a) The board shall advise and assist:  
8051 (i) the state auditor regarding the Public Finance Website established by the state  
8052 auditor in accordance with Section [67-3-12](#);  
8053 (ii) the Department of Technology Services regarding the Utah Open Data Portal  
8054 Website created in Section [63F-1-108](#);  
8055 (iii) the Division of Archives and Records Service regarding:  
8056 (A) the Utah Open Records Portal Website created in Section [63A-12-114](#); and  
8057 (B) the Utah Public Notice Website created in Section [63A-12-201](#); and  
8058 (iv) the State Board of Education regarding the website required under Subsection  
8059 [53E-5-211](#)(1).  
8060 (b) In providing advice and assistance under Subsection (1)(a), the board may:  
8061 (i) develop recommendations on how to make public information more readily  
8062 available to the public through a public information website;  
8063 (ii) develop standards to make uniform the format and accessibility of public  
8064 information posted to a public information website; and  
8065 (iii) identify and prioritize public information that may be appropriate for publication  
8066 on a public information website.  
8067 (2) In fulfilling the board's duties under Subsection (1), the board shall follow  
8068 principles that encourage:  
8069 (a) the establishment of a standardized format of public information that makes the  
8070 information posted to a public information website more easily accessible by the public;  
8071 (b) the removal of restrictions on the reuse of public information;  
8072 (c) balancing the following:  
8073 (i) factors in favor of excluding public information from a public information website;

8074 and  
8075 (ii) the public interest in having the public information accessible through a public  
8076 information website;  
8077 (d) permanent, lasting, open access to public information;  
8078 (e) the bulk publication of public information;  
8079 (f) the implementation of well-designed public information systems that:  
8080 (i) ensure data quality;  
8081 (ii) create a public, comprehensive list or index of public information; and  
8082 (iii) define a process for continuous publication of public information, including  
8083 updates to available public information;  
8084 (g) the identification of public information not currently available on a public  
8085 information website and the implementation of a process, including a timeline and benchmarks,  
8086 for making that public information available; and  
8087 (h) accountability on the part of the persons who create, maintain, manage, or store  
8088 public information or post public information to a public information website.  
8089 Section 133. Section **63E-2-109** is amended to read:  
8090 **63E-2-109. State statutes.**  
8091 (1) Except as specifically modified in its authorizing statute, each independent  
8092 corporation shall be exempt from the statutes governing state agencies, including:  
8093 (a) Title 51, Chapter 5, Funds Consolidation Act;  
8094 (b) Title 51, Chapter 7, State Money Management Act;  
8095 (c) [~~except as provided in Subsection (2),~~] Title 63A, Utah Administrative Services  
8096 Code;  
8097 (d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
8098 (e) Title 63G, Chapter 4, Administrative Procedures Act;  
8099 (f) Title 63G, Chapter 6a, Utah Procurement Code;  
8100 (g) Title 63J, Chapter 1, Budgetary Procedures Act;

- 8101 (h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
- 8102 (i) Title 67, Chapter 19, Utah State Personnel Management Act.
- 8103 (2) Except as specifically modified in its authorizing statute, each independent
- 8104 corporation shall be subject to:
  - 8105 (a) Title 52, Chapter 4, Open and Public Meetings Act;
  - 8106 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#); and
  - 8107 (c) Title 63G, Chapter 2, Government Records Access and Management Act.
- 8108 (3) Each independent corporation board may adopt its own policies and procedures
- 8109 governing its:
  - 8110 (a) funds management;
  - 8111 (b) audits; and
  - 8112 (c) personnel.
- 8113 Section 134. Section **63F-1-108** is enacted to read:
- 8114 **63F-1-108. Utah Open Data Portal Website.**
- 8115 (1) As used in this section:
- 8116 (a) "Governmental entity" means the same as that term is defined in Section
- 8117 [63G-2-103](#).
- 8118 (b) "Public information" means:
- 8119 (i) a record of a state governmental entity, a local governmental entity, or an
- 8120 independent entity that is classified as public under Title 63G, Chapter 2, Government Records
- 8121 Access and Management Act; or
- 8122 (ii) subject to any specific limitations and requirements regarding the provision of
- 8123 financial information from the entity under Section [67-3-12](#), for an entity that is exempt from
- 8124 Title 63G, Chapter 2, Government Records Access and Management Act, records that would
- 8125 normally be classified as public if the entity were not exempt from Title 63G, Chapter 2,
- 8126 Government Records Access and Management Act.
- 8127 (c) "Private, controlled, or protected information" means information classified as

8128 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and  
8129 Management Act.

8130 (d) "Website" means the Utah Open Data Portal Website created in this section.

8131 (2) There is created the Utah Open Data Portal Website to be administered by the  
8132 department.

8133 (3) The website shall serve as a point of access for public information.

8134 (4) The department shall:

8135 (a) establish and maintain the website, guided by the principles described in Subsection  
8136 [63A-16-202\(2\)](#);

8137 (b) provide equipment, resources, and personnel as needed to establish and maintain  
8138 the website;

8139 (c) provide a mechanism for a governmental entity to gain access to the website for the  
8140 purpose of posting and modifying public information; and

8141 (d) maintain an archive of all public information posted to the website.

8142 (5) The timing for posting and the content of the public information posted to the  
8143 website is the responsibility of the governmental entity posting the public information.

8144 (6) A governmental entity may not post private, controlled, or protected information to  
8145 the website.

8146 (7) A person who negligently discloses private, controlled, or protected information is  
8147 not criminally or civilly liable for improper disclosure of the information if the information is  
8148 disclosed solely as a result of the preparation or publication of the website.

8149 Section 135. Section **63G-4-107** is amended to read:

8150 **63G-4-107. Petition to remove agency action from public access.**

8151 (1) An individual may petition the agency that maintains, on a state-controlled website  
8152 available to the public, a record of administrative disciplinary action, to remove the record of  
8153 administrative disciplinary action from public access on the state-controlled website, if:

8154 (a) (i) five years have passed since:

8155 (A) the date the final order was issued; or  
8156 (B) if no final order was issued, the date the administrative disciplinary action was  
8157 commenced; or  
8158 (ii) the individual has obtained a criminal expungement order under Title 77, Chapter  
8159 40, Utah Expungement Act, for the individual's criminal records related to the same incident or  
8160 conviction upon which the administrative disciplinary action was based;  
8161 (b) the individual has successfully completed all action required by the agency relating  
8162 to the administrative disciplinary action within the time frame set forth in the final order, or if  
8163 no time frame is specified in the final order, within the time frame set forth in Title 63G,  
8164 Chapter 4, Administrative Procedures Act;  
8165 (c) from the time that the original administrative disciplinary action was filed, the  
8166 individual has not violated the same statutory provisions or administrative rules related to those  
8167 statutory provisions that resulted in the original administrative disciplinary action; and  
8168 (d) the individual pays an application fee determined by the agency in accordance with  
8169 Section [63J-1-504](#).  
8170 (2) The individual petitioning the agency under Subsection (1) shall provide the agency  
8171 with a written request containing the following information:  
8172 (a) the petitioner's full name, address, telephone number, and date of birth;  
8173 (b) the information the petitioner seeks to remove from public access; and  
8174 (c) an affidavit certifying that the petitioner is in compliance with the provisions of  
8175 Subsection (1).  
8176 (3) Within 30 days of receiving the documents and information described in  
8177 Subsection (2):  
8178 (a) the agency shall review the petition and all documents submitted with the petition  
8179 to determine whether the petitioner has met the requirements of Subsections (1) and (2); and  
8180 (b) if the agency determines that the petitioner has met the requirements of Subsections  
8181 (1) and (2), the agency shall immediately remove the record of administrative disciplinary

8182 action from public access on the state-controlled website.

8183 (4) Notwithstanding the provisions of Subsection (3), an agency is not required to  
8184 remove a recording, written minutes, or other electronic information from the Utah Public  
8185 Notice Website, created under Section [~~63F-1-701~~] [63A-12-201](#), if the recording, written  
8186 minutes, or other electronic information is required to be available to the public on the Utah  
8187 Public Notice Website under the provisions of Title 52, Chapter 4, Open and Public Meetings  
8188 Act.

8189 Section 136. Section **63G-9-303** is amended to read:

8190 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

8191 (1) At least 60 days preceding the annual general session of the Legislature, the board  
8192 shall hold a session for the purpose of examining the claims referred to in Section [63G-9-302](#),  
8193 and may adjourn from time to time until the work is completed.

8194 (2) The board shall cause notice of such meeting or meetings to be published on the  
8195 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

8196 Section 137. Section **63H-1-701** is amended to read:

8197 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**  
8198 **Auditor forms -- Requirement to file form.**

8199 (1) The authority shall prepare and its board adopt an annual budget of revenues and  
8200 expenditures for the authority for each fiscal year.

8201 (2) Each annual authority budget shall be adopted before June 30.

8202 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

8203 (4) (a) Before adopting an annual budget, the authority board shall hold a public  
8204 hearing on the annual budget.

8205 (b) The authority shall provide notice of the public hearing on the annual budget by  
8206 publishing notice:

8207 (i) at least once in a newspaper of general circulation within the state, one week before  
8208 the public hearing; and



8209 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
8210 at least one week immediately before the public hearing.

8211 (c) The authority shall make the annual budget available for public inspection at least  
8212 three days before the date of the public hearing.

8213 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
8214 in each authority budget, including:

8215 (a) revenues and expenditures for the budget year;

8216 (b) legal fees; and

8217 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
8218 authority personnel.

8219 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a  
8220 copy of the annual budget with the auditor of each county in which a project area of the  
8221 authority is located, the State Tax Commission, the state auditor, the State Board of Education,  
8222 and each taxing entity that levies a tax on property from which the authority collects property  
8223 tax allocation.

8224 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the  
8225 state as a taxing entity is met if the authority files a copy with the State Tax Commission and  
8226 the state auditor.

8227 Section 138. Section **63H-2-502** is amended to read:

8228 **63H-2-502. Annual authority budget -- Auditor forms -- Requirement to file**  
8229 **form.**

8230 (1) (a) The authority shall prepare an annual budget of revenues and expenditures for  
8231 the authority for each fiscal year.

8232 (b) Before June 30 of each year and subject to the other provisions of this section, the  
8233 board shall adopt an annual budget of revenues and expenditures of the authority for the  
8234 immediately following fiscal year.

8235 (2) (a) Before adopting an annual budget, the board shall hold a public hearing on the

8236 annual budget.

