

1 **PUBLIC INFORMATION WEBSITE MODIFICATIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Candice B. Pierucci**

5 Senate Sponsor: John D. Johnson

7 **LONG TITLE**

8 **Committee Note:**

9 The Government Operations Interim Committee recommended this bill.

10 Legislative Vote: 15 voting for 0 voting against 1 absent

11 **General Description:**

12 This bill amends provisions related to certain public information websites.

13 **Highlighted Provisions:**

14 This bill:

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

17 Records Access and Management Act requests;

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

20 ▶ clarifies provisions relating to the membership and duties of the Utah Transparency
21 Advisory Board;

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

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

26 ▶ makes technical and conforming changes.

27 **Money Appropriated in this Bill:**



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **4-21-106**, as last amended by Laws of Utah 2019, Chapters 370 and 456

34 **4-22-107**, as last amended by Laws of Utah 2019, Chapters 370 and 456

35 **4-30-106**, as last amended by Laws of Utah 2020, Chapter 154

36 **7-1-706**, as last amended by Laws of Utah 2010, Chapter 90

37 **10-2-406**, as last amended by Laws of Utah 2019, Chapter 255

38 **10-2-407**, as last amended by Laws of Utah 2019, Chapter 255

39 **10-2-415**, as last amended by Laws of Utah 2020, Chapter 22

40 **10-2-418**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7

41 **10-2-419**, as last amended by Laws of Utah 2019, Chapter 255

42 **10-2-501**, as last amended by Laws of Utah 2019, Chapter 255

43 **10-2-502.5**, as last amended by Laws of Utah 2019, Chapter 255

44 **10-2-607**, as last amended by Laws of Utah 2019, Chapter 255

45 **10-2-703**, as last amended by Laws of Utah 2019, Chapter 255

46 **10-2-708**, as last amended by Laws of Utah 2020, Chapter 22

47 **10-2a-207**, as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
48 by Coordination Clause, Laws of Utah 2019, Chapter 165

49 **10-2a-210**, as last amended by Laws of Utah 2020, Chapter 22

50 **10-2a-213**, as last amended by Laws of Utah 2020, Chapter 22

51 **10-2a-214**, as last amended by Laws of Utah 2020, Chapter 22

52 **10-2a-215**, as last amended by Laws of Utah 2020, Chapter 22

53 **10-2a-405**, as last amended by Laws of Utah 2016, Chapter 176

54 **10-3-301**, as last amended by Laws of Utah 2020, Chapter 95

55 **10-3-818**, as last amended by Laws of Utah 2010, Chapter 90

56 **10-5-107.5**, as enacted by Laws of Utah 2017, Chapter 71

57 **10-5-108**, as last amended by Laws of Utah 2017, Chapter 193

58 **10-6-113**, as last amended by Laws of Utah 2017, Chapter 193

59 [10-6-135.5](#), as enacted by Laws of Utah 2017, Chapter 71
60 [10-7-19](#), as last amended by Laws of Utah 2019, Chapter 255
61 [10-8-2](#), as last amended by Laws of Utah 2019, Chapter 376
62 [10-8-15](#), as last amended by Laws of Utah 2019, Chapter 413
63 [10-9a-203](#), as last amended by Laws of Utah 2015, Chapter 202
64 [10-9a-204](#), as last amended by Laws of Utah 2010, Chapter 90
65 [10-9a-205](#), as last amended by Laws of Utah 2017, Chapter 84
66 [10-9a-208](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
67 [10-18-203](#), as last amended by Laws of Utah 2010, Chapter 90
68 [10-18-302](#), as last amended by Laws of Utah 2014, Chapter 176
69 [11-13-204](#), as last amended by Laws of Utah 2015, Chapter 265
70 [11-13-509](#), as enacted by Laws of Utah 2015, Chapter 265
71 [11-13-531](#), as enacted by Laws of Utah 2015, Chapter 265
72 [11-13-603](#), as last amended by Laws of Utah 2019, Chapter 370
73 [11-14-202](#), as last amended by Laws of Utah 2020, Chapter 31
74 [11-14-318](#), as last amended by Laws of Utah 2009, First Special Session, Chapter 5
75 [11-36a-501](#), as enacted by Laws of Utah 2011, Chapter 47
76 [11-36a-503](#), as enacted by Laws of Utah 2011, Chapter 47
77 [11-36a-504](#), as last amended by Laws of Utah 2017, Chapter 84
78 [11-42-202](#), as last amended by Laws of Utah 2020, Chapter 282
79 [11-42-402](#), as last amended by Laws of Utah 2015, Chapter 396
80 [11-58-502](#), as last amended by Laws of Utah 2019, Chapter 399
81 [11-58-801](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
82 [11-59-401](#), as enacted by Laws of Utah 2018, Chapter 388
83 [17-27a-203](#), as last amended by Laws of Utah 2009, Chapter 188
84 [17-27a-204](#), as last amended by Laws of Utah 2010, Chapter 90
85 [17-27a-205](#), as last amended by Laws of Utah 2017, Chapter 84
86 [17-27a-208](#), as last amended by Laws of Utah 2019, Chapter 384
87 [17-27a-306](#), as last amended by Laws of Utah 2015, Chapter 352
88 [17-27a-404](#), as last amended by Laws of Utah 2020, Chapter 434
89 [17-36-12](#), as last amended by Laws of Utah 2017, Chapter 193

90 **17-36-26**, as last amended by Laws of Utah 2017, Chapter 193
91 **17-41-304**, as last amended by Laws of Utah 2019, Chapter 227
92 **17-41-405**, as last amended by Laws of Utah 2019, Chapter 227
93 **17-50-303**, as last amended by Laws of Utah 2019, Chapter 376
94 **17B-1-106**, as last amended by Laws of Utah 2013, Chapter 445
95 **17B-1-211**, as last amended by Laws of Utah 2013, Chapter 265
96 **17B-1-303**, as last amended by Laws of Utah 2019, Chapters 40 and 255
97 **17B-1-306**, as last amended by Laws of Utah 2020, Chapter 31
98 **17B-1-413**, as last amended by Laws of Utah 2010, Chapter 90
99 **17B-1-417**, as last amended by Laws of Utah 2010, Chapter 90
100 **17B-1-505.5**, as enacted by Laws of Utah 2017, Chapter 404
101 **17B-1-609**, as last amended by Laws of Utah 2015, Chapter 436
102 **17B-1-643**, as last amended by Laws of Utah 2016, Chapter 273
103 **17B-1-1204**, as last amended by Laws of Utah 2010, Chapter 90
104 **17B-1-1307**, as last amended by Laws of Utah 2010, Chapter 90
105 **17B-2a-705**, as last amended by Laws of Utah 2019, Chapter 255
106 **17B-2a-1110**, as last amended by Laws of Utah 2016, Chapter 176
107 **17C-1-207**, as last amended by Laws of Utah 2019, Chapter 376
108 **17C-1-601.5**, as last amended by Laws of Utah 2018, Chapter 101
109 **17C-1-804**, as last amended by Laws of Utah 2019, Chapter 376
110 **17C-1-806**, as last amended by Laws of Utah 2018, Chapter 364
111 **17C-2-108**, as last amended by Laws of Utah 2016, Chapter 350
112 **17C-3-107**, as last amended by Laws of Utah 2016, Chapter 350
113 **17C-4-109**, as last amended by Laws of Utah 2016, Chapter 350
114 **17C-4-202**, as last amended by Laws of Utah 2016, Chapter 350
115 **17C-5-110**, as enacted by Laws of Utah 2016, Chapter 350
116 **17C-5-113**, as enacted by Laws of Utah 2016, Chapter 350
117 **17C-5-205**, as last amended by Laws of Utah 2019, Chapter 376
118 **17D-3-107**, as last amended by Laws of Utah 2019, Chapter 370
119 **17D-3-305**, as last amended by Laws of Utah 2020, Chapter 311
120 **19-2-109**, as last amended by Laws of Utah 2012, Chapter 360

121 [20A-1-512](#), as last amended by Laws of Utah 2019, Chapter 40
122 [20A-3a-604](#), as renumbered and amended by Laws of Utah 2020, Chapter 31
123 [20A-4-104](#), as last amended by Laws of Utah 2020, Chapter 31
124 [20A-4-304](#), as last amended by Laws of Utah 2019, Chapters 255 and 433
125 [20A-5-101](#), as last amended by Laws of Utah 2019, Chapter 255
126 [20A-5-403.5](#), as enacted by Laws of Utah 2020, Chapter 31
127 [20A-5-405](#), as last amended by Laws of Utah 2020, Chapter 31
128 [20A-7-204.1](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
129 [20A-7-401.5](#), as enacted by Laws of Utah 2019, Chapter 203
130 [20A-7-402](#), as last amended by Laws of Utah 2020, Chapters 22 and 354
131 [20A-9-203](#), as last amended by Laws of Utah 2020, Chapter 22
132 [26-61a-303](#), as last amended by Laws of Utah 2020, Chapter 12
133 [32B-8a-302](#), as last amended by Laws of Utah 2020, Chapter 219
134 [45-1-101](#), as last amended by Laws of Utah 2019, Chapter 274
135 [49-11-1102](#), as enacted by Laws of Utah 2016, Chapter 281
136 [52-4-202](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 1
137 [52-4-203](#), as last amended by Laws of Utah 2018, Chapter 425
138 [53-13-114](#), as last amended by Laws of Utah 2012, Chapter 196
139 [53B-7-101.5](#), as last amended by Laws of Utah 2010, Chapter 90
140 [53B-8a-103](#), as last amended by Laws of Utah 2019, Chapters 370 and 456
141 [53D-1-103](#), as last amended by Laws of Utah 2019, Chapters 370 and 456
142 [53E-3-705](#), as last amended by Laws of Utah 2019, Chapters 186 and 370
143 [53E-4-202](#), as last amended by Laws of Utah 2019, Chapters 186 and 324
144 [53G-3-204](#), as renumbered and amended by Laws of Utah 2018, Chapter 3
145 [53G-4-204](#), as last amended by Laws of Utah 2019, Chapter 293
146 [53G-4-402](#), as last amended by Laws of Utah 2020, Chapter 347
147 [53G-5-504](#), as last amended by Laws of Utah 2020, Chapters 192 and 408
148 [53G-7-1105](#), as last amended by Laws of Utah 2019, Chapter 293
149 [54-8-10](#), as last amended by Laws of Utah 2010, Chapter 90
150 [54-8-16](#), as last amended by Laws of Utah 2010, Chapter 90
151 [57-11-11](#), as last amended by Laws of Utah 2011, Chapter 340

152 **59-2-919**, as last amended by Laws of Utah 2020, Chapter 354
153 **59-2-919.2**, as last amended by Laws of Utah 2010, Chapter 90
154 **59-12-1102**, as last amended by Laws of Utah 2016, Chapter 364
155 **63A-3-103**, as last amended by Laws of Utah 2020, Chapter 365
156 **63A-5b-905**, as renumbered and amended by Laws of Utah 2020, Chapter 152
157 **63A-12-100**, as last amended by Laws of Utah 2010, Chapter 258
158 **63A-12-101**, as last amended by Laws of Utah 2019, Chapter 254
159 **63E-2-109**, as last amended by Laws of Utah 2019, Chapter 370
160 **63G-4-107**, as enacted by Laws of Utah 2016, Chapter 312
161 **63G-9-303**, as last amended by Laws of Utah 2016, Chapter 118
162 **63H-1-701**, as last amended by Laws of Utah 2018, Chapter 101
163 **63H-2-502**, as last amended by Laws of Utah 2018, Chapter 101
164 **63H-4-108**, as last amended by Laws of Utah 2019, Chapters 370 and 456
165 **63H-5-108**, as last amended by Laws of Utah 2019, Chapters 370 and 456
166 **63H-6-103**, as last amended by Laws of Utah 2020, Chapter 152
167 **63H-7a-104**, as enacted by Laws of Utah 2019, Chapter 456
168 **63H-7a-803**, as last amended by Laws of Utah 2019, Chapters 370 and 509
169 **63H-8-204**, as last amended by Laws of Utah 2019, Chapter 370
170 **63I-1-263**, as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,
171 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws
172 of Utah 2020, Chapter 360
173 **63I-2-263**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 12
174 **63M-4-402**, as enacted by Laws of Utah 2014, Chapter 294
175 **67-1-2.5**, as last amended by Laws of Utah 2020, Chapters 154, 352, and 373
176 **72-3-108**, as last amended by Laws of Utah 2010, Chapter 90
177 **72-5-105**, as last amended by Laws of Utah 2017, First Special Session, Chapter 2
178 **73-1-16**, as last amended by Laws of Utah 2010, Chapter 90
179 **73-5-14**, as last amended by Laws of Utah 2010, Chapter 90
180 **75-1-401**, as last amended by Laws of Utah 2010, Chapter 90
181 ENACTS:
182 **63A-12-114**, Utah Code Annotated 1953

183 **63A-16-101**, Utah Code Annotated 1953

184 **63A-16-102**, Utah Code Annotated 1953

185 **63A-16-202**, Utah Code Annotated 1953

186 **63F-1-108**, Utah Code Annotated 1953

187 RENUMBERS AND AMENDS:

188 **63A-12-201**, (Renumbered from 63F-1-701, as last amended by Laws of Utah 2020,
189 Chapter 154)

190 **63A-12-202**, (Renumbered from 63F-1-702, as enacted by Laws of Utah 2007, Chapter
191 249)

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

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

196 REPEALS:

197 **63A-1-201**, as renumbered and amended by Laws of Utah 2019, Chapter 370

198 **63A-1-204**, as renumbered and amended by Laws of Utah 2019, Chapter 370

199 **63A-1-205**, as renumbered and amended by Laws of Utah 2019, Chapter 370

200 **63A-1-206**, as renumbered and amended by Laws of Utah 2019, Chapter 370

201

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

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

204 **4-21-106. Exemption from certain operational requirements.**

205 (1) The council is exempt from:

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

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

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

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

212 (ii) at competitive prices;

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

- 214 (e) Title 67, Chapter 19, Utah State Personnel Management Act.
- 215 (2) The council is subject to:
- 216 (a) Title 51, Chapter 7, State Money Management Act;
- 217 (b) Title 52, Chapter 4, Open and Public Meetings Act;
- 218 (c) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);
- 219 (d) Title 63G, Chapter 2, Government Records Access and Management Act;
- 220 (e) other Utah Code provisions not specifically exempted under Subsection

221 [4-21-106](#)(1); and

222 (f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
223 legislative auditor pursuant to [Section 36-12-15](#).

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

225 **4-22-107. Exemption from certain operational requirements.**

226 (1) The commission is exempt from:

- 227 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 228 (b) Title 51, Chapter 7, State Money Management Act;
- 229 (c) [~~except as provided in Subsection (2)(b),~~] Title 63A, Utah Administrative Services

230 Code;

231 (d) Title 63G, Chapter 6a, Utah Procurement Code, but the commission shall adopt
232 procedures to ensure that the commission makes purchases:

- 233 (i) in a manner that provides for fair competition between providers; and
- 234 (ii) at competitive prices;
- 235 (e) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 236 (f) Title 67, Chapter 19, Utah State Personnel Management Act.

237 (2) The commission is subject to:

- 238 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 239 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#); and
- 240 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

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

242 **4-30-106. Hearing on license application -- Notice of hearing.**

243 (1) Upon the filing of an application, the department shall set a time for hearing on the
244 application in the city or town nearest the proposed site of the livestock market and cause

245 notice of the time and place of the hearing together with a copy of the application to be
246 forwarded by mail, not less than 15 days before the hearing date, to the following:

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

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

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

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

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

255 **7-1-706. Application to commissioner to exercise power -- Procedure.**

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

258 (a) issue any rule or order;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

296 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

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

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

- 302 (A) the area proposed for annexation; and
 - 303 (B) the unincorporated area within 1/2 mile of the area proposed for annexation;
- 304 (ii) if there is no newspaper of general circulation in the combined area described in
305 Subsections (1)(a)(i)(A) and (B), no later than 10 days after the day on which the municipal
306 legislative body receives the notice of certification, by posting one notice, and at least one

307 additional notice per 2,000 population within the combined area, in places within the combined
308 area that are most likely to give notice to the residents within, and the owners of real property
309 located within, the combined area; or

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

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

316 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
317 three weeks, beginning no later than 10 days after the day on which the municipal legislative
318 body receives the notice of certification;

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

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

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

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

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

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

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

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

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

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

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

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

346 (B) in the creation of which an election was not required because of Subsection
347 17B-1-214(3)(c); and

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

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

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

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

358 (B) in the creation of which an election was not required because of Subsection
359 17B-1-214(3)(c); and

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

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

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

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

369 annexation;

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

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

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

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

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

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

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

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

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

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

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

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

390 (a) be filed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

424 (ii) the commission; and

425 (iii) each entity that filed a protest.

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

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

430 (a) (i) at least seven days before the day of the public hearing in a newspaper of general

431 circulation within the municipality and the area proposed for annexation;

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

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

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

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

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

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

447 **10-2-415. Public hearing -- Notice.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

490 (iii) a mailing address and telephone number.

491 (4) Within 30 days after the time under Subsection [10-2-407\(2\)](#) for filing a protest has
492 expired with respect to a proposed annexation of an area located in a specified county, the

493 boundary commission shall hold a hearing on all protests that were filed with respect to the
494 proposed annexation.

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

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

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

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

504 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
505 14 days before the day of the hearing;

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

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

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

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

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

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

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

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

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

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

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

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

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

524 means.

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

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

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

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

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

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

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

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

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

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

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

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

553 (iii) the area consists of:

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

555 municipality; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

615 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
616 before the day of the public hearing;

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

619 (d) by sending written notice to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

648 recorder or clerk of the municipality by the owners of private real property that:

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

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

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

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

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

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

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

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

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

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

678 (ii) The county legislative body may base the finding required in Subsection

679 (8)(c)(i)(B) on:

680 (A) existing development in the area;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

740 (a) state that the municipal legislative body has adopted a resolution indicating the

741 municipal legislative body's intent to adjust a boundary that the municipality has in common
742 with another municipality;

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

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

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

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

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

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

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

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

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

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

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

763 (B) in the creation of which an election was not required because of Subsection
764 [17B-1-214\(3\)\(c\)](#); and

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

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

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

772 (A) that provides fire protection, paramedic, and emergency services; and
 773 (B) in the creation of which an election was not required because of Subsection
 774 17B-1-214(3)(c); and

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

777 (5) The first publication of the notice described in Subsection (3)(a)(i) shall be within
 778 14 days after the day on which the municipal legislative body adopts a resolution under
 779 Subsection (2)(a).

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

785 (7) The municipal legislative body shall comply with the requirements of Section
 786 10-2-425 as if the boundary adjustment were an annexation.

787 (8) (a) An ordinance adopted under Subsection (6) becomes effective when each
 788 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
 789 (6).

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

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

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

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

796 (a) one or more persons who:

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

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

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

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

805 (b) Each request for disconnection shall:

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

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

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

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

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

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

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

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

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

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

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

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

833 (f) if the municipality has a website, on the municipality's website for three weeks

834 before the day of the public hearing.

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

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

838 (1) No sooner than seven calendar days after, and no later than 30 calendar days after,
839 the last day on which the petitioner publishes the notice required under Subsection
840 [10-2-501\(3\)\(a\)](#), the legislative body of the municipality in which the area proposed for
841 disconnection is located shall hold a public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

867 (i) the petitioner; or

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

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

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

872 **10-2-607. Notice of election.**

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

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

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

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

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

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

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

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

892 **10-2-703. Publication of notice of election.**

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

895 (a) petition; and

- 896 (b) date the election is to be held to determine the question of dissolution.
- 897 (2) The notice described in Subsection (1) shall be published:
- 898 (a) (i) for at least once a week for a period of four weeks before the election in a
- 899 newspaper of general circulation in the municipality;
- 900 (ii) if there is no newspaper of general circulation in the municipality, at least four
- 901 weeks before the day of the election, by posting one notice, and at least one additional notice
- 902 per 2,000 population of the municipality, in places within the municipality that are most likely
- 903 to give notice to the voters in the municipality; or
- 904 (iii) at least one month before the day of the election, by mailing notice to each
- 905 registered voter in the municipality;
- 906 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
- 907 four weeks before the day of the election;
- 908 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;
- 909 and
- 910 (d) if the municipality has a website, on the municipality's website for four weeks
- 911 before the day of the election.

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

913 **10-2-708. Notice of disincorporation -- Publication and filing.**

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

915 the dissolution:

- 916 (1) (a) in a newspaper of general circulation in the county in which the municipality is
- 917 located at least once a week for four consecutive weeks;
- 918 (b) if there is no newspaper of general circulation in the county in which the
- 919 municipality is located, by posting one notice, and at least one additional notice per 2,000
- 920 population of the county in places within the county that are most likely to give notice to the
- 921 residents within, and the owners of real property located within, the county, including the
- 922 residents and owners within the municipality that is dissolved; or
- 923 (c) by mailing notice to each residence within, and each owner of real property located
- 924 within, the county;
- 925 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
- 926 four weeks;

- 927 (3) in accordance with Section 45-1-101, for four weeks;
928 (4) if the municipality has a website, on the municipality's website for four weeks; and
929 (5) on the county's website for four weeks.

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

931 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

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

- 935 (a) within 60 days after the day on which the lieutenant governor receives the results;
936 (b) at least seven days apart;
937 (c) except in a proposed municipality that will be a city of the fifth class or a town, in
938 geographically diverse locations;
939 (d) within or near the proposed municipality;
940 (e) to allow the feasibility consultant to present the results of the feasibility study; and
941 (f) to inform the public about the results of the feasibility study.

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

- 943 (a) provide a map or plat of the boundary of the proposed municipality;
944 (b) provide a copy of the feasibility study for public review;
945 (c) allow members of the public to express views about the proposed incorporation,
946 including views about the proposed boundaries; and
947 (d) allow the public to ask the feasibility consultant questions about the feasibility
948 study.

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

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

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

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

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

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

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

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

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

976 (i) the lieutenant governor's website;

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

978 (iii) a mailing address and telephone number.

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

980 **10-2a-210. Incorporation election.**

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

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

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

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

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

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

999 (iii) at least three weeks before the day of the election, by mailing notice to each
1000 registered voter in the area proposed to be incorporated;

1001 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
1002 three weeks before the day of the election;

1003 (c) in accordance with Section [45-1-101](#), for three weeks before the day of the election;

1004 (d) if the proposed municipality has a website, on the proposed municipality's website
1005 for three weeks before the day of the election; and

1006 (e) on the county's website for three weeks before the day of the election.

1007 (3) (a) The notice required by Subsection (2) shall contain:

1008 (i) a statement of the contents of the petition;

1009 (ii) a description of the area proposed to be incorporated as a municipality;

1010 (iii) a statement of the date and time of the election and the location of polling places;

1011 and

1012 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in
1013 Subsection [10-2a-205](#)(3)(c) and a statement that a full copy of the study is available on the
1014 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1015 (b) The last notice required to be published under Subsection (2)(a)(i) shall be
1016 published at least one day, but no more than seven days, before the day of the election.

1017 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the notice
1018 may include a statement that specifies the following sources where a registered voter in area
1019 proposed to be incorporated may view or obtain a copy the feasibility study:

- 1020 (i) the lieutenant governor's website;
 - 1021 (ii) the physical address of the Office of the Lieutenant Governor; and
 - 1022 (iii) a mailing address and telephone number.
- 1023 (4) An individual may not vote in an incorporation election under this section unless
- 1024 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
- 1025 boundaries of the proposed municipality.

1026 (5) If a majority of those who vote in an incorporation election held under this section

1027 cast votes in favor of incorporation, the area shall incorporate.

1028 Section 17. Section 10-2a-213 is amended to read:

1029 **10-2a-213. Determination of number of council members -- Determination of**

1030 **election districts -- Hearings and notice.**

1031 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days

1032 after the day on which the county conducts the canvass of the election under Section

1033 10-2a-212:

1034 (a) for the incorporation of a city:

1035 (i) if the voters at the incorporation election choose the council-mayor form of

1036 government, determine the number of council members that will constitute the city council of

1037 the city; and

1038 (ii) if the voters at the incorporation election vote to elect council members by district,

1039 determine the number of council members to be elected by district and draw the boundaries of

1040 those districts, which shall be substantially equal in population; and

1041 (b) for the incorporation of any municipality:

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

1043 that:

1044 (A) the mayor and approximately half the members of the municipal council are

1045 elected to serve an initial term, of no less than one year, that allows the mayor's and members'

1046 successors to serve a full four-year term that coincides with the schedule established in

1047 Subsection 10-3-205(1); and

1048 (B) the remaining members of the municipal council are elected to serve an initial

1049 term, of no less than one year, that allows the members' successors to serve a full four-year

1050 term that coincides with the schedule established in Subsection 10-3-205(2); and

1051 (ii) submit in writing to the county legislative body the results of the determinations
1052 made by the sponsors under Subsections (1)(a) and (b)(i).

1053 (2) A newly incorporated town shall operate under the five-member council form of
1054 government as defined in Section [10-3b-102](#).

1055 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
1056 sponsors shall hold a public hearing within the future municipality on the applicable issues
1057 described in Subsections (1)(a) and (b)(i).

1058 (4) The petition sponsors shall publish notice of the public hearing described in
1059 Subsection (3):

1060 (a) (i) in a newspaper of general circulation within the future municipality at least once
1061 a week for two successive weeks before the public hearing;

1062 (ii) if there is no newspaper of general circulation in the future municipality, at least
1063 two weeks before the day of the public hearing, by posting one notice, and at least one
1064 additional notice per 2,000 population of the future municipality, in places within the future
1065 municipality that are most likely to give notice to the residents within, and the owners of real
1066 property located within, the future municipality; or

1067 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
1068 residence within, and each owner of real property located within, the future municipality;

1069 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
1070 two weeks before the day of the public hearing;

1071 (c) in accordance with Section [45-1-101](#), for at least two weeks before the day of the
1072 public hearing;

1073 (d) if the future municipality has a website, for two weeks before the day of the public
1074 hearing; and

1075 (e) on the county's website for two weeks before the day of the public hearing.

1076 (5) The last notice required to be published under Subsection (4)(a)(i) shall be
1077 published at least three days before the day of the public hearing described in Subsection (3).

1078 Section 18. Section **10-2a-214** is amended to read:

1079 **10-2a-214. Notice of number of commission or council members to be elected and**
1080 **of district boundaries -- Declaration of candidacy for municipal office.**

1081 (1) Within 20 days after the day on which a county legislative body receives the

1082 petition sponsors' determination under Subsection [10-2a-213](#)(1)(b)(ii), the county clerk shall
1083 publish, in accordance with Subsection (2), notice containing:

- 1084 (a) the number of municipal council members to be elected for the new municipality;
- 1085 (b) except as provided in Subsection (3), if some or all of the municipal council
1086 members are to be elected by district, a description of the boundaries of those districts;
- 1087 (c) information about the deadline for an individual to file a declaration of candidacy to
1088 become a candidate for mayor or municipal council; and
- 1089 (d) information about the length of the initial term of each of the municipal officers.

1090 (2) The county clerk shall publish the notice described in Subsection (1):

- 1091 (a) (i) in a newspaper of general circulation within the future municipality at least once
1092 a week for two consecutive weeks;
- 1093 (ii) if there is no newspaper of general circulation in the future municipality, by posting
1094 one notice, and at least one additional notice per 2,000 population of the future municipality, in
1095 places within the future municipality that are most likely to give notice to the residents in the
1096 future municipality; or
- 1097 (iii) by mailing notice to each residence in the future municipality;
- 1098 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
1099 two weeks;
- 1100 (c) in accordance with Section [45-1-101](#), for two weeks;
- 1101 (d) if the future municipality has a website, on the future municipality's website for two
1102 weeks; and
- 1103 (e) on the county's website for two weeks.

1104 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the
1105 notice may include a statement that specifies the following sources where a resident of the
1106 future municipality may view or obtain a copy the district:

- 1107 (a) the county website;
- 1108 (b) the physical address of the county offices; and
- 1109 (c) a mailing address and telephone number.

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

1113 located and in accordance with:

1114 (a) for an incorporation held on the date of a regular general election, the deadlines for
1115 filing a declaration of candidacy under Section 20A-9-202; or

1116 (b) for an incorporation held on the date of a municipal general election, the deadlines
1117 for filing a declaration of candidacy under Section 20A-9-203.

1118 Section 19. Section 10-2a-215 is amended to read:

1119 **10-2a-215. Election of officers of new municipality -- Primary and final election**
1120 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1121 (1) For the election of municipal officers, the county legislative body shall:

1122 (a) unless a primary election is prohibited under Subsection 20A-9-404(2), hold a
1123 primary election; and

1124 (b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a
1125 final election.

1126 (2) Each election described in Subsection (1) shall be held:

1127 (a) consistent with the petition sponsors' determination of the length of each council
1128 member's initial term; and

1129 (b) for the incorporation of a city:

1130 (i) appropriate to the form of government chosen by the voters at the incorporation
1131 election;

1132 (ii) consistent with the voters' decision about whether to elect city council members by
1133 district and, if applicable, consistent with the boundaries of those districts as determined by the
1134 petition sponsors; and

1135 (iii) consistent with the sponsors' determination of the number of city council members
1136 to be elected.

1137 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
1138 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:

1139 (i) regular primary election described in Subsection 20A-1-201.5(1); or

1140 (ii) municipal primary election described in Section 20A-9-404.

1141 (b) The county shall hold the primary election, if necessary, on the next election date
1142 described in Subsection (3)(a) that is after the incorporation election conducted under Section
1143 10-2a-210.

1144 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
1145 Subsection (1)(b):

1146 (i) on the following election date that next follows the date of the incorporation
1147 election held under Subsection [10-2a-210\(1\)\(a\)](#);

1148 (ii) a regular general election described in Section [20A-1-201](#); or

1149 (iii) a regular municipal general election under Section [20A-1-202](#).

1150 (b) The county shall hold the final election on the earliest of the next election date that
1151 is listed in Subsection (4)(a)(i), (ii), or (iii):

1152 (i) that is after a primary election; or

1153 (ii) if there is no primary election, that is at least:

1154 (A) 75 days after the incorporation election under Section [10-2a-210](#); and

1155 (B) 65 days after the candidate filing period.

1156 (5) The county clerk shall publish notice of an election under this section:

1157 (a) (i) in accordance with Subsection (6), at least once a week for two consecutive
1158 weeks before the election in a newspaper of general circulation within the future municipality;

1159 (ii) if there is no newspaper of general circulation in the future municipality, at least
1160 two weeks before the day of the election, by posting one notice, and at least one additional
1161 notice per 2,000 population of the future municipality, in places within the future municipality
1162 that are most likely to give notice to the voters within the future municipality; or

1163 (iii) at least two weeks before the day of the election, by mailing notice to each
1164 registered voter within the future municipality;

1165 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
1166 two weeks before the day of the election;

1167 (c) in accordance with Section [45-1-101](#), for two weeks before the day of the election;

1168 (d) if the future municipality has a website, on the future municipality's website for two
1169 weeks before the day of the election; and

1170 (e) on the county's website for two weeks before the day of the election.

1171 (6) The last notice required to be published under Subsection (5)(a)(i) shall be
1172 published at least one day but no more than seven days before the day of the election.

1173 (7) Until the municipality is incorporated, the county clerk:

1174 (a) is the election officer for all purposes related to the election of municipal officers;

1175 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
1176 related to the election of municipal officers for a new municipality that are not otherwise
1177 contrary to law;

1178 (c) shall require and determine deadlines for municipal office candidates to file
1179 campaign financial disclosures in accordance with Section 10-3-208; and

1180 (d) shall ensure that the ballot for the election includes each office that is required to be
1181 included in the election for officers of the newly incorporated municipality, including the term
1182 of each office.

1183 (8) An individual who has filed as a candidate for an office described in this section
1184 shall comply with:

1185 (a) the campaign finance disclosure requirements described in Section 10-3-208; and

1186 (b) the requirements and deadlines established by the county clerk under this section.

1187 (9) Notwithstanding Section 10-3-201, the officers elected at a final election described
1188 in Subsection (4)(a) shall take office:

1189 (a) after taking the oath of office; and

1190 (b) at noon on the first Monday following the day on which the election official
1191 transmits a certificate of nomination or election under the officer's seal to each elected
1192 candidate in accordance with Subsection 20A-4-304(4)(b).

1193 Section 20. Section 10-2a-405 is amended to read:

1194 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**
1195 **election and incorporation issues -- Rural real property excluded.**

1196 (1) The legislative body of a county of the first class shall before an election described
1197 in Section 10-2a-404:

1198 (a) in accordance with Subsection (3), publish notice of the public hearing described in
1199 Subsection (1)(b);

1200 (b) hold a public hearing; and

1201 (c) at the public hearing, adopt a resolution:

1202 (i) identifying, including a map prepared by the county surveyor, all unincorporated
1203 islands within the county;

1204 (ii) identifying each eligible city that will annex each unincorporated island, including
1205 whether the unincorporated island may be annexed by one eligible city or divided and annexed

1206 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);
1207 and

1208 (iii) identifying, including a map prepared by the county surveyor, the planning
1209 townships within the county and any changes to the boundaries of a planning township that the
1210 county legislative body proposes under Subsection (5).

1211 (2) The county legislative body shall exclude from a resolution adopted under
1212 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
1213 consent to include the property in accordance with Subsection (7).

1214 (3) (a) The county clerk shall publish notice of the public hearing described in
1215 Subsection (1)(b):

1216 (i) by mailing notice to each owner of real property located in an unincorporated island
1217 or planning township no later than 15 days before the day of the public hearing;

1218 (ii) at least once a week for three successive weeks in a newspaper of general
1219 circulation within each unincorporated island, each eligible city, and each planning township;
1220 and

1221 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#),
1222 for three weeks before the day of the public hearing.

1223 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least
1224 three days before the first public hearing required under Subsection (1)(b).

1225 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation
1226 within an unincorporated island, an eligible city, or a planning township, the county clerk shall
1227 post at least one notice of the hearing per 1,000 population in conspicuous places within the
1228 selected unincorporated island, eligible city, or planning township, as applicable, that are most
1229 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or
1230 planning township.

1231 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before
1232 the hearing under Subsection (1)(b).

1233 (d) The notice under Subsection (3)(a) or (c) shall include:

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

1237 the eligible city or cities; or

1238 (B) for residents of a planning township, a statement that the property in the planning
1239 township shall be, pending the results of the election held under Section 10-2a-404,
1240 incorporated as a city, town, or metro township;

1241 (ii) the location and time of the public hearing; and

1242 (iii) the county website where a map may be accessed showing:

1243 (A) how the unincorporated island boundaries will change if annexed by an eligible
1244 city; or

1245 (B) how the planning township area boundaries will change, if applicable under
1246 Subsection (5), when the planning township incorporates as a metro township or as a city or
1247 town.

1248 (e) The county clerk shall publish a map described in Subsection (3)(d)(iii) on the
1249 county website.

1250 (4) The county legislative body may, by ordinance or resolution adopted at a public
1251 meeting and in accordance with applicable law, resolve an issue that arises with an election
1252 held in accordance with this part or the incorporation and establishment of a metro township in
1253 accordance with this part.

1254 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
1255 meeting, change the boundaries of a planning township.

1256 (b) A change to a planning township boundary under this Subsection (5) is effective
1257 only upon the vote of the residents of the planning township at an election under Section
1258 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the
1259 boundaries of the planning township before the election.

1260 (c) The county legislative body:

1261 (i) may alter a planning township boundary under Subsection (5)(a) only if the
1262 alteration:

1263 (A) affects less than 5% of the residents residing within the planning advisory area; and

1264 (B) does not increase the area located within the planning township's boundaries; and

1265 (ii) may not alter the boundaries of a planning township whose boundaries are entirely
1266 surrounded by one or more municipalities.

1267 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an

1268 annexation or an incorporation process that, if approved, would change the boundaries of a
1269 planning township.

1270 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1271 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1272 (ii) that does not include residential units with a density greater than one unit per acre.

1273 (b) Unless an owner of rural real property gives written consent to a county legislative
1274 body, rural real property described in Subsection (7)(c) may not be:

1275 (i) included in a planning township identified under Subsection (1)(c); or

1276 (ii) incorporated as part of a metro township, city, or town, in accordance with this
1277 part.

1278 (c) The following rural real property is subject to an owner's written consent under
1279 Subsection (7)(b):

1280 (i) rural real property that consists of 1,500 or more contiguous acres of real property
1281 consisting of one or more tax parcels;

1282 (ii) rural real property that is not contiguous to, but used in connection with, rural real
1283 property that consists of 1,500 or more contiguous acres of real property consisting of one or
1284 more tax parcels;

1285 (iii) rural real property that is owned, managed, or controlled by a person, company, or
1286 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
1287 contiguous acres of rural real property consisting of one or more tax parcels; or

1288 (iv) rural real property that is located in whole or in part in one of the following as
1289 defined in Section 17-41-101:

1290 (A) an agricultural protection area;

1291 (B) an industrial protection area; or

1292 (C) a mining protection area.

1293 Section 21. Section 10-3-301 is amended to read:

1294 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
1295 **office -- Mayor and recorder limitations.**

1296 (1) As used in this section:

1297 (a) "Absent" means that an elected municipal officer fails to perform official duties,
1298 including the officer's failure to attend each regularly scheduled meeting that the officer is

1299 required to attend.

1300 (b) "Principal place of residence" means the same as that term is defined in Section
1301 [20A-2-105](#).

1302 (c) "Secondary residence" means a place where an individual resides other than the
1303 individual's principal place of residence.

1304 (2) (a) On or before May 1 in a year in which there is a municipal general election, the
1305 municipal clerk shall publish a notice that identifies:

1306 (i) the municipal offices to be voted on in the municipal general election; and

1307 (ii) the dates for filing a declaration of candidacy for the offices identified under
1308 Subsection (2)(a)(i).

1309 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

1310 (i) on the Utah Public Notice Website established by Section [~~63F-1-701~~] [63A-12-201](#);

1311 and

1312 (ii) in at least one of the following ways:

1313 (A) at the principal office of the municipality;

1314 (B) in a newspaper of general circulation within the municipality at least once a week
1315 for two successive weeks in accordance with Section [45-1-101](#);

1316 (C) in a newsletter produced by the municipality;

1317 (D) on a website operated by the municipality; or

1318 (E) with a utility enterprise fund customer's bill.

1319 (3) (a) An individual who files a declaration of candidacy for a municipal office shall
1320 comply with the requirements described in Section [20A-9-203](#).

1321 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
1322 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
1323 Subsections [20A-9-203](#)(3)(a)(i) and (c)(i) unless the date occurs on a:

1324 (A) Saturday or Sunday; or

1325 (B) state holiday as listed in Section [63G-1-301](#).

1326 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
1327 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
1328 (3)(b)(i) without maintaining office hours by:

1329 (A) posting the recorder's or clerk's contact information, including a phone number and

1330 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
1331 and, if available, on the municipal website; and

1332 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),
1333 via the contact information described in Subsection (3)(b)(ii)(A).

1334 (4) An individual elected to municipal office shall be a registered voter in the
1335 municipality in which the individual is elected.

1336 (5) (a) Each elected officer of a municipality shall maintain a principal place of
1337 residence within the municipality, and within the district that the elected officer represents,
1338 during the officer's term of office.

1339 (b) Except as provided in Subsection (6), an elected municipal office is automatically
1340 vacant if the officer elected to the municipal office, during the officer's term of office:

1341 (i) establishes a principal place of residence outside the district that the elected officer
1342 represents;

1343 (ii) resides at a secondary residence outside the district that the elected officer
1344 represents for a continuous period of more than 60 days while still maintaining a principal
1345 place of residence within the district;

1346 (iii) is absent from the district that the elected officer represents for a continuous period
1347 of more than 60 days; or

1348 (iv) fails to respond to a request, within 30 days after the day on which the elected
1349 officer receives the request, from the county clerk or the lieutenant governor seeking
1350 information to determine the officer's residency.

1351 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
1352 consent of the municipal legislative body in accordance with Subsection (6)(b) before the
1353 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1354 (i) reside at a secondary residence outside the district that the elected officer represents
1355 while still maintaining a principal place of residence within the district for a continuous period
1356 of up to one year during the officer's term of office; or

1357 (ii) be absent from the district that the elected officer represents for a continuous period
1358 of up to one year during the officer's term of office.

1359 (b) At a public meeting, the municipal legislative body may give the consent described
1360 in Subsection (6)(a) by majority vote after taking public comment regarding:

- 1361 (i) whether the legislative body should give the consent; and
- 1362 (ii) the length of time to which the legislative body should consent.
- 1363 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or
- 1364 treasurer.
- 1365 (b) The recorder of a municipality may not also serve as the municipal treasurer.
- 1366 (c) An individual who holds a county elected office may not, at the same time, hold a
- 1367 municipal elected office.
- 1368 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
- 1369 individual is elected to the office or appointed to fill a vacancy in the office.