8237 (b) Before holding the public hearing required by this Subsection (2), the board shall  
8238 post notice of the public hearing on the Utah Public Notice Website created under Section  
8239 [~~63F-1-701~~] 63A-12-201 no less than 14 days before the day on which the public hearing is to  
8240 be held.

8241 (3) The state auditor shall prescribe the budget forms and the categories to be contained  
8242 in each annual budget of the authority, including:

8243 (a) revenues and expenditures for the budget year;

8244 (b) the outstanding bonds and related expenses;

8245 (c) legal fees; and

8246 (d) administrative costs, including:

8247 (i) rent;

8248 (ii) supplies;

8249 (iii) other materials; and

8250 (iv) salaries of authority personnel.

8251 (4) Within 30 days after adopting an annual budget, the board shall file a copy of the  
8252 annual budget with:

8253 (a) the State Tax Commission; and

8254 (b) the state auditor.

8255 (5) (a) Subject to Subsection (5)(b), the board may by resolution amend an annual  
8256 budget of the authority.

8257 (b) The board may make an amendment of an annual budget that would increase total  
8258 expenditures of the authority only after:

8259 (i) holding a public hearing; and

8260 (ii) before holding the public hearing required by this Subsection (5)(b), posting notice  
8261 of the public hearing on the Utah Public Notice Website created under Section [~~63F-1-701~~]

8262 63A-12-201 no less than 14 days before the day on which the public hearing is to be held.

8263 (6) The authority may not make expenditures in excess of the total expenditures  
 8264 established in the annual budget as it is adopted or amended.

8265 Section 139. Section **63H-4-108** is amended to read:

8266 **63H-4-108. Relation to certain acts -- Participation in Risk Management Fund.**

8267 (1) The authority is exempt from:

8268 (a) Title 51, Chapter 5, Funds Consolidation Act;

8269 (b) [~~except as provided in Subsection (2)(b);~~] Title 63A, Utah Administrative Services  
 8270 Code;

8271 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

8272 (d) Title 67, Chapter 19, Utah State Personnel Management Act.

8273 (2) The authority is subject to:

8274 (a) Title 52, Chapter 4, Open and Public Meetings Act;

8275 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);

8276 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and

8277 (d) Title 63G, Chapter 6a, Utah Procurement Code.

8278 (3) The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3,  
 8279 Auditor, and by the legislative auditor general pursuant to [Section 36-12-15](#).

8280 (4) Subject to the requirements of [Subsection 63E-1-304\(2\)](#), the authority may  
 8281 participate in coverage under the Risk Management Fund created by [Section 63A-4-201](#).

8282 Section 140. Section **63H-5-108** is amended to read:

8283 **63H-5-108. Relation to certain acts.**

8284 (1) The authority is exempt from:

8285 (a) Title 51, Chapter 5, Funds Consolidation Act;

8286 (b) [~~except as provided in Subsection (2)(b);~~] Title 63A, Utah Administrative Services  
 8287 Code;

8288 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

8289 (d) Title 67, Chapter 19, Utah State Personnel Management Act.

- 8290 (2) The authority is subject to:
- 8291 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 8292 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] Section 67-3-12;
- 8293 (c) Title 63G, Chapter 2, Government Records Access and Management Act;
- 8294 (d) Title 63G, Chapter 6a, Utah Procurement Code; and
- 8295 (e) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
- 8296 legislative auditor general pursuant to Section 36-12-15.
- 8297 Section 141. Section **63H-6-103** is amended to read:
- 8298 **63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.**
- 8299 (1) There is created an independent public nonprofit corporation known as the "Utah
- 8300 State Fair Corporation."
- 8301 (2) The board shall file articles of incorporation for the corporation with the Division
- 8302 of Corporations and Commercial Code.
- 8303 (3) The corporation, subject to this chapter, has all powers and authority permitted
- 8304 nonprofit corporations by law.
- 8305 (4) The corporation shall:
- 8306 (a) manage, supervise, and control:
- 8307 (i) all activities relating to the annual exhibition described in Subsection (4)(j); and
- 8308 (ii) except as otherwise provided by statute, all state expositions, including setting the
- 8309 time, place, and purpose of any state exposition;
- 8310 (b) for public entertainment, displays, and exhibits or similar events:
- 8311 (i) provide, sponsor, or arrange the events;
- 8312 (ii) publicize and promote the events; and
- 8313 (iii) secure funds to cover the cost of the exhibits from:
- 8314 (A) private contributions;
- 8315 (B) public appropriations;
- 8316 (C) admission charges; and

- 8317 (D) other lawful means;
- 8318 (c) acquire and designate exposition sites;
- 8319 (d) use generally accepted accounting principles in accounting for the corporation's
- 8320 assets, liabilities, and operations;
- 8321 (e) seek corporate sponsorships for the state fair park or for individual buildings or
- 8322 facilities within the fair park;
- 8323 (f) work with county and municipal governments, the Salt Lake Convention and
- 8324 Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote
- 8325 expositions and the use of the state fair park;
- 8326 (g) develop and maintain a marketing program to promote expositions and the use of
- 8327 the state fair park;
- 8328 (h) in accordance with provisions of this part, operate and maintain the state fair park,
- 8329 including the physical appearance and structural integrity of the state fair park and the
- 8330 buildings located at the state fair park;
- 8331 (i) prepare an economic development plan for the state fair park;
- 8332 (j) hold an annual exhibition that:
- 8333 (i) is called the state fair or a similar name;
- 8334 (ii) promotes and highlights agriculture throughout the state;
- 8335 (iii) includes expositions of livestock, poultry, agricultural, domestic science,
- 8336 horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic
- 8337 animals that, in the corporation's opinion will best stimulate agricultural, industrial, artistic, and
- 8338 educational pursuits and the sharing of talents among the people of Utah;
- 8339 (iv) includes the award of premiums for the best specimens of the exhibited articles
- 8340 and animals;
- 8341 (v) permits competition by livestock exhibited by citizens of other states and territories
- 8342 of the United States; and
- 8343 (vi) is arranged according to plans approved by the board;

8344 (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j);  
8345 and

8346 (l) publish a list of premiums that will be awarded at the annual exhibition described in  
8347 Subsection (4)(j) for the best specimens of exhibited articles and animals.

8348 (5) In addition to the annual exhibition described in Subsection (4)(j), the corporation  
8349 may hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural,  
8350 floricultural, mineral and industrial products, manufactured articles, and domestic animals that,  
8351 in the corporation's opinion, will best stimulate agricultural, industrial, artistic, and educational  
8352 pursuits and the sharing of talents among the people of Utah.

8353 (6) The corporation may:

8354 (a) employ advisers, consultants, and agents, including financial experts and  
8355 independent legal counsel, and fix their compensation;

8356 (b) (i) participate in the state's Risk Management Fund created under Section  
8357 [63A-4-201](#); or

8358 (ii) procure insurance against any loss in connection with the corporation's property  
8359 and other assets, including mortgage loans;

8360 (c) receive and accept aid or contributions of money, property, labor, or other things of  
8361 value from any source, including any grants or appropriations from any department, agency, or  
8362 instrumentality of the United States or Utah;

8363 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the  
8364 purposes of the corporation, subject to the conditions, if any, upon which the aid and  
8365 contributions were made;

8366 (e) enter into management agreements with any person or entity for the performance of  
8367 the corporation's functions or powers;

8368 (f) establish whatever accounts and procedures as necessary to budget, receive, and  
8369 disburse, account for, and audit all funds received, appropriated, or generated;

8370 (g) subject to Subsection (8), lease any of the facilities at the state fair park;

- 8371 (h) sponsor events as approved by the board; and
- 8372 (i) enter into one or more agreements to develop the state fair park.
- 8373 (7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the
- 8374 corporation is exempt from:
  - 8375 (i) Title 51, Chapter 5, Funds Consolidation Act;
  - 8376 (ii) Title 51, Chapter 7, State Money Management Act;
  - 8377 (iii) Title 63A, Utah Administrative Services Code;
  - 8378 (iv) Title 63J, Chapter 1, Budgetary Procedures Act; and
  - 8379 (v) Title 67, Chapter 19, Utah State Personnel Management Act.
- 8380 (b) The board shall adopt policies parallel to and consistent with:
  - 8381 (i) Title 51, Chapter 5, Funds Consolidation Act;
  - 8382 (ii) Title 51, Chapter 7, State Money Management Act;
  - 8383 (iii) Title 63A, Utah Administrative Services Code; and
  - 8384 (iv) Title 63J, Chapter 1, Budgetary Procedures Act.
- 8385 (c) The corporation shall comply with:
  - 8386 (i) Title 52, Chapter 4, Open and Public Meetings Act;
  - 8387 (ii) Title 63G, Chapter 2, Government Records Access and Management Act;
  - 8388 (iii) the provisions of [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~]
  - 8389 Section 67-3-12;
  - 8390 (iv) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:
    - 8391 (A) entertainment provided at the state fair park;
    - 8392 (B) judges for competitive exhibits; or
    - 8393 (C) sponsorship of an event at the state fair park; and
    - 8394 (v) the legislative approval requirements for new facilities established in Section
    - 8395 63A-5b-404.
- 8396 (8) (a) Before the corporation executes a lease described in Subsection (6)(g) with a
- 8397 term of 10 or more years, the corporation shall:

8398 (i) submit the proposed lease to the State Building Board for the State Building Board's  
8399 approval or rejection; and

8400 (ii) if the State Building Board approves the proposed lease, submit the proposed lease  
8401 to the Executive Appropriations Committee for the Executive Appropriation Committee's  
8402 review and recommendation in accordance with Subsection (8)(b).

8403 (b) The Executive Appropriations Committee shall review a proposed lease submitted  
8404 in accordance with Subsection (8)(a) and recommend to the corporation that the corporation:

8405 (i) execute the proposed sublease; or

8406 (ii) reject the proposed sublease.

8407 Section 142. Section **63H-7a-104** is amended to read:

8408 **63H-7a-104. Relation to certain acts.**

8409 (1) The authority is exempt from:

8410 (a) Title 51, Chapter 5, Funds Consolidation Act;

8411 (b) [~~except as provided in Subsection (2)(b),~~] Title 63A, Utah Administrative Services  
8412 Code;

8413 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

8414 (d) Title 67, Chapter 19, Utah State Personnel Management Act.

8415 (2) The authority is subject to:

8416 (a) Title 52, Chapter 4, Open and Public Meetings Act;

8417 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);

8418 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and

8419 (d) Title 63G, Chapter 6a, Utah Procurement Code.

8420 Section 143. Section **63H-7a-803** is amended to read:

8421 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

8422 (1) The Utah Communications Authority is exempt from:

8423 (a) except as provided in Subsection (3), Title 63A, Utah Administrative Services

8424 Code;



8425 (b) Title 63G, Chapter 4, Administrative Procedures Act; and  
8426 (c) Title 67, Chapter 19, Utah State Personnel Management Act.  
8427 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and  
8428 human resource policies substantially similar to those from which they have been exempted in  
8429 Subsection (1).

8430 (b) The authority, the board, and the committee members are subject to Title 67,  
8431 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

8432 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

8433 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.

8434 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act, only  
8435 with respect to money appropriated to the authority by the Legislature.

8436 (3) (a) Subject to the requirements of Subsection [63E-1-304](#)(2), the administration may  
8437 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

8438 (b) The authority is subject to [~~Title 63A, Chapter 1, Part 2, Utah Public Finance~~  
8439 ~~Website~~] Section [67-3-12](#).

8440 Section 144. Section **63H-8-204** is amended to read:

8441 **63H-8-204. Relation to certain acts.**

8442 (1) The corporation is exempt from:

8443 (a) Title 51, Chapter 5, Funds Consolidation Act;

8444 (b) Title 51, Chapter 7, State Money Management Act;

8445 (c) [~~except as provided in Subsection (2);~~] Title 63A, Utah Administrative Services  
8446 Code;

8447 (d) Title 63G, Chapter 6a, Utah Procurement Code;

8448 (e) Title 63J, Chapter 1, Budgetary Procedures Act;

8449 (f) Title 63J, Chapter 2, Revenue Procedures and Control Act; and

8450 (g) Title 67, Chapter 19, Utah State Personnel Management Act.

8451 (2) The corporation shall comply with:

- 8452 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 8453 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] Section 67-3-12; and
- 8454 (c) Title 63G, Chapter 2, Government Records Access and Management Act.
- 8455 Section 145. Section **63I-1-263** is amended to read:
- 8456 **63I-1-263. Repeal dates, Titles 63A to 63N.**
- 8457 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:
- 8458 [~~(a) Subsection 63A-1-201(1) is repealed;~~]
- 8459 [~~(b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board"~~
- 8460 ~~is repealed;~~]
- 8461 [~~(c) Section 63A-1-203 is repealed;~~]
- 8462 [~~(d) Subsections 63A-1-204(1) and (2), the language "After consultation with the~~
- 8463 ~~board, and" is repealed; and]~~
- 8464 [~~(e) Subsection 63A-1-204(1)(b), the language "using the standards provided in~~
- 8465 ~~Subsection 63A-1-203(3)(c)" is repealed.]~~
- 8466 (a) Section 63A-16-102 is repealed;
- 8467 (b) Section 63A-16-201 is repealed; and
- 8468 (c) Section 63A-16-202 is repealed.
- 8469 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
- 8470 improvement funding, is repealed July 1, 2024.
- 8471 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
- 8472 2023.
- 8473 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
- 8474 Committee, are repealed July 1, 2023.
- 8475 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 8476 1, 2028.
- 8477 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 8478 2025.

- 8479           (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,  
8480 2024.
- 8481           (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is  
8482 repealed July 1, 2021.
- 8483           (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed  
8484 July 1, 2023.
- 8485           (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 8486           (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,  
8487 2025.
- 8488           (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities  
8489 Advisory Board, is repealed July 1, 2026.
- 8490           (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,  
8491 2025.
- 8492           (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
8493 2024.
- 8494           (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 8495           (16) Subsection [63J-1-602.1](#)(14), Nurse Home Visiting Restricted Account is repealed  
8496 July 1, 2026.
- 8497           (17) (a) Subsection [63J-1-602.1](#)(58), relating to the Utah Statewide Radio System  
8498 Restricted Account, is repealed July 1, 2022.
- 8499           (b) When repealing Subsection [63J-1-602.1](#)(58), the Office of Legislative Research and  
8500 General Counsel shall, in addition to the office's authority under Subsection [36-12-12](#)(3), make  
8501 necessary changes to subsection numbering and cross references.
- 8502           (18) Subsection [63J-1-602.2](#)(4), referring to dedicated credits to the Utah Marriage  
8503 Commission, is repealed July 1, 2023.
- 8504           (19) Subsection [63J-1-602.2](#)(5), referring to the Trip Reduction Program, is repealed  
8505 July 1, 2022.

8506 (20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is  
8507 repealed January 1, 2025.

8508 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is  
8509 repealed July 1, 2027.

8510 (22) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory  
8511 Committee, is repealed on July 1, 2021.

8512 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on  
8513 January 1, 2023:

8514 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are  
8515 repealed;

8516 (b) Section 63M-7-305, the language that states "council" is replaced with  
8517 "commission";

8518 (c) Subsection 63M-7-305(1) is repealed and replaced with:

8519 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

8520 (d) Subsection 63M-7-305(2) is repealed and replaced with:

8521 "(2) The commission shall:

8522 (a) provide ongoing oversight of the implementation, functions, and evaluation of the  
8523 Drug-Related Offenses Reform Act; and

8524 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in  
8525 Subsections 77-18-1(5)(b)(iii) and (iv).".

8526 (24) The Crime Victim Reparations and Assistance Board, created in Section  
8527 63M-7-504, is repealed July 1, 2027.

8528 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July  
8529 1, 2022.

8530 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.

8531 (27) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed  
8532 January 1, 2023.

8533 (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating  
 8534 Council, is repealed July 1, 2024.

8535 (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.

8536 (30) Section 63N-2-512 is repealed July 1, 2021.

8537 (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed  
 8538 January 1, 2021.

8539 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for  
 8540 calendar years beginning on or after January 1, 2021.

8541 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in  
 8542 accordance with Section 59-9-107 if:

8543 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
 8544 31, 2020; and

8545 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
 8546 Section 63N-2-603 on or before December 31, 2023.

8547 (32) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.

8548 (33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed  
 8549 July 1, 2023.

8550 (34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,  
 8551 2025.

8552 (35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,  
 8553 is repealed January 1, 2023.

8554 (36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,  
 8555 2023.

8556 Section 146. Section 63I-2-263 is amended to read:

8557 **63I-2-263. Repeal dates, Title 63A to Title 63N.**

8558 [~~(1) On July 1, 2020:~~]

8559 [~~(a) Subsection 63A-1-203(5)(a)(i) is repealed; and~~]

8560            [~~(b)~~ in Subsection ~~63A-1-203(5)(a)(ii)~~, the language that states "appointed on or after  
8561 ~~May 8, 2018,~~" is repealed.]

8562            [~~(2)~~] (1) Section ~~63A-3-111~~ is repealed June 30, 2021.

8563            [~~(3)~~] (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is  
8564 repealed July 1, 2021.

8565            [~~(4)~~] (3) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology  
8566 Commission is repealed July 1, 2023.

8567            [~~(5)~~] (4) The following sections regarding the World War II Memorial Commission are  
8568 repealed on July 1, 2022:

8569            (a) Section ~~63G-1-801~~;

8570            (b) Section ~~63G-1-802~~;

8571            (c) Section ~~63G-1-803~~; and

8572            (d) Section ~~63G-1-804~~.

8573            [~~(6)~~] (5) Subsections ~~63G-6a-802(1)(d)~~ and ~~63G-6a-802(3)(b)(iii)~~, regarding a  
8574 procurement relating to a vice presidential debate, are repealed January 1, 2021.

8575            [~~(7)~~] (6) In relation to the State Fair Park Committee, on January 1, 2021:

8576            (a) Section ~~63H-6-104.5~~ is repealed; and

8577            (b) Subsections ~~63H-6-104(8)~~ and (9) are repealed.

8578            [~~(8)~~] (7) Section ~~63H-7a-303~~ is repealed July 1, 2024.

8579            [~~(9)~~] (8) Subsection ~~63J-1-206(3)(c)~~, relating to coronavirus, is repealed July 1, 2021.

8580            [~~(10)~~] (9) In relation to the Employability to Careers Program Board, on July 1, 2022:

8581            (a) Subsection ~~63J-1-602.1(57)~~ is repealed;

8582            (b) Subsection ~~63J-4-301(1)(h)~~, related to the review of data and metrics, is repealed;

8583 and

8584            (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

8585            [~~(11)~~] (10) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot  
8586 Program Act, is repealed January 1, 2022.

8587            [~~(12)~~] (11) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.

8588            [~~(13)~~] (12) Subsection [63N-12-508\(3\)](#) is repealed December 31, 2021.

8589            [~~(14)~~] (13) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act,  
8590 is repealed January 1, 2024.

8591            [~~(15)~~] (14) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is  
8592 repealed December 31, 2021.

8593            Section 147. Section **63M-4-402** is amended to read:

8594            **63M-4-402. In-state generator need -- Merchant electric transmission line.**

8595            (1) As used in this section:

8596            (a) "Capacity allocation process" means the process outlined by the Federal Energy  
8597 Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of  
8598 Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded  
8599 Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C.  
8600 P61,038 (2013).

8601            (b) "Certificate of in-state need" means a certificate issued by the office in accordance  
8602 with this section identifying an in-state generator that meets the requirements and qualifications  
8603 of this section.

8604            (c) "Expression of need" means a document prepared and submitted to the office by an  
8605 in-state merchant generator that describes or otherwise documents the transmission needs of  
8606 the in-state merchant generator in conformance with the requirements of this section.

8607            (d) "In-state merchant generator" means an electric power provider that generates  
8608 power in Utah and does not provide service to retail customers within the boundaries of Utah.

8609            (e) "Merchant electric transmission line" means a transmission line that does not  
8610 provide electricity to retail customers within the boundaries of Utah.

8611            (f) "Office" means the Office of Energy Development established in Section  
8612 [63M-4-401](#).

8613            (g) "Open solicitation notice" means a document prepared and submitted to the office

8614 by a merchant electric transmission line regarding the commencement of the line's open  
8615 solicitation in compliance with 142 F.E.R.C. P61,038 (2013).

8616 (2) As part of the capacity allocation process, a merchant electric transmission line  
8617 shall file an open solicitation notice with the office containing a description of the merchant  
8618 electric transmission line, including:

8619 (a) the proposed capacity;

8620 (b) the location of potential interconnection for in-state merchant generators;

8621 (c) the planned date for commencement of construction; and

8622 (d) the planned commercial operations date.