1370 Section 22. Section **10-3-818** is amended to read:

1371 **10-3-818. Salaries in municipalities.**

- 1372 (1) The elective and statutory officers of municipalities shall receive such
- 1373 compensation for their services as the governing body may fix by ordinance adopting
- 1374 compensation or compensation schedules enacted after public hearing.
- 1375 (2) Upon its own motion the governing body may review or consider the compensation
- 1376 of any officer or officers of the municipality or a salary schedule applicable to any officer or
- 1377 officers of the city for the purpose of determining whether or not it should be adopted, changed,
- 1378 or amended. In the event that the governing body decides that the compensation or
- 1379 compensation schedules should be adopted, changed, or amended, it shall set a time and place
- 1380 for a public hearing at which all interested persons shall be given an opportunity to be heard.
- 1381 (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least
- 1382 seven days before the meeting by publication:
 - 1383 (i) at least once in a newspaper published in the county within which the municipality
 - 1384 is situated and generally circulated in the municipality; and
 - 1385 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).
- 1386 (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be
- 1387 given by posting this notice in three public places in the municipality.
- 1388 (4) After the conclusion of the public hearing, the governing body may enact an
- 1389 ordinance fixing, changing, or amending the compensation of any elective or appointive officer
- 1390 of the municipality or adopting a compensation schedule applicable to any officer or officers.
- 1391 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality

1392 establishing a salary or compensation schedule for its elective or appointive officers and any
1393 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the
1394 municipality has enacted an ordinance pursuant to the provisions of this chapter.

1395 (6) The compensation of all municipal officers shall be paid at least monthly out of the
1396 municipal treasury provided that municipalities having 1,000 or fewer population may by
1397 ordinance provide for the payment of its statutory officers less frequently. None of the
1398 provisions of this chapter shall be considered as limiting or restricting the authority to any
1399 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,
1400 Section 5, to determine the salaries of its elective and appointive officers or employees.

1401 Section 23. Section **10-5-107.5** is amended to read:

1402 **10-5-107.5. Transfer of enterprise fund money to another fund.**

1403 (1) As used in this section:

1404 (a) "Budget hearing" means a public hearing required under Section [10-5-108](#).

1405 (b) "Enterprise fund accounting data" means a detailed overview of the various
1406 enterprise funds of the town that includes:

1407 (i) a cost accounting breakdown of how money in the enterprise fund is being used to
1408 cover, as applicable:

1409 (A) administrative and overhead costs of the town attributable to the operation of the
1410 enterprise for which the enterprise fund was created; and

1411 (B) other costs not associated with the enterprise for which the enterprise fund was
1412 created; and

1413 (ii) specific enterprise fund information.

1414 (c) "Enterprise fund hearing" means the public hearing required under Subsection
1415 (3)(d).

1416 (d) "Specific enterprise fund information" means:

1417 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1418 (ii) the percentage of the total enterprise fund expenditures represented by each transfer
1419 to another fund.

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

1423 enterprise fund was created.

1424 (3) The governing body of a town that intends to transfer money in an enterprise fund
1425 to another fund shall:

1426 (a) provide notice of the intended transfer as required under Subsection (4);

1427 (b) clearly identify in a separate section or document accompanying the town's
1428 tentative budget or, if an amendment to the town's budget includes or is based on an intended
1429 transfer, in a separate section or document accompanying the amendment to the town's budget:

1430 (i) the enterprise fund from which money is intended to be transferred; and

1431 (ii) the specific enterprise fund information for that enterprise fund;

1432 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and

1433 (d) hold an enterprise fund hearing before the adoption of the town's budget or, if
1434 applicable, the amendment to the budget.

1435 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body
1436 shall:

1437 (i) provide the notice described in Subsection (4)(b) by:

1438 (A) mailing a copy of the notice to users of the goods or services provided by the
1439 enterprise for which the enterprise fund was created, if the town regularly mails users a
1440 periodic billing for the goods or services;

1441 (B) emailing a copy of the notice to users of the goods or services provided by the
1442 enterprise for which the enterprise fund was created, if the town regularly emails users a
1443 periodic billing for the goods or services;

1444 (C) posting the notice on the Utah Public Notice Website created in Section
1445 [~~63F-1-701~~] [63A-12-201](#); and

1446 (D) if the town has a website, prominently posting the notice on the town's website
1447 until the enterprise fund hearing is concluded; and

1448 (ii) if the town communicates with the public through a social media platform, publish
1449 notice of the date, time, place, and purpose of the enterprise fund hearing using the social
1450 media platform.

1451 (b) The notice required under Subsection (4)(a)(i) shall:

1452 (i) explain the intended transfer of enterprise fund money to another fund;

1453 (ii) include specific enterprise fund information for each enterprise fund from which

1454 money is intended to be transferred;

1455 (iii) provide the date, time, and place of the enterprise fund hearing; and

1456 (iv) explain the purpose of the enterprise fund hearing.

1457 (5) (a) An enterprise fund hearing shall be separate and independent from a budget

1458 hearing and any other public hearing.

1459 (b) At an enterprise fund hearing, the governing body shall:

1460 (i) explain the intended transfer of enterprise fund money to another fund;

1461 (ii) provide enterprise fund accounting data to the public; and

1462 (iii) allow members of the public in attendance at the hearing to comment on:

1463 (A) the intended transfer of enterprise fund money to another fund; and

1464 (B) the enterprise fund accounting data.

1465 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is

1466 based on a transfer of money from an enterprise fund to another fund, the governing body shall:

1467 (i) within 60 days after adopting the budget or budget amendment:

1468 (A) mail a notice to users of the goods or services provided by the enterprise for which

1469 the enterprise fund was created, if the town regularly mails users a periodic billing for the

1470 goods or services; and

1471 (B) email a notice to users of the goods or services provided by the enterprise for

1472 which the enterprise fund was created, if the town regularly emails users a periodic billing for

1473 the goods or services;

1474 (ii) within seven days after adopting the budget or budget amendment:

1475 (A) post enterprise fund accounting data on the town's website, if the town has a

1476 website;

1477 (B) using the town's social media platform, publish notice of the adoption of a budget

1478 or budget amendment that includes or is based on a transfer of money from an enterprise fund

1479 to another fund, if the town communicates with the public through a social media platform; and

1480 (iii) within 30 days after adopting the budget, submit to the state auditor the specific

1481 enterprise fund information for each enterprise fund from which money will be transferred.

1482 (b) A notice required under Subsection (6)(a)(i) shall:

1483 (i) announce the adoption of a budget or budget amendment that includes or is based

1484 on a transfer of money from an enterprise fund to another fund; and

1485 (ii) include the specific enterprise fund information.

1486 (c) The governing body shall maintain the website posting required under Subsection
1487 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).

1488 Section 24. Section **10-5-108** is amended to read:

1489 **10-5-108. Budget hearing -- Notice -- Adjustments.**

1490 (1) Prior to the adoption of the final budget or an amendment to a budget, a town
1491 council shall hold a public hearing to receive public comment.

1492 (2) The town council shall provide notice of the place, purpose, and time of the public
1493 hearing by publishing notice at least seven days before the hearing:

1494 (a) (i) at least once in a newspaper of general circulation in the town; or

1495 (ii) if there is no newspaper of general circulation, then by posting the notice in three
1496 public places at least 48 hours before the hearing;

1497 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

1498 (c) on the home page of the website, either in full or as a link, of the town or metro
1499 township, if the town or metro township has a publicly viewable website, until the hearing
1500 takes place.

1501 (3) After the hearing, the town council, subject to Section [10-5-110](#), may adjust
1502 expenditures and revenues in conformity with this chapter.

1503 Section 25. Section **10-6-113** is amended to read:

1504 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1505 At the meeting at which each tentative budget is adopted, the governing body shall
1506 establish the time and place of a public hearing to consider its adoption and shall order that
1507 notice of the public hearing be published at least seven days prior to the hearing:

1508 (1) (a) in at least one issue of a newspaper of general circulation published in the
1509 county in which the city is located; or

1510 (b) if there is not a newspaper as described in Subsection (1)(a), in three public places
1511 within the city;

1512 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

1513 (3) on the home page of the website, either in full or as a link, of the city or metro
1514 township, if the city or metro township has a publicly viewable website, until the hearing takes
1515 place.

1516 Section 26. Section **10-6-135.5** is amended to read:

1517 **10-6-135.5. Transfer of enterprise fund money to another fund.**

1518 (1) As used in this section:

1519 (a) "Budget hearing" means a public hearing required under Section [10-6-114](#).

1520 (b) "Enterprise fund accounting data" means a detailed overview of the various
1521 enterprise funds of the city that includes:

1522 (i) a cost accounting breakdown of how money in the enterprise fund is being used to
1523 cover, as applicable:

1524 (A) administrative and overhead costs of the city attributable to the operation of the
1525 enterprise for which the enterprise fund was created; and

1526 (B) other costs not associated with the enterprise for which the enterprise fund was
1527 created; and

1528 (ii) specific enterprise fund information.

1529 (c) "Enterprise fund hearing" means the public hearing required under Subsection
1530 (3)(d).

1531 (d) "Specific enterprise fund information" means:

1532 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1533 (ii) the percentage of the total enterprise fund expenditures represented by each transfer
1534 to another fund.

1535 (2) Subject to the requirements of this section, a city may transfer money in an
1536 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose
1537 that is not directly related to the goods or services provided by the enterprise for which the
1538 enterprise fund was created.

1539 (3) The governing body of a city that intends to transfer money in an enterprise fund to
1540 another fund shall:

1541 (a) provide notice of the intended transfer as required under Subsection (4);

1542 (b) clearly identify in a separate section or document accompanying the city's tentative
1543 budget or, if an amendment to the city's budget includes or is based on an intended transfer, in
1544 a separate section or document accompanying the amendment to the city's budget:

1545 (i) the enterprise fund from which money is intended to be transferred; and

1546 (ii) the specific enterprise fund information for that enterprise fund;

1547 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and

1548 (d) hold an enterprise fund hearing before the adoption of the city's budget or, if

1549 applicable, the amendment to the budget.

1550 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body
1551 shall:

1552 (i) provide the notice described in Subsection (4)(b) by:

1553 (A) mailing a copy of the notice to users of the goods or services provided by the
1554 enterprise for which the enterprise fund was created, if the city regularly mails users a periodic
1555 billing for the goods or services;

1556 (B) emailing a copy of the notice to users of the goods or services provided by the
1557 enterprise for which the enterprise fund was created, if the city regularly emails users a periodic
1558 billing for the goods or services;

1559 (C) posting the notice on the Utah Public Notice Website created in Section
1560 ~~[63F-1-701]~~ [63A-12-201](#); and

1561 (D) if the city has a website, prominently posting the notice on the city's website until
1562 the enterprise fund hearing is concluded; and

1563 (ii) if the city communicates with the public through a social media platform, publish
1564 notice of the date, time, place, and purpose of the enterprise fund hearing using the social
1565 media platform.

1566 (b) The notice required under Subsection (4)(a)(i) shall:

1567 (i) explain the intended transfer of enterprise fund money to another fund;

1568 (ii) include specific enterprise fund information for each enterprise fund from which
1569 money is intended to be transferred;

1570 (iii) provide the date, time, and place of the enterprise fund hearing; and

1571 (iv) explain the purpose of the enterprise fund hearing.

1572 (5) (a) An enterprise fund hearing shall be separate and independent from a budget
1573 hearing and any other public hearing.

1574 (b) At an enterprise fund hearing, the governing body shall:

1575 (i) explain the intended transfer of enterprise fund money to another fund;

1576 (ii) provide enterprise fund accounting data to the public; and

1577 (iii) allow members of the public in attendance at the hearing to comment on:

1578 (A) the intended transfer of enterprise fund money to another fund; and
1579 (B) the enterprise fund accounting data.
1580 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is
1581 based on a transfer of money from an enterprise fund to another fund, the governing body shall:
1582 (i) within 60 days after adopting the budget or budget amendment:
1583 (A) mail a notice to users of the goods or services provided by the enterprise for which
1584 the enterprise fund was created, if the city regularly mails users a periodic billing for the goods
1585 or services; and
1586 (B) email a notice to users of the goods or services provided by the enterprise for
1587 which the enterprise fund was created, if the city regularly emails users a periodic billing for
1588 the goods or services;
1589 (ii) within seven days after adopting the budget or budget amendment:
1590 (A) post enterprise fund accounting data on the city's website, if the city has a website;
1591 (B) using the city's social media platform, publish notice of the adoption of a budget or
1592 budget amendment that includes or is based on a transfer of money from an enterprise fund to
1593 another fund, if the city communicates with the public through a social media platform; and
1594 (iii) within 30 days after adopting the budget, submit to the state auditor the specific
1595 enterprise fund information for each enterprise fund from which money will be transferred.
1596 (b) A notice required under Subsection (6)(a)(i) shall:
1597 (i) announce the adoption of a budget or budget amendment that includes or is based
1598 on a transfer of money from an enterprise fund to another fund; and
1599 (ii) include the specific enterprise fund information.
1600 (c) The governing body shall maintain the website posting required under Subsection
1601 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).
1602 Section 27. Section **10-7-19** is amended to read:
1603 **10-7-19. Election to authorize -- Notice -- Ballots.**
1604 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or
1605 the board of trustees of any incorporated town, may aid and encourage the building of railroads
1606 by granting to any railroad company, for depot or other railroad purposes, real property of the
1607 city or incorporated town, not necessary for municipal or public purposes, upon the limitations
1608 and conditions established by the board of commissioners, city council, or board of trustees.

1609 (2) A board of commissioners, city council, or board of trustees may not grant real
1610 property under Subsection (1) unless the grant is approved by the eligible voters of the city or
1611 town at the next municipal election, or at a special election called for that purpose by the board
1612 of commissioners, city council, or board of trustees.

1613 (3) If the question is submitted at a special election, the election shall be held as nearly
1614 as practicable in conformity with the general election laws of the state.

1615 (4) The board of commissioners, city council, or board of trustees shall publish notice
1616 of an election described in Subsections (2) and (3):

1617 (a) (i) in a newspaper of general circulation in the city or town once a week for four
1618 weeks before the election;

1619 (ii) if there is no newspaper of general circulation in the city or town, at least four
1620 weeks before the day of the election, by posting one notice, and at least one additional notice
1621 per 2,000 population of the city or town, in places within the city or town that are most likely to
1622 give notice to the voters in the city or town; or

1623 (iii) at least four weeks before the day of the election, by mailing notice to each
1624 registered voter in the city or town;

1625 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
1626 four weeks before the day of the election;

1627 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;
1628 and

1629 (d) if the municipality has a website, on the municipality's website for at least four
1630 weeks before the day of the election.

1631 (5) The board of commissioners, city council, or board of trustees shall cause ballots to
1632 be printed and provided to the eligible voters, which shall read: "For the proposed grant for
1633 depot or other railroad purposes: Yes. No."

1634 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,
1635 city council, or board of trustees shall convey the real property to the railroad company.

1636 Section 28. Section **10-8-2** is amended to read:

1637 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
1638 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1639 (1) (a) A municipal legislative body may:

- 1640 (i) appropriate money for corporate purposes only;
- 1641 (ii) provide for payment of debts and expenses of the corporation;
- 1642 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
- 1643 dispose of real and personal property for the benefit of the municipality, whether the property is
- 1644 within or without the municipality's corporate boundaries, if the action is in the public interest
- 1645 and complies with other law;
- 1646 (iv) improve, protect, and do any other thing in relation to this property that an
- 1647 individual could do; and
- 1648 (v) subject to Subsection (2) and after first holding a public hearing, authorize
- 1649 municipal services or other nonmonetary assistance to be provided to or waive fees required to
- 1650 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.
- 1651 (b) A municipality may:
- 1652 (i) furnish all necessary local public services within the municipality;
- 1653 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
- 1654 located and operating within and operated by the municipality; and
- 1655 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
- 1656 located inside or outside the corporate limits of the municipality and necessary for any of the
- 1657 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
- 1658 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.
- 1659 (c) Each municipality that intends to acquire property by eminent domain under
- 1660 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).
- 1661 (d) Subsection (1)(b) may not be construed to diminish any other authority a
- 1662 municipality may claim to have under the law to acquire by eminent domain property located
- 1663 inside or outside the municipality.
- 1664 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
- 1665 the provisions of Subsection (3).
- 1666 (b) The total amount of services or other nonmonetary assistance provided or fees
- 1667 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
- 1668 municipality's budget for that fiscal year.
- 1669 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
- 1670 the judgment of the municipal legislative body, provides for the safety, health, prosperity,

1671 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
1672 subject to this Subsection (3).

1673 (a) The net value received for any money appropriated shall be measured on a
1674 project-by-project basis over the life of the project.

1675 (b) (i) A municipal legislative body shall establish the criteria for a determination
1676 under this Subsection (3).

1677 (ii) A municipal legislative body's determination of value received is presumed valid
1678 unless a person can show that the determination was arbitrary, capricious, or illegal.

1679 (c) The municipality may consider intangible benefits received by the municipality in
1680 determining net value received.

1681 (d) (i) Before the municipal legislative body makes any decision to appropriate any
1682 funds for a corporate purpose under this section, the municipal legislative body shall hold a
1683 public hearing.

1684 (ii) The municipal legislative body shall publish a notice of the hearing described in
1685 Subsection (3)(d)(i):

1686 (A) in a newspaper of general circulation at least 14 days before the date of the hearing
1687 or, if there is no newspaper of general circulation, by posting notice in at least three
1688 conspicuous places within the municipality for the same time period; and

1689 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at
1690 least 14 days before the date of the hearing.

1691 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
1692 municipality shall perform a study that analyzes and demonstrates the purpose for an
1693 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

1694 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
1695 the municipality for review by interested parties at least 14 days immediately before the public
1696 hearing described in Subsection (3)(d)(i).

1697 (iii) A municipality shall consider the following factors when conducting the study
1698 described in Subsection (3)(e)(i):

1699 (A) what identified benefit the municipality will receive in return for any money or
1700 resources appropriated;

1701 (B) the municipality's purpose for the appropriation, including an analysis of the way

1702 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
1703 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1704 (C) whether the appropriation is necessary and appropriate to accomplish the
1705 reasonable goals and objectives of the municipality in the area of economic development, job
1706 creation, affordable housing, elimination of a development impediment, job preservation, the
1707 preservation of historic structures and property, and any other public purpose.

1708 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
1709 to make an appropriation.

1710 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
1711 court within 30 days after the day on which the municipal legislative body makes a decision.

1712 (iii) Any appeal shall be based on the record of the proceedings before the legislative
1713 body.

1714 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
1715 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1716 (g) The provisions of this Subsection (3) apply only to those appropriations made after
1717 May 6, 2002.

1718 (h) This section applies only to appropriations not otherwise approved pursuant to Title
1719 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
1720 Fiscal Procedures Act for Utah Cities.

1721 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
1722 municipality shall:

1723 (i) provide reasonable notice of the proposed disposition at least 14 days before the
1724 opportunity for public comment under Subsection (4)(a)(ii); and

1725 (ii) allow an opportunity for public comment on the proposed disposition.

1726 (b) Each municipality shall, by ordinance, define what constitutes:

1727 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1728 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1729 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
1730 real property for the purpose of expanding the municipality's infrastructure or other facilities
1731 used for providing services that the municipality offers or intends to offer shall provide written
1732 notice, as provided in this Subsection (5), of its intent to acquire the property if:

- 1733 (i) the property is located:
- 1734 (A) outside the boundaries of the municipality; and
- 1735 (B) in a county of the first or second class; and
- 1736 (ii) the intended use of the property is contrary to:
- 1737 (A) the anticipated use of the property under the general plan of the county in whose
- 1738 unincorporated area or the municipality in whose boundaries the property is located; or
- 1739 (B) the property's current zoning designation.
- 1740 (b) Each notice under Subsection (5)(a) shall:
- 1741 (i) indicate that the municipality intends to acquire real property;
- 1742 (ii) identify the real property; and
- 1743 (iii) be sent to:
- 1744 (A) each county in whose unincorporated area and each municipality in whose
- 1745 boundaries the property is located; and
- 1746 (B) each affected entity.
- 1747 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
- 1748 [63G-2-305\(8\)](#).
- 1749 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
- 1750 previously provided notice under Section [10-9a-203](#) identifying the general location within the
- 1751 municipality or unincorporated part of the county where the property to be acquired is located.
- 1752 (ii) If a municipality is not required to comply with the notice requirement of
- 1753 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
- 1754 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
- 1755 property.
- 1756 Section 29. Section **10-8-15** is amended to read:
- 1757 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**
- 1758 (1) As used in this section, "affected entity" means a:
- 1759 (a) county that has land use authority over land subject to an ordinance or regulation
- 1760 described in this section;
- 1761 (b) local health department, as that term is defined in Section [26A-1-102](#), that has
- 1762 jurisdiction pursuant to Section [26A-1-108](#) over land subject to an ordinance or regulation
- 1763 described in this section;

1764 (c) municipality that has enacted or has the right to enact an ordinance or regulation
1765 described in this section over the land subject to an ordinance or regulation described in this
1766 section; and

1767 (d) municipality that has land use authority over land subject to an ordinance or
1768 regulation described in this section.

1769 (2) A municipality may construct or authorize the construction of waterworks within or
1770 without the municipal limits, and for the purpose of maintaining and protecting the same from
1771 injury and the water from pollution the municipality's jurisdiction shall extend over the territory
1772 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used
1773 in and necessary for the construction, maintenance and operation of the same, and over the
1774 stream or other source from which the water is taken, for 15 miles above the point from which
1775 it is taken and for a distance of 300 feet on each side of such stream and over highways along
1776 such stream or watercourse within said 15 miles and said 300 feet.

1777 (3) The jurisdiction of a city of the first class shall additionally be over the entire
1778 watershed within the county of origin of the city of the first class and subject to Subsection (6)
1779 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or
1780 source; and provided further, that the city of the first class shall provide a highway in and
1781 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not
1782 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any
1783 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners
1784 of the city may enact ordinances placing under police regulations the manner of driving such
1785 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over
1786 which the city has jurisdiction.

1787 (4) A municipality may enact all ordinances and regulations necessary to carry the
1788 power herein conferred into effect, and is authorized and empowered to enact ordinances
1789 preventing pollution or contamination of the streams or watercourses from which the
1790 municipality derives the municipality's water supply, in whole or in part, for domestic and
1791 culinary purposes, and may enact ordinances prohibiting or regulating the construction or
1792 maintenance of any closet, privy, outhouse or urinal within the area over which the
1793 municipality has jurisdiction, and provide for permits for the construction and maintenance of
1794 the same.

1795 (5) In granting a permit described in Subsection (4), a municipality may annex thereto
1796 such reasonable conditions and requirements for the protection of the public health as the
1797 municipality determines proper, and may, if determined advisable, require that all closets,
1798 privies and urinals along such streams shall be provided with effective septic tanks or other
1799 germ-destroying instrumentalities.

1800 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the
1801 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all
1802 municipalities and counties that have jurisdiction over the area where the watershed is located.

1803 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance
1804 or regulation under the authority of this section shall:

1805 (i) hold a public hearing on the proposed ordinance or regulation; and

1806 (ii) give notice of the date, place, and time of the hearing, as described in Subsection

1807 (7)(b).

1808 (b) At least ten days before the day on which the public hearing described in
1809 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

1810 (i) mailed to:

1811 (A) each affected entity;

1812 (B) the director of the Division of Drinking Water; and

1813 (C) the director of the Division of Water Quality; and

1814 (ii) published:

1815 (A) in a newspaper of general circulation in the county in which the land subject to the
1816 proposed ordinance or regulation is located; and

1817 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

1818 (c) An ordinance or regulation adopted under the authority of this section may not
1819 conflict with:

1820 (i) existing federal or state statutes; or

1821 (ii) a rule created pursuant to a federal or state statute governing drinking water or
1822 water quality.

1823 (d) A municipality that enacts an ordinance or regulation under the authority of this
1824 section shall:

1825 (i) provide a copy of the ordinance or regulation to each affected entity; and

1826 (ii) include a copy of the ordinance or regulation in the municipality's drinking water
1827 source protection plan.

1828 Section 30. Section **10-9a-203** is amended to read:

1829 **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**
1830 **plan amendments in certain municipalities.**

1831 (1) Before preparing a proposed general plan or a comprehensive general plan
1832 amendment, each municipality within a county of the first or second class shall provide 10
1833 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general
1834 plan amendment:

1835 (a) to each affected entity;

1836 (b) to the Automated Geographic Reference Center created in Section [63F-1-506](#);

1837 (c) to the association of governments, established pursuant to an interlocal agreement
1838 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;
1839 and

1840 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

1841 (2) Each notice under Subsection (1) shall:

1842 (a) indicate that the municipality intends to prepare a general plan or a comprehensive
1843 general plan amendment, as the case may be;

1844 (b) describe or provide a map of the geographic area that will be affected by the general
1845 plan or amendment;

1846 (c) be sent by mail, e-mail, or other effective means;

1847 (d) invite the affected entities to provide information for the municipality to consider in
1848 the process of preparing, adopting, and implementing a general plan or amendment concerning:

1849 (i) impacts that the use of land proposed in the proposed general plan or amendment
1850 may have; and

1851 (ii) uses of land within the municipality that the affected entity is considering that may
1852 conflict with the proposed general plan or amendment; and

1853 (e) include the address of an Internet website, if the municipality has one, and the name
1854 and telephone number of a person where more information can be obtained concerning the
1855 municipality's proposed general plan or amendment.

1856 Section 31. Section **10-9a-204** is amended to read:

1857 **10-9a-204. Notice of public hearings and public meetings to consider general plan**
1858 **or modifications.**

1859 (1) Each municipality shall provide:

1860 (a) notice of the date, time, and place of the first public hearing to consider the original
1861 adoption or any modification of all or any portion of a general plan; and

1862 (b) notice of each public meeting on the subject.

1863 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
1864 days before the public hearing and shall be:

1865 (a) (i) published in a newspaper of general circulation in the area; and

1866 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)

1867 [63A-12-201](#);

1868 (b) mailed to each affected entity; and

1869 (c) posted:

1870 (i) in at least three public locations within the municipality; or

1871 (ii) on the municipality's official website.

1872 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1873 before the meeting and shall be:

1874 (a) (i) submitted to a newspaper of general circulation in the area; and

1875 (ii) published on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)

1876 [63A-12-201](#); and

1877 (b) posted:

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

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

1880 Section 32. Section **10-9a-205** is amended to read:

1881 **10-9a-205. Notice of public hearings and public meetings on adoption or**
1882 **modification of land use regulation.**

1883 (1) Each municipality shall give:

1884 (a) notice of the date, time, and place of the first public hearing to consider the
1885 adoption or any modification of a land use regulation; and

1886 (b) notice of each public meeting on the subject.

1887 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

1888 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

1889 (b) posted:

1890 (i) in at least three public locations within the municipality; or

1891 (ii) on the municipality's official website; and

1892 (c) (i) (A) published in a newspaper of general circulation in the area at least 10
1893 calendar days before the public hearing; and

1894 (B) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
1895 [63A-12-201](#), at least 10 calendar days before the public hearing; or

1896 (ii) mailed at least 10 days before the public hearing to:

1897 (A) each property owner whose land is directly affected by the land use ordinance
1898 change; and

1899 (B) each adjacent property owner within the parameters specified by municipal
1900 ordinance.

1901 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1902 before the meeting and shall be posted:

1903 (a) in at least three public locations within the municipality; or

1904 (b) on the municipality's official website.

1905 (4) (a) A municipality shall send a courtesy notice to each owner of private real
1906 property whose property is located entirely or partially within a proposed zoning map
1907 enactment or amendment at least 10 days before the scheduled day of the public hearing.

1908 (b) The notice shall:

1909 (i) identify with specificity each owner of record of real property that will be affected
1910 by the proposed zoning map or map amendments;

1911 (ii) state the current zone in which the real property is located;

1912 (iii) state the proposed new zone for the real property;

1913 (iv) provide information regarding or a reference to the proposed regulations,
1914 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
1915 amendment is adopted;

1916 (v) state that the owner of real property may no later than 10 days after the day of the
1917 first public hearing file a written objection to the inclusion of the owner's property in the
1918 proposed zoning map or map amendment;

- 1919 (vi) state the address where the property owner should file the protest;
- 1920 (vii) notify the property owner that each written objection filed with the municipality
- 1921 will be provided to the municipal legislative body; and
- 1922 (viii) state the location, date, and time of the public hearing described in Section
- 1923 [10-9a-502](#).
- 1924 (c) If a municipality mails notice to a property owner in accordance with Subsection
- 1925 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this
- 1926 Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather
- 1927 than sent separately.
- 1928 Section 33. Section **10-9a-208** is amended to read:
- 1929 **10-9a-208. Hearing and notice for petition to vacate a public street.**
- 1930 (1) For any petition to vacate some or all of a public street or municipal utility
- 1931 easement the legislative body shall:
- 1932 (a) hold a public hearing; and
- 1933 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
- 1934 (2).
- 1935 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
- 1936 body shall ensure that the notice required under Subsection (1)(b) is:
- 1937 (a) mailed to the record owner of each parcel that is accessed by the public street or
- 1938 municipal utility easement;
- 1939 (b) mailed to each affected entity;
- 1940 (c) posted on or near the public street or municipal utility easement in a manner that is
- 1941 calculated to alert the public; and
- 1942 (d) (i) published on the website of the municipality in which the land subject to the
- 1943 petition is located until the public hearing concludes; and
- 1944 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
- 1945 [63A-12-201](#).
- 1946 Section 34. Section **10-18-203** is amended to read:
- 1947 **10-18-203. Feasibility study on providing cable television or public**
- 1948 **telecommunications services -- Public hearings.**
- 1949 (1) If a feasibility consultant is hired under Section [10-18-202](#), the legislative body of

1950 the municipality shall require the feasibility consultant to:

1951 (a) complete the feasibility study in accordance with this section;

1952 (b) submit to the legislative body by no later than 180 days from the date the feasibility
1953 consultant is hired to conduct the feasibility study:

1954 (i) the full written results of the feasibility study; and

1955 (ii) a summary of the results that is no longer than one page in length; and

1956 (c) attend the public hearings described in Subsection (4) to:

1957 (i) present the feasibility study results; and

1958 (ii) respond to questions from the public.

1959 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

1960 (a) (i) if the municipality is proposing to provide cable television services to
1961 subscribers, whether the municipality providing cable television services in the manner
1962 proposed by the municipality will hinder or advance competition for cable television services
1963 in the municipality; or

1964 (ii) if the municipality is proposing to provide public telecommunications services to
1965 subscribers, whether the municipality providing public telecommunications services in the
1966 manner proposed by the municipality will hinder or advance competition for public
1967 telecommunications services in the municipality;

1968 (b) whether but for the municipality any person would provide the proposed:

1969 (i) cable television services; or

1970 (ii) public telecommunications services;

1971 (c) the fiscal impact on the municipality of:

1972 (i) the capital investment in facilities that will be used to provide the proposed:

1973 (A) cable television services; or

1974 (B) public telecommunications services; and

1975 (ii) the expenditure of funds for labor, financing, and administering the proposed:

1976 (A) cable television services; or

1977 (B) public telecommunications services;

1978 (d) the projected growth in demand in the municipality for the proposed:

1979 (i) cable television services; or

1980 (ii) public telecommunications services;

1981 (e) the projections at the time of the feasibility study and for the next five years, of a
1982 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
1983 facilities necessary to provide the proposed:

1984 (i) cable television services; or

1985 (ii) public telecommunications services; and

1986 (f) the projections at the time of the feasibility study and for the next five years of the
1987 revenues to be generated from the proposed:

1988 (i) cable television services; or

1989 (ii) public telecommunications services.

1990 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
1991 the feasibility consultant shall assume that the municipality will price the proposed cable
1992 television services or public telecommunications services consistent with Subsection
1993 [10-18-303\(5\)](#).

1994 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
1995 [10-18-202\(3\)](#), the legislative body, at the next regular meeting after the legislative body
1996 receives the results of the feasibility study, shall schedule at least two public hearings to be
1997 held:

1998 (a) within 60 days of the meeting at which the public hearings are scheduled;

1999 (b) at least seven days apart; and

2000 (c) for the purpose of allowing:

2001 (i) the feasibility consultant to present the results of the feasibility study; and

2002 (ii) the public to:

2003 (A) become informed about the feasibility study results; and

2004 (B) ask questions of the feasibility consultant about the results of the feasibility study.

2005 (5) (a) Except as provided in Subsection (5)(b), the municipality shall publish notice of
2006 the public hearings required under Subsection (4):

2007 (i) at least once a week for three consecutive weeks in a newspaper of general
2008 circulation in the municipality and at least three days before the first public hearing required
2009 under Subsection (4); and

2010 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
2011 three weeks, at least three days before the first public hearing required under Subsection (4).

2012 (b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general
2013 circulation in the municipality, for each 1,000 residents, the municipality shall post at least one
2014 notice of the hearings in a conspicuous place within the municipality that is likely to give
2015 notice of the hearings to the greatest number of residents of the municipality.

2016 (ii) The municipality shall post the notices at least seven days before the first public
2017 hearing required under Subsection (4) is held.

2018 Section 35. Section **10-18-302** is amended to read:

2019 **10-18-302. Bonding authority.**

2020 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
2021 legislative body of a municipality may by resolution determine to issue one or more revenue
2022 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide
2023 to subscribers:

2024 (a) a cable television service; or

2025 (b) a public telecommunications service.

2026 (2) The resolution described in Subsection (1) shall:

2027 (a) describe the purpose for which the indebtedness is to be created; and

2028 (b) specify the dollar amount of the one or more bonds proposed to be issued.

2029 (3) (a) A revenue bond issued under this section shall be secured and paid for:

2030 (i) from the revenues generated by the municipality from providing:

2031 (A) cable television services with respect to revenue bonds issued to finance facilities
2032 for the municipality's cable television services; and

2033 (B) public telecommunications services with respect to revenue bonds issued to finance
2034 facilities for the municipality's public telecommunications services; and

2035 (ii) notwithstanding Subsection (3)(b) and Subsection **10-18-303**(3)(a), from revenues
2036 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

2037 (A) notwithstanding Subsection **11-14-201**(3) and except as provided in Subsections
2038 (4) and (5), the revenue bond is approved by the registered voters in an election held:

2039 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
2040 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

2041 (II) notwithstanding Subsection **11-14-203**(2), at a regular general election;

2042 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the

2043 revenue bond; and

2044 (C) the municipality or municipalities annually appropriate the revenues described in
2045 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

2046 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
2047 origination, financing, or other carrying costs associated with the one or more revenue bonds
2048 issued under this section from the town or city, respectively, general funds or other enterprise
2049 funds of the municipality.

2050 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
2051 pursuant to an agreement:

2052 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

2053 (ii) to which a municipality is a party.

2054 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
2055 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal
2056 entity that issues revenue bonds, if:

2057 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is
2058 a member of a municipal entity that is issuing revenue bonds has published the first notice
2059 described in Subsection (4)(b)(iii);

2060 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
2061 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
2062 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
2063 this Subsection (4)(b)(ii);

2064 (iii) the municipality that is issuing the revenue bonds or the municipality that is a
2065 member of the municipal entity that is issuing the revenue bonds has:

2066 (A) held a public hearing for which public notice was given by publication of the
2067 notice:

2068 (I) in a newspaper published in the municipality or in a newspaper of general
2069 circulation within the municipality for two consecutive weeks, with the first publication being
2070 not less than 14 days before the public hearing; and

2071 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
2072 two weeks before the public hearing; and

2073 (B) the notice identifies:

2074 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding
2075 Act;

2076 (II) the purpose for the bonds to be issued;

2077 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
2078 be pledged in any fiscal year;

2079 (IV) the maximum number of years that the pledge will be in effect; and

2080 (V) the time, place, and location for the public hearing;

2081 (iv) the municipal entity that issues revenue bonds:

2082 (A) adopts a final financing plan; and

2083 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
2084 Management Act, makes available to the public at the time the municipal entity adopts the final
2085 financing plan:

2086 (I) the final financing plan; and

2087 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
2088 Chapter 2, Government Records Access and Management Act;

2089 (v) any municipality that is a member of a municipal entity described in Subsection
2090 (4)(b)(iv):

2091 (A) not less than 30 calendar days after the municipal entity complies with Subsection
2092 (4)(b)(iv)(B), holds a final public hearing;

2093 (B) provides notice, at the time the municipality schedules the final public hearing, to
2094 any person who has provided to the municipality a written request for notice; and

2095 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
2096 interested parties; and

2097 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2098 more than 50% of the average annual debt service of all revenue bonds described in this section
2099 to provide service throughout the municipality or municipal entity may be paid from the
2100 revenues described in Subsection (3)(a)(ii).

2101 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
2102 to a municipality that issues revenue bonds if:

2103 (a) the municipality that is issuing the revenue bonds has:

2104 (i) held a public hearing for which public notice was given by publication of the notice:

2105 (A) in a newspaper published in the municipality or in a newspaper of general
2106 circulation within the municipality for two consecutive weeks, with the first publication being
2107 not less than 14 days before the public hearing; and

2108 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
2109 14 days before the public hearing; and

2110 (ii) the notice identifies:

2111 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
2112 Bonding Act;

2113 (B) the purpose for the bonds to be issued;

2114 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
2115 pledged in any fiscal year;

2116 (D) the maximum number of years that the pledge will be in effect; and

2117 (E) the time, place, and location for the public hearing; and

2118 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2119 more than 50% of the average annual debt service of all revenue bonds described in this section
2120 to provide service throughout the municipality or municipal entity may be paid from the
2121 revenues described in Subsection (3)(a)(ii).

2122 (6) A municipality that issues bonds pursuant to this section may not make or grant any
2123 undue or unreasonable preference or advantage to itself or to any private provider of:

2124 (a) cable television services; or

2125 (b) public telecommunications services.

2126 Section 36. Section **11-13-204** is amended to read:

2127 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
2128 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**
2129 **lieutenant governor -- Recording requirements -- Public Service Commission.**

2130 (1) (a) An interlocal entity:

2131 (i) shall adopt bylaws, policies, and procedures for the regulation of its affairs and the
2132 conduct of its business;

2133 (ii) may:

2134 (A) amend or repeal a bylaw, policy, or procedure;

2135 (B) sue and be sued;

- 2136 (C) have an official seal and alter that seal at will;
- 2137 (D) make and execute contracts and other instruments necessary or convenient for the
- 2138 performance of its duties and the exercise of its powers and functions;
- 2139 (E) acquire real or personal property, or an undivided, fractional, or other interest in
- 2140 real or personal property, necessary or convenient for the purposes contemplated in the
- 2141 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;
- 2142 (F) directly or by contract with another:
- 2143 (I) own and acquire facilities and improvements or an undivided, fractional, or other
- 2144 interest in facilities and improvements;
- 2145 (II) construct, operate, maintain, and repair facilities and improvements; and
- 2146 (III) provide the services contemplated in the agreement creating the interlocal entity
- 2147 and establish, impose, and collect rates, fees, and charges for the services provided by the
- 2148 interlocal entity;
- 2149 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
- 2150 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
- 2151 any part of the revenues and receipts from the facilities, improvements, or services that the
- 2152 interlocal entity provides;
- 2153 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
- 2154 other obligations issued by the interlocal entity;
- 2155 (I) sell or contract for the sale of the services, output, product, or other benefits
- 2156 provided by the interlocal entity to:
- 2157 (I) public agencies inside or outside the state; and
- 2158 (II) with respect to any excess services, output, product, or benefits, any person on
- 2159 terms that the interlocal entity considers to be in the best interest of the public agencies that are
- 2160 parties to the agreement creating the interlocal entity; and
- 2161 (J) create a local disaster recovery fund in the same manner and to the same extent as
- 2162 authorized for a local government in accordance with Section [53-2a-605](#); and
- 2163 (iii) may not levy, assess, or collect ad valorem property taxes.
- 2164 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(ii)(G) may, to
- 2165 the extent provided by the documents under which the assignment, pledge, or other conveyance
- 2166 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes

- 2167 payable to the state or its political subdivisions.
- 2168 (2) An energy services interlocal entity:
- 2169 (a) except with respect to any ownership interest it has in facilities providing additional
2170 project capacity, is not subject to:
- 2171 (i) Part 3, Project Entity Provisions; or
- 2172 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
2173 Pay Corporate Franchise or Income Tax Act; and
- 2174 (b) may:
- 2175 (i) own, acquire, and, by itself or by contract with another, construct, operate, and
2176 maintain a facility or improvement for the generation, transmission, and transportation of
2177 electric energy or related fuel supplies;
- 2178 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
2179 services, transmission, and transportation services, and supplies of natural gas and fuels
2180 necessary for the operation of generation facilities;
- 2181 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,
2182 and others, whether located in or out of the state, for the sale of wholesale services provided by
2183 the energy services interlocal entity; and
- 2184 (iv) adopt and implement risk management policies and strategies and enter into
2185 transactions and agreements to manage the risks associated with the purchase and sale of
2186 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,
2187 and other instruments.
- 2188 (3) Notwithstanding Section [11-13-216](#), an agreement creating an interlocal entity or
2189 an amendment to that agreement may provide that the agreement may continue and the
2190 interlocal entity may remain in existence until the latest to occur of:
- 2191 (a) 50 years after the date of the agreement or amendment;
- 2192 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its
2193 indebtedness;
- 2194 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed
2195 or transferred all of its interest in its facilities and improvements; or
- 2196 (d) five years after the facilities and improvements of the interlocal entity are no longer
2197 useful in providing the service, output, product, or other benefit of the facilities and

2198 improvements, as determined under the agreement governing the sale of the service, output,
2199 product, or other benefit.