8623 (3) Upon receipt of the open solicitation notice, the office shall:

8624 (a) publish the notice on the Utah Public Notice Website created under Section

8625 ~~[63F-1-701]~~ [63A-12-201](#);

8626 (b) include in the notice contact information; and

8627 (c) provide the deadline date for submission of an expression of need.

8628 (4) (a) In response to the open solicitation notice published by the office, and no later  
8629 than 30 days after publication of the notice, an in-state merchant generator may submit an  
8630 expression of need to the office.

8631 (b) An expression of need submitted under Subsection (4)(a) shall include:

8632 (i) a description of the in-state merchant generator; and

8633 (ii) a schedule of transmission capacity requirement provided in megawatts, by point of  
8634 receipt and point of delivery and by operating year.

8635 (5) No later than 60 days after notice is published under Subsection (3), the office shall  
8636 prepare a certificate of in-state need identifying the in-state merchant generators.

8637 (6) Within five days of preparing the certificate of in-state need, the office shall:

8638 (a) publish the certificate on the Utah Public Notice Website created under Section

8639 ~~[63F-1-701]~~ [63A-12-201](#); and

8640 (b) provide the certificate to the merchant electric transmission line for consideration in



8641 the capacity allocation process.

8642 (7) The merchant electric transmission line shall:

8643 (a) provide the Federal Energy Regulatory Commission with a copy of the certificate of  
8644 in-state need; and

8645 (b) certify that the certificate is being provided to the Federal Energy Regulatory  
8646 Commission in accordance with the requirements of this section, including a citation to this  
8647 section.

8648 (8) At the conclusion of the capacity allocation process, and unless prohibited by a  
8649 contractual obligation of confidentiality, the merchant electric transmission line shall report to  
8650 the office whether a merchant in-state generator reflected on the certificate of in-state need has  
8651 entered into a transmission service agreement with the merchant electric transmission line.

8652 (9) This section may not be interpreted to:

8653 (a) create an obligation of a merchant electric transmission line to pay for, or construct  
8654 any portion of, the transmission line on behalf of an in-state merchant generator; or

8655 (b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory  
8656 Commission rules and regulations applicable to a commercial transmission agreement,  
8657 including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key  
8658 rates.

8659 (10) Subsections (2) through (9) do not apply to a project entity as defined in Section  
8660 [11-13-103](#).

8661 Section 148. Section **67-1-2.5** is amended to read:

8662 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

8663 (1) As used in this section:

8664 (a) "Administrator" means the boards and commissions administrator designated under  
8665 Subsection (3).

8666 (b) "Executive board" means an executive branch board, commission, council,  
8667 committee, working group, task force, study group, advisory group, or other body:

- 8668 (i) with a defined limited membership;
- 8669 (ii) that is created by the constitution, by statute, by executive order, by the governor,
- 8670 lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a
- 8671 department, division, or other administrative subunit of the executive branch of state
- 8672 government; and
- 8673 (iii) that is created to operate for more than six months.
- 8674 (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year
- 8675 following the year in which a new executive board is created in statute, the governor shall:
- 8676 (i) review the executive board to evaluate:
- 8677 (A) whether the executive board accomplishes a substantial governmental interest; and
- 8678 (B) whether it is necessary for the executive board to remain in statute;
- 8679 (ii) in the governor's review described in Subsection (2)(a)(i), consider:
- 8680 (A) the funding required for the executive board;
- 8681 (B) the staffing resources required for the executive board;
- 8682 (C) the time members of the executive board are required to commit to serve on the
- 8683 executive board; and
- 8684 (D) whether the responsibilities of the executive board could reasonably be
- 8685 accomplished through an existing entity or without statutory direction; and
- 8686 (iii) submit a report to the Government Operations Interim Committee recommending
- 8687 that the Legislature:
- 8688 (A) repeal the executive board;
- 8689 (B) add a sunset provision or future repeal date to the executive board;
- 8690 (C) make other changes to make the executive board more efficient; or
- 8691 (D) make no changes to the executive board.
- 8692 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
- 8693 deference to:
- 8694 (i) reducing the size of government; and

- 8695           (ii) making governmental programs more efficient and effective.
- 8696           (c) The governor is not required to conduct the review or submit the report described in  
8697 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,  
8698 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.
- 8699           (3) (a) The governor shall designate a board and commissions administrator from the  
8700 governor's staff to maintain a computerized database containing information about all  
8701 executive boards.
- 8702           (b) The administrator shall ensure that the database contains:
- 8703           (i) the name of each executive board;
- 8704           (ii) the current statutory or constitutional authority for the creation of the executive  
8705 board;
- 8706           (iii) the sunset date on which each executive board's statutory authority expires;
- 8707           (iv) the state officer or department and division of state government under whose  
8708 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 8709           (v) the name, address, gender, telephone number, and county of each individual  
8710 currently serving on the executive board, along with a notation of all vacant or unfilled  
8711 positions;
- 8712           (vi) the title of the position held by the person who appointed each member of the  
8713 executive board;
- 8714           (vii) the length of the term to which each member of the executive board was  
8715 appointed and the month and year that each executive board member's term expires;
- 8716           (viii) whether members appointed to the executive board require the advice and  
8717 consent of the Senate;
- 8718           (ix) the organization, interest group, profession, local government entity, or geographic  
8719 area that an individual appointed to an executive board represents, if any;
- 8720           (x) the party affiliation of an individual appointed to an executive board, if the statute  
8721 or executive order creating the position requires representation from political parties;

- 8722 (xi) whether each executive board is a policy board or an advisory board;
- 8723 (xii) whether the executive board has or exercises rulemaking authority, or is a
- 8724 rulemaking board as defined in Section [63G-24-102](#); and
- 8725 (xiii) any compensation and expense reimbursement that members of the executive
- 8726 board are authorized to receive.
- 8727 (4) The administrator shall ensure the governor's website includes:
- 8728 (a) the information contained in the database, except for an individual's:
- 8729 (i) physical address;
- 8730 (ii) email address; and
- 8731 (iii) telephone number;
- 8732 (b) a portal, accessible on each executive board's web page within the governor's
- 8733 website, through which a member of the public may provide input on:
- 8734 (i) an individual appointed to serve on the executive board; or
- 8735 (ii) a sitting member of the executive board;
- 8736 (c) each report the administrator receives under Subsection (5); and
- 8737 (d) the summary report described in Subsection (6).
- 8738 (5) (a) Before August 1, once every five years, beginning in calendar year 2024, each
- 8739 executive board shall prepare and submit to the administrator a report that includes:
- 8740 (i) the name of the executive board;
- 8741 (ii) a description of the executive board's official function and purpose;
- 8742 (iii) a description of the actions taken by the executive board since the last report the
- 8743 executive board submitted to the administrator under this Subsection (5);
- 8744 (iv) recommendations on whether any statutory, rule, or other changes are needed to
- 8745 make the executive board more effective; and
- 8746 (v) an indication of whether the executive board should continue to exist.
- 8747 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
- 8748 to the governor's website before September 1 of a calendar year in which the administrator

8749 receives a report described in Subsection (5)(a).

8750 (6) (a) Before September 1 of a calendar year in which the administrator receives a  
 8751 report described in Subsection (5)(a), the administrator shall prepare a report that includes:

8752 (i) as of July 1 of that year, the total number of executive boards that exist;

8753 (ii) a summary of the reports submitted to the administrator under Subsection (5),  
 8754 including:

8755 (A) a list of each executive board that submitted a report under Subsection (5);

8756 (B) a list of each executive board that did not submit a report under Subsection (5);

8757 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and

8758 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the  
 8759 executive board should no longer exist; and

8760 (iii) a list of each executive board, identified and reported by the Division of Archives  
 8761 and Record Services under Section ~~[63F-1-701]~~ [63A-12-201](#), that did not post a notice of a  
 8762 public meeting on the ~~[public notice website]~~ Utah Public Notice Website during the previous  
 8763 fiscal year.

8764 (b) On or before September 1 of a calendar year in which the administrator prepares a  
 8765 report described in Subsection (6)(a), in accordance with Section [68-3-14](#), the administrator  
 8766 shall submit the report to:

8767 (i) the president of the Senate;

8768 (ii) the speaker of the House of Representatives; and

8769 (iii) the Government Operations Interim Committee.

8770 Section 149. Section **67-3-1** is amended to read:

8771 **67-3-1. Functions and duties.**

8772 (1) (a) The state auditor is the auditor of public accounts and is independent of any  
 8773 executive or administrative officers of the state.

8774 (b) The state auditor is not limited in the selection of personnel or in the determination  
 8775 of the reasonable and necessary expenses of the state auditor's office.

8776 (2) The state auditor shall examine and certify annually in respect to each fiscal year,  
8777 financial statements showing:

8778 (a) the condition of the state's finances;

8779 (b) the revenues received or accrued;

8780 (c) expenditures paid or accrued;

8781 (d) the amount of unexpended or unencumbered balances of the appropriations to the  
8782 agencies, departments, divisions, commissions, and institutions; and

8783 (e) the cash balances of the funds in the custody of the state treasurer.

8784 (3) (a) The state auditor shall:

8785 (i) audit each permanent fund, each special fund, the General Fund, and the accounts of  
8786 any department of state government or any independent agency or public corporation as the law  
8787 requires, as the auditor determines is necessary, or upon request of the governor or the  
8788 Legislature;

8789 (ii) perform the audits in accordance with generally accepted auditing standards and  
8790 other auditing procedures as promulgated by recognized authoritative bodies;

8791 (iii) as the auditor determines is necessary, conduct the audits to determine:

8792 (A) honesty and integrity in fiscal affairs;

8793 (B) accuracy and reliability of financial statements;

8794 (C) effectiveness and adequacy of financial controls; and

8795 (D) compliance with the law.

8796 (b) If any state entity receives federal funding, the state auditor shall ensure that the  
8797 audit is performed in accordance with federal audit requirements.

8798 (c) (i) The costs of the federal compliance portion of the audit may be paid from an  
8799 appropriation to the state auditor from the General Fund.

8800 (ii) If an appropriation is not provided, or if the federal government does not  
8801 specifically provide for payment of audit costs, the costs of the federal compliance portions of  
8802 the audit shall be allocated on the basis of the percentage that each state entity's federal funding

8803 bears to the total federal funds received by the state.

8804 (iii) The allocation shall be adjusted to reflect any reduced audit time required to audit  
8805 funds passed through the state to local governments and to reflect any reduction in audit time  
8806 obtained through the use of internal auditors working under the direction of the state auditor.

8807 (4) (a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to  
8808 financial audits, and as the auditor determines is necessary, conduct performance and special  
8809 purpose audits, examinations, and reviews of any entity that receives public funds, including a  
8810 determination of any or all of the following:

8811 (i) the honesty and integrity of all its fiscal affairs;

8812 (ii) whether [~~or not its~~] the entity's administrators have faithfully complied with  
8813 legislative intent;

8814 (iii) whether [~~or not its~~] the entity's operations have been conducted in an efficient,  
8815 effective, and cost-efficient manner;

8816 (iv) whether [~~or not its~~] the entity's programs have been effective in accomplishing the  
8817 intended objectives; and

8818 (v) whether [~~or not its~~] the entity's management, control, and information systems are  
8819 adequate, effective, and secure.

8820 (b) The auditor may not conduct performance and special purpose audits,  
8821 examinations, and reviews of any entity that receives public funds if the entity:

8822 (i) has an elected auditor; and

8823 (ii) has, within the entity's last budget year, had [~~its~~] the entity's financial statements or  
8824 performance formally reviewed by another outside auditor.

8825 (5) The state auditor shall administer any oath or affirmation necessary to the  
8826 performance of the duties of the auditor's office, and may subpoena witnesses and documents,  
8827 whether electronic or otherwise, and examine into any matter that the auditor considers  
8828 necessary.

8829 (6) The state auditor may require all persons who have had the disposition or

8830 management of any property of this state or its political subdivisions to submit statements  
8831 regarding it at the time and in the form that the auditor requires.

8832 (7) The state auditor shall:

8833 (a) except where otherwise provided by law, institute suits in Salt Lake County in  
8834 relation to the assessment, collection, and payment of its revenues against:

8835 (i) persons who by any means have become entrusted with public money or property  
8836 and have failed to pay over or deliver the money or property; and

8837 (ii) all debtors of the state;

8838 (b) collect and pay into the state treasury all fees received by the state auditor;

8839 (c) perform the duties of a member of all boards of which the state auditor is a member  
8840 by the constitution or laws of the state, and any other duties that are prescribed by the  
8841 constitution and by law;

8842 (d) stop the payment of the salary of any state official or state employee who:

8843 (i) refuses to settle accounts or provide required statements about the custody and  
8844 disposition of public funds or other state property;

8845 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling  
8846 board or department head with respect to the manner of keeping prescribed accounts or funds;  
8847 or

8848 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the  
8849 official's or employee's attention;

8850 (e) establish accounting systems, methods, and forms for public accounts in all taxing  
8851 or fee-assessing units of the state in the interest of uniformity, efficiency, and economy;

8852 (f) superintend the contractual auditing of all state accounts;

8853 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of  
8854 property taxes from a state or local taxing or fee-assessing unit, if necessary, to ensure that  
8855 officials and employees in those taxing units comply with state laws and procedures in the  
8856 budgeting, expenditures, and financial reporting of public funds;



8857 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,  
8858 if necessary, to ensure that officials and employees in the county comply with Section  
8859 59-2-303.1; and

8860 (i) withhold state allocated funds or the disbursement of property taxes from a local  
8861 government entity or a limited purpose entity, as those terms are defined in Section 67-1a-15 if  
8862 the state auditor finds the withholding necessary to ensure that the entity registers and  
8863 maintains the entity's registration with the lieutenant governor, in accordance with Section  
8864 67-1a-15.

8865 (8) (a) Except as otherwise provided by law, the state auditor may not withhold funds  
8866 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received formal  
8867 written notice of noncompliance from the auditor and has been given 60 days to make the  
8868 specified corrections.

8869 (b) If, after receiving notice under Subsection (8)(a), a state or independent local  
8870 fee-assessing unit that exclusively assesses fees has not made corrections to comply with state  
8871 laws and procedures in the budgeting, expenditures, and financial reporting of public funds, the  
8872 state auditor:

8873 (i) shall provide a recommended timeline for corrective actions; ~~and~~

8874 (ii) may prohibit the state or local fee-assessing unit from accessing money held by the  
8875 state; and

8876 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an  
8877 account of a financial institution by filing an action in district court requesting an order of the  
8878 court to prohibit a financial institution from providing the fee-assessing unit access to an  
8879 account.

8880 (c) The state auditor shall remove a limitation on accessing funds under Subsection  
8881 (8)(b) upon compliance with state laws and procedures in the budgeting, expenditures, and  
8882 financial reporting of public funds.

8883 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with

8884 state law, the state auditor:

8885 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to  
8886 comply;

8887 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the  
8888 state; and

8889 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an  
8890 account of a financial institution by:

8891 (A) contacting the taxing or fee-assessing unit's financial institution and requesting that  
8892 the institution prohibit access to the account; or

8893 (B) filing an action in district court requesting an order of the court to prohibit a  
8894 financial institution from providing the taxing or fee-assessing unit access to an account.

8895 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state  
8896 law, the state auditor shall eliminate a limitation on accessing funds described in Subsection  
8897 (8)(d).

8898 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has  
8899 received formal written notice of noncompliance from the auditor and has been given 60 days  
8900 to make the specified corrections.

8901 (10) (a) The state auditor may not withhold funds under Subsection (7)(i) until the state  
8902 auditor receives a notice of non-registration, as that term is defined in Section [67-1a-15](#).

8903 (b) If the state auditor receives a notice of non-registration, the state auditor may  
8904 prohibit the local government entity or limited purpose entity, as those terms are defined in  
8905 Section [67-1a-15](#), from accessing:

8906 (i) money held by the state; and

8907 (ii) money held in an account of a financial institution by:

8908 (A) contacting the entity's financial institution and requesting that the institution  
8909 prohibit access to the account; or

8910 (B) filing an action in district court requesting an order of the court to prohibit a

8911 financial institution from providing the entity access to an account.

8912 (c) The state auditor shall remove the prohibition on accessing funds described in  
8913 Subsection (10)(b) if the state auditor received a notice of registration, as that term is defined in  
8914 Section 67-1a-15, from the lieutenant governor.

8915 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the  
8916 state auditor:

8917 (a) shall authorize a disbursement by a local government entity or limited purpose  
8918 entity, as those terms are defined in Section 67-1a-15, or a state or local taxing or fee-assessing  
8919 unit if the disbursement is necessary to:

8920 (i) avoid a major disruption in the operations of the local government entity, limited  
8921 purpose entity, or state or local taxing or fee-assessing unit; or

8922 (ii) meet debt service obligations; and

8923 (b) may authorize a disbursement by a local government entity, limited purpose entity,  
8924 or state or local taxing or fee-assessing unit as the state auditor determines is appropriate.

8925 (12) (a) The state auditor may seek relief under the Utah Rules of Civil Procedure to  
8926 take temporary custody of public funds if an action is necessary to protect public funds from  
8927 being improperly diverted from their intended public purpose.

8928 (b) If the state auditor seeks relief under Subsection (12)(a):

8929 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);  
8930 and

8931 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if a  
8932 court orders the public funds to be protected from improper diversion from their public  
8933 purpose.

8934 (13) The state auditor shall:

8935 (a) establish audit guidelines and procedures for audits of local mental health and  
8936 substance abuse authorities and their contract providers, conducted pursuant to Title 17,  
8937 Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part 3, Local

8938 Mental Health Authorities, Title 51, Chapter 2a, Accounting Reports from Political  
8939 Subdivisions, Interlocal Organizations, and Other Local Entities Act, and Title 62A, Chapter  
8940 15, Substance Abuse and Mental Health Act; and

8941 (b) ensure that those guidelines and procedures provide assurances to the state that:

8942 (i) state and federal funds appropriated to local mental health authorities are used for  
8943 mental health purposes;

8944 (ii) a private provider under an annual or otherwise ongoing contract to provide  
8945 comprehensive mental health programs or services for a local mental health authority is in  
8946 compliance with state and local contract requirements, and state and federal law;

8947 (iii) state and federal funds appropriated to local substance abuse authorities are used  
8948 for substance abuse programs and services; and

8949 (iv) a private provider under an annual or otherwise ongoing contract to provide  
8950 comprehensive substance abuse programs or services for a local substance abuse authority is in  
8951 compliance with state and local contract requirements, and state and federal law.

8952 (14) The state auditor may, in accordance with the auditor's responsibilities for political  
8953 subdivisions of the state as provided in Title 51, Chapter 2a, Accounting Reports from Political  
8954 Subdivisions, Interlocal Organizations, and Other Local Entities Act, initiate audits or  
8955 investigations of any political subdivision that are necessary to determine honesty and integrity  
8956 in fiscal affairs, accuracy and reliability of financial statements, effectiveness, and adequacy of  
8957 financial controls and compliance with the law.

8958 (15) (a) The state auditor may not audit work that the state auditor performed before  
8959 becoming state auditor.

8960 (b) If the state auditor has previously been a responsible official in state government  
8961 whose work has not yet been audited, the Legislature shall:

8962 (i) designate how that work shall be audited; and

8963 (ii) provide additional funding for those audits, if necessary.

8964 (16) The state auditor shall:

8965 (a) with the assistance, advice, and recommendations of an advisory committee  
8966 appointed by the state auditor from among local district boards of trustees, officers, and  
8967 employees and special service district boards, officers, and employees:

8968 (i) prepare a Uniform Accounting Manual for Local Districts that:

8969 (A) prescribes a uniform system of accounting and uniform budgeting and reporting  
8970 procedures for local districts under Title 17B, Limited Purpose Local Government Entities -  
8971 Local Districts, and special service districts under Title 17D, Chapter 1, Special Service  
8972 District Act;

8973 (B) conforms with generally accepted accounting principles; and

8974 (C) prescribes reasonable exceptions and modifications for smaller districts to the  
8975 uniform system of accounting, budgeting, and reporting;

8976 (ii) maintain the manual under this Subsection (16)(a) so that it continues to reflect  
8977 generally accepted accounting principles;

8978 (iii) conduct a continuing review and modification of procedures in order to improve  
8979 them;

8980 (iv) prepare and supply each district with suitable budget and reporting forms; and

8981 (v) (A) prepare instructional materials, conduct training programs, and render other  
8982 services considered necessary to assist local districts and special service districts in  
8983 implementing the uniform accounting, budgeting, and reporting procedures; and

8984 (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title  
8985 63G, Chapter 22, State Training and Certification Requirements; and

8986 (b) continually analyze and evaluate the accounting, budgeting, and reporting practices  
8987 and experiences of specific local districts and special service districts selected by the state  
8988 auditor and make the information available to all districts.