2200 (4) (a) Upon execution of an agreement to approve the creation of an interlocal entity,
2201 including an electric interlocal entity and an energy services interlocal entity, the governing
2202 body of a member of the interlocal entity under Section 11-13-203 shall:

2203 (i) within 30 days after the date of the agreement, jointly file with the lieutenant
2204 governor:

2205 (A) a copy of a notice of an impending boundary action, as defined in Section
2206 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2207 (B) if less than all of the territory of any Utah public agency that is a party to the
2208 agreement is included within the interlocal entity, a copy of an approved final local entity plat,
2209 as defined in Section 67-1a-6.5; and

2210 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
2211 67-1a-6.5:

2212 (A) if the interlocal entity is located within the boundary of a single county, submit to
2213 the recorder of that county:

2214 (I) the original:

2215 (Aa) notice of an impending boundary action;

2216 (Bb) certificate of creation; and

2217 (Cc) approved final local entity plat, if an approved final local entity plat was required
2218 to be filed with the lieutenant governor under Subsection (4)(a)(i)(B); and

2219 (II) a certified copy of the agreement approving the creation of the interlocal entity; or

2220 (B) if the interlocal entity is located within the boundaries of more than a single
2221 county:

2222 (I) submit to the recorder of one of those counties:

2223 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and
2224 (Cc); and

2225 (Bb) a certified copy of the agreement approving the creation of the interlocal entity;

2226 and

2227 (II) submit to the recorder of each other county:

2228 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb),

- 2229 and (Cc); and
- 2230 (Bb) a certified copy of the agreement approving the creation of the interlocal entity.
- 2231 (b) Upon the lieutenant governor's issuance of a certificate of creation under Section
- 2232 67-1a-6.5, the interlocal entity is created.
- 2233 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the
- 2234 recorder of each county in which the property is located, a newly created interlocal entity may
- 2235 not charge or collect a fee for service provided to property within the interlocal entity.
- 2236 (5) Nothing in this section may be construed as expanding the rights of any
- 2237 municipality or interlocal entity to sell or provide retail service.
- 2238 (6) Except as provided in Subsection (7):
- 2239 (a) nothing in this section may be construed to expand or limit the rights of a
- 2240 municipality to sell or provide retail electric service; and
- 2241 (b) an energy services interlocal entity may not provide retail electric service to
- 2242 customers located outside the municipal boundaries of its members.
- 2243 (7) (a) An energy services interlocal entity created before July 1, 2003, that is
- 2244 comprised solely of Utah municipalities and that, for a minimum of 50 years before July 1,
- 2245 2010, provided retail electric service to customers outside the municipal boundaries of its
- 2246 members, may provide retail electric service outside the municipal boundaries of its members
- 2247 if:
- 2248 (i) the energy services interlocal entity:
- 2249 (A) enters into a written agreement with each public utility holding a certificate of
- 2250 public convenience and necessity issued by the Public Service Commission to provide service
- 2251 within an agreed upon geographic area for the energy services interlocal entity to be
- 2252 responsible to provide electric service in the agreed upon geographic area outside the municipal
- 2253 boundaries of the members of the energy services interlocal entity; and
- 2254 (B) obtains a franchise agreement, with the legislative body of the county or other
- 2255 governmental entity for the geographic area in which the energy services interlocal entity
- 2256 provides service outside the municipal boundaries of its members; and
- 2257 (ii) each public utility described in Subsection (7)(a)(i)(A) applies for and obtains from
- 2258 the Public Service Commission approval of the agreement specified in Subsection (7)(a)(i)(A).
- 2259 (b) (i) The Public Service Commission shall, after a public hearing held in accordance

2260 with Title 52, Chapter 4, Open and Public Meetings Act, approve an agreement described in
2261 Subsection (7)(a)(ii) if it determines that the agreement is in the public interest in that it
2262 incorporates the customer protections described in Subsection (7)(c) and the franchise
2263 agreement described in Subsection (7)(a)(i)(B) provides a reasonable mechanism using a
2264 neutral arbiter or ombudsman for resolving potential future complaints by customers of the
2265 energy services interlocal entity.

2266 (ii) In approving an agreement, the Public Service Commission shall also amend the
2267 certificate of public convenience and necessity of any public utility described in Subsection
2268 (7)(a)(i) to delete from the geographic area specified in the certificate or certificates of the
2269 public utility the geographic area that the energy services interlocal entity has agreed to serve.

2270 (c) In providing retail electric service to customers outside of the municipal boundaries
2271 of its members, but not within the municipal boundaries of another municipality that grants a
2272 franchise agreement in accordance with Subsection (7)(a)(i)(B), an energy services interlocal
2273 entity shall comply with the following:

2274 (i) the rates and conditions of service for customers outside the municipal boundaries
2275 of the members shall be at least as favorable as the rates and conditions of service for similarly
2276 situated customers within the municipal boundaries of the members;

2277 (ii) the energy services interlocal entity shall operate as a single entity providing
2278 service both inside and outside of the municipal boundaries of its members;

2279 (iii) a general rebate, refund, or other payment made to customers located within the
2280 municipal boundaries of the members shall also be provided to similarly situated customers
2281 located outside the municipal boundaries of the members;

2282 (iv) a schedule of rates and conditions of service, or any change to the rates and
2283 conditions of service, shall be approved by the governing board of the energy services
2284 interlocal entity;

2285 (v) before implementation of any rate increase, the governing board of the energy
2286 services interlocal entity shall first hold a public meeting to take public comment on the
2287 proposed increase, after providing at least 20 days and not more than 60 days' advance written
2288 notice to its customers on the ordinary billing and on the Utah Public Notice Website, created
2289 by Section ~~[63F-1-701]~~ [63A-12-201](#); and

2290 (vi) the energy services interlocal entity shall file with the Public Service Commission

2291 its current schedule of rates and conditions of service.

2292 (d) The Public Service Commission shall make the schedule of rates and conditions of
2293 service of the energy services interlocal entity available for public inspection.

2294 (e) Nothing in this section:

2295 (i) gives the Public Service Commission jurisdiction over the provision of retail
2296 electric service by an energy services interlocal entity within the municipal boundaries of its
2297 members; or

2298 (ii) makes an energy services interlocal entity a public utility under Title 54, Public
2299 Utilities.

2300 (f) Nothing in this section expands or diminishes the jurisdiction of the Public Service
2301 Commission over a municipality or an association of municipalities organized under Title 11,
2302 Chapter 13, Interlocal Cooperation Act, except as specifically authorized by this section's
2303 language.

2304 (g) (i) An energy services interlocal entity described in Subsection (7)(a) retains its
2305 authority to provide electric service to the extent authorized by Sections [11-13-202](#) and
2306 [11-13-203](#) and Subsections [11-13-204](#)(1) through (5).

2307 (ii) Notwithstanding Subsection (7)(g)(i), if the Public Service Commission approves
2308 the agreement described in Subsection (7)(a)(i), the energy services interlocal entity may not
2309 provide retail electric service to customers located outside the municipal boundaries of its
2310 members, except for customers located within the geographic area described in the agreement.

2311 Section 37. Section **11-13-509** is amended to read:

2312 **11-13-509. Hearing to consider adoption -- Notice.**

2313 (1) At the meeting at which the tentative budget is adopted, the governing board shall:

2314 (a) establish the time and place of a public hearing to consider its adoption; and

2315 (b) except as provided in Subsection (2) or (5), order that notice of the hearing:

2316 (i) be published, at least seven days before the day of the hearing, in at least one issue
2317 of a newspaper of general circulation in a county in which the interlocal entity provides service
2318 to the public or in which its members are located, if such a newspaper is generally circulated in
2319 the county or counties; and

2320 (ii) be published at least seven days before the day of the hearing on the Utah Public
2321 Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

2322 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
2323 required in Subsection (1)(b):

2324 (a) may be combined with the notice required under Section 59-2-919; and

2325 (b) shall be published in accordance with the advertisement provisions of Section
2326 59-2-919.

2327 (3) Proof that notice was given in accordance with Subsection (1)(b), (2), or (5) is
2328 prima facie evidence that notice was properly given.

2329 (4) If a notice required under Subsection (1)(b), (2), or (5) is not challenged within 30
2330 days after the day on which the hearing is held, the notice is adequate and proper.

2331 (5) A governing board of an interlocal entity with an annual operating budget of less
2332 than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

2333 (a) mailing a written notice, postage prepaid, to each voter in an interlocal entity; and

2334 (b) posting the notice in three public places within the interlocal entity's service area.

2335 Section 38. Section 11-13-531 is amended to read:

2336 **11-13-531. Imposing or increasing a fee for service provided by interlocal entity.**

2337 (1) The governing board shall fix the rate for a service or commodity provided by the
2338 interlocal entity.

2339 (2) (a) Before imposing a new fee or increasing an existing fee for a service provided
2340 by an interlocal entity, an interlocal entity governing board shall first hold a public hearing at
2341 which interested persons may speak for or against the proposal to impose a fee or to increase an
2342 existing fee.

2343 (b) Each public hearing under Subsection (2)(a) shall be held on a weekday in the
2344 evening beginning no earlier than 6 p.m.

2345 (c) A public hearing required under this Subsection (2) may be combined with a public
2346 hearing on a tentative budget required under Section 11-13-510.

2347 (d) Except to the extent that this section imposes more stringent notice requirements,
2348 the governing board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in
2349 holding the public hearing under Subsection (2)(a).

2350 (3) (a) An interlocal entity board shall give notice of a hearing under Subsection (2)(a):

2351 (i) as provided in Subsection (3)(b)(i) or (c); and

2352 (ii) for at least 20 days before the day of the hearing on the Utah Public Notice

2353 Website, created by Section [~~63F-1-701~~] 63A-12-201.

2354 (b) (i) Except as provided by Subsection (3)(c)(i), the notice required under Subsection
2355 (2)(a) shall be published:

2356 (A) in a newspaper or combination of newspapers of general circulation in the
2357 interlocal entity, if there is a newspaper or combination of newspapers of general circulation in
2358 the interlocal entity; or

2359 (B) if there is no newspaper or combination of newspapers of general circulation in the
2360 interlocal entity, the interlocal entity board shall post at least one notice per 1,000 population
2361 within the interlocal entity, at places within the interlocal entity that are most likely to provide
2362 actual notice to residents within the interlocal entity.

2363 (ii) The notice described in Subsection (3)(b)(i)(A):

2364 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
2365 point, and surrounded by a 1/4-inch border;

2366 (B) may not be placed in that portion of the newspaper where legal notices and
2367 classified advertisements appear;

2368 (C) whenever possible, shall appear in a newspaper that is published at least one day
2369 per week;

2370 (D) shall be in a newspaper or combination of newspapers of general interest and
2371 readership in the interlocal entity, and not of limited subject matter; and

2372 (E) shall be run once each week for the two weeks preceding the hearing.

2373 (iii) The notice described in Subsections (3)(a)(ii) and (3)(b)(i) shall state that the
2374 interlocal entity board intends to impose or increase a fee for a service provided by the
2375 interlocal entity and will hold a public hearing on a certain day, time, and place fixed in the
2376 notice, which shall be not less than seven days after the day the first notice is published, for the
2377 purpose of hearing comments regarding the proposed imposition or increase of a fee and to
2378 explain the reasons for the proposed imposition or increase.

2379 (c) (i) In lieu of providing notice under Subsection (3)(b)(i), the interlocal entity
2380 governing board may give the notice required under Subsection (2)(a) by mailing the notice to
2381 a person within the interlocal entity's service area who:

2382 (A) will be charged the fee for an interlocal entity's service, if the fee is being imposed
2383 for the first time; or

- 2384 (B) is being charged a fee, if the fee is proposed to be increased.
- 2385 (ii) Each notice under Subsection (3)(c)(i) shall comply with Subsection (3)(b)(iii).
- 2386 (iii) A notice under Subsection (3)(c)(i) may accompany an interlocal entity bill for an
2387 existing fee.
- 2388 (d) If the hearing required under this section is combined with the public hearing
2389 required under Section 11-13-510, the notice requirements under this Subsection (3) are
2390 satisfied if a notice that meets the requirements of Subsection (3)(b)(iii) is combined with the
2391 notice required under Section 11-13-509.
- 2392 (e) Proof that notice was given as provided in Subsection (3)(b) or (c) is prima facie
2393 evidence that notice was properly given.
- 2394 (f) If no challenge is made to the notice given of a public hearing required by
2395 Subsection (2) within 30 days after the date of the hearing, the notice is considered adequate
2396 and proper.
- 2397 (4) After holding a public hearing under Subsection (2)(a), a governing board may:
 - 2398 (a) impose the new fee or increase the existing fee as proposed;
 - 2399 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
2400 then impose the new fee or increase the existing fee as adjusted; or
 - 2401 (c) decline to impose the new fee or increase the existing fee.
- 2402 (5) This section applies to each new fee imposed and each increase of an existing fee
2403 that occurs on or after May 12, 2015.
- 2404 (6) An interlocal entity that accepts an electronic payment may charge an electronic
2405 payment fee.
- 2406 Section 39. Section 11-13-603 is amended to read:
2407 **11-13-603. Taxed interlocal entity.**
 - 2408 (1) Notwithstanding any other provision of law:
 - 2409 (a) the use of an asset by a taxed interlocal entity does not constitute the use of a public
2410 asset;
 - 2411 (b) a taxed interlocal entity's use of an asset that was a public asset before the taxed
2412 interlocal entity's use of the asset does not constitute a taxed interlocal entity's use of a public
2413 asset;
 - 2414 (c) an official of a project entity is not a public treasurer; and

2415 (d) a taxed interlocal entity's governing board shall determine and direct the use of an
2416 asset by the taxed interlocal entity.

2417 (2) A taxed interlocal entity is not subject to the provisions of Title 63G, Chapter 6a,
2418 Utah Procurement Code.

2419 (3) (a) A taxed interlocal entity is not a participating local entity as defined in Section
2420 ~~[63A-1-201]~~ 67-3-12.

2421 (b) For each fiscal year of a taxed interlocal entity, the taxed interlocal entity shall
2422 provide:

2423 (i) the taxed interlocal entity's financial statements for and as of the end of the fiscal
2424 year and the prior fiscal year, including:

2425 (A) the taxed interlocal entity's statement of net position as of the end of the fiscal year
2426 and the prior fiscal year, and the related statements of revenues and expenses and of cash flows
2427 for the fiscal year; or

2428 (B) financial statements that are equivalent to the financial statements described in
2429 Subsection (3)(b)(i)(A) and, at the time the financial statements were created, were in
2430 compliance with generally accepted accounting principles that are applicable to taxed interlocal
2431 entities; and

2432 (ii) the accompanying auditor's report and management's discussion and analysis with
2433 respect to the taxed interlocal entity's financial statements for and as of the end of the fiscal
2434 year.

2435 (c) The taxed interlocal entity shall provide the information described in Subsection
2436 (3)(b) ~~[(i) in a manner described in Subsection ~~63A-1-205~~(3), and (ii)]~~ within a reasonable
2437 time after the taxed interlocal entity's independent auditor delivers to the taxed interlocal
2438 entity's governing board the auditor's report with respect to the financial statements for and as
2439 of the end of the fiscal year.

2440 (d) Notwithstanding Subsections (3)(b) and (c) or a taxed interlocal entity's compliance
2441 with one or more of the requirements of Title 63A, Chapter 3, Division of Finance:

2442 (i) the taxed interlocal entity is not subject to Title 63A, Chapter 3, Division of
2443 Finance; and

2444 (ii) the information described in Subsection (3)(b)(i) or (ii) does not constitute public
2445 financial information as defined in Section ~~[63A-1-201]~~ 67-3-12.

2446 (4) (a) A taxed interlocal entity's governing board is not a governing board as defined
2447 in Section 51-2a-102.

2448 (b) A taxed interlocal entity is not subject to the provisions of Title 51, Chapter 2a,
2449 Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local
2450 Entities Act.

2451 (5) Notwithstanding any other provision of law, a taxed interlocal entity is not subject
2452 to the following provisions:

- 2453 (a) Part 4, Governance;
- 2454 (b) Part 5, Fiscal Procedures for Interlocal Entities;
- 2455 (c) Subsection 11-13-204(1)(a)(i) or (ii)(J);
- 2456 (d) Subsection 11-13-206(1)(f);
- 2457 (e) Subsection 11-13-218(5)(a);
- 2458 (f) Section 11-13-225;
- 2459 (g) Section 11-13-226; or
- 2460 (h) Section 53-2a-605.

2461 (6) (a) In addition to having the powers described in Subsection 11-13-204(1)(a)(ii), a
2462 taxed interlocal entity may, for the regulation of the entity's affairs and conduct of its business,
2463 adopt, amend, or repeal bylaws, policies, or procedures.

2464 (b) Nothing in Part 4, Governance, or Part 5, Fiscal Procedures for Interlocal Entities,
2465 may be construed to limit the power or authority of a taxed interlocal entity.

2466 (7) (a) A governmental law enacted after May 12, 2015, is not applicable to, is not
2467 binding upon, and does not have effect on a taxed interlocal entity unless the governmental law
2468 expressly states the section of governmental law to be applicable to and binding upon the taxed
2469 interlocal entity with the following words: "[Applicable section or subsection number]
2470 constitutes an exception to Subsection 11-13-603(7)(a) and is applicable to and binding upon a
2471 taxed interlocal entity."

2472 (b) Sections 11-13-601 through 11-13-608 constitute an exception to Subsection (7)(a)
2473 and are applicable to and binding upon a taxed interlocal entity.

2474 Section 40. Section 11-14-202 is amended to read:

2475 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2476 (1) The governing body shall publish notice of the election:

2477 (a) (i) once per week for three consecutive weeks before the election in a newspaper of
2478 general circulation in the local political subdivision, in accordance with Section 11-14-316, the
2479 first publication occurring not less than 21, nor more than 35, days before the day of the
2480 election;

2481 (ii) if there is no newspaper of general circulation in the local political subdivision, at
2482 least 21 days before the day of the election, by posting one notice, and at least one additional
2483 notice per 2,000 population of the local political subdivision, in places within the local political
2484 subdivision that are most likely to give notice to the voters in the local political subdivision; or

2485 (iii) at least three weeks before the day of the election, by mailing notice to each
2486 registered voter in the local political subdivision;

2487 (b) on the Utah Public Notice Website created in Section ~~[63F-1-701]~~ 63A-12-201, for
2488 three weeks before the day of the election;

2489 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;
2490 and

2491 (d) if the local political subdivision has a website, on the local political subdivision's
2492 website for at least three weeks before the day of the election.

2493 (2) When the debt service on the bonds to be issued will increase the property tax
2494 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
2495 per year, the governing body shall prepare and mail either a voter information pamphlet or a
2496 notification described in Subsection (8):

2497 (a) at least 15 days, but not more than 45 days, before the bond election;

2498 (b) to each household containing a registered voter who is eligible to vote on the
2499 bonds; and

2500 (c) that includes the information required by Subsections (4) and (5).

2501 (3) The election officer may change the location of, or establish an additional:

2502 (a) voting precinct polling place, in accordance with Subsection (6);

2503 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or

2504 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).

2505 (4) The notice described in Subsection (1) and the voter information pamphlet
2506 described in Subsection (2):

2507 (a) shall include, in the following order:

- 2508 (i) the date of the election;
- 2509 (ii) the hours during which the polls will be open;
- 2510 (iii) the address of the Statewide Electronic Voter Information Website and, if
- 2511 available, the address of the election officer's website, with a statement indicating that the
- 2512 election officer will post on the website the location of each polling place for each voting
- 2513 precinct, each early voting polling place, and each election day voting center, including any
- 2514 changes to the location of a polling place and the location of an additional polling place;
- 2515 (iv) a phone number that a voter may call to obtain information regarding the location
- 2516 of a polling place; and
- 2517 (v) the title and text of the ballot proposition, including the property tax cost of the
- 2518 bond described in Subsection [11-14-206\(2\)\(a\)](#); and
- 2519 (b) may include the location of each polling place.
- 2520 (5) The voter information pamphlet required by this section shall include:
- 2521 (a) the information required under Subsection (4); and
- 2522 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
- 2523 which may be based on information the governing body determines to be useful, including:
- 2524 (i) expected debt service on the bonds to be issued;
- 2525 (ii) a description of the purpose, remaining principal balance, and maturity date of any
- 2526 outstanding general obligation bonds of the issuer;
- 2527 (iii) funds other than property taxes available to pay debt service on general obligation
- 2528 bonds;
- 2529 (iv) timing of expenditures of bond proceeds;
- 2530 (v) property values; and
- 2531 (vi) any additional information that the governing body determines may be useful to
- 2532 explain the property tax impact of issuance of the bonds.
- 2533 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
- 2534 deadlines described in Subsections (1) and (2):
- 2535 (i) if necessary, change the location of a voting precinct polling place; or
- 2536 (ii) if the election officer determines that the number of voting precinct polling places
- 2537 is insufficient due to the number of registered voters who are voting, designate additional
- 2538 voting precinct polling places.

2539 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
2540 location of a voting precinct polling place or designates an additional voting precinct polling
2541 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,
2542 times, and location of a changed voting precinct polling place or an additional voting precinct
2543 polling place:

2544 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
2545 Information Website;

2546 (ii) by posting the information on the website of the election officer, if available; and

2547 (iii) by posting notice:

2548 (A) of a change in the location of a voting precinct polling place, at the new location
2549 and, if possible, the old location; and

2550 (B) of an additional voting precinct polling place, at the additional voting precinct
2551 polling place.

2552 (7) The governing body shall pay the costs associated with the notice required by this
2553 section.

2554 (8) (a) The governing body may mail a notice printed on a postage prepaid,
2555 preaddressed return form that a person may use to request delivery of a voter information
2556 pamphlet by mail.

2557 (b) The notice described in Subsection (8)(a) shall include:

2558 (i) the website upon which the voter information pamphlet is available; and

2559 (ii) the phone number a voter may call to request delivery of a voter information
2560 pamphlet by mail.

2561 (9) A local school board shall comply with the voter information pamphlet
2562 requirements described in Section [53G-4-603](#).

2563 Section 41. Section **11-14-318** is amended to read:

2564 **11-14-318. Public hearing required.**

2565 (1) Before issuing bonds authorized under this chapter, a local political subdivision
2566 shall:

2567 (a) in accordance with Subsection (2), provide public notice of the local political
2568 subdivision's intent to issue bonds; and

2569 (b) hold a public hearing:

- 2570 (i) if an election is required under this chapter:
- 2571 (A) no sooner than 30 days before the day on which the notice of election is published
- 2572 under Section [11-14-202](#); and
- 2573 (B) no later than five business days before the day on which the notice of election is
- 2574 published under Section [11-14-202](#); and
- 2575 (ii) to receive input from the public with respect to:
- 2576 (A) the issuance of the bonds; and
- 2577 (B) the potential economic impact that the improvement, facility, or property for which
- 2578 the bonds pay all or part of the cost will have on the private sector.
- 2579 (2) A local political subdivision shall:
- 2580 (a) publish the notice required by Subsection (1)(a):
- 2581 (i) once each week for two consecutive weeks in the official newspaper described in
- 2582 Section [11-14-316](#) with the first publication being not less than 14 days before the public
- 2583 hearing required by Subsection (1)(b); and
- 2584 (ii) on the Utah Public Notice Website, created under Section [~~63F-1-701~~]
- 2585 [63A-12-201](#), no less than 14 days before the public hearing required by Subsection (1)(b); and
- 2586 (b) ensure that the notice:
- 2587 (i) identifies:
- 2588 (A) the purpose for the issuance of the bonds;
- 2589 (B) the maximum principal amount of the bonds to be issued;
- 2590 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and
- 2591 (D) the time, place, and location of the public hearing; and
- 2592 (ii) informs the public that the public hearing will be held for the purposes described in
- 2593 Subsection (1)(b)(ii).
- 2594 Section 42. Section **11-36a-501** is amended to read:
- 2595 **11-36a-501. Notice of intent to prepare an impact fee facilities plan.**
- 2596 (1) Before preparing or amending an impact fee facilities plan, a local political
- 2597 subdivision or private entity shall provide written notice of its intent to prepare or amend an
- 2598 impact fee facilities plan.
- 2599 (2) A notice required under Subsection (1) shall:
- 2600 (a) indicate that the local political subdivision or private entity intends to prepare or

2601 amend an impact fee facilities plan;

2602 (b) describe or provide a map of the geographic area where the proposed impact fee
2603 facilities will be located; and

2604 (c) subject to Subsection (3), be posted on the Utah Public Notice Website created
2605 under Section [~~63F-1-701~~] [63A-12-201](#).

2606 (3) For a private entity required to post notice on the Utah Public Notice Website under
2607 Subsection (2)(c):

2608 (a) the private entity shall give notice to the general purpose local government in which
2609 the private entity's private business office is located; and

2610 (b) the general purpose local government described in Subsection (3)(a) shall post the
2611 notice on the Utah Public Notice Website.

2612 Section 43. Section **11-36a-503** is amended to read:

2613 **11-36a-503. Notice of preparation of an impact fee analysis.**

2614 (1) Before preparing or contracting to prepare an impact fee analysis, each local
2615 political subdivision or, subject to Subsection (2), private entity shall post a public notice on
2616 the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

2617 (2) For a private entity required to post notice on the Utah Public Notice Website under
2618 Subsection (1):

2619 (a) the private entity shall give notice to the general purpose local government in which
2620 the private entity's primary business is located; and

2621 (b) the general purpose local government described in Subsection (2)(a) shall post the
2622 notice on the Utah Public Notice Website.

2623 Section 44. Section **11-36a-504** is amended to read:

2624 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**

2625 **Protections.**

2626 (1) Before adopting an impact fee enactment:

2627 (a) a municipality legislative body shall:

2628 (i) comply with the notice requirements of Section [10-9a-205](#) as if the impact fee
2629 enactment were a land use regulation;

2630 (ii) hold a hearing in accordance with Section [10-9a-502](#) as if the impact fee enactment
2631 were a land use regulation; and

2632 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
2633 Section 10-9a-801 as if the impact fee were a land use regulation;

2634 (b) a county legislative body shall:

2635 (i) comply with the notice requirements of Section 17-27a-205 as if the impact fee
2636 enactment were a land use regulation;

2637 (ii) hold a hearing in accordance with Section 17-27a-502 as if the impact fee
2638 enactment were a land use regulation; and

2639 (iii) except as provided in Subsection 11-36a-701(3)(b)(ii), receive the protections of
2640 Section 17-27a-801 as if the impact fee were a land use regulation;

2641 (c) a local district or special service district shall:

2642 (i) comply with the notice and hearing requirements of Section 17B-1-111; and

2643 (ii) receive the protections of Section 17B-1-111;

2644 (d) a local political subdivision shall at least 10 days before the day on which a public
2645 hearing is scheduled in accordance with this section:

2646 (i) make a copy of the impact fee enactment available to the public; and

2647 (ii) post notice of the local political subdivision's intent to enact or modify the impact
2648 fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice
2649 Website created under Section ~~63F-1-701~~ 63A-12-201; and

2650 (e) a local political subdivision shall submit a copy of the impact fee analysis and a
2651 copy of the summary of the impact fee analysis prepared in accordance with Section
2652 11-36a-303 on its website or to each public library within the local political subdivision.

2653 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning
2654 commission in the impact fee enactment process.

2655 Section 45. Section 11-42-202 is amended to read:

2656 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
2657 **designation.**

2658 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

2659 (a) state that the local entity proposes to:

2660 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
2661 assessment area;

2662 (ii) provide an improvement to property within the proposed assessment area; and

- 2663 (iii) finance some or all of the cost of improvements by an assessment on benefitted
2664 property within the assessment area;
- 2665 (b) describe the proposed assessment area by any reasonable method that allows an
2666 owner of property in the proposed assessment area to determine that the owner's property is
2667 within the proposed assessment area;
- 2668 (c) describe, in a general and reasonably accurate way, the improvements to be
2669 provided to the assessment area, including:
- 2670 (i) the nature of the improvements; and
- 2671 (ii) the location of the improvements, by reference to streets or portions or extensions
2672 of streets or by any other means that the governing body chooses that reasonably describes the
2673 general location of the improvements;
- 2674 (d) state the estimated cost of the improvements as determined by a project engineer;
- 2675 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the
2676 estimated total assessment specific to the benefitted property for which the notice is mailed;
- 2677 (f) state that the local entity proposes to levy an assessment on benefitted property
2678 within the assessment area to pay some or all of the cost of the improvements according to the
2679 estimated benefits to the property from the improvements;
- 2680 (g) if applicable, state that an unassessed benefitted government property will receive
2681 improvements for which the cost will be allocated proportionately to the remaining benefitted
2682 properties within the proposed assessment area and that a description of each unassessed
2683 benefitted government property is available for public review at the location or website
2684 described in Subsection (6);
- 2685 (h) state the assessment method by which the governing body proposes to calculate the
2686 proposed assessment, including, if the local entity is a municipality or county, whether the
2687 assessment will be collected:
- 2688 (i) by directly billing a property owner; or
- 2689 (ii) by inclusion on a property tax notice issued in accordance with Section [59-2-1317](#)
2690 and in compliance with Section [11-42-401](#);
- 2691 (i) state:
- 2692 (i) the date described in Section [11-42-203](#) and the location at which protests against
2693 designation of the proposed assessment area or of the proposed improvements are required to

2694 be filed;

2695 (ii) the method by which the governing body will determine the number of protests
2696 required to defeat the designation of the proposed assessment area or acquisition or
2697 construction of the proposed improvements; and

2698 (iii) in large, boldface, and conspicuous type that a property owner must protest the
2699 designation of the assessment area in writing if the owner objects to the area designation or
2700 being assessed for the proposed improvements, operation and maintenance costs, or economic
2701 promotion activities;

2702 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

2703 (k) if the governing body elects to create and fund a reserve fund under Section
2704 11-42-702, include a description of:

2705 (i) how the reserve fund will be funded and replenished; and

2706 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
2707 the bonds;

2708 (l) if the governing body intends to designate a voluntary assessment area, include a
2709 property owner consent form that:

2710 (i) estimates the total assessment to be levied against the particular parcel of property;

2711 (ii) describes any additional benefits that the governing body expects the assessed
2712 property to receive from the improvements;

2713 (iii) designates the date and time by which the fully executed consent form is required
2714 to be submitted to the governing body; and

2715 (iv) if the governing body intends to enforce an assessment lien on the property in
2716 accordance with Subsection 11-42-502.1(2)(a)(ii)(C):

2717 (A) appoints a trustee that satisfies the requirements described in Section 57-1-21;

2718 (B) gives the trustee the power of sale;

2719 (C) is binding on the property owner and all successors; and

2720 (D) explains that if an assessment or an installment of an assessment is not paid when
2721 due, the local entity may sell the property owner's property to satisfy the amount due plus
2722 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;

2723 (m) if the local entity intends to levy an assessment to pay operation and maintenance
2724 costs or for economic promotion activities, include:

- 2725 (i) a description of the operation and maintenance costs or economic promotion
2726 activities to be paid by assessments and the initial estimated annual assessment to be levied;
- 2727 (ii) a description of how the estimated assessment will be determined;
- 2728 (iii) a description of how and when the governing body will adjust the assessment to
2729 reflect the costs of:
- 2730 (A) in accordance with Section 11-42-406, current economic promotion activities; or
2731 (B) current operation and maintenance costs;
- 2732 (iv) a description of the method of assessment if different from the method of
2733 assessment to be used for financing any improvement; and
- 2734 (v) a statement of the maximum number of years over which the assessment will be
2735 levied for:
- 2736 (A) operation and maintenance costs; or
2737 (B) economic promotion activities;
- 2738 (n) if the governing body intends to divide the proposed assessment area into
2739 classifications under Subsection 11-42-201(1)(b), include a description of the proposed
2740 classifications;
- 2741 (o) if applicable, state the portion and value of the improvement that will be increased
2742 in size or capacity to serve property outside of the assessment area and how the increases will
2743 be financed; and
- 2744 (p) state whether the improvements will be financed with a bond and, if so, the
2745 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
2746 benefitted properties within the assessment area may be obligated.
- 2747 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be
2748 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
2749 subject to the market rate at the time of the issuance of the bond.
- 2750 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information
2751 that the governing body considers to be appropriate, including:
- 2752 (a) the amount or proportion of the cost of the improvement to be paid by the local
2753 entity or from sources other than an assessment;
- 2754 (b) the estimated total amount of each type of assessment for the various improvements
2755 to be financed according to the method of assessment that the governing body chooses; and

2756 (c) provisions for any improvements described in Subsection [11-42-102\(24\)\(a\)\(ii\)](#).

2757 (4) Each notice required under Subsection [11-42-201\(2\)\(a\)](#) shall:

2758 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
2759 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
2760 least five but not more than 20 days before the day of the hearing required in Section
2761 [11-42-204](#); or

2762 (B) if there is no newspaper of general circulation within the local entity's jurisdictional
2763 boundaries, be posted in at least three public places within the local entity's jurisdictional
2764 boundaries at least 20 but not more than 35 days before the day of the hearing required in
2765 Section [11-42-204](#); and

2766 (ii) be published on the Utah Public Notice Website described in Section [~~63F-1-701~~]
2767 [63A-12-201](#) for four weeks before the deadline for filing protests specified in the notice under
2768 Subsection (1)(i); and

2769 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
2770 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed
2771 assessment area at the property owner's mailing address.

2772 (5) (a) The local entity may record the version of the notice that is published or posted
2773 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description
2774 and tax identification number as identified in county records, against the property proposed to
2775 be assessed.

2776 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year
2777 after the day on which the local entity records the notice if the local entity has failed to adopt
2778 the designation ordinance or resolution under Section [11-42-201](#) designating the assessment
2779 area for which the notice was recorded.

2780 (6) A local entity shall make available on the local entity's website, or, if no website is
2781 available, at the local entity's place of business, the address and type of use of each unassessed
2782 benefitted government property described in Subsection (1)(g).

2783 (7) If a governing body fails to provide actual or constructive notice under this section,
2784 the local entity may not assess a levy against a benefitted property omitted from the notice
2785 unless:

2786 (a) the property owner gives written consent;

2787 (b) the property owner received notice under Subsection [11-42-401\(2\)\(a\)\(iii\)](#) and did
2788 not object to the levy of the assessment before the final hearing of the board of equalization; or

2789 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date
2790 of conveyance, the requirements of Subsections [11-42-206\(3\)\(a\)\(i\)](#) and (ii), or, if applicable,
2791 Subsection [11-42-207\(1\)\(d\)\(i\)](#) are met.

2792 Section 46. Section **11-42-402** is amended to read:

2793 **11-42-402. Notice of assessment and board of equalization hearing.**

2794 Each notice required under Subsection [11-42-401\(2\)\(a\)\(iii\)](#) shall:

2795 (1) state:

2796 (a) that an assessment list is completed and available for examination at the offices of
2797 the local entity;

2798 (b) the total estimated or actual cost of the improvements;

2799 (c) the amount of the total estimated or actual cost of the proposed improvements to be
2800 paid by the local entity;

2801 (d) the amount of the assessment to be levied against benefitted property within the
2802 assessment area;

2803 (e) the assessment method used to calculate the proposed assessment;

2804 (f) the unit cost used to calculate the assessments shown on the assessment list, based
2805 on the assessment method used to calculate the proposed assessment; and

2806 (g) the dates, times, and place of the board of equalization hearings under Subsection
2807 [11-42-401\(2\)\(b\)\(i\)](#);

2808 (2) (a) beginning at least 20 but not more than 35 days before the day on which the first
2809 hearing of the board of equalization is held:

2810 (i) be published at least once in a newspaper of general circulation within the local
2811 entity's jurisdictional boundaries; or

2812 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional
2813 boundaries, be posted in at least three public places within the local entity's jurisdictional
2814 boundaries; and

2815 (b) be published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
2816 [63A-12-201](#) for 35 days immediately before the day on which the first hearing of the board of
2817 equalization is held; and

2818 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of
2819 the notice under Subsection (2) to each owner of property to be assessed within the proposed
2820 assessment area at the property owner's mailing address.

2821 Section 47. Section **11-58-502** is amended to read:

2822 **11-58-502. Public meeting to consider and discuss draft project area plan --**
2823 **Notice -- Adoption of plan.**

2824 (1) The board shall hold at least one public meeting to consider and discuss a draft
2825 project area plan.

2826 (2) At least 10 days before holding a public meeting under Subsection (1), the board
2827 shall give notice of the public meeting:

2828 (a) to each taxing entity;

2829 (b) to a municipality in which the proposed project area is located or that is located
2830 within one-half mile of the proposed project area; and

2831 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

2832 (3) Following consideration and discussion of the draft project area plan, and any
2833 modification of the project area plan under Subsection **11-58-501(2)(d)**, the board may adopt
2834 the draft project area plan or modified draft project area plan as the project area plan.

2835 Section 48. Section **11-58-801** is amended to read:

2836 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**
2837 **-- Auditor forms -- Requirement to file annual budget.**

2838 (1) The authority shall prepare and its board adopt an annual budget of revenues and
2839 expenditures for the authority for each fiscal year.

2840 (2) Each annual authority budget shall be adopted before June 22, except that the
2841 authority's initial budget shall be adopted as soon as reasonably practicable after the
2842 organization of the board and the beginning of authority operations.

2843 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2844 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the
2845 annual budget.

2846 (b) The authority shall provide notice of the public hearing on the annual budget by
2847 publishing notice:

2848 (i) at least once in a newspaper of general circulation within the state, one week before

2849 the public hearing; and

2850 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
2851 at least one week immediately before the public hearing.

2852 (c) The authority shall make the annual budget available for public inspection at least
2853 three days before the date of the public hearing.

2854 (5) The state auditor shall prescribe the budget forms and the categories to be contained
2855 in each authority budget, including:

2856 (a) revenues and expenditures for the budget year;

2857 (b) legal fees; and

2858 (c) administrative costs, including rent, supplies, and other materials, and salaries of
2859 authority personnel.

2860 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of
2861 the annual budget with the auditor of each county in which the authority jurisdictional land is
2862 located, the State Tax Commission, the state auditor, the State Board of Education, and each
2863 taxing entity that levies a tax on property from which the authority collects property tax
2864 differential.

2865 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
2866 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
2867 the state auditor.

2868 Section 49. Section **11-59-401** is amended to read:

2869 **11-59-401. Annual authority budget -- Fiscal year -- Public hearing and notice**
2870 **required -- Auditor forms.**

2871 (1) The authority shall prepare and its board adopt an annual budget of revenues and
2872 expenditures for the authority for each fiscal year.

2873 (2) Each annual authority budget shall be adopted before June 22.

2874 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2875 (4) (a) Before adopting an annual budget, the authority board shall hold a public
2876 hearing on the annual budget.

2877 (b) The authority shall provide notice of the public hearing on the annual budget by
2878 publishing notice:

2879 (i) at least once in a newspaper of general circulation within the state, one week before

2880 the public hearing; and

2881 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
2882 at least one week immediately before the public hearing.

2883 (c) The authority shall make the annual budget available for public inspection at least
2884 three days before the date of the public hearing.

2885 (5) The state auditor shall prescribe the budget forms and the categories to be contained
2886 in each authority budget, including:

2887 (a) revenues and expenditures for the budget year;

2888 (b) legal fees; and

2889 (c) administrative costs, including rent, supplies, and other materials, and salaries of
2890 authority personnel.

2891 Section 50. Section **17-27a-203** is amended to read:

2892 **17-27a-203. Notice of intent to prepare a general plan or comprehensive general**
2893 **plan amendments in certain counties.**

2894 (1) Before preparing a proposed general plan or a comprehensive general plan
2895 amendment, each county of the first or second class shall provide 10 calendar days notice of its
2896 intent to prepare a proposed general plan or a comprehensive general plan amendment:

2897 (a) to each affected entity;

2898 (b) to the Automated Geographic Reference Center created in Section [63F-1-506](#);

2899 (c) to the association of governments, established pursuant to an interlocal agreement
2900 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and

2901 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#).

2902 (2) Each notice under Subsection (1) shall:

2903 (a) indicate that the county intends to prepare a general plan or a comprehensive
2904 general plan amendment, as the case may be;

2905 (b) describe or provide a map of the geographic area that will be affected by the general
2906 plan or amendment;

2907 (c) be sent by mail, e-mail, or other effective means;

2908 (d) invite the affected entities to provide information for the county to consider in the
2909 process of preparing, adopting, and implementing a general plan or amendment concerning:

2910 (i) impacts that the use of land proposed in the proposed general plan or amendment

2911 may have; and

2912 (ii) uses of land within the county that the affected entity is considering that may
2913 conflict with the proposed general plan or amendment; and

2914 (e) include the address of an Internet website, if the county has one, and the name and
2915 telephone number of a person where more information can be obtained concerning the county's
2916 proposed general plan or amendment.

2917 Section 51. Section **17-27a-204** is amended to read:

2918 **17-27a-204. Notice of public hearings and public meetings to consider general**
2919 **plan or modifications.**

2920 (1) A county shall provide:

2921 (a) notice of the date, time, and place of the first public hearing to consider the original
2922 adoption or any modification of all or any portion of a general plan; and

2923 (b) notice of each public meeting on the subject.

2924 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
2925 days before the public hearing and shall be:

2926 (a) (i) published in a newspaper of general circulation in the area; and

2927 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]

2928 [63A-12-201](#);

2929 (b) mailed to each affected entity; and

2930 (c) posted:

2931 (i) in at least three public locations within the county; or

2932 (ii) on the county's official website.

2933 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
2934 before the meeting and shall be:

2935 (a) (i) submitted to a newspaper of general circulation in the area; and

2936 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]

2937 [63A-12-201](#); and

2938 (b) posted:

2939 (i) in at least three public locations within the county; or

2940 (ii) on the county's official website.