8989 (17) (a) The following records in the custody or control of the state auditor are  
8990 protected records under Title 63G, Chapter 2, Government Records Access and Management  
8991 Act:

8992 (i) records that would disclose information relating to allegations of personal  
8993 misconduct, gross mismanagement, or illegal activity of a past or present governmental  
8994 employee if the information or allegation cannot be corroborated by the state auditor through  
8995 other documents or evidence, and the records relating to the allegation are not relied upon by  
8996 the state auditor in preparing a final audit report;

8997 (ii) records and audit workpapers to the extent they would disclose the identity of a  
8998 person who during the course of an audit, communicated the existence of any waste of public  
8999 funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation  
9000 adopted under the laws of this state, a political subdivision of the state, or any recognized entity  
9001 of the United States, if the information was disclosed on the condition that the identity of the  
9002 person be protected;

9003 (iii) before an audit is completed and the final audit report is released, records or drafts  
9004 circulated to a person who is not an employee or head of a governmental entity for their  
9005 response or information;

9006 (iv) records that would disclose an outline or part of any audit survey plans or audit  
9007 program; and

9008 (v) requests for audits, if disclosure would risk circumvention of an audit.

9009 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure  
9010 of records or information that relate to a violation of the law by a governmental entity or  
9011 employee to a government prosecutor or peace officer.

9012 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to  
9013 the state auditor to classify a document as public, private, controlled, or protected under Title  
9014 63G, Chapter 2, Government Records Access and Management Act.

9015 (d) (i) As used in this Subsection (17)(d), "record dispute" means a dispute between the  
9016 state auditor and the subject of an audit performed by the state auditor as to whether the state  
9017 auditor may release a record, as defined in Section 63G-2-103, to the public that the state  
9018 auditor gained access to in the course of the state auditor's audit but which the subject of the

9019 audit claims is not subject to disclosure under Title 63G, Chapter 2, Government Records  
9020 Access and Management Act.

9021 (ii) The state auditor may submit a record dispute to the State Records Committee,  
9022 created in Section [63G-2-501](#), for a determination of whether the state auditor may, in  
9023 conjunction with the state auditor's release of an audit report, release to the public the record  
9024 that is the subject of the record dispute.

9025 (iii) The state auditor or the subject of the audit may seek judicial review of a State  
9026 Records Committee determination under Subsection (17)(d)(ii), as provided in Section  
9027 [63G-2-404](#).

9028 (18) If the state auditor conducts an audit of an entity that the state auditor has  
9029 previously audited and finds that the entity has not implemented a recommendation made by  
9030 the state auditor in a previous audit, the state auditor shall notify the Legislative Management  
9031 Committee through its audit subcommittee that the entity has not implemented that  
9032 recommendation.

9033 (19) The state auditor shall report, or ensure that another government entity reports, on  
9034 the financial, operational, and performance metrics for the state system of higher education and  
9035 the state system of public education, including metrics in relation to students, programs, and  
9036 schools within those systems.

9037 Section 150. Section **67-3-12**, which is renumbered from Section 63A-1-202 is  
9038 renumbered and amended to read:

9039 ~~[63A-1-202]~~. **67-3-12. Utah Public Finance Website -- Establishment and**  
9040 **administration -- Records disclosure -- Exceptions.**

9041 [~~(1) There is created the Utah Public Finance Website to be administered by the state~~  
9042 ~~auditor.~~]

9043 (1) As used in this section:

9044 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same  
9045 as that term is defined in Section [63E-1-102](#).

9046 (ii) "Independent entity" includes an entity that is part of an independent entity  
9047 described in Subsection (1)(a)(i), if the entity is considered a component unit of the  
9048 independent entity under the governmental accounting standards issued by the Governmental  
9049 Accounting Standards Board.

9050 (iii) "Independent entity" does not include the Utah State Retirement Office created in  
9051 Section [49-11-201](#).

9052 (b) "Local education agency" means a school district or charter school.

9053 (c) "Participating local entity" means:

9054 (i) a county;

9055 (ii) a municipality;

9056 (iii) a local district under Title 17B, Limited Purpose Local Government Entities -  
9057 Local Districts;

9058 (iv) a special service district under Title 17D, Chapter 1, Special Service District Act;

9059 (v) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

9060 (vi) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District  
9061 Act;

9062 (vii) except for a taxed interlocal entity as defined in Section [11-13-602](#);

9063 (A) an interlocal entity as defined in Section [11-13-103](#);

9064 (B) a joint or cooperative undertaking as defined in Section [11-13-103](#); or

9065 (C) any project, program, or undertaking entered into by interlocal agreement in  
9066 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

9067 (viii) except for a taxed interlocal entity as defined in Section [11-13-602](#), an entity that  
9068 is part of an entity described in Subsections (1)(c)(i) through (vii), if the entity is considered a  
9069 component unit of the entity described in Subsections (1)(c)(i) through (vii) under the  
9070 governmental accounting standards issued by the Governmental Accounting Standards Board;

9071 or

9072 (ix) a conservation district under Title 17D, Chapter 3, Conservation District Act.



9073 (d) (i) "Participating state entity" means the state of Utah, including its executive,  
9074 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,  
9075 councils, committees, and institutions.

9076 (ii) "Participating state entity" includes an entity that is part of an entity described in  
9077 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in  
9078 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental  
9079 Accounting Standards Board.

9080 (e) "Public finance website" or "website" means the website established by the state  
9081 auditor in accordance with this section.

9082 (f) "Public financial information" means each record that is required under this section  
9083 or by rule made by the Office of the State Auditor under Subsection (8) to be made available on  
9084 the public finance website, a participating local entity's website, or an independent entity's  
9085 website.

9086 (g) "Qualifying entity" means:

9087 (i) an independent entity;

9088 (ii) a participating local entity;

9089 (iii) a participating state entity;

9090 (iv) a local education agency;

9091 (v) a state institution of higher education as defined in Section [53B-3-102](#);

9092 (vi) the Utah Educational Savings Plan created in Section [58B-8a-103](#);

9093 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);

9094 (viii) the School and Institutional Trust Lands Administration created in Section  
9095 [53C-1-201](#); or

9096 (ix) the Utah Capital Investment Corporation created in Section [63N-6-301](#).

9097 (2) The state auditor shall establish and maintain a public finance website in  
9098 accordance with this section.

9099 ~~[(2)]~~ (3) The ~~[Utah Public Finance Website]~~ website shall:

- 9100 (a) permit Utah taxpayers to:
- 9101 (i) view, understand, and track the use of taxpayer dollars by making public financial
- 9102 information available on the Internet for participating state entities, independent entities, and
- 9103 participating local entities, using the [~~Utah Public Finance Website~~] website; and
- 9104 (ii) link to websites administered by participating local entities or independent entities
- 9105 that do not use the [~~Utah Public Finance Website~~] website for the purpose of providing
- 9106 participating local entities' or independent entities' public financial information as required by
- 9107 this part and by rule made under [~~Section 63A-1-204~~] Subsection (8);
- 9108 (b) allow a person who has Internet access to use the website without paying a fee;
- 9109 (c) allow the public to search public financial information on the [~~Utah Public Finance~~
- 9110 ~~Website using criteria established by the board~~] website;
- 9111 (d) provide access to financial reports, financial audits, budgets, or other financial
- 9112 documents that are used to allocate, appropriate, spend, and account for government funds, as
- 9113 may be established by rule made under [~~Section 63A-1-204~~] Subsection (8);
- 9114 (e) have a unique and simplified website address;
- 9115 (f) be [~~directly accessible via a link from the main page of the official state website~~]
- 9116 guided by the principles described in Subsection 63A-16-202(2);
- 9117 (g) include other links, features, or functionality that will assist the public in obtaining
- 9118 and reviewing public financial information, as may be established by rule made under [~~Section~~
- 9119 ~~63A-1-204~~] Subsection (8); and
- 9120 (h) include a link to school report cards published on the State Board of Education's
- 9121 website under Section 53E-5-211.
- 9122 [~~(3)(a)~~] (4) The state auditor shall:
- 9123 [~~(i)~~] (a) establish and maintain the website, including the provision of equipment,
- 9124 resources, and personnel as necessary;
- 9125 [~~(ii)~~] (b) maintain an archive of all information posted to the website;
- 9126 [~~(iii)~~] (c) coordinate and process the receipt and posting of public financial information

9127 from participating state entities; and

9128 ~~[(iv)] (d) coordinate and regulate the posting of public financial information by~~  
9129 ~~participating local entities and independent entities.~~

9130 ~~[(b) The department shall provide staff support for the advisory committee.]~~

9131 ~~[(4) (a) A participating state entity and each independent entity shall permit the public~~  
9132 ~~to view the entity's public financial information via the website, beginning with information~~  
9133 ~~that is generated not later than the fiscal year that begins July 1, 2008, except that public~~  
9134 ~~financial information for an:]~~

9135 ~~[(i) institution of higher education shall be provided beginning with information~~  
9136 ~~generated for the fiscal year beginning July 1, 2009; and]~~

9137 ~~[(ii) independent entity shall be provided beginning with information generated for the~~  
9138 ~~entity's fiscal year beginning in 2014.]~~

9139 ~~[(b) No later than May 15, 2009, the website shall:]~~

9140 ~~[(i) be operational; and]~~

9141 ~~[(ii) permit public access to participating state entities' public financial information,~~  
9142 ~~except as provided in Subsections (4)(c) and (d).]~~

9143 ~~[(c) An institution of higher education that is a participating state entity shall submit~~  
9144 ~~the entity's public financial information at a time allowing for inclusion on the website no later~~  
9145 ~~than May 15, 2010.]~~

9146 ~~[(d) No later than the first full quarter after July 1, 2014, an independent entity shall~~  
9147 ~~submit the entity's public financial information for inclusion on the Utah Public Finance~~  
9148 ~~Website or via a link to its own website on the Utah Public Finance Website.]~~

9149 ~~[(5) (a) The Utah Educational Savings Plan, created in Section ~~53B-8a-103~~, shall~~  
9150 ~~provide the following financial information to the state auditor for posting on the Utah Public~~  
9151 ~~Finance Website:]~~

9152 ~~[(i) administrative fund expense transactions from its general ledger accounting~~  
9153 ~~system; and]~~

9154           ~~[(ii) employee compensation information.]~~  
9155           ~~[(b) The plan is not required to submit other financial information to the state auditor,~~  
9156 ~~including:]~~  
9157           ~~[(i) revenue transactions;]~~  
9158           ~~[(ii) account owner transactions; and]~~  
9159           ~~[(iii) fiduciary or commercial information, as defined in Section [53B-12-102](#).]~~  
9160           ~~[(6) (a) The following independent entities shall each provide administrative expense~~  
9161 ~~transactions from its general ledger accounting system and employee compensation~~  
9162 ~~information to the state auditor for posting on the Utah Public Finance Website or via a link to~~  
9163 ~~a website administered by the independent entity:]~~  
9164           ~~[(i) the Utah Housing Corporation, created in Section [63H-8-201](#); and]~~  
9165           ~~[(ii) the School and Institutional Trust Lands Administration, created in Section~~  
9166 ~~[53C-1-201](#).]~~  
9167           ~~[(b) The Utah Capital Investment Corporation, an independent entity created in Section~~  
9168 ~~[63N-6-301](#), shall provide the following information to the division for posting on the Utah~~  
9169 ~~Public Finance Website or via a link to a website administered by the independent entity for~~  
9170 ~~each fiscal year ending on or after June 30, 2015:]~~  
9171           ~~[(i) aggregate compensation information for full-time and part-time employees,~~  
9172 ~~including benefit information;]~~  
9173           ~~[(ii) aggregate business travel expenses;]~~  
9174           ~~[(iii) aggregate expenses related to the Utah Capital Investment Corporation's~~  
9175 ~~allocation manager; and]~~  
9176           ~~[(iv) aggregate administrative, operating, and finance costs.]~~  
9177           ~~[(c) For purposes of this part, an independent entity described in Subsection (6)(a) or~~  
9178 ~~(b) is not required to submit to the state auditor, or provide a link to, other financial~~  
9179 ~~information, including:]~~  
9180           ~~[(i) revenue transactions of a fund or account created in its enabling statute;]~~

9181 ~~[(ii) fiduciary or commercial information related to any subject if the disclosure of the~~  
 9182 ~~information:]~~

9183 ~~[(A) would conflict with fiduciary obligations; or]~~  
 9184 ~~[(B) is prohibited by insider trading provisions;]~~  
 9185 ~~[(iii) information of a commercial nature, including information related to:]~~  
 9186 ~~[(A) account owners, borrowers, and dependents;]~~  
 9187 ~~[(B) demographic data;]~~  
 9188 ~~[(C) contracts and related payments;]~~  
 9189 ~~[(D) negotiations;]~~  
 9190 ~~[(E) proposals or bids;]~~  
 9191 ~~[(F) investments;]~~  
 9192 ~~[(G) the investment and management of funds;]~~  
 9193 ~~[(H) fees and charges;]~~  
 9194 ~~[(I) plan and program design;]~~  
 9195 ~~[(J) investment options and underlying investments offered to account owners;]~~  
 9196 ~~[(K) marketing and outreach efforts;]~~  
 9197 ~~[(L) lending criteria;]~~  
 9198 ~~[(M) the structure and terms of bonding; and]~~  
 9199 ~~[(N) financial plans or strategies; and]~~  
 9200 ~~[(iv) information protected from public disclosure by federal law.]~~  
 9201 ~~[(7) (a) As used in this Subsection (7):]~~  
 9202 ~~[(i) "Local education agency" means a school district or a charter school.]~~  
 9203 ~~[(ii) "New school building project" means:]~~  
 9204 ~~[(A) the construction of a school or school facility that did not previously exist in a~~  
 9205 ~~local education agency; or]~~  
 9206 ~~[(B) the lease or purchase of an existing building, by a local education agency, to be~~  
 9207 ~~used as a school or school facility.]~~

9208           ~~[(iii) "School facility" means a facility, including a pool, theater, stadium, or~~  
9209 ~~maintenance building, that is built, leased, acquired, or remodeled by a local education agency~~  
9210 ~~regardless of whether the facility is open to the public.]~~

9211           ~~[(iv) "Significant school remodel" means a construction project undertaken by a local~~  
9212 ~~education agency with a project cost equal to or greater than \$2,000,000, including:]~~

9213           ~~[(A) the upgrading, changing, alteration, refurbishment, modification, or complete~~  
9214 ~~substitution of an existing school or school facility in a local education agency; or]~~

9215           ~~[(B) the addition of a school facility.]~~

9216           ~~[(b) For each new school building project or significant school remodel, the local~~  
9217 ~~education agency shall:]~~

9218           ~~[(i) prepare an annual school plant capital outlay report; and]~~

9219           ~~[(ii) submit the report:]~~

9220           ~~[(A) to the state auditor for publication on the Utah Public Finance Website; and]~~

9221           ~~[(B) in a format, including any raw data or electronic formatting, prescribed by~~  
9222 ~~applicable policy established by the state auditor.]~~

9223           ~~[(c) The local education agency shall include in the capital outlay report described in~~  
9224 ~~Subsection (7)(b)(i) the following information as applicable to each new school building~~  
9225 ~~project or significant school remodel:]~~

9226           ~~[(i) the name and location of the new school building project or significant school~~  
9227 ~~remodel;]~~

9228           ~~[(ii) construction and design costs, including:]~~

9229           ~~[(A) the purchase price or lease terms of any real property acquired or leased for the~~  
9230 ~~project or remodel;]~~

9231           ~~[(B) facility construction;]~~

9232           ~~[(C) facility and landscape design;]~~

9233           ~~[(D) applicable impact fees; and]~~

9234           ~~[(E) furnishings and equipment;]~~

9235           ~~[(iii) the gross square footage of the project or remodel;]~~  
9236           ~~[(iv) the year construction was completed; and]~~  
9237           ~~[(v) the final student capacity of the new school building project or, for a significant~~  
9238 ~~school remodel, the increase or decrease in student capacity created by the remodel.]~~  
9239           ~~[(d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c),~~  
9240 ~~the local education agency shall report the actual cost, fee, or other expense.]~~  
9241           ~~[(ii) The state auditor may require that a local education agency provide further~~  
9242 ~~itemized data on information listed in Subsection (7)(c).]~~  
9243           ~~[(e) (i) No later than May 15, 2015, a local education agency shall provide the state~~  
9244 ~~auditor a school plant capital outlay report for each new school building project and significant~~  
9245 ~~school remodel completed on or after July 1, 2004, and before May 13, 2014.]~~  
9246           ~~[(ii) For a new school building project or significant school remodel completed after~~  
9247 ~~May 13, 2014, the local education agency shall provide the school plant capital outlay report~~  
9248 ~~described in this Subsection (7) to the state auditor annually by a date designated by the state~~  
9249 ~~auditor.]~~  
9250           (5) A qualifying entity shall permit the public to view the qualifying entity's public  
9251 financial information by posting the public financial information to the public finance website  
9252 in accordance with rules made under Subsection (8).  
9253           (6) The content of the public financial information posted to the public finance website  
9254 is the responsibility of the qualifying entity posting the public financial information.  
9255           ~~[(8)]~~ (7) (a) A qualifying entity may not post financial information that is classified as  
9256 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and  
9257 Management Act, to the public finance website.  
9258           (b) A person who negligently discloses [a record] financial information that is  
9259 classified as private, protected, or controlled by Title 63G, Chapter 2, Government Records  
9260 Access and Management Act, is not criminally or civilly liable for an improper disclosure of  
9261 the [record] financial information if the [record] financial information is disclosed solely as a

9262 result of the preparation or publication of the [~~Utah Public Finance Website~~] website.

9263 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

9264 Office of the State Auditor:

9265 (a) shall make rules to:

9266 (i) establish which records a qualifying entity is required to post to the public finance  
9267 website; and

9268 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting  
9269 public financial information on the public finance website; and

9270 (b) may make rules governing when a qualifying entity is required to disclose an  
9271 expenditure made by a person under contract with the qualifying entity, including the form and  
9272 content of the disclosure.

9273 Section 151. Section **72-3-108** is amended to read:

9274 **72-3-108. County roads -- Vacation and narrowing.**

9275 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road  
9276 without petition or after petition by a property owner.

9277 (2) A county may not vacate a county road unless notice of the hearing is:

9278 (a) published:

9279 (i) in a newspaper of general circulation in the county once a week for four consecutive  
9280 weeks before the hearing; and

9281 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for  
9282 four weeks before the hearing; and

9283 (b) posted in three public places for four consecutive weeks prior to the hearing; and

9284 (c) mailed to the department and all owners of property abutting the county road.

9285 (3) The right-of-way and easements, if any, of a property owner and the franchise rights  
9286 of any public utility may not be impaired by vacating or narrowing a county road.

9287 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the  
9288 state's right-of-way interest in the county road is also vacated.



9289 Section 152. Section **72-5-105** is amended to read:

9290 **72-5-105. Highways, streets, or roads once established continue until abandoned**  
9291 **-- Temporary closure.**

9292 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads  
9293 once established shall continue to be highways, streets, or roads until formally abandoned or  
9294 vacated by written order, resolution, or ordinance resolution of a highway authority having  
9295 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has  
9296 been duly recorded in the office of the recorder of the county or counties where the highway,  
9297 street, or road is located.

9298 (2) (a) For purposes of assessment, upon the recordation of an order executed by the  
9299 proper authority with the county recorder's office, title to the vacated or abandoned highway,  
9300 street, or road shall vest to the adjoining record owners, with one-half of the width of the  
9301 highway, street, or road assessed to each of the adjoining owners.

9302 (b) Provided, however, that should a description of an owner of record extend into the  
9303 vacated or abandoned highway, street, or road that portion of the vacated or abandoned  
9304 highway, street, or road shall vest in the record owner, with the remainder of the highway,  
9305 street, or road vested as otherwise provided in this Subsection (2).

9306 (c) Title to a highway, street, or road that a local highway authority closes to vehicular  
9307 traffic under Subsection (3) or (7) remains vested in the city.

9308 (3) (a) In accordance with this section, a state or local highway authority may  
9309 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,  
9310 C, or D road or R.S. 2477 right-of-way.

9311 (b) (i) A temporary closure authorized under this section is not an abandonment.

9312 (ii) The erection of a barrier or sign on a highway, street, or road once established is  
9313 not an abandonment.

9314 (iii) An interruption of the public's continuous use of a highway, street, or road once  
9315 established is not an abandonment even if the interruption is allowed to continue unabated.