2941 Section 52. Section **17-27a-205** is amended to read:

2942 **17-27a-205. Notice of public hearings and public meetings on adoption or**
2943 **modification of land use regulation.**

2944 (1) Each county shall give:

2945 (a) notice of the date, time, and place of the first public hearing to consider the
2946 adoption or modification of a land use regulation; and

2947 (b) notice of each public meeting on the subject.

2948 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

2949 (a) mailed to each affected entity at least 10 calendar days before the public hearing;

2950 (b) posted:

2951 (i) in at least three public locations within the county; or

2952 (ii) on the county's official website; and

2953 (c) (i) published:

2954 (A) in a newspaper of general circulation in the area at least 10 calendar days before
2955 the public hearing; and

2956 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at
2957 least 10 calendar days before the public hearing; or

2958 (ii) mailed at least 10 days before the public hearing to:

2959 (A) each property owner whose land is directly affected by the land use ordinance
2960 change; and

2961 (B) each adjacent property owner within the parameters specified by county ordinance.

2962 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
2963 before the hearing and shall be posted:

2964 (a) in at least three public locations within the county; or

2965 (b) on the county's official website.

2966 (4) (a) A county shall send a courtesy notice to each owner of private real property
2967 whose property is located entirely or partially within the proposed zoning map enactment or
2968 amendment at least 10 days before the scheduled day of the public hearing.

2969 (b) The notice shall:

2970 (i) identify with specificity each owner of record of real property that will be affected
2971 by the proposed zoning map or map amendments;

2972 (ii) state the current zone in which the real property is located;

- 2973 (iii) state the proposed new zone for the real property;
- 2974 (iv) provide information regarding or a reference to the proposed regulations,
- 2975 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
- 2976 amendment is adopted;
- 2977 (v) state that the owner of real property may no later than 10 days after the day of the
- 2978 first public hearing file a written objection to the inclusion of the owner's property in the
- 2979 proposed zoning map or map amendment;
- 2980 (vi) state the address where the property owner should file the protest;
- 2981 (vii) notify the property owner that each written objection filed with the county will be
- 2982 provided to the county legislative body; and
- 2983 (viii) state the location, date, and time of the public hearing described in Section
- 2984 [17-27a-502](#).
- 2985 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
- 2986 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
- 2987 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent
- 2988 separately.
- 2989 Section 53. Section **17-27a-208** is amended to read:
- 2990 **17-27a-208. Hearing and notice for petition to vacate a public street.**
- 2991 (1) For any petition to vacate some or all of a public street or county utility easement,
- 2992 the legislative body shall:
- 2993 (a) hold a public hearing; and
- 2994 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
- 2995 (2).
- 2996 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
- 2997 body shall ensure that the notice required under Subsection (1)(b) is:
- 2998 (a) mailed to the record owner of each parcel that is accessed by the public street or
- 2999 county utility easement;
- 3000 (b) mailed to each affected entity;
- 3001 (c) posted on or near the public street or county utility easement in a manner that is
- 3002 calculated to alert the public; and
- 3003 (d) (i) published on the website of the county in which the land subject to the petition is

3004 located until the public hearing concludes; and

3005 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]

3006 [63A-12-201](#).

3007 Section 54. Section **17-27a-306** is amended to read:

3008 **17-27a-306. Planning advisory areas.**

3009 (1) (a) A planning advisory area may be established as provided in this Subsection (1).

3010 (b) A planning advisory area may not be established unless the area to be included

3011 within the proposed planning advisory area:

3012 (i) is unincorporated;

3013 (ii) is contiguous; and

3014 (iii) (A) contains:

3015 (I) at least 20% but not more than 80% of:

3016 (Aa) the total private land area in the unincorporated county; or

3017 (Bb) the total value of locally assessed taxable property in the unincorporated county;

3018 or

3019 (II) (Aa) in a county of the second or third class, at least 5% of the total population of
3020 the unincorporated county, but not less than 300 residents; or

3021 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population
3022 of the unincorporated county; or

3023 (B) has been declared by the United States Census Bureau as a census designated
3024 place.

3025 (c) (i) The process to establish a planning advisory area is initiated by the filing of a
3026 petition with the clerk of the county in which the proposed planning advisory area is located.

3027 (ii) A petition to establish a planning advisory area may not be filed if it proposes the
3028 establishment of a planning advisory area that includes an area within a proposed planning
3029 advisory area in a petition that has previously been certified under Subsection (1)(g), until after
3030 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

3031 (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:

3032 (i) be signed by the owners of private real property that:

3033 (A) is located within the proposed planning advisory area;

3034 (B) covers at least 10% of the total private land area within the proposed planning

3035 advisory area; and

3036 (C) is equal in value to at least 10% of the value of all private real property within the
3037 proposed planning advisory area;

3038 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
3039 area proposed to be established as a planning advisory area;

3040 (iii) indicate the typed or printed name and current residence address of each owner
3041 signing the petition;

3042 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
3043 be designated as the contact sponsor, with the mailing address and telephone number of each
3044 petition sponsor;

3045 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
3046 petition for purposes of the petition; and

3047 (vi) request the county legislative body to provide notice of the petition and of a public
3048 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning
3049 advisory area.

3050 (e) Subsection 10-2a-102(3) applies to a petition to establish a planning advisory area
3051 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal
3052 Incorporation.

3053 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
3054 the establishment of a planning advisory area in a county of the second class, the county clerk
3055 shall provide notice of the filing of the petition to:

3056 (A) each owner of real property owning more than 1% of the assessed value of all real
3057 property within the proposed planning advisory area; and

3058 (B) each owner of real property owning more than 850 acres of real property within the
3059 proposed planning advisory area.

3060 (ii) A property owner may exclude all or part of the property owner's property from a
3061 proposed planning advisory area in a county of the second class:

3062 (A) if:

3063 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
3064 property within the proposed planning advisory area;

3065 (Iiii) the property is nonurban; and

3066 (IIIiii) the property does not or will not require municipal provision of municipal-type
3067 services; or

3068 (Bb) the property owner owns more than 850 acres of real property within the proposed
3069 planning advisory area; and

3070 (II) exclusion of the property will not leave within the planning advisory area an island
3071 of property that is not part of the planning advisory area; and

3072 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
3073 under Subsection (1)(f)(i).

3074 (iii) (A) The county legislative body shall exclude from the proposed planning advisory
3075 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if
3076 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

3077 (B) If the county legislative body excludes property from a proposed planning advisory
3078 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the
3079 exclusion, send written notice of its action to the contact sponsor.

3080 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
3081 clerk shall:

3082 (A) with the assistance of other county officers from whom the clerk requests
3083 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
3084 and

3085 (B) (I) if the clerk determines that the petition complies with the requirements of
3086 Subsection (1)(d):

3087 (Aa) certify the petition and deliver the certified petition to the county legislative body;
3088 and

3089 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3090 (II) if the clerk determines that the petition fails to comply with any of the requirements
3091 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the
3092 rejection and the reasons for the rejection.

3093 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition
3094 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3095 county clerk.

3096 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,

3097 the county legislative body shall hold a public hearing on the proposal to establish a planning
3098 advisory area.

3099 (ii) A public hearing under Subsection (1)(h)(i) shall be:

3100 (A) within the boundary of the proposed planning advisory area; or

3101 (B) if holding a public hearing in that area is not practicable, as close to that area as
3102 practicable.

3103 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the
3104 county legislative body shall publish notice of the petition and the time, date, and place of the
3105 public hearing:

3106 (A) at least once in a newspaper of general circulation in the county; and

3107 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

3108 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body
3109 shall arrange for the proposal to establish a planning advisory area to be submitted to voters
3110 residing within the proposed planning advisory area at the next regular general election that is
3111 more than 90 days after the public hearing.

3112 (j) A planning advisory area is established at the time of the canvass of the results of an
3113 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the
3114 proposal to establish a planning advisory area voted in favor of the proposal.

3115 (k) An area that is an established township before May 12, 2015:

3116 (i) is, as of May 12, 2015, a planning advisory area; and

3117 (ii) (A) shall change its name, if applicable, to no longer include the word "township";
3118 and

3119 (B) may use the word "planning advisory area" in its name.

3120 (2) The county legislative body may:

3121 (a) assign to the countywide planning commission the duties established in this part
3122 that would have been assumed by a planning advisory area planning commission designated
3123 under Subsection (2)(b); or

3124 (b) designate and appoint a planning commission for the planning advisory area.

3125 (3) (a) An area within the boundary of a planning advisory area may be withdrawn
3126 from the planning advisory area as provided in this Subsection (3) or in accordance with
3127 Subsection (5)(a).

3128 (b) The process to withdraw an area from a planning advisory area is initiated by the
3129 filing of a petition with the clerk of the county in which the planning advisory area is located.

3130 (c) A petition under Subsection (3)(b) shall:

3131 (i) be signed by the owners of private real property that:

3132 (A) is located within the area proposed to be withdrawn from the planning advisory
3133 area;

3134 (B) covers at least 50% of the total private land area within the area proposed to be
3135 withdrawn from the planning advisory area; and

3136 (C) is equal in value to at least 33% of the value of all private real property within the
3137 area proposed to be withdrawn from the planning advisory area;

3138 (ii) state the reason or reasons for the proposed withdrawal;

3139 (iii) be accompanied by an accurate plat or map showing the boundary of the
3140 contiguous area proposed to be withdrawn from the planning advisory area;

3141 (iv) indicate the typed or printed name and current residence address of each owner
3142 signing the petition;

3143 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
3144 be designated as the contact sponsor, with the mailing address and telephone number of each
3145 petition sponsor;

3146 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
3147 petition for purposes of the petition; and

3148 (vii) request the county legislative body to withdraw the area from the planning
3149 advisory area.

3150 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning
3151 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter
3152 2a, Municipal Incorporation.

3153 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
3154 clerk shall:

3155 (A) with the assistance of other county officers from whom the clerk requests
3156 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
3157 and

3158 (B) (I) if the clerk determines that the petition complies with the requirements of

3159 Subsection (3)(c):

3160 (Aa) certify the petition and deliver the certified petition to the county legislative body;

3161 and

3162 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3163 (II) if the clerk determines that the petition fails to comply with any of the requirements
3164 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
3165 and the reasons for the rejection.

3166 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
3167 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3168 county clerk.

3169 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area
3170 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw
3171 the area from the planning advisory area.

3172 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

3173 (A) within the area proposed to be withdrawn from the planning advisory area; or

3174 (B) if holding a public hearing in that area is not practicable, as close to that area as
3175 practicable.

3176 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
3177 body shall:

3178 (A) publish notice of the petition and the time, date, and place of the public hearing:

3179 (I) at least once a week for three consecutive weeks in a newspaper of general
3180 circulation in the planning advisory area; and

3181 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
3182 three consecutive weeks; and

3183 (B) mail a notice of the petition and the time, date, and place of the public hearing to
3184 each owner of private real property within the area proposed to be withdrawn.

3185 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
3186 legislative body shall make a written decision on the proposal to withdraw the area from the
3187 planning advisory area.

3188 (ii) In making its decision as to whether to withdraw the area from the planning
3189 advisory area, the county legislative body shall consider:

3190 (A) whether the withdrawal would leave the remaining planning advisory area in a
3191 situation where the future incorporation of an area within the planning advisory area or the
3192 annexation of an area within the planning advisory area to an adjoining municipality would be
3193 economically or practically not feasible;

3194 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
3195 area:

3196 (I) whether the proposed subsequent incorporation or withdrawal:

3197 (Aa) will leave or create an unincorporated island or peninsula; or

3198 (Bb) will leave the county with an area within its unincorporated area for which the
3199 cost, requirements, or other burdens of providing municipal services would materially increase
3200 over previous years; and

3201 (II) whether the municipality to be created or the municipality into which the
3202 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
3203 providing service to the withdrawn area that the county will no longer provide due to the
3204 incorporation or annexation;

3205 (C) the effects of a withdrawal on adjoining property owners, existing or projected
3206 county streets or other public improvements, law enforcement, and zoning and other municipal
3207 services provided by the county; and

3208 (D) whether justice and equity favor the withdrawal.

3209 (h) Upon the written decision of the county legislative body approving the withdrawal
3210 of an area from a planning advisory area, the area is withdrawn from the planning advisory area
3211 and the planning advisory area continues as a planning advisory area with a boundary that
3212 excludes the withdrawn area.

3213 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).

3214 (b) The process to dissolve a planning advisory area is initiated by the filing of a
3215 petition with the clerk of the county in which the planning advisory area is located.

3216 (c) A petition under Subsection (4)(b) shall:

3217 (i) be signed by registered voters within the planning advisory area equal in number to
3218 at least 25% of all votes cast by voters within the planning advisory area at the last
3219 congressional election;

3220 (ii) state the reason or reasons for the proposed dissolution;

3221 (iii) indicate the typed or printed name and current residence address of each person
3222 signing the petition;

3223 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
3224 be designated as the contact sponsor, with the mailing address and telephone number of each
3225 petition sponsor;

3226 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
3227 for purposes of the petition; and

3228 (vi) request the county legislative body to provide notice of the petition and of a public
3229 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning
3230 advisory area.

3231 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
3232 clerk shall:

3233 (A) with the assistance of other county officers from whom the clerk requests
3234 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
3235 and

3236 (B) (I) if the clerk determines that the petition complies with the requirements of
3237 Subsection (4)(c):

3238 (Aa) certify the petition and deliver the certified petition to the county legislative body;
3239 and

3240 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3241 (II) if the clerk determines that the petition fails to comply with any of the requirements
3242 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
3243 and the reasons for the rejection.

3244 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
3245 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3246 county clerk.

3247 (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,
3248 the county legislative body shall hold a public hearing on the proposal to dissolve the planning
3249 advisory area.

3250 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

3251 (A) within the boundary of the planning advisory area; or

3252 (B) if holding a public hearing in that area is not practicable, as close to that area as
3253 practicable.

3254 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
3255 body shall publish notice of the petition and the time, date, and place of the public hearing:

3256 (A) at least once a week for three consecutive weeks in a newspaper of general
3257 circulation in the planning advisory area; and

3258 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
3259 three consecutive weeks immediately before the public hearing.

3260 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
3261 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters
3262 residing within the planning advisory area at the next regular general election that is more than
3263 90 days after the public hearing.

3264 (g) A planning advisory area is dissolved at the time of the canvass of the results of an
3265 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the
3266 proposal to dissolve the planning advisory area voted in favor of the proposal.

3267 (5) (a) If a portion of an area located within a planning advisory area is annexed by a
3268 municipality or incorporates, that portion is withdrawn from the planning advisory area.

3269 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,
3270 the planning advisory area is dissolved.

3271 Section 55. Section ~~17-27a-404~~ is amended to read:

3272 **17-27a-404. Public hearing by planning commission on proposed general plan or**
3273 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
3274 **by legislative body.**

3275 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
3276 amend the general plan, the planning commission shall schedule and hold a public hearing on
3277 the proposed plan or amendment.

3278 (b) The planning commission shall provide notice of the public hearing, as required by
3279 Section [17-27a-204](#).

3280 (c) After the public hearing, the planning commission may modify the proposed
3281 general plan or amendment.

3282 (2) The planning commission shall forward the proposed general plan or amendment to

3283 the legislative body.

3284 (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body
3285 shall provide notice of its intent to consider the general plan proposal.

3286 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
3287 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
3288 regarding Subsection [17-27a-401](#)(4). The hearing procedure shall comply with this Subsection
3289 (3)(b).

3290 (ii) The hearing format shall allow adequate time for public comment at the actual
3291 public hearing, and shall also allow for public comment in writing to be submitted to the
3292 legislative body for not fewer than 90 days after the date of the public hearing.

3293 (c) (i) The legislative body shall give notice of the hearing in accordance with this
3294 Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401](#)(4) are
3295 complete.

3296 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
3297 the state Legislature, executive director of the Department of Environmental Quality, the state
3298 planning coordinator, the Resource Development Coordinating Committee, and any other
3299 citizens or entities who specifically request notice in writing.

3300 (iii) Public notice shall be given by publication:

3301 (A) in at least one major Utah newspaper having broad general circulation in the state;

3302 (B) in at least one Utah newspaper having a general circulation focused mainly on the
3303 county where the proposed high-level nuclear waste or greater than class C radioactive waste
3304 site is to be located; and

3305 (C) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

3306 (iv) The notice shall be published to allow reasonable time for interested parties and
3307 the state to evaluate the information regarding the provisions of Subsection [17-27a-401](#)(4),
3308 including:

3309 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before
3310 the date of the hearing to be held under this Subsection (3); and

3311 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the
3312 date of the hearing to be held under this Subsection (3).

3313 (4) (a) After the public hearing required under this section, the legislative body may

3314 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

3315 (b) The legislative body shall respond in writing and in a substantive manner to all
3316 those providing comments as a result of the hearing required by Subsection (3).

3317 (c) If the county legislative body rejects the proposed general plan or amendment, it
3318 may provide suggestions to the planning commission for the planning commission's review and
3319 recommendation.

3320 (5) The legislative body shall adopt:

3321 (a) a land use element as provided in Subsection [17-27a-403\(2\)\(a\)\(i\)](#);

3322 (b) a transportation and traffic circulation element as provided in Subsection
3323 [17-27a-403\(2\)\(a\)\(ii\)](#);

3324 (c) after considering the factors included in Subsection [17-27a-403\(2\)\(b\)](#), a plan to
3325 provide a realistic opportunity to meet the need for additional moderate income housing; and

3326 (d) before August 1, 2017, a resource management plan as provided by Subsection
3327 [17-27a-403\(2\)\(a\)\(iv\)](#).

3328 Section 56. Section **17-36-12** is amended to read:

3329 **17-36-12. Notice of budget hearing.**

3330 (1) The governing body shall determine the time and place for the public hearing on the
3331 adoption of the budget.

3332 (2) Notice of such hearing shall be published:

3333 (a) (i) at least seven days before the hearing in at least one newspaper of general
3334 circulation within the county, if there is such a paper; or

3335 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in
3336 three conspicuous places within the county seven days before the hearing;

3337 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
3338 seven days before the hearing; and

3339 (c) on the home page of the county's website, either in full or as a link, if the county has
3340 a publicly viewable website, beginning at least seven days before the hearing and until the
3341 hearing takes place.

3342 Section 57. Section **17-36-26** is amended to read:

3343 **17-36-26. Increase in budgetary fund or county general fund -- Public hearing.**

3344 (1) Before the governing body may, by resolution, increase a budget appropriation of

3345 any budgetary fund, increase the budget of the county general fund, or make an amendment to a
3346 budgetary fund or the county general fund, the governing body shall hold a public hearing
3347 giving all interested parties an opportunity to be heard.

3348 (2) Notice of the public hearing described in Subsection (1) shall be published at least
3349 five days before the day of the hearing:

3350 (a) (i) in at least one issue of a newspaper generally circulated in the county; or

3351 (ii) if there is not a newspaper generally circulated in the county, the hearing may be
3352 published by posting notice in three conspicuous places within the county;

3353 (b) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#);
3354 and

3355 (c) on the home page of the county's website, either in full or as a link, if the county has
3356 a publicly viewable website, until the hearing takes place.

3357 Section 58. Section **17-41-304** is amended to read:

3358 **17-41-304. Public hearing -- Review and action on proposal.**

3359 (1) After receipt of the written reports from the advisory committee and planning
3360 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
3361 legislative body shall:

3362 (a) schedule a public hearing;

3363 (b) provide notice of the public hearing by:

3364 (i) publishing notice:

3365 (A) in a newspaper having general circulation within:

3366 (I) the same county as the land proposed for inclusion within the agriculture protection
3367 area, industrial protection area, or critical infrastructure materials protection area, if the land is
3368 within the unincorporated part of the county; or

3369 (II) the same city or town as the land proposed for inclusion within an agriculture
3370 protection area, industrial protection area, or critical infrastructure materials protection area, if
3371 the land is within a city or town; and

3372 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

3373 (ii) posting notice at five public places, designated by the applicable legislative body,
3374 within or near the proposed agriculture protection area, industrial protection area, or critical
3375 infrastructure materials protection area; and

3376 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed
3377 for inclusion within an agriculture protection area, industrial protection area, or critical
3378 infrastructure materials protection area; and

3379 (c) ensure that the notice includes:

3380 (i) the time, date, and place of the public hearing on the proposal;

3381 (ii) a description of the proposed agriculture protection area, industrial protection area,
3382 or critical infrastructure materials protection area;

3383 (iii) any proposed modifications to the proposed agriculture protection area, industrial
3384 protection area, or critical infrastructure materials protection area;

3385 (iv) a summary of the recommendations of the advisory committee and planning
3386 commission; and

3387 (v) a statement that interested persons may appear at the public hearing and speak in
3388 favor of or against the proposal, any proposed modifications to the proposal, or the
3389 recommendations of the advisory committee and planning commission.

3390 (2) The applicable legislative body shall:

3391 (a) convene the public hearing at the time, date, and place specified in the notice; and

3392 (b) take oral or written testimony from interested persons.

3393 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
3394 body shall approve, modify and approve, or reject the proposal.

3395 (b) The creation of an agriculture protection area, industrial protection area, or critical
3396 infrastructure materials protection area is effective at the earlier of:

3397 (i) the applicable legislative body's approval of a proposal or modified proposal; or

3398 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
3399 the applicable legislative body has failed to approve or reject the proposal within that time.

3400 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area
3401 is effective only if the applicable legislative body, at its discretion, approves a proposal or
3402 modified proposal.

3403 (4) (a) To give constructive notice of the existence of the agriculture protection area,
3404 industrial protection area, or critical infrastructure materials protection area to all persons who
3405 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant
3406 protection area within 10 days of the creation of the relevant protection area, the applicable

3407 legislative body shall file an executed document containing a legal description of the relevant
3408 protection area with:

- 3409 (i) the county recorder of deeds; and
3410 (ii) the affected planning commission.

3411 (b) If the legal description of the property to be included in the relevant protection area
3412 is available through the county recorder's office, the applicable legislative body shall use that
3413 legal description in its executed document required in Subsection (4)(a).

3414 (5) Within 10 days of the recording of the agriculture protection area, the applicable
3415 legislative body shall:

3416 (a) send written notification to the commissioner of agriculture and food that the
3417 agriculture protection area has been created; and

3418 (b) include in the notification:

- 3419 (i) the number of landowners owning land within the agriculture protection area;
3420 (ii) the total acreage of the area;
3421 (iii) the date of approval of the area; and
3422 (iv) the date of recording.

3423 (6) The applicable legislative body's failure to record the notice required under
3424 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
3425 creation of an agriculture protection area.

3426 (7) The applicable legislative body may consider the cost of recording notice under
3427 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
3428 under Subsection 17-41-301(4)(b).

3429 Section 59. Section 17-41-405 is amended to read:

3430 **17-41-405. Eminent domain restrictions.**

3431 (1) A political subdivision having or exercising eminent domain powers may not
3432 condemn for any purpose any land within an agriculture protection area that is being used for
3433 agricultural production, land within an industrial protection area that is being put to an
3434 industrial use, or land within a critical infrastructure materials protection area, unless the
3435 political subdivision obtains approval, according to the procedures and requirements of this
3436 section, from the applicable legislative body and the advisory board.

3437 (2) Any condemnor wishing to condemn property within an agriculture protection area,

3438 industrial protection area, or critical infrastructure materials protection area shall file a notice
3439 of condemnation with the applicable legislative body and the relevant protection area's advisory
3440 board at least 30 days before filing an eminent domain complaint.

3441 (3) The applicable legislative body and the advisory board shall:

3442 (a) hold a joint public hearing on the proposed condemnation at a location within the
3443 county in which the relevant protection area is located;

3444 (b) publish notice of the time, date, place, and purpose of the public hearing:

3445 (i) in a newspaper of general circulation within the relevant protection area; and

3446 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

3447 and

3448 (c) post notice of the time, date, place, and purpose of the public hearing in five
3449 conspicuous public places, designated by the applicable legislative body, within or near the
3450 relevant protection area.

3451 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or
3452 liquid waste materials, the applicable legislative body and the advisory board may approve the
3453 condemnation only if there is no reasonable and prudent alternative to the use of the land
3454 within the agriculture protection area, industrial protection area, or critical infrastructure
3455 materials protection area for the project.

3456 (b) If the condemnation is for any other purpose, the applicable legislative body and the
3457 advisory board may approve the condemnation only if:

3458 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
3459 preservation and enhancement of:

3460 (A) agriculture within the agriculture protection area;

3461 (B) the industrial use within the industrial protection area; or

3462 (C) critical infrastructure materials operations within the critical infrastructure
3463 materials protection area; or

3464 (ii) there is no reasonable and prudent alternative to the use of the land within the the
3465 relevant protection area for the project.

3466 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
3467 legislative body and the advisory board shall approve or reject the proposed condemnation.

3468 (b) If the applicable legislative body and the advisory board fail to act within the 60

3469 days or such further time as the applicable legislative body establishes, the condemnation shall
3470 be considered rejected.

3471 (6) The applicable legislative body or the advisory board may request the county or
3472 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
3473 this section.

3474 Section 60. Section **17-50-303** is amended to read:

3475 **17-50-303. County may not give or lend credit -- County may borrow in**
3476 **anticipation of revenues -- Assistance to nonprofit and private entities.**

3477 (1) A county may not give or lend its credit to or in aid of any person or corporation,
3478 or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

3479 (2) (a) A county may borrow money in anticipation of the collection of taxes and other
3480 county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local
3481 Government Bonding Act.

3482 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which
3483 funds of the county may be expended.

3484 (3) (a) A county may appropriate money to or provide nonmonetary assistance to a
3485 nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of
3486 the county legislative body, the assistance contributes to the safety, health, prosperity, moral
3487 well-being, peace, order, comfort, or convenience of county residents.

3488 (b) A county may appropriate money to a nonprofit entity from the county's own funds
3489 or from funds the county receives from the state or any other source.

3490 (4) (a) As used in this Subsection (4):

3491 (i) "Private enterprise" means a person that engages in an activity for profit.

3492 (ii) "Project" means an activity engaged in by a private enterprise.

3493 (b) A county may appropriate money in aid of a private enterprise project if:

3494 (i) subject to Subsection (4)(c), the county receives value in return for the money
3495 appropriated; and

3496 (ii) in the judgment of the county legislative body, the private enterprise project
3497 provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or
3498 convenience of the county residents.

3499 (c) The county shall measure the net value received by the county for money

3500 appropriated by the county to a private entity on a project-by-project basis over the life of the
3501 project.

3502 (d) (i) Before a county legislative body may appropriate funds in aid of a private
3503 enterprise project under this Subsection (4), the county legislative body shall:

3504 (A) adopt by ordinance criteria to determine what value, if any, the county will receive
3505 in return for money appropriated under this Subsection (4);

3506 (B) conduct a study as described in Subsection (4)(e) on the proposed appropriation
3507 and private enterprise project; and

3508 (C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed
3509 appropriation and the private enterprise project.

3510 (ii) The county legislative body may consider an intangible benefit as a value received
3511 by the county.

3512 (e) (i) Before publishing or posting notice in accordance with Subsection (4)(f), the
3513 county shall study:

3514 (A) any value the county will receive in return for money or resources appropriated to a
3515 private entity;

3516 (B) the county's purpose for the appropriation, including an analysis of the way the
3517 appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace,
3518 order, comfort, or convenience of the county residents; and

3519 (C) whether the appropriation is necessary and appropriate to accomplish the
3520 reasonable goals and objectives of the county in the area of economic development, job
3521 creation, affordable housing, elimination of a development impediment, as defined in Section
3522 [17C-1-102](#), job preservation, the preservation of historic structures, analyzing and improving
3523 county government structure or property, or any other public purpose.

3524 (ii) The county shall:

3525 (A) prepare a written report of the results of the study; and

3526 (B) make the report available to the public at least 14 days immediately prior to the
3527 scheduled day of the public hearing described in Subsection (4)(d)(i)(C).

3528 (f) The county shall publish notice of the public hearing required in Subsection
3529 (4)(d)(i)(C):

3530 (i) in a newspaper of general circulation at least 14 days before the date of the hearing

3531 or, if there is no newspaper of general circulation, by posting notice in at least three
3532 conspicuous places within the county for the same time period; and

3533 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at
3534 least 14 days before the date of the hearing.

3535 (g) (i) A person may appeal the decision of the county legislative body to appropriate
3536 funds under this Subsection (4).

3537 (ii) A person shall file an appeal with the district court within 30 days after the day on
3538 which the legislative body adopts an ordinance or approves a budget to appropriate the funds.

3539 (iii) A court shall:

3540 (A) presume that an ordinance adopted or appropriation made under this Subsection (4)
3541 is valid; and

3542 (B) determine only whether the ordinance or appropriation is arbitrary, capricious, or
3543 illegal.

3544 (iv) A determination of illegality requires a determination that the decision or
3545 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the
3546 ordinance was adopted.

3547 (v) The district court's review is limited to:

3548 (A) a review of the criteria adopted by the county legislative body under Subsection
3549 (4)(d)(i)(A);

3550 (B) the record created by the county legislative body at the public hearing described in
3551 Subsection (4)(d)(i)(C); and

3552 (C) the record created by the county in preparation of the study and the study itself as
3553 described in Subsection (4)(e).

3554 (vi) If there is no record, the court may call witnesses and take evidence.

3555 (h) This section applies only to an appropriation not otherwise approved in accordance
3556 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

3557 Section 61. Section **17B-1-106** is amended to read:

3558 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
3559 **certain property.**

3560 (1) As used in this section:

3561 (a) (i) "Affected entity" means each county, municipality, local district under this title,

3562 special service district, school district, interlocal cooperation entity established under Title 11,
3563 Chapter 13, Interlocal Cooperation Act, and specified public utility:

3564 (A) whose services or facilities are likely to require expansion or significant
3565 modification because of an intended use of land; or

3566 (B) that has filed with the local district a copy of the general or long-range plan of the
3567 county, municipality, local district, school district, interlocal cooperation entity, or specified
3568 public utility.

3569 (ii) "Affected entity" does not include the local district that is required under this
3570 section to provide notice.

3571 (b) "Specified public utility" means an electrical corporation, gas corporation, or
3572 telephone corporation, as those terms are defined in Section 54-2-1.

3573 (2) (a) If a local district under this title located in a county of the first or second class
3574 prepares a long-range plan regarding its facilities proposed for the future or amends an already
3575 existing long-range plan, the local district shall, before preparing a long-range plan or
3576 amendments to an existing long-range plan, provide written notice, as provided in this section,
3577 of its intent to prepare a long-range plan or to amend an existing long-range plan.

3578 (b) Each notice under Subsection (2)(a) shall:

3579 (i) indicate that the local district intends to prepare a long-range plan or to amend a
3580 long-range plan, as the case may be;

3581 (ii) describe or provide a map of the geographic area that will be affected by the
3582 long-range plan or amendments to a long-range plan;

3583 (iii) be:

3584 (A) sent to each county in whose unincorporated area and each municipality in whose
3585 boundaries is located the land on which the proposed long-range plan or amendments to a
3586 long-range plan are expected to indicate that the proposed facilities will be located;

3587 (B) sent to each affected entity;

3588 (C) sent to the Automated Geographic Reference Center created in Section 63F-1-506;

3589 (D) sent to each association of governments, established pursuant to an interlocal
3590 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
3591 municipality described in Subsection (2)(b)(iii)(A) is a member; and

3592 (E) (I) placed on the Utah Public Notice Website created under Section [63F-1-701]

3593 [63A-12-201](#), if the local district:

3594 (Aa) is required under Subsection [52-4-203\(3\)](#) to use that website to provide public
3595 notice of a meeting; or

3596 (Bb) voluntarily chooses to place notice on that website despite not being required to
3597 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

3598 (II) the state planning coordinator appointed under Section [63J-4-202](#), if the local
3599 district does not provide notice on the Utah Public Notice Website under Subsection
3600 (2)(b)(iii)(E)(I);

3601 (iv) with respect to the notice to counties and municipalities described in Subsection
3602 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to
3603 consider in the process of preparing, adopting, and implementing the long-range plan or
3604 amendments to a long-range plan concerning:

3605 (A) impacts that the use of land proposed in the proposed long-range plan or
3606 amendments to a long-range plan may have on the county, municipality, or affected entity; and

3607 (B) uses of land that the county, municipality, or affected entity is planning or
3608 considering that may conflict with the proposed long-range plan or amendments to a long-range
3609 plan; and

3610 (v) include the address of an Internet website, if the local district has one, and the name
3611 and telephone number of a person where more information can be obtained concerning the
3612 local district's proposed long-range plan or amendments to a long-range plan.

3613 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire
3614 real property in a county of the first or second class for the purpose of expanding the district's
3615 infrastructure or other facilities used for providing the services that the district is authorized to
3616 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire
3617 the property if the intended use of the property is contrary to:

3618 (i) the anticipated use of the property under the county or municipality's general plan;
3619 or

3620 (ii) the property's current zoning designation.

3621 (b) Each notice under Subsection (3)(a) shall:

3622 (i) indicate that the local district intends to acquire real property;

3623 (ii) identify the real property; and

3624 (iii) be sent to:
3625 (A) each county in whose unincorporated area and each municipality in whose
3626 boundaries the property is located; and
3627 (B) each affected entity.
3628 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
3629 [63G-2-305](#)(8).

3630 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district
3631 previously provided notice under Subsection (2) identifying the general location within the
3632 municipality or unincorporated part of the county where the property to be acquired is located.

3633 (ii) If a local district is not required to comply with the notice requirement of
3634 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide
3635 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real
3636 property.

3637 Section 62. Section **17B-1-211** is amended to read:

3638 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3639 (1) Before holding a public hearing or set of public hearings under Section [17B-1-210](#),
3640 the legislative body of each county or municipality with which a request is filed or that adopts a
3641 resolution under Subsection [17B-1-203](#)(1)(d) and the board of trustees of each local district
3642 that adopts a resolution under Subsection [17B-1-203](#)(1)(e) shall:

3643 (a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice
3644 in a newspaper or combination of newspapers of general circulation within the applicable area
3645 in accordance with Subsection (2); or

3646 (B) if there is no newspaper or combination of newspapers of general circulation
3647 within the applicable area, post notice in accordance with Subsection (2) at least one notice per
3648 1,000 population of that area and at places within the area that are most likely to provide actual
3649 notice to residents of the area; and

3650 (ii) publish notice on the Utah Public Notice Website created in Section [~~63F-1-701~~]
3651 [63A-12-201](#), for two weeks before the hearing or the first of the set of hearings; or

3652 (b) mail a notice to each registered voter residing within and each owner of real
3653 property located within the proposed local district.

3654 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

- 3655 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
3656 surrounded by a 1/4-inch border;
- 3657 (b) if possible, appear in a newspaper that is published at least one day per week;
- 3658 (c) if possible, appear in a newspaper of general interest and readership in the area and
3659 not of limited subject matter;
- 3660 (d) be placed in a portion of the newspaper other than where legal notices and
3661 classified advertisements appear; and
- 3662 (e) be published once each week for four consecutive weeks, with the final publication
3663 being no fewer than five and no more than 20 days before the hearing or the first of the set of
3664 hearings.

3665 (3) Each notice required under Subsection (1) shall:

3666 (a) if the hearing or set of hearings is concerning a resolution:

3667 (i) contain the entire text or an accurate summary of the resolution; and

3668 (ii) state the deadline for filing a protest against the creation of the proposed local
3669 district;

3670 (b) clearly identify each governing body involved in the hearing or set of hearings;

3671 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
3672 the hearing or set of hearings; and

3673 (d) describe or include a map of the entire proposed local district.

3674 (4) County or municipal legislative bodies may jointly provide the notice required
3675 under this section if all the requirements of this section are met as to each notice.

3676 Section 63. Section **17B-1-303** is amended to read:

3677 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
3678 **of board member contact information.**

3679 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each
3680 member of a board of trustees begins at noon on the January 1 following the member's election
3681 or appointment.

3682 (b) The term of each member of the initial board of trustees of a newly created local
3683 district begins:

3684 (i) upon appointment, for an appointed member; and

3685 (ii) upon the member taking the oath of office after the canvass of the election at which

3686 the member is elected, for an elected member.

3687 (c) The term of each water conservancy district board member whom the governor
3688 appoints in accordance with Subsection 17B-2a-1005(2)(c):

3689 (i) begins on the later of the following:

3690 (A) the date on which the Senate consents to the appointment; or

3691 (B) the expiration date of the prior term; and

3692 (ii) ends on the February 1 that is approximately four years after the date described in
3693 Subsection (1)(c)(i)(A) or (B).

3694 (d) The term of a member of a board of trustees whom an appointing authority appoints
3695 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

3696 (e) If the member of the board of trustees fails to assume or qualify for office on
3697 January 1 for any reason, the term begins on the date the member assumes or qualifies for
3698 office.

3699 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)
3700 and (iii), the term of each member of a board of trustees is four years, except that
3701 approximately half the members of the initial board of trustees, chosen by lot, shall serve a
3702 two-year term so that the term of approximately half the board members expires every two
3703 years.

3704 (ii) If the terms of members of the initial board of trustees of a newly created local
3705 district do not begin on January 1 because of application of Subsection (1)(b), the terms of
3706 those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the
3707 terms of their successors complying with:

3708 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following
3709 a member's election or appointment; and

3710 (B) the requirement under Subsection (2)(a)(i) that terms be four years.

3711 (iii) If the term of a member of a board of trustees does not begin on January 1 because
3712 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term
3713 complying with the requirement under Subsection (1)(a) that the successor member's term,
3714 regardless of whether the incumbant is the successor, begins at noon on January 1 following the
3715 successor member's election or appointment.

3716 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or

3717 subtract more than a year from a member's term.

3718 (b) Each board of trustees member shall serve until a successor is duly elected or
3719 appointed and qualified, unless the member earlier is removed from office or resigns or
3720 otherwise leaves office.

3721 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
3722 17B-1-302(1), (2), or (3), or if the member's term expires without a duly elected or appointed
3723 successor:

3724 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and

3725 (ii) the member may continue to serve until a successor is duly elected or appointed
3726 and qualified.

3727 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
3728 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.

3729 (ii) A judge, county clerk, notary public, or the local district clerk may administer an
3730 oath of office.

3731 (b) The member of the board of trustees taking the oath of office shall file the oath of
3732 office with the clerk of the local district.

3733 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
3734 does not invalidate any official act of that member.

3735 (4) A board of trustees member may serve any number of terms.

3736 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
3737 trustees position is filled in accordance with Section 20A-1-512.

3738 (b) When the number of members of a board of trustees increases in accordance with
3739 Subsection 17B-1-302(6), the appointing authority may appoint an individual to fill a new
3740 board of trustees position in accordance with Section 17B-1-304 or 20A-1-512.

3741 (6) (a) For purposes of this Subsection (6):

3742 (i) "Appointed official" means a person who:

3743 (A) is appointed as a member of a local district board of trustees by a county or
3744 municipality that is entitled to appoint a member to the board; and

3745 (B) holds an elected position with the appointing county or municipality.

3746 (ii) "Appointing entity" means the county or municipality that appointed the appointed
3747 official to the board of trustees.

3748 (b) The board of trustees shall declare a midterm vacancy for the board position held
3749 by an appointed official if:

3750 (i) during the appointed official's term on the board of trustees, the appointed official
3751 ceases to hold the elected position with the appointing entity; and

3752 (ii) the appointing entity submits a written request to the board to declare the vacancy.

3753 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
3754 appointing entity shall appoint another person to fill the remaining unexpired term on the board
3755 of trustees.

3756 (7) (a) Each member of a board of trustees shall give a bond for the faithful
3757 performance of the member's duties, in the amount and with the sureties that the board of
3758 trustees prescribes.

3759 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).

3760 (8) (a) The lieutenant governor may extend the term of an elected district board
3761 member by one year in order to compensate for a change in the election year under Subsection
3762 [17B-1-306](#)(14).

3763 (b) When the number of members of a board of trustees increases in accordance with
3764 Subsection [17B-1-302](#)(6), to ensure that the term of approximately half of the board members
3765 expires every two years in accordance with Subsection (2)(a):

3766 (i) the board shall set shorter terms for approximately half of the new board members,
3767 chosen by lot; and

3768 (ii) the initial term of a new board member position may be less than two or four years.

3769 (9) (a) A local district shall:

3770 (i) post on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#)
3771 the name, phone number, and email address of each member of the local district's board of
3772 trustees;

3773 (ii) update the information described in Subsection (9)(a)(i) when:

3774 (A) the membership of the board of trustees changes; or

3775 (B) a member of the board of trustees' phone number or email address changes; and

3776 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
3777 on which the change requiring the update occurs.

3778 (b) This Subsection (9) applies regardless of whether the county or municipal

3779 legislative body also serves as the board of trustees of the local district.

3780 Section 64. Section **17B-1-306** is amended to read:

3781 **17B-1-306. Local district board -- Election procedures.**

3782 (1) Except as provided in Subsection (12), each elected board member shall be selected
3783 as provided in this section.

3784 (2) (a) Each election of a local district board member shall be held:

3785 (i) at the same time as the municipal general election or the regular general election, as
3786 applicable; and

3787 (ii) at polling places designated by the local district board in consultation with the
3788 county clerk for each county in which the local district is located, which polling places shall
3789 coincide with municipal general election or regular general election polling places, as
3790 applicable, whenever feasible.

3791 (b) The local district board, in consultation with the county clerk, may consolidate two
3792 or more polling places to enable voters from more than one district to vote at one consolidated
3793 polling place.

3794 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
3795 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
3796 polling place per division of the district, designated by the district board.

3797 (ii) Each polling place designated by an irrigation district board under Subsection
3798 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
3799 (2)(a)(ii).

3800 (3) The clerk of each local district with a board member position to be filled at the next
3801 municipal general election or regular general election, as applicable, shall provide notice of:

3802 (a) each elective position of the local district to be filled at the next municipal general
3803 election or regular general election, as applicable;

3804 (b) the constitutional and statutory qualifications for each position; and

3805 (c) the dates and times for filing a declaration of candidacy.

3806 (4) The clerk of the local district shall publish the notice described in Subsection (3):

3807 (a) by posting the notice on the Utah Public Notice Website created in Section
3808 ~~[63F-1-701]~~ [63A-12-201](#), for 10 days before the first day for filing a declaration of candidacy;
3809 and

3810 (b) (i) by posting the notice in at least five public places within the local district at least
3811 10 days before the first day for filing a declaration of candidacy; or

3812 (ii) publishing the notice:

3813 (A) in a newspaper of general circulation within the local district at least three but no
3814 more than 10 days before the first day for filing a declaration of candidacy;

3815 (B) in accordance with Section 45-1-101, for 10 days before the first day for filing a
3816 declaration of candidacy; and

3817 (c) if the local district has a website, on the local district's website for 10 days before
3818 the first day for filing a declaration of candidacy.

3819 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
3820 local district board position, an individual shall file a declaration of candidacy in person with
3821 an official designated by the local district, during office hours, within the candidate filing
3822 period for the applicable election year in which the election for the local district board is held.

3823 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
3824 filing time shall be extended until the close of normal office hours on the following regular
3825 business day.

3826 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
3827 declaration of candidacy with the official designated by the local district if:

3828 (i) the individual is located outside of the state during the entire filing period;

3829 (ii) the designated agent appears in person before the official designated by the local
3830 district; and

3831 (iii) the individual communicates with the official designated by the local district using
3832 an electronic device that allows the individual and official to see and hear each other.

3833 (d) (i) Before the filing officer may accept any declaration of candidacy from an
3834 individual, the filing officer shall:

3835 (A) read to the individual the constitutional and statutory qualification requirements for
3836 the office that the individual is seeking; and

3837 (B) require the individual to state whether the individual meets those requirements.

3838 (ii) If the individual does not meet the qualification requirements for the office, the
3839 filing officer may not accept the individual's declaration of candidacy.

3840 (iii) If it appears that the individual meets the requirements of candidacy, the filing

3841 officer shall accept the individual's declaration of candidacy.

3842 (e) The declaration of candidacy shall be in substantially the following form:

3843 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
 3844 _____, City of _____, County of _____, state of Utah, (Zip
 3845 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
 3846 office of board of trustees member for _____ (state the name of the local
 3847 district); that I am a candidate for that office to be voted upon at the next election; and that, if
 3848 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
 3849 period, and I hereby request that my name be printed upon the official ballot for that election.

3850 (Signed) _____

3851 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
 3852 of _____, _____.

3853 (Signed) _____

3854 (Clerk or Notary Public)"

3855 (f) An agent designated under Subsection (5)(c) may not sign the form described in
 3856 Subsection (5)(e).

3857 (g) Each individual wishing to become a valid write-in candidate for an elective local
 3858 district board position is governed by Section [20A-9-601](#).

3859 (h) If at least one individual does not file a declaration of candidacy as required by this
 3860 section, an individual shall be appointed to fill that board position in accordance with the
 3861 appointment provisions of Section [20A-1-512](#).

3862 (i) If only one candidate files a declaration of candidacy and there is no write-in
 3863 candidate who complies with Section [20A-9-601](#), the board, in accordance with Section
 3864 [20A-1-206](#), may:

3865 (i) consider the candidate to be elected to the position; and

3866 (ii) cancel the election.

3867 (6) (a) A primary election may be held if:

3868 (i) the election is authorized by the local district board; and

3869 (ii) the number of candidates for a particular local board position or office exceeds
 3870 twice the number of persons needed to fill that position or office.

3871 (b) The primary election shall be conducted:

3872 (i) on the same date as the municipal primary election or the regular primary election,
3873 as applicable; and

3874 (ii) according to the procedures for primary elections provided under Title 20A,
3875 Election Code.

3876 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
3877 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
3878 names to the clerk of each county in which the local district is located.

3879 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
3880 20A-6-305, the clerk of each county in which the local district is located and the local district
3881 clerk shall coordinate the placement of the name of each candidate for local district office in
3882 the nonpartisan section of the ballot with the appropriate election officer.

3883 (ii) If consolidation of the local district election ballot with the municipal general
3884 election ballot or the regular general election ballot, as applicable, is not feasible, the local
3885 district board of trustees, in consultation with the county clerk, shall provide for a separate
3886 local district election ballot to be administered by poll workers at polling locations designated
3887 under Subsection (2).

3888 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
3889 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3890 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
3891 prescribe the form of the ballot for each board member election.

3892 (B) Each ballot for an election of an irrigation district board member shall be in a
3893 nonpartisan format.

3894 (C) The name of each candidate shall be placed on the ballot in the order specified
3895 under Section 20A-6-305.

3896 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

3897 (i) be a registered voter within the district, except for an election of:

3898 (A) an irrigation district board of trustees member; or

3899 (B) a basic local district board of trustees member who is elected by property owners;

3900 and

3901 (ii) meet the requirements to vote established by the district.

3902 (b) Each voter may vote for as many candidates as there are offices to be filled.

3903 (c) The candidates who receive the highest number of votes are elected.

3904 (9) Except as otherwise provided by this section, the election of local district board
3905 members is governed by Title 20A, Election Code.

3906 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
3907 local district board shall serve a four-year term, beginning at noon on the January 1 after the
3908 person's election.

3909 (b) A person elected shall be sworn in as soon as practical after January 1.

3910 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
3911 the county or municipality holding an election under this section for the costs of the election
3912 attributable to that local district.

3913 (b) Each irrigation district shall bear its own costs of each election it holds under this
3914 section.

3915 (12) This section does not apply to an improvement district that provides electric or gas
3916 service.

3917 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
3918 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

3919 (14) (a) As used in this Subsection (14), "board" means:

3920 (i) a local district board; or

3921 (ii) the administrative control board of a special service district that has elected
3922 members on the board.

3923 (b) A board may hold elections for membership on the board at a regular general
3924 election instead of a municipal general election if the board submits an application to the
3925 lieutenant governor that:

3926 (i) requests permission to hold elections for membership on the board at a regular
3927 general election instead of a municipal general election; and

3928 (ii) indicates that holding elections at the time of the regular general election is
3929 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
3930 material reason.

3931 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
3932 governor may approve the application if the lieutenant governor concludes that holding the
3933 elections at the regular general election is beneficial based on the criteria described in

3934 Subsection (14)(b)(ii).

3935 (d) If the lieutenant governor approves a board's application described in this section:

3936 (i) all future elections for membership on the board shall be held at the time of the
3937 regular general election; and

3938 (ii) the board may not hold elections at the time of a municipal general election unless
3939 the board receives permission from the lieutenant governor to hold all future elections for
3940 membership on the board at a municipal general election instead of a regular general election,
3941 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3942 Section 65. Section **17B-1-413** is amended to read:

3943 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
3944 **petitions.**

3945 (1) Section **17B-1-412** does not apply, and, except as provided in Subsection (2)(a),
3946 Sections **17B-1-409** and **17B-1-410** do not apply:

3947 (a) if the process to annex an area to a local district was initiated by:

3948 (i) a petition under Subsection **17B-1-403(1)(a)(i)**;

3949 (ii) a petition under Subsection **17B-1-403(1)(a)(ii)(A)** that was signed by the owners
3950 of private real property that:

3951 (A) is located within the area proposed to be annexed;

3952 (B) covers at least 75% of the total private land area within the entire area proposed to
3953 be annexed and within each applicable area; and

3954 (C) is equal in assessed value to at least 75% of the assessed value of all private real
3955 property within the entire area proposed to be annexed and within each applicable area; or

3956 (iii) a petition under Subsection **17B-1-403(1)(a)(ii)(B)** that was signed by registered
3957 voters residing within the entire area proposed to be annexed and within each applicable area
3958 equal in number to at least 75% of the number of votes cast within the entire area proposed to
3959 be annexed and within each applicable area, respectively, for the office of governor at the last
3960 regular general election before the filing of the petition;

3961 (b) to an annexation under Section **17B-1-415**; or

3962 (c) to a boundary adjustment under Section **17B-1-417**.

3963 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
3964 Section **17B-1-405**, the local district board:

3965 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);
3966 and

3967 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
3968 [17B-1-409](#) after giving notice of the public hearing as provided in Subsection (2)(b); and

3969 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
3970 hold a public hearing as provided in Section [17B-1-409](#) if a written request to do so is
3971 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to
3972 the local district board by an owner of property that is located within or a registered voter
3973 residing within the area proposed to be annexed who did not sign the annexation petition.

3974 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

3975 (i) be given:

3976 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
3977 certification; or

3978 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
3979 than 30 days before the public hearing; and

3980 (B) by:

3981 (I) posting written notice at the local district's principal office and in one or more other
3982 locations within or proximate to the area proposed to be annexed as are reasonable under the
3983 circumstances, considering the number of parcels included in that area, the size of the area, the
3984 population of the area, and the contiguousness of the area; and

3985 (II) providing written notice:

3986 (Aa) to at least one newspaper of general circulation, if there is one, within the area
3987 proposed to be annexed or to a local media correspondent; and

3988 (Bb) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);
3989 and

3990 (ii) contain a brief explanation of the proposed annexation and include the name of the
3991 local district, the service provided by the local district, a description or map of the area
3992 proposed to be annexed, a local district telephone number where additional information about
3993 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
3994 explanation of the right of a property owner or registered voter to request a public hearing as
3995 provided in Subsection (2)(a)(ii)(B).

3996 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
3997 required for a public hearing under Subsection (2)(a)(ii)(A).

3998 Section 66. Section **17B-1-417** is amended to read:

3999 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
4000 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
4001 **Recording requirements -- Effective date.**

4002 (1) As used in this section, "affected area" means the area located within the
4003 boundaries of one local district that will be removed from that local district and included within
4004 the boundaries of another local district because of a boundary adjustment under this section.

4005 (2) The boards of trustees of two or more local districts having a common boundary
4006 and providing the same service on the same wholesale or retail basis may adjust their common
4007 boundary as provided in this section.

4008 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
4009 common with another local district shall:

4010 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4011 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
4012 after the adoption of the resolution under Subsection (3)(a)(i); and

4013 (iii) (A) publish notice:

4014 (I) (Aa) once a week for two successive weeks in a newspaper of general circulation
4015 within the local district; or

4016 (Bb) if there is no newspaper of general circulation within the local district, post notice
4017 in at least four conspicuous places within the local district; and

4018 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for
4019 two weeks; or

4020 (B) mail a notice to each owner of property located within the affected area and to each
4021 registered voter residing within the affected area.

4022 (b) The notice required under Subsection (3)(a)(iii) shall:

4023 (i) state that the board of trustees of the local district has adopted a resolution
4024 indicating the board's intent to adjust a boundary that the local district has in common with
4025 another local district that provides the same service as the local district;

4026 (ii) describe the affected area;

4027 (iii) state the date, time, and location of the public hearing required under Subsection
4028 (3)(a)(ii);

4029 (iv) provide a local district telephone number where additional information about the
4030 proposed boundary adjustment may be obtained;

4031 (v) explain the financial and service impacts of the boundary adjustment on property
4032 owners or residents within the affected area; and

4033 (vi) state in conspicuous and plain terms that the board of trustees may approve the
4034 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
4035 written protests to the adjustment are filed with the board by:

4036 (A) the owners of private real property that:

4037 (I) is located within the affected area;

4038 (II) covers at least 50% of the total private land area within the affected area; and

4039 (III) is equal in assessed value to at least 50% of the assessed value of all private real
4040 property within the affected area; or

4041 (B) registered voters residing within the affected area equal in number to at least 50%
4042 of the votes cast in the affected area for the office of governor at the last regular general
4043 election before the filing of the protests.

4044 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
4045 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

4046 (d) The boards of trustees of the local districts whose boundaries are being adjusted
4047 may jointly:

4048 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

4049 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4050 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
4051 may adopt a resolution approving the adjustment of the common boundary unless, at or before
4052 the public hearing, written protests to the boundary adjustment have been filed with the board
4053 by:

4054 (a) the owners of private real property that:

4055 (i) is located within the affected area;

4056 (ii) covers at least 50% of the total private land area within the affected area; and

4057 (iii) is equal in assessed value to at least 50% of the assessed value of all private real

4058 property within the affected area; or

4059 (b) registered voters residing within the affected area equal in number to at least 50%
4060 of the votes cast in the affected area for the office of governor at the last regular general
4061 election before the filing of the protests.

4062 (5) A resolution adopted under Subsection (4) does not take effect until the board of
4063 each local district whose boundaries are being adjusted has adopted a resolution under
4064 Subsection (4).

4065 (6) The board of the local district whose boundaries are being adjusted to include the
4066 affected area shall:

4067 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
4068 lieutenant governor:

4069 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
4070 that meets the requirements of Subsection 67-1a-6.5(3); and

4071 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

4072 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
4073 under Section 67-1a-6.5:

4074 (i) if the affected area is located within the boundary of a single county, submit to the
4075 recorder of that county:

4076 (A) the original:

4077 (I) notice of an impending boundary action;

4078 (II) certificate of boundary adjustment; and

4079 (III) approved final local entity plat; and

4080 (B) a certified copy of each resolution adopted under Subsection (4); or

4081 (ii) if the affected area is located within the boundaries of more than a single county:

4082 (A) submit to the recorder of one of those counties:

4083 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

4084 (II) a certified copy of each resolution adopted under Subsection (4); and

4085 (B) submit to the recorder of each other county:

4086 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

4087 and

4088 (II) a certified copy of each resolution adopted under Subsection (4).

4089 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment
4090 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are
4091 being adjusted to include the affected area, and the affected area is withdrawn from the local
4092 district whose boundaries are being adjusted to exclude the affected area.

4093 (b) (i) The effective date of a boundary adjustment under this section for purposes of
4094 assessing property within the affected area is governed by Section 59-2-305.5.

4095 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
4096 recorder of the county in which the property is located, a local district in whose boundary an
4097 affected area is included because of a boundary adjustment under this section may not:

4098 (A) levy or collect a property tax on property within the affected area;

4099 (B) levy or collect an assessment on property within the affected area; or

4100 (C) charge or collect a fee for service provided to property within the affected area.

4101 (iii) Subsection (7)(b)(ii)(C):

4102 (A) may not be construed to limit a local district's ability before a boundary adjustment
4103 to charge and collect a fee for service provided to property that is outside the local district's
4104 boundary; and

4105 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
4106 local district's boundary adjustment, with respect to a fee that the local district was charging for
4107 service provided to property within the area affected by the boundary adjustment immediately
4108 before the boundary adjustment.

4109 Section 67. Section 17B-1-505.5 is amended to read:

4110 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**
4111 **district providing fire protection, paramedic, and emergency services or law enforcement**
4112 **service.**

4113 (1) As used in this section:

4114 (a) "Feasibility consultant" means a person with expertise in:

4115 (i) the processes and economics of local government; and

4116 (ii) the economics of providing fire protection, paramedic, and emergency services or
4117 law enforcement service.

4118 (b) "Feasibility study" means a study to determine the functional and financial
4119 feasibility of a municipality's withdrawal from a first responder local district.

4120 (c) "First responder district" means a local district, other than a municipal services
4121 district, that provides:

- 4122 (i) fire protection, paramedic, and emergency services; or
- 4123 (ii) law enforcement service.

4124 (d) "Withdrawing municipality" means a municipality whose legislative body has
4125 adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the
4126 municipality's withdrawal from a first responder district.

4127 (2) This section applies and a feasibility study shall be conducted, as provided in this
4128 section, if:

4129 (a) the legislative body of a municipality has adopted a resolution under Subsection
4130 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder
4131 district;

4132 (b) the municipality and first responder district have not agreed in writing to the
4133 withdrawal; and

4134 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election
4135 to be held approving the withdrawal.

4136 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first
4137 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

4138 (b) The withdrawing municipality and first responder district shall jointly choose and
4139 engage a feasibility consultant according to applicable municipal or local district procurement
4140 procedures.

4141 (c) (i) If the withdrawing municipality and first responder district cannot agree on and
4142 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the
4143 legislative body of the withdrawing municipality submits written notice to the first responder
4144 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder
4145 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of
4146 at least eight feasibility consultants provided by the Utah Association of Certified Public
4147 Accountants.

4148 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a
4149 feasibility consultant that has had a contract to provide services to the withdrawing
4150 municipality or first responder district at any time during the two-year period immediately

4151 preceding the date the list is provided under Subsection (3)(c)(i).

4152 (iii) (A) Beginning with the first responder district, the first responder district and
4153 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
4154 list of feasibility consultants until one feasibility consultant remains.

4155 (B) Within five days after receiving the list of consultants from the Utah Association of
4156 Certified Public Accountants, the first responder district shall make the first elimination of a
4157 feasibility consultant from the list and notify the withdrawing municipality in writing of the
4158 elimination.

4159 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
4160 municipality and first responder district shall each, within three days after receiving the written
4161 notification of the preceding elimination, notify the other in writing of the elimination of a
4162 feasibility consultant from the list.

4163 (d) If a withdrawing municipality and first responder district do not engage a feasibility
4164 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
4165 shall engage the feasibility consultant that has not been eliminated from the list at the
4166 completion of the process described in Subsection (3)(c).

4167 (4) A feasibility consultant that conducts a feasibility study under this section shall be
4168 independent of and unaffiliated with the withdrawing municipality and first responder district.

4169 (5) In conducting a feasibility study under this section, the feasibility consultant shall
4170 consider:

4171 (a) population and population density within the withdrawing municipality;

4172 (b) current and five-year projections of demographics and economic base in the
4173 withdrawing municipality, including household size and income, commercial and industrial
4174 development, and public facilities;

4175 (c) projected growth in the withdrawing municipality during the next five years;

4176 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
4177 including overhead, of providing the same service in the withdrawing municipality as is
4178 provided by the first responder district, including:

4179 (i) the estimated cost if the first responder district continues to provide service; and

4180 (ii) the estimated cost if the withdrawing municipality provides service;

4181 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,

4182 including overhead, of the first responder district providing service with:

4183 (i) the municipality included in the first responder district's service area; and

4184 (ii) the withdrawing municipality excluded from the first responder district's service
4185 area;

4186 (f) a projection of any new taxes per household that may be levied within the
4187 withdrawing municipality within five years after the withdrawal;

4188 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
4189 municipalities and unincorporated areas served by the first responder district, including any rate
4190 increase that may become necessary to maintain required coverage ratios for the first responder
4191 district's debt;

4192 (h) the physical and other assets that will be required by the withdrawing municipality
4193 to provide, without interruption or diminution of service, the same service that is being
4194 provided by the first responder district;

4195 (i) the physical and other assets that will no longer be required by the first responder
4196 district to continue to provide the current level of service to the remainder of the first responder
4197 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
4198 municipality;

4199 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
4200 district's assets between the first responder district and the withdrawing municipality, effective
4201 upon the withdrawal of the withdrawing municipality from the first responder district;

4202 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
4203 responder district and any local building authority of the first responder district, between the
4204 withdrawing municipality and the remaining first responder district, taking into consideration:

4205 (i) any requirement to maintain the excludability of interest from the income of the
4206 holder of the debt, liability, or obligation for federal income tax purposes; and

4207 (ii) any first responder district assets that have been purchased with the proceeds of
4208 bonds issued by the first responder district that the first responder district will retain and any of
4209 those assets that will be transferred to the withdrawing municipality;

4210 (l) the number and classification of first responder district employees who will no
4211 longer be required to serve the remaining portions of the first responder district after the
4212 withdrawing municipality withdraws from the first responder district, including the dollar

4213 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
4214 associated with termination of the employees if the withdrawing municipality does not employ
4215 the employees;

4216 (m) maintaining as a base, for a period of three years after withdrawal, the existing
4217 schedule of pay and benefits for first responder district employees who are transferred to the
4218 employment of the withdrawing municipality; and

4219 (n) any other factor that the feasibility consultant considers relevant to the question of
4220 the withdrawing municipality's withdrawal from the first responder district.

4221 (6) (a) For purposes of Subsections (5)(d) and (e):

4222 (i) the feasibility consultant shall assume a level and quality of service to be provided
4223 in the future to the withdrawing municipality that fairly and reasonably approximates the level
4224 and quality of service that the first responder district provides to the withdrawing municipality
4225 at the time of the feasibility study;

4226 (ii) in determining the present value cost of a service that the first responder district
4227 provides, the feasibility consultant shall consider:

4228 (A) the cost to the withdrawing municipality of providing the service for the first five
4229 years after the withdrawal; and

4230 (B) the first responder district's present and five-year projected cost of providing the
4231 same service within the withdrawing municipality; and

4232 (iii) the feasibility consultant shall consider inflation and anticipated growth in
4233 calculating the cost of providing service.

4234 (b) The feasibility consultant may not consider an allocation of first responder district
4235 assets or a transfer of first responder district employees to the extent that the allocation or
4236 transfer would impair the first responder district's ability to continue to provide the current
4237 level of service to the remainder of the first responder district without the withdrawing
4238 municipality, unless the first responder district consents to the allocation or transfer.

4239 (7) A feasibility consultant may retain an architect, engineer, or other professional, as
4240 the feasibility consultant considers prudent and as provided in the agreement with the
4241 withdrawing municipality and first responder district, to assist the feasibility consultant to
4242 conduct a feasibility study.

4243 (8) The withdrawing municipality and first responder district shall require the

4244 feasibility consultant to:

4245 (a) complete the feasibility study within a time established by the withdrawing
4246 municipality and first responder district;

4247 (b) prepare and submit a written report communicating the results of the feasibility
4248 study, including a one-page summary of the results; and

4249 (c) attend all public hearings relating to the feasibility study under Subsection (14).

4250 (9) A written report of the results of a feasibility study under this section shall:

4251 (a) contain a recommendation concerning whether a withdrawing municipality's
4252 withdrawal from a first responder district is functionally and financially feasible for both the
4253 first responder district and the withdrawing municipality; and

4254 (b) include any conditions the feasibility consultant determines need to be satisfied in
4255 order to make the withdrawal functionally and financially feasible, including:

4256 (i) first responder district assets and liabilities to be allocated to the withdrawing
4257 municipality; and

4258 (ii) (A) first responder district employees to become employees of the withdrawing
4259 municipality; and

4260 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
4261 responder district employees that the withdrawing municipality needs to assume.

4262 (10) The withdrawing municipality and first responder district shall equally share the
4263 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
4264 municipality and first responder district and the feasibility consultant.

4265 (11) (a) Upon completion of the feasibility study and preparation of a written report,
4266 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and
4267 first responder district.

4268 (b) (i) A withdrawing municipality or first responder district that disagrees with any
4269 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
4270 report under Subsection (11)(a), submit to the feasibility consultant a written objection
4271 detailing the disagreement.

4272 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
4273 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

4274 (B) A first responder district that submits a written objection under Subsection

4275 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

4276 (iii) A withdrawing municipality or first responder district may, within 10 business
4277 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
4278 consultant a written response to the objection.

4279 (iv) (A) A withdrawing municipality that submits a response under Subsection
4280 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

4281 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
4282 simultaneously deliver a copy of the response to the withdrawing municipality.

4283 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
4284 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for
4285 submitting a response to an objection:

4286 (A) modify the feasibility study report or explain in writing why the feasibility
4287 consultant is not modifying the feasibility study report; and

4288 (B) deliver the modified feasibility study report or written explanation to the
4289 withdrawing municipality and first responder local district.

4290 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
4291 for submitting an objection or, if an objection is submitted, within seven days after receiving a
4292 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
4293 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

4294 (a) make a copy of the report available to the public at the primary office of the
4295 withdrawing municipality; and

4296 (b) if the withdrawing municipality has a website, post a copy of the report on the
4297 municipality's website.

4298 (13) A feasibility study report or, if a feasibility study report is modified under
4299 Subsection (11), a modified feasibility study report may not be challenged unless the basis of
4300 the challenge is that the report results from collusion or fraud.

4301 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
4302 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
4303 the withdrawing municipality's receipt of the modified feasibility study report or written
4304 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
4305 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be

4306 held:

4307 (i) within the following 60 days; and

4308 (ii) for the purpose of allowing:

4309 (A) the feasibility consultant to present the results of the feasibility study; and

4310 (B) the public to become informed about the feasibility study results, to ask the
4311 feasibility consultant questions about the feasibility study, and to express the public's views
4312 about the proposed withdrawal.

4313 (b) At a public hearing under Subsection (14)(a), the legislative body of the
4314 withdrawing municipality shall:

4315 (i) provide a copy of the feasibility study for public review; and

4316 (ii) allow the public to:

4317 (A) ask the feasibility consultant questions about the feasibility study; and

4318 (B) express the public's views about the withdrawing municipality's proposed
4319 withdrawal from the first responder district.

4320 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a
4321 hearing under Subsection (14):

4322 (i) at least once a week for three successive weeks in a newspaper of general
4323 circulation within the withdrawing municipality, with the last publication occurring no less
4324 than three days before the first public hearing held under Subsection (14); and

4325 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
4326 three consecutive weeks immediately before the public hearing.

4327 (b) A notice under Subsection (15)(a) shall state:

4328 (i) the date, time, and location of the public hearing; and

4329 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the
4330 office of the withdrawing municipality or on the withdrawing municipality's website.

4331 (16) Unless the withdrawing municipality and first responder district agree otherwise,
4332 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
4333 be functionally and financially feasible for the withdrawing municipality and first responder
4334 district are binding on the withdrawing municipality and first responder district if the
4335 withdrawal occurs.

4336 Section 68. Section **17B-1-609** is amended to read:

4337 **17B-1-609. Hearing to consider adoption -- Notice.**

4338 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

4339 (a) establish the time and place of a public hearing to consider its adoption; and

4340 (b) except as provided in Subsection (6), order that notice of the hearing:

4341 (i) (A) be published at least seven days before the hearing in at least one issue of a

4342 newspaper of general circulation in the county or counties in which the district is located; or

4343 (B) if no newspaper is circulated generally in the county or counties, be posted in three

4344 public places within the district; and

4345 (ii) be published at least seven days before the hearing on the Utah Public Notice

4346 Website created in Section ~~[63F-1-701]~~ [63A-12-201](#).4347 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
4348 required in Subsection (1)(b):4349 (a) may be combined with the notice required under Section [59-2-919](#); and

4350 (b) shall be published in accordance with the advertisement provisions of Section

4351 [59-2-919](#).4352 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
4353 notice required in Subsection (1)(b):4354 (a) may be combined with the notice required under Section [17B-1-643](#); and

4355 (b) shall be published or mailed in accordance with the notice provisions of Section

4356 [17B-1-643](#).4357 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
4358 prima facie evidence that notice was properly given.4359 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
4360 30 days after the day on which the hearing is held, the notice is adequate and proper.4361 (6) A board of trustees of a local district with an annual operating budget of less than
4362 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

4363 (a) mailing a written notice, postage prepaid, to each voter in the local district; and

4364 (b) posting the notice in three public places within the district.

4365 Section 69. Section **17B-1-643** is amended to read:4366 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

4367 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided

4368 by a local district, each local district board of trustees shall first hold a public hearing at which:

4369 (i) the local district shall demonstrate its need to impose or increase the fee; and

4370 (ii) any interested person may speak for or against the proposal to impose a fee or to
4371 increase an existing fee.

4372 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
4373 no earlier than 6 p.m.

4374 (c) A public hearing required under this Subsection (1) may be combined with a public
4375 hearing on a tentative budget required under Section [17B-1-610](#).

4376 (d) Except to the extent that this section imposes more stringent notice requirements,
4377 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
4378 in holding the public hearing under Subsection (1)(a).

4379 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
4380 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

4381 (b) The notice required under Subsection (2)(a) shall be published:

4382 (i) on the Utah Public Notice Website established in Section [\[63F-1-701\]](#) [63A-12-201](#);
4383 and

4384 (ii) (A) in a newspaper or combination of newspapers of general circulation in the local
4385 district, if there is a newspaper or combination of newspapers of general circulation in the local
4386 district; or

4387 (B) if there is no newspaper or combination of newspapers of general circulation in the
4388 local district, the local district board shall post at least one notice per 1,000 population within
4389 the local district, at places within the local district that are most likely to provide actual notice
4390 to residents within the local district.

4391 (c) (i) The notice described in Subsection (2)(b)(ii)(A):

4392 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
4393 point, and surrounded by a 1/4-inch border;

4394 (B) may not be placed in that portion of the newspaper where legal notices and
4395 classified advertisements appear;

4396 (C) whenever possible, shall appear in a newspaper that is published at least one day
4397 per week;

4398 (D) shall be in a newspaper or combination of newspapers of general interest and

4399 readership in the local district, and not of limited subject matter; and

4400 (E) shall be run once each week for the two weeks preceding the hearing.

4401 (ii) The notice described in Subsection (2)(b) shall state that the local district board
4402 intends to impose or increase a fee for a service provided by the local district and will hold a
4403 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than
4404 seven days after the day the first notice is published, for the purpose of hearing comments
4405 regarding the proposed imposition or increase of a fee and to explain the reasons for the
4406 proposed imposition or increase.

4407 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
4408 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
4409 within the district who:

4410 (A) will be charged the fee for a district service, if the fee is being imposed for the first
4411 time; or

4412 (B) are being charged a fee, if the fee is proposed to be increased.

4413 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)(ii).

4414 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
4415 fee.

4416 (e) If the hearing required under this section is combined with the public hearing
4417 required under Section 17B-1-610, the notice required under this Subsection (2):

4418 (i) may be combined with the notice required under Section 17B-1-609; and

4419 (ii) shall be published, posted, or mailed in accordance with the notice provisions of
4420 this section.

4421 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
4422 evidence that notice was properly given.

4423 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
4424 within 30 days after the date of the hearing, the notice is considered adequate and proper.

4425 (3) After holding a public hearing under Subsection (1), a local district board may:

4426 (a) impose the new fee or increase the existing fee as proposed;

4427 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
4428 then impose the new fee or increase the existing fee as adjusted; or

4429 (c) decline to impose the new fee or increase the existing fee.

4430 (4) This section applies to each new fee imposed and each increase of an existing fee
4431 that occurs on or after July 1, 1998.

4432 (5) (a) This section does not apply to an impact fee.

4433 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
4434 Impact Fees Act.

4435 Section 70. Section **17B-1-1204** is amended to read:

4436 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
4437 **supplemented validation petition.**

4438 (1) Upon the entry of an order under Section [17B-1-1203](#) setting a hearing on a
4439 validation petition, the local district that filed the petition shall:

4440 (a) publish notice:

4441 (i) at least once a week for three consecutive weeks in a newspaper of general
4442 circulation in the county in which the principal office of the district is located; and

4443 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
4444 three weeks immediately before the hearing; and

4445 (b) post notice in its principal office at least 21 days before the date set for the hearing.

4446 (2) Each notice under Subsection (1) shall:

4447 (a) state the date, time, and place of the hearing on the validation petition;

4448 (b) include a general description of the contents of the validation petition; and

4449 (c) if applicable, state the location where a complete copy of a contract that is the
4450 subject of the validation petition may be examined.

4451 (3) If a district amends or supplements a validation petition under Subsection
4452 [17B-1-1202](#)(3) after publishing and posting notice as required under Subsection (1), the district
4453 is not required to publish or post notice again unless required by the court.

4454 Section 71. Section **17B-1-1307** is amended to read:

4455 **17B-1-1307. Notice of public hearing and of dissolution.**

4456 (1) Before holding a public hearing required under Section [17B-1-1306](#), the
4457 administrative body shall:

4458 (a) (i) publish notice of the public hearing and of the proposed dissolution:

4459 (A) in a newspaper of general circulation within the local district proposed to be
4460 dissolved; and

4461 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
4462 30 days before the public hearing; and

4463 (ii) post notice of the public hearing and of the proposed dissolution in at least four
4464 conspicuous places within the local district proposed to be dissolved, no less than five and no
4465 more than 30 days before the public hearing; or

4466 (b) mail a notice to each owner of property located within the local district and to each
4467 registered voter residing within the local district.

4468 (2) Each notice required under Subsection (1) shall:

4469 (a) identify the local district proposed to be dissolved and the service it was created to
4470 provide; and

4471 (b) state the date, time, and location of the public hearing.

4472 Section 72. Section **17B-2a-705** is amended to read:

4473 **17B-2a-705. Taxation -- Additional levy -- Election.**

4474 (1) If a mosquito abatement district board of trustees determines that the funds required
4475 during the next ensuing fiscal year will exceed the maximum amount that the district is
4476 authorized to levy under Subsection [17B-1-103\(2\)\(g\)](#), the board of trustees may call an election
4477 on a date specified in Section [20A-1-204](#) and submit to district voters the question of whether
4478 the district should be authorized to impose an additional tax to raise the necessary additional
4479 funds.

4480 (2) The board shall publish notice of the election:

4481 (a) (i) in a newspaper of general circulation within the district at least once, no later
4482 than four weeks before the day of the election;

4483 (ii) if there is no newspaper of general circulation in the district, at least four weeks
4484 before the day of the election, by posting one notice, and at least one additional notice per
4485 2,000 population of the district, in places within the district that are most likely to give notice
4486 to the voters in the district; or

4487 (iii) at least four weeks before the day of the election, by mailing notice to each
4488 registered voter in the district;

4489 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
4490 four weeks before the day of the election;

4491 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;

4492 and

4493 (d) if the district has a website, on the district's website for four weeks before the day
4494 of the election.

4495 (3) No particular form of ballot is required, and no informalities in conducting the
4496 election may invalidate the election, if it is otherwise fairly conducted.

4497 (4) At the election each ballot shall contain the words, "Shall the district be authorized
4498 to impose an additional tax to raise the additional sum of \$____?"

4499 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
4500 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an
4501 additional levy to raise the additional amount of money required.

4502 Section 73. Section **17B-2a-1110** is amended to read:

4503 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**
4504 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**
4505 **transferred to municipal services district.**

4506 (1) (a) A municipality may withdraw from a municipal services district in accordance
4507 with Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

4508 (b) If a municipality engages a feasibility consultant to conduct a feasibility study
4509 under Subsection (2)(a), the 180 days described in Subsection [17B-1-502\(3\)\(a\)\(iii\)\(B\)](#) is tolled
4510 from the day that the municipality engages the feasibility consultant to the day on which the
4511 municipality holds the final public hearing under Subsection (5).

4512 (2) (a) If a municipality decides to withdraw from a municipal services district, the
4513 municipal legislative body shall, before adopting a resolution under Section [17B-1-502](#) or
4514 [17B-1-505](#), as applicable, engage a feasibility consultant to conduct a feasibility study.

4515 (b) The feasibility consultant shall be chosen:

4516 (i) by the municipal legislative body; and

4517 (ii) in accordance with applicable municipal procurement procedures.

4518 (3) The municipal legislative body shall require the feasibility consultant to:

4519 (a) complete the feasibility study and submit the written results to the municipal
4520 legislative body before the council adopts a resolution under Section [17B-1-502](#);

4521 (b) submit with the full written results of the feasibility study a summary of the results
4522 no longer than one page in length; and

- 4523 (c) attend the public hearings under Subsection (5).
- 4524 (4) (a) The feasibility study shall consider:
- 4525 (i) population and population density within the withdrawing municipality;
- 4526 (ii) current and five-year projections of demographics and economic base in the
4527 withdrawing municipality, including household size and income, commercial and industrial
4528 development, and public facilities;
- 4529 (iii) projected growth in the withdrawing municipality during the next five years;
- 4530 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
4531 including overhead, of municipal services in the withdrawing municipality;
- 4532 (v) assuming the same tax categories and tax rates as currently imposed by the
4533 municipal services district and all other current service providers, the present and five-year
4534 projected revenue for the withdrawing municipality;
- 4535 (vi) a projection of any new taxes per household that may be levied within the
4536 withdrawing municipality within five years of the withdrawal; and
- 4537 (vii) the fiscal impact on other municipalities serviced by the municipal services
4538 district.
- 4539 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
4540 level and quality of municipal services to be provided to the withdrawing municipality in the
4541 future that fairly and reasonably approximates the level and quality of municipal services being
4542 provided to the withdrawing municipality at the time of the feasibility study.
- 4543 (ii) In determining the present cost of a municipal service, the feasibility consultant
4544 shall consider:
- 4545 (A) the amount it would cost the withdrawing municipality to provide municipal
4546 services for the first five years after withdrawing; and
- 4547 (B) the municipal services district's present and five-year projected cost of providing
4548 municipal services.
- 4549 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
4550 and anticipated growth.
- 4551 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
4552 municipal legislative body shall, at its next regular meeting after receipt of the results of the
4553 feasibility study, schedule at least one public hearing to be held:

- 4554 (a) within the following 60 days; and
- 4555 (b) for the purpose of allowing:
- 4556 (i) the feasibility consultant to present the results of the study; and
- 4557 (ii) the public to become informed about the feasibility study results, including the
- 4558 requirement that if the municipality withdraws from the municipal services district, the
- 4559 municipality must comply with Subsection (9), and to ask questions about those results of the
- 4560 feasibility consultant.
- 4561 (6) At a public hearing described in Subsection (5), the municipal legislative body
- 4562 shall:
- 4563 (a) provide a copy of the feasibility study for public review; and
- 4564 (b) allow the public to express its views about the proposed withdrawal from the
- 4565 municipal services district.
- 4566 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings
- 4567 required under Subsection (5):
- 4568 (A) at least once a week for three successive weeks in a newspaper of general
- 4569 circulation within the municipality; and
- 4570 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for
- 4571 three weeks.
- 4572 (ii) The municipal clerk or recorder shall publish the last publication of notice required
- 4573 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under
- 4574 Subsection (5).
- 4575 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation
- 4576 within the proposed municipality, the municipal clerk or recorder shall post at least one notice
- 4577 of the hearings per 1,000 population in conspicuous places within the municipality that are
- 4578 most likely to give notice of the hearings to the residents.
- 4579 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at
- 4580 least seven days before the first hearing under Subsection (5).
- 4581 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study
- 4582 summary and shall indicate that a full copy of the study is available for inspection and copying
- 4583 at the office of the municipal clerk or recorder.
- 4584 (8) At a public meeting held after the public hearing required under Subsection (5), the

4585 municipal legislative body may adopt a resolution under Section 17B-1-502 or 17B-1-505, as
4586 applicable, if the municipality is in compliance with the other requirements of that section.

4587 (9) The municipality shall pay revenues in excess of 5% to the municipal services
4588 district for 10 years beginning on the next fiscal year immediately following the municipal
4589 legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502
4590 or 17B-1-505 if the results of the feasibility study show that the average annual amount of
4591 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection
4592 (4)(a)(iv) by more than 5%.

4593 Section 74. Section 17C-1-207 is amended to read:

4594 **17C-1-207. Public entities may assist with project area development.**

4595 (1) In order to assist and cooperate in the planning, undertaking, construction, or
4596 operation of project area development within an area in which the public entity is authorized to
4597 act, a public entity may:

4598 (a) (i) provide or cause to be furnished:

4599 (A) parks, playgrounds, or other recreational facilities;

4600 (B) community, educational, water, sewer, or drainage facilities; or

4601 (C) any other works which the public entity is otherwise empowered to undertake;

4602 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or

4603 replan streets, roads, roadways, alleys, sidewalks, or other places;

4604 (iii) in any part of the project area:

4605 (A) (I) plan or replan any property within the project area;

4606 (II) plat or replat any property within the project area;

4607 (III) vacate a plat;

4608 (IV) amend a plat; or

4609 (V) zone or rezone any property within the project area; and

4610 (B) make any legal exceptions from building regulations and ordinances;

4611 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
4612 rights of any holder of the bonds;

4613 (v) notwithstanding any law to the contrary, enter into an agreement for a period of
4614 time with another public entity concerning action to be taken pursuant to any of the powers
4615 granted in this title;

4616 (vi) do anything necessary to aid or cooperate in the planning or implementation of the
4617 project area development;

4618 (vii) in connection with the project area plan, become obligated to the extent
4619 authorized and funds have been made available to make required improvements or construct
4620 required structures; and

4621 (viii) lend, grant, or contribute funds to an agency for project area development or
4622 proposed project area development, including assigning revenue or taxes in support of an
4623 agency bond or obligation; and

4624 (b) for less than fair market value or for no consideration, and subject to Subsection
4625 (3):

4626 (i) purchase or otherwise acquire property from an agency;

4627 (ii) lease property from an agency;

4628 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to
4629 an agency; or

4630 (iv) lease the public entity's property to an agency.

4631 (2) The following are not subject to Section 10-8-2, 17-50-312, or 17-50-303:

4632 (a) project area development assistance that a public entity provides under this section;

4633 or

4634 (b) a transfer of funds or property from an agency to a public entity.

4635 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner
4636 than 15 days after the day on which the public entity posts notice of the assistance on:

4637 (a) the Utah Public Notice Website described in Section [~~63F-1-701~~] 63A-12-201; and

4638 (b) the public entity's public website.