9316 (c) A temporary closure under Subsection (3)(a) may be authorized only under the  
9317 following circumstances:

9318 (i) when a federal authority, or other person, provides an alternate route to an R.S.  
9319 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

9320 (A) accepted by the highway authority; and

9321 (B) formalized by a federal permit or a written agreement between the federal authority  
9322 or other person and the highway authority;

9323 (ii) when a state or local highway authority determines that correction or mitigation of  
9324 injury to private or public land resources is necessary on or near a class B or D road or portion  
9325 of a class B or D road; or

9326 (iii) when a local highway authority makes a finding that temporary closure of all or  
9327 part of a class C road is necessary to mitigate unsafe conditions.

9328 (d) (i) If a local highway authority temporarily closes all or part of a class C road under  
9329 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to  
9330 another public use or purpose related to the mitigation of the unsafe condition.

9331 (ii) If a local highway authority temporarily closes all or part of a class C road under  
9332 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement  
9333 between the local highway authority and another entity, the local highway authority may not  
9334 reopen the closed portion of the road until the lease agreement terminates.

9335 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.  
9336 2477 right-of-way temporarily closed under this section if the alternate route is closed for any  
9337 reason.

9338 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

9339 (i) be authorized annually; and

9340 (ii) not exceed two years or the time it takes to complete the correction or mitigation,  
9341 whichever is less.

9342 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway

9343 authority shall pass an ordinance to temporarily or indefinitely close the road.

9344 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),  
9345 a highway authority shall:

9346 (a) hold a hearing on the proposed temporary or indefinite closure;

9347 (b) provide notice of the hearing by mailing a notice to the Department of  
9348 Transportation and all owners of property abutting the highway; and

9349 (c) except for a closure under Subsection (3)(c)(iii):

9350 (i) publishing the notice:

9351 (A) in a newspaper of general circulation in the county at least once a week for four  
9352 consecutive weeks before the hearing; and

9353 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
9354 four weeks before the hearing; or

9355 (ii) posting the notice in three public places for at least four consecutive weeks before  
9356 the hearing.

9357 (6) The right-of-way and easements, if any, of a property owner and the franchise rights  
9358 of any public utility may not be impaired by a temporary or indefinite closure authorized under  
9359 this section.

9360 (7) (a) A local highway authority may close to vehicular travel and convert to another  
9361 public use or purpose a highway, road, or street over which the local highway authority has  
9362 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding  
9363 that:

9364 (i) the closed highway, road, or street is not necessary for vehicular travel;

9365 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury  
9366 to private or public land resources on or near the highway, road, or street; or

9367 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe  
9368 conditions.

9369 (b) If a local highway authority indefinitely closes all or part of a highway, road, or

9370 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease  
9371 agreement between the local highway authority and another entity, the local highway authority  
9372 may not reopen the closed portion of the road until the lease agreement terminates.

9373 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

9374 Section 153. Section **73-1-16** is amended to read:

9375 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**  
9376 **-- Costs -- Review.**

9377 Where any water users' association, irrigation company, canal company, ditch company,  
9378 reservoir company, or other corporation of like character or purpose, organized under the laws  
9379 of this state has entered into or proposes to enter into a contract with the United States for the  
9380 payment by such association or company of the construction and other charges of a federal  
9381 reclamation project constructed, under construction, or to be constructed within this state, and  
9382 where funds for the payment of such charges are to be obtained from assessments levied upon  
9383 the stock of such association or company, or where a lien is created or will be created against  
9384 any of the land, property, canals, water rights or other assets of such association or company or  
9385 against the land, property, canals, water rights or other assets of any stockholder of such  
9386 association or company to secure the payment of construction or other charges of a reclamation  
9387 project, the water users' association, irrigation company, canal company, ditch company,  
9388 reservoir company or other corporation of like character or purpose may file in the district court  
9389 of the county wherein is situated the office of such association or company a petition entitled  
9390 "..... Water Users' Association" or "..... Company," as the case may be, "against the  
9391 stockholders of said association or company and the owners and mortgagees of land within the  
9392 ..... Federal Reclamation Project." No other or more specific description of the defendants  
9393 shall be required. In the petition it may be stated that the water users' association, irrigation  
9394 company, canal company, ditch company, reservoir company or other corporation of like  
9395 character and purpose has entered into or proposes to enter into a contract with the United  
9396 States, to be set out in full in said petition, with a prayer that the court find said contract to be

9397 valid, and a modification of any individual contracts between the United States and the  
9398 stockholders of such association or company, or between the association or company, and its  
9399 stockholders, so far as such individual contracts are at variance with the contract or proposed  
9400 contract between the association or company and the United States.

9401           Thereupon a notice in the nature of a summons shall issue under the hand and seal of  
9402 the clerk of said court, stating in brief outline the contents of said petition, and showing where  
9403 a full copy of said contract or proposed contract may be examined, such notice to be directed to  
9404 the said defendants under the same general designations, which shall be considered sufficient  
9405 to give the court jurisdiction of all matters involved and parties interested. Service shall be  
9406 obtained (a) by publication of such notice once a week for three consecutive weeks (three  
9407 times) in a newspaper published in each county where the irrigable land of such federal  
9408 reclamation project is situated, (b) as required in Section [45-1-101](#) for three weeks, (c) by  
9409 publishing the notice on the Utah Public Notice Website created in Section [~~63F-1-701~~  
9410 [63A-12-201](#)], for three weeks prior to the date of the hearing, and (d) by the posting at least  
9411 three weeks prior to the date of the hearing on said petition of the notice and a complete copy  
9412 of the said contract or proposed contract in the office of the plaintiff association or company,  
9413 and at three other public places within the boundaries of such federal reclamation project. Any  
9414 stockholder in the plaintiff association or company, or owner, or mortgagee of land within said  
9415 federal reclamation project affected by the contract proposed to be made by such association or  
9416 company, may demur to or answer said petition before the date set for such hearing or within  
9417 such further time as may be allowed therefor by the court. The failure of any persons affected  
9418 by the said contract to answer or demur shall be construed, so far as such persons are concerned  
9419 as an acknowledgment of the validity of said contract and as a consent to the modification of  
9420 said individual contracts if any with such association or company or with the United States, to  
9421 the extent that such modification is required to cause the said individual contracts if any to  
9422 conform to the terms of the contract or proposed contract between the plaintiff and the United  
9423 States. All persons filing demurrers or answers shall be entered as defendants in said cause and

9424 their defense consolidated for hearing or trial. Upon hearing the court shall examine all matters  
9425 and things in controversy and shall enter judgment and decree as the case warrants, showing  
9426 how and to what extent, if any, the said individual contracts of the defendants or under which  
9427 they claim are modified by the plaintiff's contract or proposed contract with the United States.  
9428 In reaching his conclusion in such causes, the court shall follow a liberal interpretation of the  
9429 laws, and shall disregard informalities or omissions not affecting the substantial rights of the  
9430 parties, unless it is affirmatively shown that such informalities or omissions led to a different  
9431 result than would have been obtained otherwise. The Code of Civil Procedure shall govern  
9432 matters of pleading and practice as nearly as may be. Costs may be assessed or apportioned  
9433 among contesting parties in the discretion of the trial court. Review of the judgment of the  
9434 district court by the Supreme Court may be had as in other civil causes.

9435 Section 154. Section **73-5-14** is amended to read:

9436 **73-5-14. Determination by the state engineer of watershed to which particular**  
9437 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

9438 (1) The state engineer may determine for administrative and distribution purposes the  
9439 watershed to which any particular stream or source of water is tributary.

9440 (2) A determination under Subsection (1) may be made only after publication of notice  
9441 to the water users.

9442 (3) Publication of notice under Subsection (2) shall be made:

9443 (a) in a newspaper or newspapers having general circulation in every county in the state  
9444 in which any rights might be affected, once each week for five consecutive weeks;

9445 (b) in accordance with Section [45-1-101](#) for five weeks; and

9446 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for  
9447 five weeks.

9448 (4) The state engineer shall fix the date and place of hearing and at the hearing any  
9449 water user shall be given an opportunity to appear and adduce evidence material to the  
9450 determination of the question involved.

9451 (5) (a) The state engineer shall publish the result of the determination as provided in  
9452 Subsections (3)(a) and (b), and the notice of the decision of the state engineer shall notify the  
9453 public that any person aggrieved by the decision may appeal the decision as provided by  
9454 Section [73-3-14](#).

9455 (b) The notice under Subsection (5)(a) shall be considered to have been given so as to  
9456 start the time for appeal upon completion of the publication of notice.

9457 Section 155. Section **75-1-401** is amended to read:

9458 **75-1-401. Notice -- Method and time of giving.**

9459 (1) If notice of a hearing on any petition is required and except for specific notice  
9460 requirements as otherwise provided, the petitioner shall cause notice of the time and place of  
9461 hearing of any petition to be given to any interested person or the person's attorney if the person  
9462 has appeared by attorney or requested that notice be sent to the person's attorney. Notice shall  
9463 be given by the clerk posting a copy of the notice for the 10 consecutive days immediately  
9464 preceding the time set for the hearing in at least three public places in the county, one of which  
9465 must be at the courthouse of the county and:

9466 (a) (i) by the clerk mailing a copy thereof at least 10 days before the time set for the  
9467 hearing by certified, registered, or ordinary first class mail addressed to the person being  
9468 notified at the post-office address given in the demand for notice, if any, or at the person's  
9469 office or place of residence, if known; or

9470 (ii) by delivering a copy thereof to the person being notified personally at least 10 days  
9471 before the time set for the hearing; and

9472 (b) if the address, or identity of any person is not known and cannot be ascertained with  
9473 reasonable diligence, by publishing:

9474 (i) at least once a week for three consecutive weeks a copy thereof in a newspaper  
9475 having general circulation in the county where the hearing is to be held, the last publication of  
9476 which is to be at least 10 days before the time set for the hearing; and

9477 (ii) on the Utah Public Notice Website created in Section ~~[63F-1-701]~~ [63A-12-201](#), for

9478 three weeks.

9479 (2) The court for good cause shown may provide for a different method or time of  
9480 giving notice for any hearing.

9481 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the  
9482 proceeding.

9483 Section 156. **Repealer.**

9484 This bill repeals:

9485 Section **63A-1-201, Definitions.**

9486 Section **63A-1-204, Rulemaking authority.**

9487 Section **63A-1-205, Participation by local entities.**

9488 Section **63A-1-206, Submission of public financial information by a school district**  
9489 **or charter school.**