4639 Section 75. Section 17C-1-601.5 is amended to read:

4640 **17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --**
4641 **Auditor forms -- Requirement to file form.**

4642 (1) Each agency shall prepare an annual budget of the agency's revenues and
4643 expenditures for each fiscal year.

4644 (2) The board shall adopt each agency budget:

4645 (a) for an agency created by a municipality, before June 30; or

4646 (b) for an agency created by a county, before December 15.

4647 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
4648 created the agency.

4649 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the
4650 annual budget.

4651 (b) Each agency shall provide notice of the public hearing on the annual budget by:

4652 (i) (A) publishing at least one notice in a newspaper of general circulation within the
4653 agency boundaries, one week before the public hearing; or

4654 (B) if there is no newspaper of general circulation within the agency boundaries,
4655 posting a notice of the public hearing in at least three public places within the agency
4656 boundaries; and

4657 (ii) publishing notice on the Utah Public Notice Website created in Section
4658 [~~63F-1-701~~] [63A-12-201](#), at least one week before the public hearing.

4659 (c) Each agency shall make the annual budget available for public inspection at least
4660 three days before the date of the public hearing.

4661 (5) The state auditor shall prescribe the budget forms and the categories to be contained
4662 in each annual budget, including:

4663 (a) revenues and expenditures for the budget year;

4664 (b) legal fees; and

4665 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4666 agency personnel.

4667 (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of
4668 the annual budget with the auditor of the county in which the agency is located, the State Tax
4669 Commission, the state auditor, the State Board of Education, and each taxing entity from which
4670 the agency receives project area funds.

4671 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4672 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
4673 state auditor.

4674 Section 76. Section **17C-1-804** is amended to read:

4675 **17C-1-804. Notice required for continued hearing.**

4676 The board shall give notice of a hearing continued under Section [17C-1-803](#) by
4677 announcing at the hearing:

4678 (1) the date, time, and place the hearing will be resumed; or
4679 (2) (a) that the hearing is being continued to a later time; and
4680 (b) that the board will cause a notice of the continued hearing to be published on the
4681 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), at least seven days
4682 before the day on which the hearing is scheduled to resume.

4683 Section 77. Section **17C-1-806** is amended to read:

4684 **17C-1-806. Requirements for notice provided by agency.**

4685 (1) The notice required by Section [17C-1-805](#) shall be given by:

4686 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
4687 newspaper of general circulation within the county in which the project area or proposed
4688 project area is located, at least 14 days before the hearing;

4689 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
4690 before the day of the hearing in at least three conspicuous places within the county in which the
4691 project area or proposed project area is located; or

4692 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
4693 before the day on which the hearing is held on:

4694 (A) the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-12-201](#); and

4695 (B) the public website of a community located within the boundaries of the project
4696 area; and

4697 (b) at least 30 days before the hearing, mailing notice to:

4698 (i) each record owner of property located within the project area or proposed project
4699 area;

4700 (ii) the State Tax Commission;

4701 (iii) the assessor and auditor of the county in which the project area or proposed project
4702 area is located; and

4703 (iv) (A) if a project area is subject to a taxing entity committee, each member of the
4704 taxing entity committee and the State Board of Education; or

4705 (B) if a project area is not subject to a taxing entity committee, the legislative body or
4706 governing board of each taxing entity within the boundaries of the project area or proposed
4707 project area.

4708 (2) The mailing of the notice to record property owners required under Subsection

4709 (1)(b)(i) shall be conclusively considered to have been properly completed if:

4710 (a) the agency mails the notice to the property owners as shown in the records,
4711 including an electronic database, of the county recorder's office and at the addresses shown in
4712 those records; and

4713 (b) the county recorder's office records used by the agency in identifying owners to
4714 whom the notice is mailed and their addresses were obtained or accessed from the county
4715 recorder's office no earlier than 30 days before the mailing.

4716 (3) The agency shall include in each notice required under Section 17C-1-805:

4717 (a) (i) a boundary description of the project area or proposed project area; or

4718 (ii) (A) a mailing address or telephone number where a person may request that a copy
4719 of the boundary description be sent at no cost to the person by mail, email, or facsimile
4720 transmission; and

4721 (B) if the agency or community has an Internet website, an Internet address where a
4722 person may gain access to an electronic, printable copy of the boundary description and other
4723 related information;

4724 (b) a map of the boundaries of the project area or proposed project area;

4725 (c) an explanation of the purpose of the hearing; and

4726 (d) a statement of the date, time, and location of the hearing.

4727 (4) The agency shall include in each notice under Subsection (1)(b):

4728 (a) a statement that property tax revenue resulting from an increase in valuation of
4729 property within the project area or proposed project area will be paid to the agency for project
4730 area development rather than to the taxing entity to which the tax revenue would otherwise
4731 have been paid if:

4732 (i) (A) the taxing entity committee consents to the project area budget; or

4733 (B) one or more taxing entities agree to share property tax revenue under an interlocal
4734 agreement; and

4735 (ii) the project area plan provides for the agency to receive tax increment; and

4736 (b) an invitation to the recipient of the notice to submit to the agency comments
4737 concerning the subject matter of the hearing before the date of the hearing.

4738 (5) An agency may include in a notice under Subsection (1) any other information the
4739 agency considers necessary or advisable, including the public purpose achieved by the project

4740 area development and any future tax benefits expected to result from the project area
4741 development.

4742 Section 78. Section **17C-2-108** is amended to read:

4743 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
4744 **of plan -- Contesting the formation of the plan.**

4745 (1) (a) Upon the community legislative body's adoption of an urban renewal project
4746 area plan, or an amendment to a project area plan under Section **17C-2-110**, the community
4747 legislative body shall provide notice as provided in Subsection (1)(b) by:

4748 (i) (A) publishing or causing to be published a notice in a newspaper of general
4749 circulation within the agency's boundaries; or

4750 (B) if there is no newspaper of general circulation within the agency's boundaries,
4751 causing a notice to be posted in at least three public places within the agency's boundaries; and

4752 (ii) posting a notice on the Utah Public Notice Website described in Section
4753 ~~[63F-1-701]~~ [63A-12-201](#).

4754 (b) Each notice under Subsection (1)(a) shall:

4755 (i) set forth the community legislative body's ordinance adopting the project area plan
4756 or a summary of the ordinance; and

4757 (ii) include a statement that the project area plan is available for general public
4758 inspection and the hours for inspection.

4759 (2) The project area plan shall become effective on the date of:

4760 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4761 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4762 (3) (a) For a period of 30 days after the effective date of the project area plan under
4763 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
4764 project area plan if the plan or procedure fails to comply with applicable statutory
4765 requirements.

4766 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
4767 the project area plan or procedure used to adopt the project area plan for any cause.

4768 (4) Upon adoption of the project area plan by the community legislative body, the
4769 agency may carry out the project area plan.

4770 (5) Each agency shall make the project area plan available to the general public at the

4771 agency's office during normal business hours.

4772 Section 79. Section **17C-3-107** is amended to read:

4773 **17C-3-107. Notice of economic development project area plan adoption --**
4774 **Effective date of plan -- Contesting the formation of the plan.**

4775 (1) (a) Upon the community legislative body's adoption of an economic development
4776 project area plan, or an amendment to the project area plan under Section **17C-3-109** that
4777 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4778 (i) publishing or causing to be published a notice:

4779 (A) in a newspaper of general circulation within the agency's boundaries; or

4780 (B) if there is no newspaper of general circulation within the agency's boundaries,
4781 causing a notice to be posted in at least three public places within the agency's boundaries; and

4782 (ii) on the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-12-201](#).

4783 (b) Each notice under Subsection (1)(a) shall:

4784 (i) set forth the community legislative body's ordinance adopting the project area plan
4785 or a summary of the ordinance; and

4786 (ii) include a statement that the project area plan is available for public inspection and
4787 the hours for inspection.

4788 (2) The project area plan shall become effective on the date of:

4789 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4790 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4791 (3) (a) For a period of 30 days after the effective date of the project area plan under
4792 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
4793 project area plan if the plan or procedure fails to comply with applicable statutory
4794 requirements.

4795 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
4796 the project area plan or procedure used to adopt the project area plan for any cause.

4797 (4) Upon adoption of the economic development project area plan by the community
4798 legislative body, the agency may implement the project area plan.

4799 (5) Each agency shall make the economic development project area plan available to
4800 the general public at the agency's office during normal business hours.

4801 Section 80. Section **17C-4-109** is amended to read:

4802 **17C-4-109. Expedited community development project area plan.**

4803 (1) As used in this section, "tax increment incentive" means the portion of tax
4804 increment awarded to an industry or business.

4805 (2) A community development project area plan may be adopted or amended without
4806 complying with the notice and public hearing requirements of this part and Chapter 1, Part 8,
4807 Hearing and Notice Requirements, if the following requirements are met:

4808 (a) the agency determines by resolution adopted in an open and public meeting the
4809 need to create or amend a project area plan on an expedited basis, which resolution shall
4810 include a description of why expedited action is needed;

4811 (b) a public hearing on the amendment or adoption of the project area plan is held by
4812 the agency;

4813 (c) notice of the public hearing is published at least 14 days before the public hearing
4814 on:

4815 (i) the website of the community that created the agency; and

4816 (ii) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#);

4817 (d) written consent to the amendment or adoption of the project area plan is given by
4818 all record property owners within the existing or proposed project area;

4819 (e) each taxing entity that will be affected by the tax increment incentive enters into or
4820 amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation
4821 Act, and Sections [17C-4-201](#), [17C-4-203](#), and [17C-4-204](#);

4822 (f) the primary market for the goods or services that will be created by the industry or
4823 business entity that will receive a tax increment incentive from the amendment or adoption of
4824 the project area plan is outside of the state;

4825 (g) the industry or business entity that will receive a tax increment incentive from the
4826 amendment or adoption of the project area plan is not primarily engaged in retail trade; and

4827 (h) a tax increment incentive is only provided to an industry or business entity:

4828 (i) on a postperformance basis as described in Subsection (3); and

4829 (ii) on an annual basis after the tax increment is received by the agency.

4830 (3) An industry or business entity may only receive a tax increment incentive under this
4831 section after entering into an agreement with the agency that sets postperformance targets that
4832 shall be met before the industry or business entity may receive the tax increment incentive,

4833 including annual targets for:

- 4834 (a) capital investment in the project area;
- 4835 (b) the increase in the taxable value of the project area;
- 4836 (c) the number of new jobs created in the project area;
- 4837 (d) the average wages of the jobs created, which shall be at least 110% of the
- 4838 prevailing wage of the county where the project area is located; and
- 4839 (e) the amount of local vendor opportunity generated by the industry or business entity.

4840 Section 81. Section **17C-4-202** is amended to read:

4841 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**
 4842 **the community development project area plan -- Notice -- Effective date of resolution or**
 4843 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
 4844 **of resolution or interlocal agreement.**

4845 (1) The approval and adoption of each resolution or interlocal agreement under
 4846 Subsection [17C-4-201](#)(2) shall be in an open and public meeting.

4847 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
 4848 [17C-4-201](#), the agency shall provide notice as provided in Subsection (2)(b) by:

4849 (i) (A) publishing or causing to be published a notice in a newspaper of general
 4850 circulation within the agency's boundaries; or

4851 (B) if there is no newspaper of general circulation within the agency's boundaries,
 4852 causing a notice to be posted in at least three public places within the agency's boundaries; and

4853 (ii) publishing or causing to be published a notice on the Utah Public Notice Website
 4854 created in Section [~~63F-1-701~~] [63A-12-201](#).

4855 (b) Each notice under Subsection (2)(a) shall:

4856 (i) set forth a summary of the resolution or interlocal agreement; and

4857 (ii) include a statement that the resolution or interlocal agreement is available for
 4858 public inspection and the hours of inspection.

4859 (3) The resolution or interlocal agreement shall become effective on the date of:

4860 (a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of the
 4861 notice; or

4862 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

4863 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal

4864 agreement under Subsection (3), any person may contest the resolution or interlocal agreement
4865 or the procedure used to adopt the resolution or interlocal agreement if the resolution or
4866 interlocal agreement or procedure fails to comply with applicable statutory requirements.

4867 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

4868 (i) the resolution or interlocal agreement;

4869 (ii) a distribution of tax increment to the agency under the resolution or interlocal
4870 agreement; or

4871 (iii) the agency's use of project area funds under the resolution or interlocal agreement.

4872 (5) Each agency that is to receive project area funds under a resolution or interlocal
4873 agreement under Section 17C-4-201 and each taxing entity that approves a resolution or enters
4874 into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal
4875 agreement, as the case may be, available at the taxing entity's offices to the public for
4876 inspection and copying during normal business hours.

4877 Section 82. Section 17C-5-110 is amended to read:

4878 **17C-5-110. Notice of community reinvestment project area plan adoption --**
4879 **Effective date of plan -- Contesting the formation of the plan.**

4880 (1) (a) Upon a community legislative body's adoption of a community reinvestment
4881 project area plan in accordance with Section 17C-5-109, or an amendment to a community
4882 reinvestment project area plan in accordance with Section 17C-5-112, the community
4883 legislative body shall provide notice of the adoption or amendment in accordance with
4884 Subsection (1)(b) by:

4885 (i) (A) causing a notice to be published in a newspaper of general circulation within the
4886 community; or

4887 (B) if there is no newspaper of general circulation within the community, causing a
4888 notice to be posted in at least three public places within the community; and

4889 (ii) posting a notice on the Utah Public Notice Website described in Section
4890 [~~63F-1-701~~] 63A-12-201.

4891 (b) A notice described in Subsection (1)(a) shall include:

4892 (i) a copy of the community legislative body's ordinance, or a summary of the
4893 ordinance, that adopts the community reinvestment project area plan; and

4894 (ii) a statement that the community reinvestment project area plan is available for

4895 public inspection and the hours for inspection.

4896 (2) A community reinvestment project area plan is effective on the day on which notice
4897 of adoption is published or posted in accordance with Subsection (1)(a).

4898 (3) A community reinvestment project area is considered created the day on which the
4899 community reinvestment project area plan becomes effective as described in Subsection (2).

4900 (4) (a) Within 30 days after the day on which a community reinvestment project area
4901 plan is effective, a person may contest the community reinvestment project area plan or the
4902 procedure used to adopt the community reinvestment project area plan if the community
4903 reinvestment project area plan or the procedure fails to comply with a provision of this title.

4904 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4905 contest the community reinvestment project area plan or the procedure used to adopt the
4906 community reinvestment project area plan.

4907 (5) Upon adoption of a community reinvestment project area plan by the community
4908 legislative body, the agency may implement the community reinvestment project area plan.

4909 (6) The agency shall make the community reinvestment project area plan available to
4910 the public at the agency's office during normal business hours.

4911 Section 83. Section **17C-5-113** is amended to read:

4912 **17C-5-113. Expedited community reinvestment project area plan.**

4913 (1) As used in this section:

4914 (a) "Qualified business entity" means a business entity that:

4915 (i) has a primary market for the qualified business entity's goods or services outside of
4916 the state; and

4917 (ii) is not primarily engaged in retail sales.

4918 (b) "Tax increment incentive" means the portion of an agency's tax increment that is
4919 paid to a qualified business entity for the purpose of implementing a community reinvestment
4920 project area plan.

4921 (2) An agency and a qualified business entity may, in accordance with Subsection (3),
4922 enter into an agreement that allows the qualified business entity to receive a tax increment
4923 incentive.

4924 (3) An agreement described in Subsection (2) shall set annual postperformance targets
4925 for:

- 4926 (a) capital investment within the community reinvestment project area;
- 4927 (b) the number of new jobs created within the community reinvestment project area;
- 4928 (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of
- 4929 the prevailing wage of the county within which the community reinvestment project area is
- 4930 located; and
- 4931 (d) the amount of local vendor opportunity generated by the qualified business entity.
- 4932 (4) A qualified business entity may only receive a tax increment incentive:
- 4933 (a) if the qualified business entity complies with the agreement described in Subsection
- 4934 (3);
- 4935 (b) on a postperformance basis; and
- 4936 (c) on an annual basis after the agency receives tax increment from a taxing entity.
- 4937 (5) An agency may create or amend a community reinvestment project area plan for the
- 4938 purpose of providing a tax increment incentive without complying with the requirements
- 4939 described in Chapter 1, Part 8, Hearing and Notice Requirements, if:
- 4940 (a) the agency:
- 4941 (i) holds a public hearing to consider the need to create or amend a community
- 4942 reinvestment project area plan on an expedited basis;
- 4943 (ii) posts notice at least 14 days before the day on which the public hearing described
- 4944 in Subsection (5)(a)(i) is held on:
- 4945 (A) the community's website; and
- 4946 (B) the Utah Public Notice Website as described in Section [~~63F-1-701~~] [63A-12-201](#);
- 4947 and
- 4948 (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or
- 4949 amend the community reinvestment project area plan on an expedited basis;
- 4950 (b) all record property owners within the existing or proposed community reinvestment
- 4951 project area plan give written consent; and
- 4952 (c) each taxing entity affected by the tax increment incentive consents and enters into
- 4953 an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive
- 4954 to the qualified business entity.
- 4955 Section 84. Section **17C-5-205** is amended to read:
- 4956 **17C-5-205. Interlocal agreement to provide project area funds for the community**

4957 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
4958 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
4959 **agreement.**

4960 (1) An agency shall:

4961 (a) approve and adopt an interlocal agreement described in Section [17C-5-204](#) at an
4962 open and public meeting; and

4963 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community
4964 Reinvestment Project Area."

4965 (2) (a) Upon the execution of an interlocal agreement described in Section [17C-5-204](#),
4966 the agency shall provide notice of the execution by:

4967 (i) (A) publishing or causing to be published a notice in a newspaper of general
4968 circulation within the agency's boundaries; or

4969 (B) if there is no newspaper of general circulation within the agency's boundaries,
4970 causing the notice to be posted in at least three public places within the agency's boundaries;
4971 and

4972 (ii) publishing or causing the notice to be published on the Utah Public Notice Website
4973 created in Section [~~63F-1-701~~] [63A-12-201](#).

4974 (b) A notice described in Subsection (2)(a) shall include:

4975 (i) a summary of the interlocal agreement; and

4976 (ii) a statement that the interlocal agreement:

4977 (A) is available for public inspection and the hours for inspection; and

4978 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or
4979 sales and use tax revenue.

4980 (3) An interlocal agreement described in Section [17C-5-204](#) is effective the day on
4981 which the notice described in Subsection (2) is published or posted in accordance with
4982 Subsection (2)(a).

4983 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a
4984 person may contest the interlocal agreement or the procedure used to adopt the interlocal
4985 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

4986 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4987 contest:

- 4988 (i) the interlocal agreement;
- 4989 (ii) a distribution of tax increment to the agency under the interlocal agreement; or
- 4990 (iii) the agency's use of project area funds under the interlocal agreement.
- 4991 (5) A taxing entity that enters into an interlocal agreement under Section [17C-5-204](#)
- 4992 shall make a copy of the interlocal agreement available to the public at the taxing entity's office
- 4993 for inspection and copying during normal business hours.

4994 Section 85. Section **17D-3-107** is amended to read:

4995 **17D-3-107. Annual budget and financial reports requirements.**

- 4996 (1) Upon agreement with the commission, the state auditor may modify:
- 4997 (a) for filing a budget, a requirement in Subsection [17B-1-614\(2\)](#) or [17B-1-629\(3\)\(d\)](#);
- 4998 or
- 4999 (b) for filing a financial report, a requirement in Section [17B-1-639](#).

5000 (2) Beginning on July 1, 2019, a conservation district is a participating local entity, as
5001 that term is defined in Section [[63A-1-201](#), and subject to Title 63A, Chapter 1, Part 2, Utah
5002 ~~Public Finance Website~~] [67-3-12](#), and is subject to Section [67-3-12](#).

5003 Section 86. Section **17D-3-305** is amended to read:

5004 **17D-3-305. Setting the date of nomination of the board of supervisors -- Notice**
5005 **requirements.**

- 5006 (1) The commission shall set the date of the nomination of members of the board of
- 5007 supervisors of a conservation district.
- 5008 (2) The commission shall publish notice of the nomination day described in Subsection
- 5009 (1):
- 5010 (a) (i) in a newspaper of general circulation within the conservation district at least
- 5011 once, no later than four weeks before the day of the nomination; or
- 5012 (ii) if there is no newspaper of general circulation in the conservation district, at least
- 5013 four weeks before the nomination day, by posting one notice, and at least one additional notice
- 5014 per 2,000 population of the conservation district, in places within the conservation district that
- 5015 are most likely to give notice to the residents in the conservation district;
- 5016 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
- 5017 four weeks before the day of the nomination;
- 5018 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the

5019 nomination; and

5020 (d) if the conservation district has a website, on the conservation district's website for
5021 four weeks before the day of the nomination.

5022 (3) The commissioner shall appoint the board of members by no later than six weeks
5023 after the date set by the commission for the close of nominations.

5024 (4) The notice required under Subsection (2) shall state:

5025 (a) the nomination date; and

5026 (b) the number of open board member positions for the conservation district.

5027 Section 87. Section **19-2-109** is amended to read:

5028 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of director --**
5029 **Adoption of emission control requirements.**

5030 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public
5031 hearings.

5032 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
5033 quality standards shall specify the locations to which the proposed standards apply and the
5034 time, date, and place of the hearing.

5035 (c) The notice shall be:

5036 (i) (A) published at least twice in any newspaper of general circulation in the area
5037 affected; and

5038 (B) published on the Utah Public Notice Website created in Section ~~[63F-1-701]~~
5039 63A-12-201, at least 20 days before the public hearing; and

5040 (ii) mailed at least 20 days before the public hearing to the chief executive of each
5041 political subdivision of the area affected and to other persons the director has reason to believe
5042 will be affected by the standards.

5043 (d) The adoption of air quality standards or any modification or changes to air quality
5044 standards shall be by order of the director following formal action of the board with respect to
5045 the standards.

5046 (e) The order shall be published:

5047 (i) in a newspaper of general circulation in the area affected; and

5048 (ii) as required in Section 45-1-101.

5049 (2) (a) The board may establish emission control requirements by rule that in its

5050 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or
5051 may vary from area to area, taking into account varying local conditions.

5052 (b) In adopting these requirements, the board shall give notice and conduct public
5053 hearings in accordance with the requirements in Subsection (1).

5054 Section 88. Section **20A-1-512** is amended to read:

5055 **20A-1-512. Midterm vacancies on local district boards.**

5056 (1) (a) Whenever a vacancy occurs on any local district board for any reason, the
5057 following shall appoint a replacement to serve out the unexpired term in accordance with this
5058 section:

5059 (i) the local district board, if the person vacating the position was elected; or

5060 (ii) the appointing authority, as that term is defined in Section [17B-1-102](#), if the
5061 appointing authority appointed the person vacating the position.

5062 (b) Except as provided in Subsection (1)(c), before acting to fill the vacancy, the local
5063 district board or appointing authority shall:

5064 (i) give public notice of the vacancy at least two weeks before the local district board
5065 or appointing authority meets to fill the vacancy by:

5066 (A) if there is a newspaper of general circulation, as that term is defined in Section
5067 [45-1-201](#), within the district, publishing the notice in the newspaper of general circulation;

5068 (B) posting the notice in three public places within the local district; and

5069 (C) posting on the Utah Public Notice Website created under Section [~~63F-1-701~~]
5070 [63A-12-201](#); and

5071 (ii) identify, in the notice:

5072 (A) the date, time, and place of the meeting where the vacancy will be filled;

5073 (B) the individual to whom an individual who is interested in an appointment to fill the
5074 vacancy may submit the individual's name for consideration; and

5075 (C) any submission deadline.

5076 (c) An appointing authority is not subject to Subsection (1)(b) if:

5077 (i) the appointing authority appoints one of the appointing authority's own members;

5078 and

5079 (ii) that member meets all applicable statutory board member qualifications.

5080 (2) If the local district board fails to appoint an individual to complete an elected board

5081 member's term within 90 days, the legislative body of the county or municipality that created
5082 the local district shall fill the vacancy in accordance with the procedure for a local district
5083 described in Subsection (1)(b).

5084 Section 89. Section **20A-3a-604** is amended to read:

5085 **20A-3a-604. Notice of time and place of early voting.**

5086 (1) Except as provided in Section [20A-1-308](#) or Subsection [20A-3a-603\(2\)](#), the
5087 election officer shall, at least 19 days before the date of the election, publish notice of the dates,
5088 times, and locations of early voting:

5089 (a) (i) in one issue of a newspaper of general circulation in the county;

5090 (ii) if there is no newspaper of general circulation in the county, in addition to posting
5091 the notice described in Subsection (1)(b), by posting one notice, and at least one additional
5092 notice per 2,000 population of the county, in places within the county that are most likely to
5093 give notice to the residents in the county; or

5094 (iii) by mailing notice to each registered voter in the county;

5095 (b) by posting the notice at each early voting polling place;

5096 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
5097 19 days before the day of the election;

5098 (d) in accordance with Section [45-1-101](#), for 19 days before the date of the election;

5099 and

5100 (e) on the county's website for 19 days before the day of the election.

5101 (2) Instead of publishing all dates, times, and locations of early voting under
5102 Subsection (1), the election officer may publish a statement that specifies the following sources
5103 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

5104 (a) the county's website;

5105 (b) the physical address of the county's offices; and

5106 (c) a mailing address and telephone number.

5107 (3) The election officer shall include in the notice described in Subsection (1):

5108 (a) the address of the Statewide Electronic Voter Information Website and, if available,
5109 the address of the election officer's website, with a statement indicating that the election officer
5110 will post on the website the location of each early voting polling place, including any changes
5111 to the location of an early voting polling place and the location of additional early voting

5112 polling places; and

5113 (b) a phone number that a voter may call to obtain information regarding the location
5114 of an early voting polling place.

5115 Section 90. Section **20A-4-104** is amended to read:

5116 **20A-4-104. Counting ballots electronically.**

5117 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
5118 election officer shall test the automatic tabulating equipment to ensure that it will accurately
5119 count the votes cast for all offices and all measures.

5120 (b) The election officer shall publish public notice of the time and place of the test:

5121 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of
5122 general circulation in the county, municipality, or jurisdiction where the equipment is used;

5123 (B) if there is no daily or weekly newspaper of general circulation in the county,
5124 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the
5125 test, by posting one notice, and at least one additional notice per 2,000 population of the
5126 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction
5127 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

5128 (C) at least 10 days before the day of the test, by mailing notice to each registered voter
5129 in the county, municipality, or jurisdiction where the equipment is used;

5130 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
5131 four weeks before the day of the test;

5132 (iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the test;
5133 and

5134 (iv) if the county, municipality, or jurisdiction has a website, on the website for four
5135 weeks before the day of the test.

5136 (c) The election officer shall conduct the test by processing a preaudited group of
5137 ballots.

5138 (d) The election officer shall ensure that:

5139 (i) a predetermined number of valid votes for each candidate and measure are recorded
5140 on the ballots;

5141 (ii) for each office, one or more ballots have votes in excess of the number allowed by
5142 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

5143 (iii) a different number of valid votes are assigned to each candidate for an office, and
5144 for and against each measure.

5145 (e) If any error is detected, the election officer shall determine the cause of the error
5146 and correct it.

5147 (f) The election officer shall ensure that:

5148 (i) the automatic tabulating equipment produces an errorless count before beginning
5149 the actual counting; and

5150 (ii) the automatic tabulating equipment passes the same test at the end of the count
5151 before the election returns are approved as official.

5152 (2) (a) The election officer or the election officer's designee shall supervise and direct
5153 all proceedings at the counting center.

5154 (b) (i) Proceedings at the counting center are public and may be observed by interested
5155 persons.

5156 (ii) Only those persons authorized to participate in the count may touch any ballot or
5157 return.

5158 (c) The election officer shall deputize and administer an oath or affirmation to all
5159 persons who are engaged in processing and counting the ballots that they will faithfully
5160 perform their assigned duties.

5161 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
5162 automatic tabulating equipment, the election officer shall ensure that two counting judges
5163 jointly:

5164 (a) make a true replication of the ballot with an identifying serial number;

5165 (b) substitute the replicated ballot for the damaged or defective ballot;

5166 (c) label the replicated ballot "replicated"; and

5167 (d) record the replicated ballot's serial number on the damaged or defective ballot.

5168 (4) The election officer may:

5169 (a) conduct an unofficial count before conducting the official count in order to provide
5170 early unofficial returns to the public;

5171 (b) release unofficial returns from time to time after the polls close; and

5172 (c) report the progress of the count for each candidate during the actual counting of
5173 ballots.

5174 (5) The election officer shall review and evaluate the provisional ballot envelopes and
5175 prepare any valid provisional ballots for counting as provided in Section 20A-4-107.

5176 (6) (a) The election officer or the election officer's designee shall:

5177 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

5178 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

5179 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
5180 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
5181 count the valid write-in vote as being the obvious intent of the voter.

5182 (7) (a) The election officer shall certify the return printed by the automatic tabulating
5183 equipment, to which have been added write-in and absentee votes, as the official return of each
5184 voting precinct.

5185 (b) Upon completion of the count, the election officer shall make official returns open
5186 to the public.

5187 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
5188 tabulating equipment, the election officer may direct that they be counted manually according
5189 to the procedures and requirements of this part.

5190 (9) After the count is completed, the election officer shall seal and retain the programs,
5191 test materials, and ballots as provided in Section 20A-4-202.

5192 Section 91. Section 20A-4-304 is amended to read:

5193 **20A-4-304. Declaration of results -- Canvassers' report.**

5194 (1) Each board of canvassers shall:

5195 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
5196 declare "elected" or "nominated" those persons who:

5197 (i) had the highest number of votes; and

5198 (ii) sought election or nomination to an office completely within the board's
5199 jurisdiction;

5200 (b) declare:

5201 (i) "approved" those ballot propositions that:

5202 (A) had more "yes" votes than "no" votes; and

5203 (B) were submitted only to the voters within the board's jurisdiction;

5204 (ii) "rejected" those ballot propositions that:

- 5205 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
5206 votes; and
- 5207 (B) were submitted only to the voters within the board's jurisdiction;
- 5208 (c) certify the vote totals for persons and for and against ballot propositions that were
5209 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
5210 the lieutenant governor; and
- 5211 (d) if applicable, certify the results of each local district election to the local district
5212 clerk.
- 5213 (2) As soon as the result is declared, the election officer shall prepare a report of the
5214 result, which shall contain:
- 5215 (a) the total number of votes cast in the board's jurisdiction;
- 5216 (b) the names of each candidate whose name appeared on the ballot;
- 5217 (c) the title of each ballot proposition that appeared on the ballot;
- 5218 (d) each office that appeared on the ballot;
- 5219 (e) from each voting precinct:
- 5220 (i) the number of votes for each candidate;
- 5221 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
5222 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
5223 potential ballot-counting phase and the name of the candidate excluded in each canvassing
5224 phase; and
- 5225 (iii) the number of votes for and against each ballot proposition;
- 5226 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
5227 and against each ballot proposition;
- 5228 (g) the number of ballots that were rejected; and
- 5229 (h) a statement certifying that the information contained in the report is accurate.
- 5230 (3) The election officer and the board of canvassers shall:
- 5231 (a) review the report to ensure that it is correct; and
- 5232 (b) sign the report.
- 5233 (4) The election officer shall:
- 5234 (a) record or file the certified report in a book kept for that purpose;
- 5235 (b) prepare and transmit a certificate of nomination or election under the officer's seal

5236 to each nominated or elected candidate;

5237 (c) publish a copy of the certified report in accordance with Subsection (5); and

5238 (d) file a copy of the certified report with the lieutenant governor.

5239 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
5240 days after the day on which the board of canvassers declares the election results, publish the
5241 certified report described in Subsection (2):

5242 (a) (i) at least once in a newspaper of general circulation within the jurisdiction;

5243 (ii) if there is no newspaper of general circulation within the jurisdiction, by posting
5244 one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places
5245 within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or

5246 (iii) by mailing notice to each residence within the jurisdiction;

5247 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
5248 one week;

5249 (c) in accordance with Section [45-1-101](#), for one week; and

5250 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.

5251 (6) Instead of publishing the entire certified report under Subsection (5), the election
5252 officer may publish a statement that:

5253 (a) includes the following: "The Board of Canvassers for [indicate name of
5254 jurisdiction] has prepared a report of the election results for the [indicate type and date of
5255 election]."; and

5256 (b) specifies the following sources where an individual may view or obtain a copy of
5257 the entire certified report:

5258 (i) if the jurisdiction has a website, the jurisdiction's website;

5259 (ii) the physical address for the jurisdiction; and

5260 (iii) a mailing address and telephone number.

5261 (7) When there has been a regular general or a statewide special election for statewide
5262 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
5263 or more county ballot proposition, each board of canvassers shall:

5264 (a) prepare a separate report detailing the number of votes for each candidate and the
5265 number of votes for and against each ballot proposition; and

5266 (b) transmit the separate report by registered mail to the lieutenant governor.

5267 (8) In each county election, municipal election, school election, local district election,
5268 and local special election, the election officer shall transmit the reports to the lieutenant
5269 governor within 14 days after the date of the election.

5270 (9) In a regular primary election and in a presidential primary election, the board shall
5271 transmit to the lieutenant governor:

5272 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
5273 governor not later than the second Tuesday after the election; and

5274 (b) a complete tabulation showing voting totals for all primary races, precinct by
5275 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
5276 primary election.

5277 Section 92. Section **20A-5-101** is amended to read:

5278 **20A-5-101. Notice of election.**

5279 (1) On or before November 15 in the year before each regular general election year, the
5280 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

5281 (a) designates the offices to be filled at the next year's regular general election;

5282 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
5283 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
5284 and [20A-9-408](#) for those offices; and

5285 (c) contains a description of any ballot propositions to be decided by the voters that
5286 have qualified for the ballot as of that date.

5287 (2) No later than seven business days after the day on which the lieutenant governor
5288 transmits the written notice described in Subsection (1), each county clerk shall publish notice,
5289 in accordance with Subsection (3):

5290 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in
5291 each voting precinct within the county; and

5292 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places
5293 where the notice was posted;

5294 (b) (i) in a newspaper of general circulation in the county;

5295 (ii) if there is no newspaper of general circulation within the county, in addition to the
5296 notice described in Subsection (2)(a), by posting one notice, and at least one additional notice

5297 per 2,000 population of the county, in places within the county that are most likely to give
5298 notice of the election to the voters in the county; or
5299 (iii) by mailing notice to each registered voter in the county;
5300 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for
5301 seven days before the day of the election;
5302 (d) in accordance with Section 45-1-101, for seven days before the day of the election;
5303 and
5304 (e) on the county's website for seven days before the day of the election.
5305 (3) The notice described in Subsection (2) shall:
5306 (a) designate the offices to be voted on in that election; and
5307 (b) identify the dates for filing a declaration of candidacy for those offices.
5308 (4) Except as provided in Subsection (6), before each election, the election officer shall
5309 give printed notice of the following information:
5310 (a) the date of election;
5311 (b) the hours during which the polls will be open;
5312 (c) the polling places for each voting precinct, early voting polling place, and election
5313 day voting center;
5314 (d) the address of the Statewide Electronic Voter Information Website and, if available,
5315 the address of the election officer's website, with a statement indicating that the election officer
5316 will post on the website any changes to the location of a polling place and the location of any
5317 additional polling place;
5318 (e) a phone number that a voter may call to obtain information regarding the location of
5319 a polling place; and
5320 (f) the qualifications for persons to vote in the election.
5321 (5) To provide the printed notice described in Subsection (4), the election officer shall
5322 publish the notice:
5323 (a) (i) in a newspaper of general circulation in the jurisdiction to which the election
5324 pertains at least two days before the day of the election;
5325 (ii) if there is no newspaper of general circulation in the jurisdiction to which the
5326 election pertains, at least two days before the day of the election, by posting one notice, and at
5327 least one additional notice per 2,000 population of the jurisdiction, in places within the

5328 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

5329 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to

5330 which the election pertains at least five days before the day of the election;

5331 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for

5332 two days before the day of the election;

5333 (c) in accordance with Section 45-1-101, for two days before the day of the election;

5334 and

5335 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before

5336 the day of the election.

5337 (6) Instead of including the information described in Subsection (4) in the notice, the

5338 election officer may give printed notice that:

5339 (a) is entitled "Notice of Election";

5340 (b) includes the following: "A [indicate election type] will be held in [indicate the

5341 jurisdiction] on [indicate date of election]. Information relating to the election, including

5342 polling places, polling place hours, and qualifications of voters may be obtained from the

5343 following sources:"; and

5344 (c) specifies the following sources where an individual may view or obtain the

5345 information described in Subsection (4):

5346 (i) if the jurisdiction has a website, the jurisdiction's website;

5347 (ii) the physical address of the jurisdiction offices; and

5348 (iii) a mailing address and telephone number.

5349 Section 93. Section **20A-5-403.5** is amended to read:

5350 **20A-5-403.5. Ballot drop boxes.**

5351 (1) An election officer:

5352 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

5353 (b) shall clearly mark each ballot drop box as an official ballot drop box for the

5354 election officer's jurisdiction.

5355 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer

5356 shall, at least 19 days before the date of the election, publish notice of the location of each

5357 ballot drop box designated under Subsection (1):

5358 (a) (i) in one issue of a newspaper of general circulation in the jurisdiction holding the

5359 election;

5360 (ii) if there is no newspaper of general circulation in the jurisdiction holding the
5361 election, by posting one notice, and at least one additional notice per 2,000 population of the
5362 jurisdiction holding the election, in places within the jurisdiction that are most likely to give
5363 notice to the residents in the jurisdiction; or

5364 (iii) by mailing notice to each registered voter in the jurisdiction holding the election;

5365 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-12-201, for
5366 19 days before the day of the election;

5367 (c) in accordance with Section 45-1-101, for 19 days before the date of the election;

5368 and

5369 (d) on the jurisdiction's website for 19 days before the day of the election.

5370 (3) Instead of publishing the location of ballot drop boxes under Subsection (2), the
5371 election officer may publish a statement that specifies the following sources where a voter may
5372 view or obtain a copy of all ballot drop box locations:

5373 (a) the jurisdiction's website;

5374 (b) the physical address of the jurisdiction's offices; and

5375 (c) a mailing address and telephone number.

5376 (4) The election officer shall include in the notice described in Subsection (2):

5377 (a) the address of the Statewide Electronic Voter Information Website and, if available,
5378 the address of the election officer's website, with a statement indicating that the election officer
5379 will post on the website the location of each ballot drop box, including any changes to the
5380 location of a ballot drop box and the location of additional ballot drop boxes; and

5381 (b) a phone number that a voter may call to obtain information regarding the location
5382 of a ballot drop box.

5383 (5) (a) Except as provided in Section 20A-1-308, the election officer may, after the
5384 deadline described in Subsection (2):

5385 (i) if necessary, change the location of a ballot drop box; or

5386 (ii) if the election officer determines that the number of ballot drop boxes is
5387 insufficient due to the number of registered voters who are voting, designate additional ballot
5388 drop boxes.

5389 (b) Except as provided in Section 20A-1-308, if an election officer changes the

5390 location of a ballot box or designates an additional ballot drop box location, the election officer
5391 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
5392 the additional ballot drop box location:

5393 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

5394 (ii) by posting the information on the website of the election officer, if available; and

5395 (iii) by posting notice:

5396 (A) for a change in the location of a ballot drop box, at the new location and, if
5397 possible, the old location; and

5398 (B) for an additional ballot drop box location, at the additional ballot drop box
5399 location.

5400 (6) An election officer may, at any time, authorize two or more poll workers to remove
5401 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

5402 Section 94. Section **20A-5-405** is amended to read:

5403 **20A-5-405. Election officer to provide ballots.**

5404 (1) An election officer shall:

5405 (a) provide ballots for every election of public officers in which the voters, or any of
5406 the voters, within the election officer's jurisdiction participate;

5407 (b) cause the name of every candidate whose nomination has been certified to or filed
5408 with the election officer in the manner provided by law to be included on each ballot;

5409 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
5410 be included on each ballot;

5411 (d) ensure that the ballots are prepared and in the possession of the election officer
5412 before commencement of voting;

5413 (e) allow candidates and their agents and the sponsors of ballot propositions that have
5414 qualified for the official ballot to inspect the ballots;

5415 (f) cause sample ballots to be printed that are in the same form as official ballots and
5416 that contain the same information as official ballots but that are printed on different colored
5417 paper than official ballots or are identified by a watermark;

5418 (g) ensure that the sample ballots are printed and in the possession of the election
5419 officer at least seven days before commencement of voting;

5420 (h) make the sample ballots available for public inspection by:

- 5421 (i) posting a copy of the sample ballot in the election officer's office at least seven days
5422 before commencement of voting;
- 5423 (ii) mailing a copy of the sample ballot to:
- 5424 (A) each candidate listed on the ballot; and
- 5425 (B) the lieutenant governor;
- 5426 (iii) publishing a copy of the sample ballot:
- 5427 (A) except as provided in Subsection (2), at least seven days before the day of the
5428 election in a newspaper of general circulation in the jurisdiction holding the election;
- 5429 (B) if there is no newspaper of general circulation in the jurisdiction holding the
5430 election, at least seven days before the day of the election, by posting one copy of the sample
5431 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
5432 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
5433 the jurisdiction; or
- 5434 (C) at least 10 days before the day of the election, by mailing a copy of the sample
5435 ballot to each registered voter who resides in the jurisdiction holding the election;
- 5436 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
5437 in Section [~~63F-1-701~~] 63A-12-201, for seven days before the day of the election;
- 5438 (v) in accordance with Section 45-1-101, publishing a copy of the sample ballot for at
5439 least seven days before the day of the election; and
- 5440 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
5441 seven days before the day of the election;
- 5442 (i) deliver at least five copies of the sample ballot to poll workers for each polling
5443 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 5444 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough
5445 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
5446 each voting precinct.
- 5447 (2) Instead of publishing the entire sample ballot under Subsection (1)(h)(iii)(A), the
5448 election officer may publish a statement that:
- 5449 (a) is entitled, "sample ballot";
- 5450 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
5451 upcoming [indicate type and date of election] may be obtained from the following sources:";

5452 and

5453 (c) specifies the following sources where an individual may view or obtain a copy of
5454 the sample ballot:

5455 (i) if the jurisdiction has a website, the jurisdiction's website;

5456 (ii) the physical address of the jurisdiction's offices; and

5457 (iii) a mailing address and telephone number.

5458 (3) (a) Each election officer shall, without delay, correct any error discovered in any
5459 ballot, if the correction can be made without interfering with the timely distribution of the
5460 ballots.

5461 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
5462 not possible to correct the error or omission, the election officer shall direct the poll workers to
5463 make the necessary corrections on the manual ballots before the ballots are distributed.

5464 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
5465 not possible to correct the error or omission by revising the electronic ballot, the election
5466 officer shall direct the poll workers to post notice of each error or omission with instructions on
5467 how to correct each error or omission in a prominent position at each polling booth.

5468 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a
5469 candidate or a candidate's agent may file a verified petition with the district court asserting that:

5470 (A) an error or omission has occurred in:

5471 (I) the publication of the name or description of a candidate;

5472 (II) the preparation or display of an electronic ballot; or

5473 (III) in the printing of sample or official manual ballots; and

5474 (B) the election officer has failed to correct or provide for the correction of the error or
5475 omission.

5476 (ii) The district court shall issue an order requiring correction of any error in a ballot or
5477 an order to show cause why the error should not be corrected if it appears to the court that the
5478 error or omission has occurred and the election officer has failed to correct or provide for the
5479 correction of the error or omission.

5480 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
5481 Supreme Court within five days after the day on which the district court enters the decision.

5482 Section 95. Section **20A-7-204.1** is amended to read:

5483 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**
5484 **Changes to an initiative and initial fiscal impact estimate.**

5485 (1) (a) After issuance of the initial fiscal impact estimate by the Office of the
5486 Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide,
5487 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as
5488 follows:

5489 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

5490 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
5491 County;

5492 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

5493 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
5494 County;

5495 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

5496 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

5497 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
5498 County.

5499 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of
5500 the public hearings in a first or second class county, but not in the same county.

5501 (c) The sponsors may not hold a public hearing described in this section until the later
5502 of:

5503 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact
5504 estimate under Subsection [20A-7-202.5\(3\)\(b\)](#); or

5505 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal
5506 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

5507 (2) The sponsors shall:

5508 (a) before 5 p.m. at least three calendar days before the date of the public hearing,
5509 provide written notice of the public hearing to:

5510 (i) the lieutenant governor for posting on the state's website; and

5511 (ii) each state senator, state representative, and county commission or county council
5512 member who is elected in whole or in part from the region where the public hearing will be
5513 held; and

5514 (b) publish written notice of the public hearing, including the time, date, and location
5515 of the public hearing, in each county in the region where the public hearing will be held:

5516 (i) (A) at least three calendar days before the day of the public hearing, in a newspaper
5517 of general circulation in the county;

5518 (B) if there is no newspaper of general circulation in the county, at least three calendar
5519 days before the day of the public hearing, by posting one copy of the notice, and at least one
5520 additional copy of the notice per 2,000 population of the county, in places within the county
5521 that are most likely to give notice to the residents of the county; or

5522 (C) at least seven days before the day of the public hearing, by mailing notice to each
5523 residence in the county;

5524 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
5525 at least three calendar days before the day of the public hearing;

5526 (iii) in accordance with Section [45-1-101](#), for at least three calendar days before the
5527 day of the public hearing; and

5528 (iv) on the county's website for at least three calendar days before the day of the public
5529 hearing.

5530 (3) If the initiative petition proposes a tax increase, the written notice described in
5531 Subsection (2) shall include the following statement, in bold, in the same font and point size as
5532 the largest font and point size appearing in the notice:

5533 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
5534 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
5535 percent increase in the current tax rate."

5536 (4) (a) During the public hearing, the sponsors shall either:

5537 (i) video tape or audio tape the public hearing and, when the hearing is complete,
5538 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

5539 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
5540 each speaker and summarizing each speaker's comments.

5541 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
5542 public.

5543 (c) For each public hearing, the sponsors shall:

5544 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal

5545 impact statement in a conspicuous location at the entrance to the room where the sponsors hold
5546 the public hearing; and

5547 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
5548 public hearing attendees, in a conspicuous location at the entrance to the room where the
5549 sponsors hold the public hearing.

5550 (5) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the
5551 seventh public hearing described in Subsection (1)(a), and before circulating an initiative
5552 petition for signatures, the sponsors of the initiative petition may change the text of the
5553 proposed law if:

5554 (i) a change to the text is:

5555 (A) germane to the text of the proposed law filed with the lieutenant governor under
5556 Section [20A-7-202](#); and

5557 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and

5558 (ii) each sponsor signs, attested to by a notary public, an application addendum to
5559 change the text of the proposed law.

5560 (b) (i) Within three working days after the day on which the lieutenant governor
5561 receives an application addendum to change the text of the proposed law in an initiative
5562 petition, the lieutenant governor shall submit a copy of the application addendum to the Office
5563 of the Legislative Fiscal Analyst.

5564 (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact
5565 estimate by following the procedures and requirements of Section [20A-7-202.5](#) to reflect a
5566 change to the text of the proposed law.

5567 Section 96. Section **20A-7-401.5** is amended to read:

5568 **20A-7-401.5. Proposition information pamphlet.**

5569 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to
5570 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a
5571 referendum petition under Section [20A-7-602](#):

5572 (A) the sponsors of the proposed initiative or referendum may submit a written
5573 argument in favor of the proposed initiative or referendum to the election officer of the county
5574 or municipality to which the petition relates; and

5575 (B) the county or municipality to which the application relates may submit a written

5576 argument in favor of, or against, the proposed initiative or referendum to the county's or
5577 municipality's election officer.

5578 (ii) If a county or municipality submits more than one written argument under
5579 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving
5580 preference to a written argument submitted by a member of a local legislative body if a
5581 majority of the local legislative body supports the written argument.

5582 (b) Within one business day after the day on which an election officer receives an
5583 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
5584 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as
5585 applicable.

5586 (c) Within one business day after the date on which an election officer receives an
5587 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
5588 argument to the first three sponsors of the proposed initiative or referendum described in
5589 Subsection (1)(a)(i)(A).

5590 (d) The sponsors of the proposed initiative or referendum may submit a revised version
5591 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
5592 county or municipality to which the petition relates within 20 days after the day on which the
5593 eligible voter files an application to circulate an initiative petition under Section [20A-7-502](#) or
5594 an application to circulate a referendum petition under Section [20A-7-602](#).

5595 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
5596 a county or municipality may submit a revised version of the written argument to the county's
5597 or municipality's election officer within 20 days after the day on which the eligible voter files
5598 an application to circulate an initiative petition under Section [20A-7-502](#) or an application to
5599 circulate a referendum petition under Section [20A-7-602](#).

5600 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

5601 (b) Except as provided in Subsection (2)(c), a person may not modify a written
5602 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the
5603 election officer.

5604 (c) The election officer and the person that submits the written argument described in
5605 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

5606 (i) correct factual, grammatical, or spelling errors; or

- 5607 (ii) reduce the number of words to come into compliance with Subsection (2)(a).
5608 (d) An election officer shall refuse to include a written argument in the proposition
5609 information pamphlet described in this section if the person who submits the argument:
5610 (i) fails to negotiate, in good faith, to modify the argument in accordance with
5611 Subsection (2)(c); or
5612 (ii) does not timely submit the written argument to the election officer.
5613 (e) An election officer shall make a good faith effort to negotiate a modification
5614 described in Subsection (2)(c) in an expedited manner.
5615 (3) An election officer who receives a written argument described in Subsection (1)
5616 shall prepare a proposition information pamphlet for publication that includes:
5617 (a) a copy of the application for the proposed initiative or referendum;
5618 (b) except as provided in Subsection (2)(d), immediately after the copy described in
5619 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
5620 referendum, if any;
5621 (c) except as provided in Subsection (2)(d), immediately after the argument described
5622 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and
5623 (d) a copy of the initial fiscal impact statement and legal impact statement described in
5624 Section [20A-7-502.5](#) or [20A-7-602.5](#).
5625 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,
5626 Chapter 2, Government Records Access and Management Act, until the earlier of when the
5627 election officer:
5628 (i) complies with Subsection (4)(b); or
5629 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).
5630 (b) Within 21 days after the day on which the eligible voter files an application to
5631 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a
5632 referendum petition under Section [20A-7-602](#), the election officer shall provide a copy of the
5633 proposition information pamphlet to the sponsors of the initiative or referendum and each
5634 individual who submitted an argument included in the proposition information pamphlet.
5635 (5) An election officer for a municipality shall publish the proposition information
5636 pamphlet as follows:
5637 (a) within the later of 10 days after the day on which the municipality or a court

5638 determines that the proposed initiative or referendum is legally referable to voters, or, if the
5639 election officer modifies an argument under Subsection (2)(c), three days after the day on
5640 which the election officer and the person that submitted the argument agree on the
5641 modification:

5642 (i) by sending the proposition information pamphlet electronically to each individual in
5643 the municipality for whom the municipality has an email address, unless the individual has
5644 indicated that the municipality is prohibited from using the individual's email address for that
5645 purpose; and

5646 (ii) by posting the proposition information pamphlet on the Utah Public Notice
5647 Website, created in Section [~~63F-1-701~~] [63A-12-201](#), and the home page of the municipality's
5648 website, if the municipality has a website, until:

5649 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any
5650 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under
5651 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative
5652 packets or verified referendum packets;

5653 (B) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the
5654 number of signatures necessary to qualify the proposed initiative or referendum for placement
5655 on the ballot is insufficient and the determination is not timely appealed or is upheld after
5656 appeal; or

5657 (C) the day after the date of the election at which the proposed initiative or referendum
5658 appears on the ballot; and

5659 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
5660 municipality's residents, including an Internet address, where a resident may view the
5661 proposition information pamphlet, in the next mailing, for which the municipality has not
5662 begun preparation, that falls on or after the later of:

5663 (i) 10 days after the day on which the municipality or a court determines that the
5664 proposed initiative or referendum is legally referable to voters; or

5665 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
5666 after the day on which the election officer and the person that submitted the argument agree on
5667 the modification.

5668 (6) An election officer for a county shall, within the later of 10 days after the day on

5669 which the county or a court determines that the proposed initiative or referendum is legally
5670 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
5671 three days after the day on which the election officer and the person that submitted the
5672 argument agree on the modification, publish the proposition information pamphlet as follows:

5673 (a) by sending the proposition information pamphlet electronically to each individual
5674 in the county for whom the county has an email address obtained via voter registration; and

5675 (b) by posting the proposition information pamphlet on the Utah Public Notice
5676 Website, created in Section ~~[63F-1-70+]~~ [63A-12-201](#), and the home page of the county's
5677 website, until:

5678 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any
5679 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under
5680 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative
5681 packets or verified referendum packets;

5682 (ii) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the number
5683 of signatures necessary to qualify the proposed initiative or referendum for placement on the
5684 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

5685 (iii) the day after the date of the election at which the proposed initiative or referendum
5686 appears on the ballot.

5687 Section 97. Section **20A-7-402** is amended to read:

5688 **20A-7-402. Local voter information pamphlet -- Contents -- Limitations --**

5689 **Preparation -- Statement on front cover.**

5690 (1) The county or municipality that is subject to a ballot proposition shall prepare a
5691 local voter information pamphlet that complies with the requirements of this part.

5692 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality
5693 that is subject to a special local ballot proposition shall provide a notice that complies with the
5694 requirements of Subsection (2)(c)(ii) to the municipality's residents by:

5695 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the
5696 municipality's residents, including the notice with a newsletter, utility bill, or other material;

5697 (ii) posting the notice, until after the deadline described in Subsection (2)(d) has
5698 passed, on:

5699 (A) the Utah Public Notice Website created in Section ~~[63F-1-70+]~~ [63A-12-201](#); and

5700 (B) the home page of the municipality's website, if the municipality has a website; and
5701 (iii) sending the notice electronically to each individual in the municipality for whom
5702 the municipality has an email address.

5703 (b) A county that is subject to a special local ballot proposition shall:

5704 (i) send an electronic notice that complies with the requirements of Subsection
5705 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

5706 (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that
5707 complies with the requirements of Subsection (2)(c)(ii) on:

5708 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and

5709 (B) the home page of the county's website.

5710 (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a)
5711 or (b) shall:

5712 (i) mail, send, or post the notice:

5713 (A) not less than 90 days before the date of the election at which a special local ballot
5714 proposition will be voted upon; or

5715 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable
5716 after the special local ballot proposition is approved to be voted upon in an election; and

5717 (ii) ensure that the notice contains:

5718 (A) the ballot title for the special local ballot proposition;

5719 (B) instructions on how to file a request under Subsection (2)(d); and

5720 (C) the deadline described in Subsection (2)(d).

5721 (d) To prepare a written argument for or against a special local ballot proposition, an
5722 eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days
5723 before the day of the election at which the special local ballot proposition is to be voted on.

5724 (e) If more than one eligible voter requests the opportunity to prepare a written
5725 argument for or against a special local ballot proposition, the election officer shall make the
5726 final designation in accordance with the following order of priority:

5727 (i) sponsors have priority in preparing an argument regarding a special local ballot
5728 proposition; and

5729 (ii) members of the local legislative body have priority over others if a majority of the
5730 local legislative body supports the written argument.

5731 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no
5732 later than 60 days before the day of the election at which the ballot proposition is to be voted
5733 on.

5734 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in
5735 favor of the special local ballot proposition.

5736 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
5737 proposition who submits a request under Subsection (2)(d) may prepare a written argument
5738 against the special local ballot proposition.

5739 (h) An eligible voter who submits a written argument under this section in relation to a
5740 special local ballot proposition shall:

5741 (i) ensure that the written argument does not exceed 500 words in length, not counting
5742 the information described in Subsection (2)(h)(ii) or (iv);

5743 (ii) list, at the end of the argument, at least one, but no more than five, names as
5744 sponsors;

5745 (iii) submit the written argument to the election officer before 5 p.m. no later than 55
5746 days before the election day on which the ballot proposition will be submitted to the voters;

5747 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
5748 residential address; and

5749 (v) submit with the written argument the eligible voter's name, residential address,
5750 postal address, email address if available, and phone number.

5751 (i) An election officer shall refuse to accept and publish an argument submitted after
5752 the deadline described in Subsection (2)(h)(iii).

5753 (3) (a) An election officer who timely receives the written arguments in favor of and
5754 against a special local ballot proposition shall, within one business day after the day on which
5755 the election office receives both written arguments, send, via mail or email:

5756 (i) a copy of the written argument in favor of the special local ballot proposition to the
5757 eligible voter who submitted the written argument against the special local ballot proposition;
5758 and

5759 (ii) a copy of the written argument against the special local ballot proposition to the
5760 eligible voter who submitted the written argument in favor of the special local ballot
5761 proposition.

5762 (b) The eligible voter who submitted a timely written argument in favor of the special
5763 local ballot proposition:

5764 (i) may submit to the election officer a written rebuttal argument of the written
5765 argument against the special local ballot proposition;

5766 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
5767 not counting the information described in Subsection (2)(h)(ii) or (iv); and

5768 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
5769 before the election day on which the special local ballot proposition will be submitted to the
5770 voters.

5771 (c) The eligible voter who submitted a timely written argument against the special local
5772 ballot proposition:

5773 (i) may submit to the election officer a written rebuttal argument of the written
5774 argument in favor of the special local ballot proposition;

5775 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
5776 not counting the information described in Subsection (2)(h)(ii) or (iv); and

5777 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
5778 before the election day on which the special local ballot proposition will be submitted to the
5779 voters.

5780 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
5781 relation to a special local ballot proposition that is submitted after the deadline described in
5782 Subsection (3)(b)(iii) or (3)(c)(iii).

5783 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot
5784 proposition:

5785 (i) an eligible voter may not modify a written argument or a written rebuttal argument
5786 after the eligible voter submits the written argument or written rebuttal argument to the election
5787 officer; and

5788 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
5789 modify a written argument or a written rebuttal argument.

5790 (b) The election officer, and the eligible voter who submits a written argument or
5791 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
5792 modify a written argument or written rebuttal argument in order to:

5793 (i) correct factual, grammatical, or spelling errors; and
5794 (ii) reduce the number of words to come into compliance with the requirements of this
5795 section.

5796 (c) An election officer shall refuse to accept and publish a written argument or written
5797 rebuttal argument in relation to a special local ballot proposition if the eligible voter who
5798 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to
5799 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

5800 (5) In relation to a special local ballot proposition, an election officer may designate
5801 another eligible voter to take the place of an eligible voter described in this section if the
5802 original eligible voter is, due to injury, illness, death, or another circumstance, unable to
5803 continue to fulfill the duties of an eligible voter described in this section.

5804 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
5805 included in a proposition information pamphlet under Section [20A-7-401.5](#):

5806 (a) may, if a written argument against the standard local ballot proposition is included
5807 in the proposition information pamphlet, submit a written rebuttal argument to the election
5808 officer;

5809 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
5810 and

5811 (c) shall submit the written rebuttal argument no later than 45 days before the election
5812 day on which the standard local ballot proposition will be submitted to the voters.

5813 (7) (a) A county or municipality that submitted a written argument against a standard
5814 local ballot proposition that is included in a proposition information pamphlet under Section
5815 [20A-7-401.5](#):

5816 (i) may, if a written argument in favor of the standard local ballot proposition is
5817 included in the proposition information pamphlet, submit a written rebuttal argument to the
5818 election officer;

5819 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;
5820 and

5821 (iii) shall submit the written rebuttal argument no later than 45 days before the election
5822 day on which the ballot proposition will be submitted to the voters.

5823 (b) If a county or municipality submits more than one written rebuttal argument under

5824 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,
5825 giving preference to a written rebuttal argument submitted by a member of a local legislative
5826 body.

5827 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
5828 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

5829 (b) Before an election officer publishes a local voter information pamphlet under this
5830 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
5831 Records Access and Management Act.

5832 (c) An election officer who receives a written rebuttal argument described in this
5833 section may not, before publishing the local voter information pamphlet described in this
5834 section, disclose the written rebuttal argument, or any information contained in the written
5835 rebuttal argument, to any person who may in any way be involved in preparing an opposing
5836 rebuttal argument.

5837 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
5838 rebuttal argument after the written rebuttal argument is submitted to the election officer.

5839 (b) The election officer, and the person who submits a written rebuttal argument, may
5840 jointly agree to modify a written rebuttal argument in order to:

5841 (i) correct factual, grammatical, or spelling errors; or

5842 (ii) reduce the number of words to come into compliance with the requirements of this
5843 section.

5844 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
5845 the person who submits the written rebuttal argument:

5846 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
5847 accordance with Subsection (9)(b); or

5848 (ii) does not timely submit the written rebuttal argument to the election officer.

5849 (d) An election officer shall make a good faith effort to negotiate a modification
5850 described in Subsection (9)(b) in an expedited manner.

5851 (10) An election officer may designate another person to take the place of a person who
5852 submits a written rebuttal argument in relation to a standard local ballot proposition if the
5853 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
5854 person's duties.

5855 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal
5856 impact estimate and the legal impact statement prepared for each initiative under Section
5857 [20A-7-502.5](#).

5858 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
5859 include the following statement in bold type:

5860 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
5861 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
5862 increase in the current tax rate."

5863 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

5864 (i) ensure that the written arguments are printed on the same sheet of paper upon which
5865 the ballot proposition is also printed;

5866 (ii) ensure that the following statement is printed on the front cover or the heading of
5867 the first page of the printed written arguments:

5868 "The arguments for or against a ballot proposition are the opinions of the authors.";

5869 (iii) pay for the printing and binding of the local voter information pamphlet; and

5870 (iv) not less than 15 days before, but not more than 45 days before, the election at
5871 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
5872 voter entitled to vote on the ballot proposition:

5873 (A) a voter information pamphlet; or

5874 (B) the notice described in Subsection (12)(c).

5875 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the
5876 election officer may summarize the ballot proposition in 500 words or less.

5877 (ii) The summary shall state where a complete copy of the ballot proposition is
5878 available for public review.

5879 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
5880 preaddressed return form that a person may use to request delivery of a voter information
5881 pamphlet by mail.

5882 (ii) The notice described in Subsection (12)(c)(i) shall include:

5883 (A) the address of the Statewide Electronic Voter Information Website authorized by
5884 Section [20A-7-801](#); and

5885 (B) the phone number a voter may call to request delivery of a voter information

5886 pamphlet by mail or carrier.

5887 Section 98. Section **20A-9-203** is amended to read:

5888 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5889 (1) An individual may become a candidate for any municipal office if:

5890 (a) the individual is a registered voter; and

5891 (b) (i) the individual has resided within the municipality in which the individual seeks
5892 to hold elective office for the 12 consecutive months immediately before the date of the
5893 election; or

5894 (ii) the territory in which the individual resides was annexed into the municipality, the
5895 individual has resided within the annexed territory or the municipality the 12 consecutive
5896 months immediately before the date of the election.

5897 (2) (a) For purposes of determining whether an individual meets the residency
5898 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
5899 before the election, the municipality is considered to have been incorporated 12 months before
5900 the date of the election.

5901 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
5902 council position shall, if elected from a district, be a resident of the council district from which
5903 the candidate is elected.

5904 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
5905 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
5906 against the elective franchise may not hold office in this state until the right to hold elective
5907 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

5908 (3) (a) An individual seeking to become a candidate for a municipal office shall,
5909 regardless of the nomination method by which the individual is seeking to become a candidate:

5910 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
5911 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a
5912 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
5913 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1
5914 and June 7 of any odd-numbered year; and

5915 (ii) pay the filing fee, if one is required by municipal ordinance.

5916 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a

5917 declaration of candidacy with the city recorder or town clerk if:

5918 (i) the individual is located outside of the state during the entire filing period;

5919 (ii) the designated agent appears in person before the city recorder or town clerk;

5920 (iii) the individual communicates with the city recorder or town clerk using an

5921 electronic device that allows the individual and city recorder or town clerk to see and hear each

5922 other; and

5923 (iv) the individual provides the city recorder or town clerk with an email address to

5924 which the city recorder or town clerk may send the individual the copies described in

5925 Subsection (4).

5926 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5927 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting

5928 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during

5929 the office hours described in Section [10-3-301](#) and not later than the close of those office

5930 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support

5931 of the nomination petition of the lesser of at least:

5932 (A) 25 registered voters who reside in the municipality; or

5933 (B) 20% of the registered voters who reside in the municipality; and

5934 (ii) paying the filing fee, if one is required by municipal ordinance.

5935 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination

5936 petition, the filing officer shall:

5937 (i) read to the prospective candidate or individual filing the petition the constitutional

5938 and statutory qualification requirements for the office that the candidate is seeking;

5939 (ii) require the candidate or individual filing the petition to state whether the candidate

5940 meets the requirements described in Subsection (4)(a)(i); and

5941 (iii) inform the candidate or the individual filing the petition that an individual who

5942 holds a municipal elected office may not, at the same time, hold a county elected office.

5943 (b) If the prospective candidate does not meet the qualification requirements for the

5944 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5945 (c) If it appears that the prospective candidate meets the requirements of candidacy, the

5946 filing officer shall:

5947 (i) inform the candidate that the candidate's name will appear on the ballot as it is

5948 written on the declaration of candidacy;

5949 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
5950 for the office the candidate is seeking and inform the candidate that failure to comply will
5951 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5952 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
5953 Electronic Voter Information Website Program and inform the candidate of the submission
5954 deadline under Subsection 20A-7-801(4)(a);

5955 (iv) provide the candidate with a copy of the pledge of fair campaign practices
5956 described under Section 20A-9-206 and inform the candidate that:

5957 (A) signing the pledge is voluntary; and

5958 (B) signed pledges shall be filed with the filing officer; and

5959 (v) accept the declaration of candidacy or nomination petition.

5960 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
5961 officer shall:

5962 (i) accept the candidate's pledge; and

5963 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
5964 candidate's pledge to the chair of the county or state political party of which the candidate is a
5965 member.

5966 (5) (a) The declaration of candidacy shall be in substantially the following form:

5967 "I, (print name) _____, being first sworn, say that I reside at _____ Street, City of _____,
5968 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
5969 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
5970 the legal qualifications required of candidates for this office. If filing via a designated agent, I
5971 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
5972 all campaign financial disclosure reports as required by law and I understand that failure to do
5973 so will result in my disqualification as a candidate for this office and removal of my name from
5974 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

5975 _____

5976 Subscribed and sworn to (or affirmed) before me by _____ on this
5977 _____(month\day\year).

5978 (Signed) _____ (Clerk or other officer qualified to administer oath)".

5979 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
5980 not sign the form described in Subsection (5)(a).

5981 (c) (i) A nomination petition shall be in substantially the following form:

5982 "NOMINATION PETITION

5983 The undersigned residents of (name of municipality), being registered voters, nominate
5984 (name of nominee) for the office of (name of office) for the (length of term of office)."

5985 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5986 individuals signing the petition and each individual's address and phone number.

5987 (6) If the declaration of candidacy or nomination petition fails to state whether the
5988 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
5989 for the four-year term.

5990 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
5991 voters.

5992 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
5993 print the candidate's name on the ballot.

5994 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
5995 clerk shall:

5996 (a) publish a list of the names of the candidates as they will appear on the ballot:

5997 (i) (A) in at least two successive publications of a newspaper of general circulation in
5998 the municipality;

5999 (B) if there is no newspaper of general circulation in the municipality, by posting one
6000 copy of the list, and at least one additional copy of the list per 2,000 population of the
6001 municipality, in places within the municipality that are most likely to give notice to the voters
6002 in the municipality; or

6003 (C) by mailing notice to each registered voter in the municipality;

6004 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
6005 seven days;

6006 (iii) in accordance with Section [45-1-101](#), for seven days; and

6007 (iv) if the municipality has a website, on the municipality's website for seven days; and

6008 (b) notify the lieutenant governor of the names of the candidates as they will appear on
6009 the ballot.

6010 (9) Except as provided in Subsection (10)(c), an individual may not amend a
6011 declaration of candidacy or nomination petition filed under this section after the candidate
6012 filing period ends.

6013 (10) (a) A declaration of candidacy or nomination petition that an individual files under
6014 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
6015 five days after the last day for filing.

6016 (b) If a person files an objection, the clerk shall:

6017 (i) mail or personally deliver notice of the objection to the affected candidate
6018 immediately; and

6019 (ii) decide any objection within 48 hours after the objection is filed.

6020 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
6021 days after the day on which the clerk sustains the objection, correct the problem for which the
6022 objection is sustained by amending the candidate's declaration of candidacy or nomination
6023 petition, or by filing a new declaration of candidacy.

6024 (d) (i) The clerk's decision upon objections to form is final.

6025 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
6026 prompt application is made to the district court.

6027 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
6028 of its discretion, agrees to review the lower court decision.

6029 (11) A candidate who qualifies for the ballot under this section may withdraw as a
6030 candidate by filing a written affidavit with the municipal clerk.

6031 Section 99. Section **26-61a-303** is amended to read:

6032 **26-61a-303. Renewal.**

6033 (1) The department shall renew a license under this part every year if, at the time of
6034 renewal:

6035 (a) the licensee meets the requirements of Section [26-61a-301](#);

6036 (b) the licensee pays the department a license renewal fee in an amount that, subject to
6037 Subsection [26-61a-109\(5\)](#), the department sets in accordance with Section [63J-1-504](#); and

6038 (c) if the medical cannabis pharmacy changes the operating plan described in Section
6039 [26-61a-304](#) that the department approved under Subsection [26-61a-301\(2\)\(b\)\(iv\)](#), the
6040 department approves the new operating plan.

6041 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
6042 pharmacy's license, the department shall publish notice of an available license:

6043 (i) in a newspaper of general circulation for the geographic area in which the medical
6044 cannabis pharmacy license is available; or

6045 (ii) on the Utah Public Notice Website established in Section [~~63F-1-701~~] [63A-12-201](#).

6046 (b) The department may establish criteria, in collaboration with the Division of
6047 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
6048 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis
6049 pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.

6050 Section 100. Section **32B-8a-302** is amended to read:

6051 **32B-8a-302. Application -- Approval process.**

6052 (1) To obtain the transfer of an alcohol license from an alcohol licensee, the transferee
6053 shall file a transfer application with the department that includes:

6054 (a) an application in the form provided by the department;

6055 (b) a statement as to whether the consideration, if any, to be paid to the transferor
6056 includes payment for transfer of the alcohol license;

6057 (c) a statement executed under penalty of perjury that the consideration as set forth in
6058 the escrow agreement required by Section [32B-8a-401](#) is deposited with the escrow holder; and

6059 (d) (i) an application fee of \$300; and

6060 (ii) a transfer fee determined in accordance with Section [32B-8a-303](#).

6061 (2) If the intended transfer of an alcohol license involves consideration, at least 10 days
6062 before the commission may approve the transfer, the department shall post a notice of the
6063 intended transfer on the Utah Public Notice Website created in Section [~~63F-1-701~~]

6064 [63A-12-201](#) that states the following:

6065 (a) the name of the transferor;

6066 (b) the name and address of the business currently associated with the alcohol license;

6067 (c) instructions for filing a claim with the escrow holder; and

6068 (d) the projected date that the commission may consider the transfer application.

6069 (3) (a) (i) Before the commission may approve the transfer of an alcohol license, the
6070 department shall conduct an investigation and may hold public hearings to gather information
6071 and make recommendations to the commission as to whether the transfer of the alcohol license

6072 should be approved.

6073 (ii) The department shall forward the information and recommendations described in
6074 this Subsection (3)(a) to the commission to aid in the commission's determination.

6075 (b) Before approving a transfer, the commission shall:

6076 (i) determine that the transferee filed a complete application;

6077 (ii) determine that the transferee is eligible to hold the type of alcohol license that is to
6078 be transferred at the premises to which the alcohol license would be transferred;

6079 (iii) determine that the transferee is not delinquent in the payment of an amount
6080 described in Subsection [32B-8a-201\(3\)](#);

6081 (iv) determine that the transferee is not disqualified under Section [32B-1-304](#);

6082 (v) consider the locality within which the proposed licensed premises is located,
6083 including:

6084 (A) the factors listed in Section [32B-5-203](#) for the issuance of a retail license;

6085 (B) the factors listed in Section [32B-7-404](#) for the issuance of an off-premise beer
6086 retailer state license;

6087 (C) the factors listed in Section [32B-11-206](#) for the issuance of a manufacturing
6088 license; and

6089 (D) the factors listed in Section [32B-10-204](#) for the issuance of a special use permit
6090 that is an industrial and manufacturing use permit;

6091 (vi) consider the transferee's ability to manage and operate the retail license to be
6092 transferred, including:

6093 (A) the factors listed in Section [32B-5-203](#) for the issuance of a retail license;

6094 (B) the factors listed in Section [32B-7-404](#) for the issuance of an off-premise beer
6095 retailer state license;

6096 (C) the factors listed in Section [32B-11-206](#) for the issuance of a manufacturing
6097 license; and

6098 (D) the factors listed in Section [32B-10-204](#) for the issuance of a special use permit
6099 that is an industrial and manufacturing use permit;

6100 (vii) consider the nature or type of alcohol licensee operation of the transferee,
6101 including:

6102 (A) the factors listed in Section [32B-5-203](#) for the issuance of a retail license;

6103 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer
6104 retailer state license;

6105 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing
6106 license; and

6107 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit
6108 that is an industrial and manufacturing use permit;

6109 (viii) if the transfer involves consideration, determine that the transferee and transferor
6110 have complied with Part 4, Protection of Creditors; and

6111 (ix) consider any other factor the commission considers necessary.

6112 (4) Except as otherwise provided in Section 32B-1-202, the commission may not
6113 approve the transfer of an alcohol license to premises that do not meet the proximity
6114 requirements of Subsection 32B-1-202(2), Section 32B-7-201, or Section 32B-11-210, as
6115 applicable.

6116 Section 101. Section 45-1-101 is amended to read:

6117 **45-1-101. Legal notice publication requirements.**

6118 (1) As used in this section:

6119 (a) "Average advertisement rate" means:

6120 (i) in determining a rate for publication on the public legal notice website or in a
6121 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth
6122 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the
6123 gross column-inch space used in the newspaper for advertising for the previous calendar
6124 quarter; or

6125 (ii) in determining a rate for publication in a newspaper that primarily distributes
6126 publications in a county of the first or second class, a newspaper's average rate for all
6127 qualifying advertising segments for the preceding calendar quarter for an advertisement:

6128 (A) published in the same section of the newspaper as the legal notice; and

6129 (B) of the same column-inch space as the legal notice.

6130 (b) "Column-inch space" means a unit of space that is one standard column wide by
6131 one inch high.

6132 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from
6133 all of its qualifying advertising segments.

- 6134 (d) (i) "Legal notice" means:
- 6135 (A) a communication required to be made public by a state statute or state agency rule;
- 6136 or
- 6137 (B) a notice required for judicial proceedings or by judicial decision.
- 6138 (ii) "Legal notice" does not include:
- 6139 (A) a public notice published by a public body in accordance with the provisions of
- 6140 Sections [52-4-202](#) and ~~[[63F-1-701](#)]~~ [63A-12-201](#); or
- 6141 (B) a notice of delinquency in the payment of property taxes described in Section
- 6142 [59-2-1332.5](#).
- 6143 (e) "Local district" is as defined in Section [17B-1-102](#).
- 6144 (f) "Public legal notice website" means the website described in Subsection (2)(b) for
- 6145 the purpose of publishing a legal notice online.
- 6146 (g) (i) "Qualifying advertising segment" means, except as provided in Subsection
- 6147 (1)(g)(ii), a category of print advertising sold by a newspaper, including classified advertising,
- 6148 line advertising, and display advertising.
- 6149 (ii) "Qualifying advertising segment" does not include legal notice advertising.
- 6150 (h) "Special service district" is as defined in Section [17D-1-102](#).
- 6151 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal
- 6152 notice provision established by law, a person required by law to publish legal notice shall
- 6153 publish the notice:
- 6154 (a) (i) as required by the statute establishing the legal notice requirement; or
- 6155 (ii) by serving legal notice, by certified mail or in person, directly on all parties for
- 6156 whom the statute establishing the legal notice requirement requires legal notice, if:
- 6157 (A) the direct service of legal notice does not replace publication in a newspaper that
- 6158 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;
- 6159 (B) the statute clearly identifies the parties;
- 6160 (C) the person can prove that the person has identified all parties for whom notice is
- 6161 required; and
- 6162 (D) the person keeps a record of the service for at least two years; and
- 6163 (b) on a public legal notice website established by the combined efforts of Utah's
- 6164 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in

6165 the state.

6166 (3) The public legal notice website shall:

6167 (a) be available for viewing and searching by the general public, free of charge; and

6168 (b) accept legal notice posting from any newspaper in the state.

6169 (4) A person that publishes legal notice as required under Subsection (2) is not relieved
6170 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and
6171 Public Meetings Act.

6172 (5) If legal notice is required by law and one option for complying with the
6173 requirement is publication in a newspaper, or if a local district or a special service district
6174 publishes legal notice in a newspaper, the newspaper:

6175 (a) may not charge more for publication than the newspaper's average advertisement
6176 rate; and

6177 (b) shall publish the legal notice on the public legal notice website at no additional
6178 cost.

6179 (6) If legal notice is not required by law, if legal notice is required by law and the
6180 person providing legal notice, in accordance with the requirements of law, chooses not to
6181 publish the legal notice in a newspaper, or if a local district or a special service district with an
6182 annual operating budget of less than \$250,000 chooses to publish a legal notice on the public
6183 notice website without publishing the complete notice in the newspaper, a newspaper:

6184 (a) may not charge more than an amount equal to 15% of the newspaper's average
6185 advertisement rate for publishing five column lines in the newspaper to publish legal notice on
6186 the public legal notice website;

6187 (b) may not require that the legal notice be published in the newspaper; and

6188 (c) at the request of the person publishing on the legal notice website, shall publish in
6189 the newspaper up to five column lines, at no additional charge, that briefly describe the legal
6190 notice and provide the web address where the full public legal notice can be found.

6191 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),
6192 it may not refuse to publish the type of legal notice described in Subsection (6).

6193 (8) Notwithstanding the requirements of a statute that requires the publication of legal
6194 notice, if legal notice is required by law to be published by a local district or a special service
6195 district with an annual operating budget of \$250,000 or more, the local district or special

6196 service district shall satisfy its legal notice publishing requirements by:

6197 (a) mailing a written notice, postage prepaid:

6198 (i) to each voter in the local district or special service district; and

6199 (ii) that contains the information required by the statute that requires the publication of

6200 legal notice; or

6201 (b) publishing the legal notice in a newspaper and on the legal public notice website as

6202 described in Subsection (5).

6203 (9) Notwithstanding the requirements of a statute that requires the publication of legal

6204 notice, if legal notice is required by law to be published by a local district or a special service

6205 district with an annual operating budget of less than \$250,000, the local district or special

6206 service district shall satisfy its legal notice publishing requirements by:

6207 (a) mailing a written notice, postage prepaid:

6208 (i) to each voter in the local district or special service district; and

6209 (ii) that contains the information required by the statute that requires the publication of

6210 legal notice; or

6211 (b) publishing the legal notice in a newspaper and on the public legal notice website as

6212 described in Subsection (5); or

6213 (c) publishing the legal notice on the public legal notice website as described in

6214 Subsection (6).

6215 Section 102. Section **49-11-1102** is amended to read:

6216 **49-11-1102. Public notice of administrative board meetings -- Posting on Utah**

6217 **Public Notice Website.**

6218 (1) The office shall provide advance public notice of meetings and agendas on the Utah

6219 Public Notice Website established in Section [~~63F-1-701~~] [63A-12-201](#) for administrative board

6220 meetings.

6221 (2) The office may post other public materials, as directed by the board, on the Utah

6222 Public Notice Website.

6223 Section 103. Section **52-4-202** is amended to read:

6224 **52-4-202. Public notice of meetings -- Emergency meetings.**

6225 (1) (a) (i) A public body shall give not less than 24 hours' public notice of each

6226 meeting.

6227 (ii) A specified body shall give not less than 24 hours' public notice of each meeting
6228 that the specified body holds on the capitol hill complex.

6229 (b) The public notice required under Subsection (1)(a) shall include the meeting:

6230 (i) agenda;

6231 (ii) date;

6232 (iii) time; and

6233 (iv) place.

6234 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
6235 regular meetings that are scheduled in advance over the course of a year shall give public
6236 notice at least once each year of its annual meeting schedule as provided in this section.

6237 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
6238 the scheduled meetings.

6239 (3) (a) A public body or specified body satisfies a requirement for public notice by:

6240 (i) posting written notice:

6241 (A) except for an electronic meeting held without an anchor location under Subsection
6242 [52-4-207\(4\)](#), at the principal office of the public body or specified body, or if no principal
6243 office exists, at the building where the meeting is to be held; and

6244 (B) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-12-201](#);
6245 and

6246 (ii) providing notice to:

6247 (A) at least one newspaper of general circulation within the geographic jurisdiction of
6248 the public body; or

6249 (B) a local media correspondent.

6250 (b) A public body or specified body is in compliance with the provisions of Subsection
6251 (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions
6252 of Subsection [~~63F-1-701~~] [63A-12-201\(4\)\(d\)](#).

6253 (c) A public body whose limited resources make compliance with Subsection
6254 (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in
6255 Section [63A-12-101](#), to provide technical assistance to help the public body in its effort to
6256 comply.

6257 (4) A public body and a specified body are encouraged to develop and use additional

6258 electronic means to provide notice of their meetings under Subsection (3).

6259 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

6260 (i) because of unforeseen circumstances it is necessary for a public body or specified
6261 body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

6262 (ii) the public body or specified body gives the best notice practicable of:

6263 (A) the time and place of the emergency meeting; and

6264 (B) the topics to be considered at the emergency meeting.

6265 (b) An emergency meeting of a public body may not be held unless:

6266 (i) an attempt has been made to notify all the members of the public body; and

6267 (ii) a majority of the members of the public body approve the meeting.

6268 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall

6269 provide reasonable specificity to notify the public as to the topics to be considered at the

6270 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

6271 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding

6272 member of the public body, a topic raised by the public may be discussed during an open

6273 meeting, even if the topic raised by the public was not included in the agenda or advance public

6274 notice for the meeting.

6275 (c) Except as provided in Subsection (5), relating to emergency meetings, a public

6276 body may not take final action on a topic in an open meeting unless the topic is:

6277 (i) listed under an agenda item as required by Subsection (6)(a); and

6278 (ii) included with the advance public notice required by this section.

6279 (7) Except as provided in this section, this chapter does not apply to a specified body.

6280 Section 104. Section **52-4-203** is amended to read:

6281 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**

6282 **meetings.**

6283 (1) Except as provided under Subsection (7), written minutes and a recording shall be

6284 kept of all open meetings.

6285 (2) (a) Written minutes of an open meeting shall include:

6286 (i) the date, time, and place of the meeting;

6287 (ii) the names of members present and absent;

6288 (iii) the substance of all matters proposed, discussed, or decided by the public body

6289 which may include a summary of comments made by members of the public body;
6290 (iv) a record, by individual member, of each vote taken by the public body;
6291 (v) the name of each person who:
6292 (A) is not a member of the public body; and
6293 (B) after being recognized by the presiding member of the public body, provided
6294 testimony or comments to the public body;
6295 (vi) the substance, in brief, of the testimony or comments provided by the public under
6296 Subsection (2)(a)(v); and
6297 (vii) any other information that is a record of the proceedings of the meeting that any
6298 member requests be entered in the minutes or recording.
6299 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that
6300 minutes include the substance of matters proposed, discussed, or decided or the substance of
6301 testimony or comments by maintaining a publicly available online version of the minutes that
6302 provides a link to the meeting recording at the place in the recording where the matter is
6303 proposed, discussed, or decided or the testimony or comments provided.
6304 (3) A recording of an open meeting shall:
6305 (a) be a complete and unedited record of all open portions of the meeting from the
6306 commencement of the meeting through adjournment of the meeting; and
6307 (b) be properly labeled or identified with the date, time, and place of the meeting.
6308 (4) (a) As used in this Subsection (4):
6309 (i) "Approved minutes" means written minutes:
6310 (A) of an open meeting; and
6311 (B) that have been approved by the public body that held the open meeting.
6312 (ii) "Electronic information" means information presented or provided in an electronic
6313 format.
6314 (iii) "Pending minutes" means written minutes:
6315 (A) of an open meeting; and
6316 (B) that have been prepared in draft form and are subject to change before being
6317 approved by the public body that held the open meeting.
6318 (iv) "Specified local public body" means a legislative body of a county, city, town, or
6319 metro township.

6320 (v) "State public body" means a public body that is an administrative, advisory,
6321 executive, or legislative body of the state.

6322 (vi) "State website" means the Utah Public Notice Website created under Section
6323 [~~63F-1-701~~] [63A-12-201](#).

6324 (b) Pending minutes, approved minutes, and a recording of a public meeting are public
6325 records under Title 63G, Chapter 2, Government Records Access and Management Act.

6326 (c) Pending minutes shall contain a clear indication that the public body has not yet
6327 approved the minutes or that the minutes are subject to change until the public body approves
6328 them.

6329 (d) A state public body and a specified local public body shall require an individual
6330 who, at an open meeting of the public body, publicly presents or provides electronic
6331 information, relating to an item on the public body's meeting agenda, to provide the public
6332 body, at the time of the meeting, an electronic or hard copy of the electronic information for
6333 inclusion in the public record.

6334 (e) A state public body shall:

6335 (i) make pending minutes available to the public within 30 days after holding the open
6336 meeting that is the subject of the pending minutes;

6337 (ii) within three business days after approving written minutes of an open meeting:

6338 (A) post to the state website a copy of the approved minutes and any public materials
6339 distributed at the meeting;

6340 (B) make the approved minutes and public materials available to the public at the
6341 public body's primary office; and

6342 (C) if the public body provides online minutes under Subsection (2)(b), post approved
6343 minutes that comply with Subsection (2)(b) and the public materials on the public body's
6344 website; and

6345 (iii) within three business days after holding an open meeting, post on the state website
6346 an audio recording of the open meeting, or a link to the recording.

6347 (f) A specified local public body shall:

6348 (i) make pending minutes available to the public within 30 days after holding the open
6349 meeting that is the subject of the pending minutes;

6350 (ii) within three business days after approving written minutes of an open meeting, post

6351 and make available a copy of the approved minutes and any public materials distributed at the
6352 meeting, as provided in Subsection (4)(e)(ii); and

6353 (iii) within three business days after holding an open meeting, make an audio recording
6354 of the open meeting available to the public for listening.

6355 (g) A public body that is not a state public body or a specified local public body shall:

6356 (i) make pending minutes available to the public within a reasonable time after holding
6357 the open meeting that is the subject of the pending minutes;

6358 (ii) within three business days after approving written minutes, make the approved
6359 minutes available to the public; and

6360 (iii) within three business days after holding an open meeting, make an audio recording
6361 of the open meeting available to the public for listening.

6362 (h) A public body shall establish and implement procedures for the public body's
6363 approval of the written minutes of each meeting.

6364 (i) Approved minutes of an open meeting are the official record of the meeting.

6365 (5) All or any part of an open meeting may be independently recorded by any person in
6366 attendance if the recording does not interfere with the conduct of the meeting.

6367 (6) The written minutes or recording of an open meeting that are required to be
6368 retained permanently shall be maintained in or converted to a format that meets long-term
6369 records storage requirements.

6370 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

6371 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
6372 by the public body; or

6373 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
6374 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,
6375 Special Service District Act, if the district's annual budgeted expenditures for all funds,
6376 excluding capital expenditures and debt service, are \$50,000 or less.

6377 Section 105. Section **53-13-114** is amended to read:

6378 **53-13-114. Off-duty peace officer working as a security officer.**

6379 A peace officer may engage in off-duty employment as a security officer under Section
6380 [58-63-304](#) only if:

6381 (1) the law enforcement agency employing the peace officer:

6382 (a) has a written policy regarding peace officer employees working while off-duty as
6383 security officers; and

6384 (b) the policy under Subsection (1)(a) is:

6385 (i) posted and publicly available on the appropriate city, county, or state website; or

6386 (ii) posted on the Utah Public Notice Website created in Section [~~63F-1-701~~]

6387 [63A-12-201](#) if the law enforcement agency does not have access to a website under Subsection
6388 (1)(b)(i).

6389 (2) the agency's chief administrative officer, or that officer's designee, provides written
6390 authorization for an off-duty peace officer to work as a security officer; and

6391 (3) the business or entity employing the off-duty peace officer to work as a security
6392 officer complies with state and federal income reporting and withholding requirements
6393 regarding the off-duty officer's wages.

6394 Section 106. Section **53B-7-101.5** is amended to read:

6395 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

6396 (1) If an institution within the State System of Higher Education listed in Section
6397 [53B-1-102](#) considers increasing tuition rates for undergraduate students in the process of
6398 preparing or implementing its budget, it shall hold a meeting to receive public input and
6399 response on the issue.

6400 (2) The institution shall advertise the hearing required under Subsection (1) using the
6401 following procedure:

6402 (a) The institution shall advertise its intent to consider an increase in student tuition
6403 rates:

6404 (i) in the institution's student newspaper twice during a period of 10 days prior to the
6405 meeting; and

6406 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
6407 10 days immediately before the meeting.

6408 (b) The advertisement shall state that the institution will meet on a certain day, time,
6409 and place fixed in the advertisement, which shall not be less than seven days after the day the
6410 second advertisement is published, for the purpose of hearing comments regarding the
6411 proposed increase and to explain the reasons for the proposed increase.

6412 (3) The form and content of the notice shall be substantially as follows:

6413 "NOTICE OF PROPOSED TUITION INCREASE

6414 The (name of the higher education institution) is proposing to increase student tuition
6415 rates. This would be an increase of _____ %, which is an increase of \$_____ per semester
6416 for a full-time resident undergraduate student. All concerned students and citizens are invited
6417 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

6418 (4) (a) The institution shall provide the following information to those in attendance at
6419 the meeting required under Subsection (1):

6420 (i) the current year's student enrollment for:

6421 (A) the State System of Higher Education, if a systemwide increase is being
6422 considered; or

6423 (B) the institution, if an increase is being considered for just a single institution;

6424 (ii) total tuition revenues for the current school year;

6425 (iii) projected student enrollment growth for the next school year and projected tuition
6426 revenue increases from that anticipated growth; and

6427 (iv) a detailed accounting of how and where the increased tuition revenues would be
6428 spent.

6429 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
6430 down into majors or departments if the proposed tuition increases are department or major
6431 specific.

6432 (5) If the institution does not make a final decision on the proposed tuition increase at
6433 the meeting, it shall announce the date, time, and place of the meeting where that determination
6434 shall be made.

6435 Section 107. Section **53B-8a-103** is amended to read:

6436 **53B-8a-103. Creation of Utah Educational Savings Plan -- Powers and duties of**
6437 **plan -- Certain exemptions.**

6438 (1) There is created the Utah Educational Savings Plan, which may also be known and
6439 do business as:

6440 (a) the Utah Educational Savings Plan Trust; or

6441 (b) another related name.

6442 (2) The plan:

6443 (a) is a non-profit, self-supporting agency that administers a public trust;

6444 (b) shall administer the various programs, funds, trusts, plans, functions, duties, and
6445 obligations assigned to the plan:

6446 (i) consistent with sound fiduciary principles; and
6447 (ii) subject to review of the board; and

6448 (c) shall be known as and managed as a qualified tuition program in compliance with
6449 Section 529, Internal Revenue Code, that is sponsored by the state.

6450 (3) The plan may:

6451 (a) make and enter into contracts necessary for the administration of the plan payable
6452 from plan money, including:

6453 (i) contracts for goods and services; and
6454 (ii) contracts to engage personnel, with demonstrated ability or expertise, including
6455 consultants, actuaries, managers, counsel, and auditors for the purpose of rendering
6456 professional, managerial, and technical assistance and advice;

6457 (b) adopt a corporate seal and change and amend the corporate seal;

6458 (c) invest money within the program, administrative, and endowment funds in
6459 accordance with the provisions under Section [53B-8a-107](#);

6460 (d) enter into agreements with account owners, any institution of higher education, any
6461 federal or state agency, or other entity as required to implement this chapter;

6462 (e) solicit and accept any grants, gifts, legislative appropriations, and other money from
6463 the state, any unit of federal, state, or local government, or any other person, firm, partnership,
6464 or corporation for deposit to the administrative fund, endowment fund, or the program fund;

6465 (f) make provision for the payment of costs of administration and operation of the plan;

6466 (g) carry out studies and projections to advise account owners regarding:

6467 (i) present and estimated future higher education costs; and
6468 (ii) levels of financial participation in the plan required to enable account owners to
6469 achieve their educational funding objective;

6470 (h) participate in federal, state, local governmental, or private programs;

6471 (i) create public and private partnerships, including investment or management
6472 relationships with other 529 plans or entities;

6473 (j) promulgate, impose, and collect administrative fees and charges in connection with
6474 transactions of the plan, and provide for reasonable service charges;

- 6475 (k) procure insurance:
- 6476 (i) against any loss in connection with the property, assets, or activities of the plan; and
- 6477 (ii) indemnifying any member of the board from personal loss or accountability arising
- 6478 from liability resulting from a member's action or inaction as a member of the plan's board;
- 6479 (l) administer outreach efforts to:
- 6480 (i) market and publicize the plan and the plan's products to existing and prospective
- 6481 account owners; and
- 6482 (ii) encourage economically challenged populations to save for post-secondary
- 6483 education;
- 6484 (m) adopt, trademark, and copyright names and materials for use in marketing and
- 6485 publicizing the plan and the plan's products;
- 6486 (n) administer the funds of the plan;
- 6487 (o) sue and be sued in the plan's own name;
- 6488 (p) own institutional accounts in the plan to establish and administer:
- 6489 (i) scholarship programs; or
- 6490 (ii) other college savings incentive programs, including programs designed to enhance
- 6491 the savings of low income account owners investing in the plan; and
- 6492 (q) have and exercise any other powers or duties that are necessary or appropriate to
- 6493 carry out and effectuate the purposes of this chapter.
- 6494 (4) (a) Except as provided in Subsection (4)(b), the plan is exempt from the provisions
- 6495 of Title 63G, Chapter 2, Government Records Access and Management Act.
- 6496 (b) (i) The annual audited financial statements of the plan described in Section
- 6497 [53B-8a-111](#) are public records.
- 6498 (ii) Financial information that is provided by the plan to the [~~Division of Finance and~~
- 6499 ~~posted on the Utah Public Finance Website in accordance with Section [63A-1-202](#)] state~~
- 6500 auditor and posted on the public finance website established by the state auditor in accordance
- 6501 with Section [67-3-12](#) is a public record.
- 6502 (5) The plan is subject to:
- 6503 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
- 6504 (b) Title 63G, Chapter 6a, Utah Procurement Code.
- 6505 Section 108. Section **53D-1-103** is amended to read:

6506 **53D-1-103. Application of other law.**

6507 (1) The office, board, and nominating committee are subject to:

6508 (a) Title 52, Chapter 4, Open and Public Meetings Act; and

6509 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] Section 67-3-12.

6510 (2) Subject to Subsection 63E-1-304(2), the office may participate in coverage under
6511 the Risk Management Fund, created in Section 63A-4-201.

6512 (3) The office and board are subject to:

6513 (a) Title 63G, Chapter 2, Government Records Access and Management Act, except
6514 for records relating to investment activities; and

6515 (b) Title 63G, Chapter 6a, Utah Procurement Code.

6516 (4) (a) In making rules under this chapter, the director is subject to and shall comply
6517 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as provided in
6518 Subsection (4)(b).

6519 (b) Subsections 63G-3-301(6) and (7) and Section 63G-3-601 do not apply to the
6520 director's making of rules under this chapter.

6521 (5) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to a board
6522 member to the same extent as it applies to an employee, as defined in Section 63G-7-102.

6523 (6) (a) A board member, the director, and an office employee or agent are subject to:

6524 (i) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and

6525 (ii) other requirements that the board establishes.

6526 (b) In addition to any restrictions or requirements imposed under Subsection (6)(a), a
6527 board member, the director, and an office employee or agent may not directly or indirectly
6528 acquire an interest in the trust fund or receive any direct benefit from any transaction dealing
6529 with trust fund money.

6530 (7) (a) Except as provided in Subsection (7)(b), the office shall comply with Title 67,
6531 Chapter 19, Utah State Personnel Management Act.

6532 (b) (i) Upon a recommendation from the director after the director's consultation with
6533 the executive director of the Department of Human Resource Management, the board may
6534 provide that specified positions in the office are exempt from Section 67-19-12 and the career
6535 service provisions of Title 67, Chapter 19, Utah State Personnel Management Act, as provided
6536 in Subsection 67-19-15(1), if the board determines that exemption is required for the office to

6537 fulfill efficiently its responsibilities under this chapter.

6538 (ii) The director position is exempt from Section 67-19-12 and the career service
6539 provisions of Title 67, Chapter 19, Utah State Personnel Management Act, as provided in
6540 Subsection 67-19-15(1).

6541 (iii) (A) After consultation with the executive director of the Department of Human
6542 Resource Management, the director shall set salaries for positions that are exempted under
6543 Subsection (7)(b)(i), within ranges that the board approves.

6544 (B) In approving salary ranges for positions that are exempted under Subsection
6545 (7)(b)(i), the board shall consider salaries for similar positions in private enterprise and other
6546 public employment.

6547 (8) The office is subject to legislative appropriation, to executive branch budgetary
6548 review and recommendation, and to legislative and executive branch review.

6549 Section 109. Section 53E-3-705 is amended to read:

6550 **53E-3-705. School plant capital outlay report.**

6551 (1) The state board shall prepare an annual school plant capital outlay report of all
6552 school districts, which includes information on the number and size of building projects
6553 completed and under construction.

6554 (2) A school district or charter school shall prepare and submit an annual school plant
6555 capital outlay report [~~in accordance with Section 63A-1-202~~] to the state auditor on or before a
6556 date designated by the state auditor.

6557 Section 110. Section 53E-4-202 is amended to read:

6558 **53E-4-202. Core standards for Utah public schools.**

6559 (1) (a) In establishing minimum standards related to curriculum and instruction
6560 requirements under Section 53E-3-501, the state board shall, in consultation with local school
6561 boards, school superintendents, teachers, employers, and parents implement core standards for
6562 Utah public schools that will enable students to, among other objectives:

6563 (i) communicate effectively, both verbally and through written communication;

6564 (ii) apply mathematics; and

6565 (iii) access, analyze, and apply information.

6566 (b) Except as provided in this public education code, the state board may recommend
6567 but may not require a local school board or charter school governing board to use:

- 6568 (i) a particular curriculum or instructional material; or
6569 (ii) a model curriculum or instructional material.
- 6570 (2) The state board shall, in establishing the core standards for Utah public schools:
- 6571 (a) identify the basic knowledge, skills, and competencies each student is expected to
6572 acquire or master as the student advances through the public education system; and
6573 (b) align with each other the core standards for Utah public schools and the
6574 assessments described in Section [53E-4-303](#).
- 6575 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
6576 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
6577 continual progress within and between grade levels and courses in the basic academic areas of:
- 6578 (a) English, including explicit phonics, spelling, grammar, reading, writing,
6579 vocabulary, speech, and listening; and
6580 (b) mathematics, including basic computational skills.
- 6581 (4) Before adopting core standards for Utah public schools, the state board shall:
- 6582 (a) publicize draft core standards for Utah public schools on the state board's website
6583 and the Utah Public Notice website created under Section [~~63F-1-701~~] [63A-12-201](#);
6584 (b) invite public comment on the draft core standards for Utah public schools for a
6585 period of not less than 90 days; and
6586 (c) conduct three public hearings that are held in different regions of the state on the
6587 draft core standards for Utah public schools.
- 6588 (5) LEA governing boards shall design their school programs, that are supported by
6589 generally accepted scientific standards of evidence, to focus on the core standards for Utah
6590 public schools with the expectation that each program will enhance or help achieve mastery of
6591 the core standards for Utah public schools.
- 6592 (6) Except as provided in Section [53G-10-402](#), each school may select instructional
6593 materials and methods of teaching, that are supported by generally accepted scientific standards
6594 of evidence, that the school considers most appropriate to meet the core standards for Utah
6595 public schools.
- 6596 (7) The state may exit any agreement, contract, memorandum of understanding, or
6597 consortium that cedes control of the core standards for Utah public schools to any other entity,
6598 including a federal agency or consortium, for any reason, including:

- 6599 (a) the cost of developing or implementing the core standards for Utah public schools;
- 6600 (b) the proposed core standards for Utah public schools are inconsistent with
- 6601 community values; or
- 6602 (c) the agreement, contract, memorandum of understanding, or consortium:
- 6603 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National
- 6604 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;
- 6605 (ii) conflicts with Utah law;
- 6606 (iii) requires Utah student data to be included in a national or multi-state database;
- 6607 (iv) requires records of teacher performance to be included in a national or multi-state
- 6608 database; or
- 6609 (v) imposes curriculum, assessment, or data tracking requirements on home school or
- 6610 private school students.

6611 (8) The state board shall submit a report in accordance with Section [53E-1-203](#) on the

6612 development and implementation of the core standards for Utah public schools, including the

6613 time line established for the review of the core standards for Utah public schools by a standards

6614 review committee and the recommendations of a standards review committee established under

6615 Section [53E-4-203](#).

6616 Section 111. Section **53G-3-204** is amended to read:

6617 **53G-3-204. Notice before preparing or amending a long-range plan or acquiring**

6618 **certain property.**

6619 (1) As used in this section:

6620 (a) "Affected entity" means each county, municipality, local district under Title 17B,

6621 Limited Purpose Local Government Entities - Local Districts, special service district under

6622 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established

6623 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

6624 (i) whose services or facilities are likely to require expansion or significant

6625 modification because of an intended use of land; or

6626 (ii) that has filed with the school district a copy of the general or long-range plan of the

6627 county, municipality, local district, special service district, school district, interlocal

6628 cooperation entity, or specified public utility.

6629 (b) "Specified public utility" means an electrical corporation, gas corporation, or

6630 telephone corporation, as those terms are defined in Section [54-2-1](#).

6631 (2) (a) If a school district located in a county of the first or second class prepares a
6632 long-range plan regarding its facilities proposed for the future or amends an already existing
6633 long-range plan, the school district shall, before preparing a long-range plan or amendments to
6634 an existing long-range plan, provide written notice, as provided in this section, of its intent to
6635 prepare a long-range plan or to amend an existing long-range plan.

6636 (b) Each notice under Subsection (2)(a) shall:

6637 (i) indicate that the school district intends to prepare a long-range plan or to amend a
6638 long-range plan, as the case may be;

6639 (ii) describe or provide a map of the geographic area that will be affected by the
6640 long-range plan or amendments to a long-range plan;

6641 (iii) be:

6642 (A) sent to each county in whose unincorporated area and each municipality in whose
6643 boundaries is located the land on which the proposed long-range plan or amendments to a
6644 long-range plan are expected to indicate that the proposed facilities will be located;

6645 (B) sent to each affected entity;

6646 (C) sent to the Automated Geographic Reference Center created in Section [63F-1-506](#);

6647 (D) sent to each association of governments, established pursuant to an interlocal
6648 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
6649 municipality described in Subsection (2)(b)(iii)(A) is a member; and

6650 (E) placed on the Utah Public Notice Website created under Section [[63F-1-701](#)]
6651 [63A-12-201](#);

6652 (iv) with respect to the notice to counties and municipalities described in Subsection
6653 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
6654 consider in the process of preparing, adopting, and implementing the long-range plan or
6655 amendments to a long-range plan concerning:

6656 (A) impacts that the use of land proposed in the proposed long-range plan or
6657 amendments to a long-range plan may have on the county, municipality, or affected entity; and

6658 (B) uses of land that the county, municipality, or affected entity is planning or
6659 considering that may conflict with the proposed long-range plan or amendments to a long-range
6660 plan; and

6661 (v) include the address of an Internet website, if the school district has one, and the
6662 name and telephone number of a person where more information can be obtained concerning
6663 the school district's proposed long-range plan or amendments to a long-range plan.

6664 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
6665 acquire real property in a county of the first or second class for the purpose of expanding the
6666 district's infrastructure or other facilities shall provide written notice, as provided in this
6667 Subsection (3), of its intent to acquire the property if the intended use of the property is
6668 contrary to:

6669 (i) the anticipated use of the property under the county or municipality's general plan;
6670 or

6671 (ii) the property's current zoning designation.

6672 (b) Each notice under Subsection (3)(a) shall:

6673 (i) indicate that the school district intends to acquire real property;

6674 (ii) identify the real property; and

6675 (iii) be sent to:

6676 (A) each county in whose unincorporated area and each municipality in whose
6677 boundaries the property is located; and

6678 (B) each affected entity.

6679 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
6680 [63G-2-305\(8\)](#).

6681 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
6682 previously provided notice under Subsection (2) identifying the general location within the
6683 municipality or unincorporated part of the county where the property to be acquired is located.

6684 (ii) If a school district is not required to comply with the notice requirement of
6685 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
6686 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of
6687 the real property.

6688 Section 112. Section **53G-4-204** is amended to read:

6689 **53G-4-204. Compensation for services -- Additional per diem -- Approval of**
6690 **expenses.**

6691 (1) Each member of a local school board, except the student member, shall receive

6692 compensation for services and for necessary expenses in accordance with compensation
6693 schedules adopted by the local school board in accordance with the provisions of this section.

6694 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
6695 compensation schedules, the local school board shall set a time and place for a public hearing
6696 at which all interested persons shall be given an opportunity to be heard.

6697 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
6698 seven days prior to the meeting by:

6699 (a) (i) publication at least once in a newspaper published in the county where the
6700 school district is situated and generally circulated within the school district; and

6701 (ii) publication on the Utah Public Notice Website created in Section [~~63F-1-701~~]
6702 [63A-12-201](#); and

6703 (b) posting a notice:

6704 (i) at each school within the school district;

6705 (ii) in at least three other public places within the school district; and

6706 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

6707 (4) After the conclusion of the public hearing, the local school board may adopt or
6708 amend its compensation schedules.

6709 (5) Each member shall submit an itemized account of necessary travel expenses for
6710 local school board approval.

6711 (6) A local school board may, without following the procedures described in
6712 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
6713 July 1, 2007, until, at the discretion of the local school board, the compensation schedule is
6714 amended or a new compensation schedule is adopted.

6715 Section 113. Section **53G-4-402** is amended to read:

6716 **53G-4-402. Powers and duties generally.**

6717 (1) A local school board shall:

6718 (a) implement the core standards for Utah public schools using instructional materials
6719 that best correlate to the core standards for Utah public schools and graduation requirements;

6720 (b) administer tests, required by the state board, which measure the progress of each
6721 student, and coordinate with the state superintendent and state board to assess results and create
6722 plans to improve the student's progress, which shall be submitted to the state board for

6723 approval;

6724 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
6725 students that need remediation and determine the type and amount of federal, state, and local
6726 resources to implement remediation;

6727 (d) develop early warning systems for students or classes failing to make progress;

6728 (e) work with the state board to establish a library of documented best practices,
6729 consistent with state and federal regulations, for use by the local districts;

6730 (f) implement training programs for school administrators, including basic
6731 management training, best practices in instructional methods, budget training, staff
6732 management, managing for learning results and continuous improvement, and how to help
6733 every child achieve optimal learning in basic academic subjects; and

6734 (g) ensure that the local school board meets the data collection and reporting standards
6735 described in Section [53E-3-501](#).

6736 (2) Local school boards shall spend Minimum School Program funds for programs and
6737 activities for which the state board has established minimum standards or rules under Section
6738 [53E-3-501](#).

6739 (3) (a) A local school board may purchase, sell, and make improvements on school
6740 sites, buildings, and equipment and construct, erect, and furnish school buildings.

6741 (b) School sites or buildings may only be conveyed or sold on local school board
6742 resolution affirmed by at least two-thirds of the members.

6743 (4) (a) A local school board may participate in the joint construction or operation of a
6744 school attended by children residing within the district and children residing in other districts
6745 either within or outside the state.

6746 (b) Any agreement for the joint operation or construction of a school shall:

6747 (i) be signed by the president of the local school board of each participating district;

6748 (ii) include a mutually agreed upon pro rata cost; and

6749 (iii) be filed with the state board.

6750 (5) A local school board may establish, locate, and maintain elementary, secondary,
6751 and applied technology schools.

6752 (6) Except as provided in Section [53E-3-905](#), a local school board may enroll children
6753 in school who are at least five years of age before September 2 of the year in which admission

6754 is sought.

6755 (7) A local school board may establish and support school libraries.

6756 (8) A local school board may collect damages for the loss, injury, or destruction of
6757 school property.

6758 (9) A local school board may authorize guidance and counseling services for children
6759 and their parents before, during, or following enrollment of the children in schools.

6760 (10) (a) A local school board shall administer and implement federal educational
6761 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
6762 Education Programs.

6763 (b) Federal funds are not considered funds within the school district budget under
6764 Chapter 7, Part 3, Budgets.

6765 (11) (a) A local school board may organize school safety patrols and adopt policies
6766 under which the patrols promote student safety.

6767 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
6768 parental consent for the appointment.

6769 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
6770 of a highway intended for vehicular traffic use.

6771 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
6772 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
6773 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

6774 (12) (a) A local school board may on its own behalf, or on behalf of an educational
6775 institution for which the local school board is the direct governing body, accept private grants,
6776 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

6777 (b) These contributions are not subject to appropriation by the Legislature.

6778 (13) (a) A local school board may appoint and fix the compensation of a compliance
6779 officer to issue citations for violations of Subsection [76-10-105\(2\)\(b\)](#).

6780 (b) A person may not be appointed to serve as a compliance officer without the
6781 person's consent.

6782 (c) A teacher or student may not be appointed as a compliance officer.

6783 (14) A local school board shall adopt bylaws and policies for the local school board's
6784 own procedures.

6785 (15) (a) A local school board shall make and enforce policies necessary for the control
6786 and management of the district schools.

6787 (b) Local school board policies shall be in writing, filed, and referenced for public
6788 access.

6789 (16) A local school board may hold school on legal holidays other than Sundays.

6790 (17) (a) A local school board shall establish for each school year a school traffic safety
6791 committee to implement this Subsection (17).

6792 (b) The committee shall be composed of one representative of:

6793 (i) the schools within the district;

6794 (ii) the Parent Teachers' Association of the schools within the district;

6795 (iii) the municipality or county;

6796 (iv) state or local law enforcement; and

6797 (v) state or local traffic safety engineering.

6798 (c) The committee shall:

6799 (i) receive suggestions from school community councils, parents, teachers, and others
6800 and recommend school traffic safety improvements, boundary changes to enhance safety, and
6801 school traffic safety program measures;

6802 (ii) review and submit annually to the Department of Transportation and affected
6803 municipalities and counties a child access routing plan for each elementary, middle, and junior
6804 high school within the district;

6805 (iii) consult the Utah Safety Council and the Division of Family Health Services and
6806 provide training to all school children in kindergarten through grade 6, within the district, on
6807 school crossing safety and use; and

6808 (iv) help ensure the district's compliance with rules made by the Department of
6809 Transportation under Section [41-6a-303](#).

6810 (d) The committee may establish subcommittees as needed to assist in accomplishing
6811 its duties under Subsection (17)(c).

6812 (18) (a) A local school board shall adopt and implement a comprehensive emergency
6813 response plan to prevent and combat violence in the local school board's public schools, on
6814 school grounds, on its school vehicles, and in connection with school-related activities or
6815 events.

- 6816 (b) The plan shall:
- 6817 (i) include prevention, intervention, and response components;
- 6818 (ii) be consistent with the student conduct and discipline policies required for school
- 6819 districts under Chapter 11, Part 2, Miscellaneous Requirements;
- 6820 (iii) require professional learning for all district and school building staff on what their
- 6821 roles are in the emergency response plan;
- 6822 (iv) provide for coordination with local law enforcement and other public safety
- 6823 representatives in preventing, intervening, and responding to violence in the areas and activities
- 6824 referred to in Subsection (18)(a); and
- 6825 (v) include procedures to notify a student, to the extent practicable, who is off campus
- 6826 at the time of a school violence emergency because the student is:
- 6827 (A) participating in a school-related activity; or
- 6828 (B) excused from school for a period of time during the regular school day to
- 6829 participate in religious instruction at the request of the student's parent.
- 6830 (c) The state board, through the state superintendent, shall develop comprehensive
- 6831 emergency response plan models that local school boards may use, where appropriate, to
- 6832 comply with Subsection (18)(a).
- 6833 (d) A local school board shall, by July 1 of each year, certify to the state board that its
- 6834 plan has been practiced at the school level and presented to and reviewed by its teachers,
- 6835 administrators, students, and their parents and local law enforcement and public safety
- 6836 representatives.
- 6837 (19) (a) A local school board may adopt an emergency response plan for the treatment
- 6838 of sports-related injuries that occur during school sports practices and events.
- 6839 (b) The plan may be implemented by each secondary school in the district that has a
- 6840 sports program for students.
- 6841 (c) The plan may:
- 6842 (i) include emergency personnel, emergency communication, and emergency
- 6843 equipment components;
- 6844 (ii) require professional learning on the emergency response plan for school personnel
- 6845 who are involved in sports programs in the district's secondary schools; and
- 6846 (iii) provide for coordination with individuals and agency representatives who:

6847 (A) are not employees of the school district; and

6848 (B) would be involved in providing emergency services to students injured while
6849 participating in sports events.

6850 (d) The local school board, in collaboration with the schools referred to in Subsection
6851 (19)(b), may review the plan each year and make revisions when required to improve or
6852 enhance the plan.

6853 (e) The state board, through the state superintendent, shall provide local school boards
6854 with an emergency plan response model that local school boards may use to comply with the
6855 requirements of this Subsection (19).

6856 (20) A local school board shall do all other things necessary for the maintenance,
6857 prosperity, and success of the schools and the promotion of education.

6858 (21) (a) Before closing a school or changing the boundaries of a school, a local school
6859 board shall:

6860 (i) at least 120 days before approving the school closure or school boundary change,
6861 provide notice to the following that the local school board is considering the closure or
6862 boundary change:

6863 (A) parents of students enrolled in the school, using the same form of communication
6864 the local school board regularly uses to communicate with parents;

6865 (B) parents of students enrolled in other schools within the school district that may be
6866 affected by the closure or boundary change, using the same form of communication the local
6867 school board regularly uses to communicate with parents; and

6868 (C) the governing council and the mayor of the municipality in which the school is
6869 located;

6870 (ii) provide an opportunity for public comment on the proposed school closure or
6871 school boundary change during at least two public local school board meetings; and

6872 (iii) hold a public hearing as defined in Section [10-9a-103](#) and provide public notice of
6873 the public hearing as described in Subsection (21)(b).

6874 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

6875 (i) indicate the:

6876 (A) school or schools under consideration for closure or boundary change; and

6877 (B) the date, time, and location of the public hearing;

6878 (ii) at least 10 days before the public hearing, be:
6879 (A) published:
6880 (I) in a newspaper of general circulation in the area; and
6881 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#); and
6882 (B) posted in at least three public locations within the municipality in which the school
6883 is located on the school district's official website, and prominently at the school; and
6884 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be
6885 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

6886 (22) A local school board may implement a facility energy efficiency program
6887 established under Title 11, Chapter 44, Performance Efficiency Act.

6888 (23) A local school board may establish or partner with a certified youth court
6889 program, in accordance with Section [78A-6-1203](#), or establish or partner with a comparable
6890 restorative justice program, in coordination with schools in that district. A school may refer a
6891 student to youth court or a comparable restorative justice program in accordance with Section
6892 [53G-8-211](#).

6893 Section 114. Section [53G-5-504](#) is amended to read:

6894 **[53G-5-504](#). Charter school closure.**

6895 (1) As used in this section, "receiving charter school" means a charter school that an
6896 authorizer permits under Subsection (13)(a), to accept enrollment applications from students of
6897 a closing charter school.

6898 (2) If a charter school is closed for any reason, including the termination of a charter
6899 agreement in accordance with Section [53G-5-503](#) or the conversion of a charter school to a
6900 private school, the provisions of this section apply.

6901 (3) A decision to close a charter school is made:

6902 (a) when a charter school authorizer approves a motion to terminate described in
6903 Subsection [53G-5-503](#)(2)(c);

6904 (b) when the state board takes final action described in Subsection [53G-5-503](#)(2)(d)(ii);
6905 or

6906 (c) when a charter school provides notice to the charter school's authorizer that the
6907 charter school is relinquishing the charter school's charter.

6908 (4) (a) No later than 10 days after the day on which a decision to close a charter school

6909 is made, the charter school shall:

6910 (i) provide notice to the following, in writing, of the decision:

6911 (A) if the charter school made the decision to close, the charter school's authorizer;

6912 (B) the State Charter School Board;

6913 (C) if the state board did not make the decision to close, the state board;

6914 (D) parents of students enrolled at the charter school;

6915 (E) the charter school's creditors;

6916 (F) the charter school's lease holders;

6917 (G) the charter school's bond issuers;

6918 (H) other entities that may have a claim to the charter school's assets;

6919 (I) the school district in which the charter school is located and other charter schools

6920 located in that school district; and

6921 (J) any other person that the charter school determines to be appropriate; and

6922 (ii) post notice of the decision on the Utah Public Notice Website, created in Section

6923 [~~63F-1-701~~] [63A-12-201](#).

6924 (b) The notice described in Subsection (4)(a) shall include:

6925 (i) the proposed date of the charter school closure;

6926 (ii) the charter school's plans to help students identify and transition into a new school;

6927 and

6928 (iii) contact information for the charter school during the transition.

6929 (5) No later than 10 days after the day on which a decision to close a charter school is

6930 made, the closing charter school shall:

6931 (a) designate a custodian for the protection of student files and school business records;

6932 (b) designate a base of operation that will be maintained throughout the charter school

6933 closing, including:

6934 (i) an office;

6935 (ii) hours of operation;

6936 (iii) operational telephone service with voice messaging stating the hours of operation;

6937 and

6938 (iv) a designated individual to respond to questions or requests during the hours of

6939 operation;

6940 (c) assure that the charter school will maintain private insurance coverage or risk
6941 management coverage for covered claims that arise before closure, throughout the transition to
6942 closure and for a period following closure of the charter school as specified by the charter
6943 school's authorizer;

6944 (d) assure that the charter school will complete by the set deadlines for all fiscal years
6945 in which funds are received or expended by the charter school a financial audit and any other
6946 procedure required by state board rule;

6947 (e) inventory all assets of the charter school; and

6948 (f) list all creditors of the charter school and specifically identify secured creditors and
6949 assets that are security interests.

6950 (6) The closing charter school's authorizer shall oversee the closing charter school's
6951 compliance with Subsection (5).

6952 (7) (a) A closing charter school shall return any assets remaining, after all liabilities
6953 and obligations of the closing charter school are paid or discharged, to the closing charter
6954 school's authorizer.

6955 (b) The closing charter school's authorizer shall liquidate assets at fair market value or
6956 assign the assets to another public school.

6957 (8) The closing charter school's authorizer shall oversee liquidation of assets and
6958 payment of debt in accordance with state board rule.

6959 (9) The closing charter school shall:

6960 (a) comply with all state and federal reporting requirements; and

6961 (b) submit all documentation and complete all state and federal reports required by the
6962 closing charter school's authorizer or the state board, including documents to verify the closing
6963 charter school's compliance with procedural requirements and satisfaction of all financial
6964 issues.

6965 (10) When the closing charter school's financial affairs are closed out and dissolution is
6966 complete, the authorizer shall ensure that a final audit of the charter school is completed.

6967 (11) On or before January 1, 2017, the state board shall, in accordance with Title 63G,
6968 Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from
6969 charter school authorizers, make rules that:

6970 (a) provide additional closure procedures for charter schools; and

6971 (b) establish a charter school closure process.
6972 (12) (a) Upon termination of the charter school's charter agreement:
6973 (i) notwithstanding provisions to the contrary in Title 16, Chapter 6a, Part 14,
6974 Dissolution, the nonprofit corporation under which the charter school is organized and
6975 managed may be unilaterally dissolved by the authorizer; and
6976 (ii) the net assets of the charter school shall revert to the authorizer as described in
6977 Subsection (7).
6978 (b) The charter school and the authorizer shall mutually agree in writing on the
6979 effective date and time of the dissolution described in Subsection (12)(a).
6980 (c) The effective date and time of dissolution described in Subsection (12)(b) may not
6981 exceed five years after the date of the termination of the charter agreement.
6982 (13) Notwithstanding the provisions of Chapter 6, Part 5, Charter School Enrollment:
6983 (a) an authorizer may permit a specified number of students from a closing charter
6984 school to be enrolled in another charter school, if the receiving charter school:
6985 (i) (A) is authorized by the same authorizer as the closing charter school; or
6986 (B) is authorized by a different authorizer and the authorizer of the receiving charter
6987 school approves the increase in enrollment; and
6988 (ii) agrees to accept enrollment applications from students of the closing charter
6989 school;
6990 (b) a receiving charter school shall give new enrollment preference to applications
6991 from students of the closing charter school in the first school year in which the closing charter
6992 school is not operational; and
6993 (c) a receiving charter school's enrollment capacity is increased by the number of
6994 students enrolled in the receiving charter school from the closing charter school under this
6995 Subsection (13).
6996 (14) A member of the governing board or staff of the receiving charter school that is
6997 also a member of the governing board of the receiving charter school's authorizer, shall recuse
6998 himself or herself from a decision regarding the enrollment of students from a closing charter
6999 school as described in Subsection (13).
7000 Section 115. Section **53G-7-1105** is amended to read:
7001 **53G-7-1105. Association budgets.**

- 7002 (1) An association shall:
- 7003 (a) adopt a budget in accordance with this section; and
- 7004 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall
- 7005 be in accordance with generally accepted accounting principles or auditing standards.
- 7006 (2) An association budget officer or executive director shall annually prepare a
- 7007 tentative budget, with supporting documentation, to be submitted to the governing body.
- 7008 (3) The tentative budget and supporting documents shall include the following items:
- 7009 (a) the revenues and expenditures of the preceding fiscal year;
- 7010 (b) the estimated revenues and expenditures of the current fiscal year;
- 7011 (c) a detailed estimate of the essential expenditures for all purposes for the next
- 7012 succeeding fiscal year; and
- 7013 (d) the estimated financial condition of the association by funds at the close of the
- 7014 current fiscal year.
- 7015 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,
- 7016 before the date of the tentative budget's proposed adoption by the governing body.
- 7017 (5) The governing body shall adopt a budget.
- 7018 (6) Before the adoption or amendment of a budget, the governing body shall hold a
- 7019 public hearing on the proposed budget or budget amendment.
- 7020 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings
- 7021 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the
- 7022 public hearing, a governing body shall:
- 7023 (i) publish a notice of the public hearing electronically in accordance with Section
- 7024 [~~63F-1-701~~] [63A-12-201](#); and
- 7025 (ii) post the proposed budget on the association's Internet website.
- 7026 (b) A notice of a public hearing on an association's proposed budget shall include
- 7027 information on how the public may access the proposed budget as provided in Subsection
- 7028 (7)(a).
- 7029 (8) No later than September 30 of each year, the governing body shall file a copy of the
- 7030 adopted budget with the state auditor and the state board.
- 7031 Section 116. Section **54-8-10** is amended to read:
- 7032 **54-8-10. Public hearing -- Notice -- Publication.**

7033 (1) Such notice shall be:
7034 (a) (i) published:
7035 (A) in full one time in a newspaper of general circulation in the district; or
7036 (B) if there be no such newspaper, in a newspaper of general circulation in the county,
7037 city, or town in which the district is located; and
7038 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
7039 [63A-12-201](#); and
7040 (b) posted in not less than three public places in the district.
7041 (2) A copy of the notice shall be mailed by certified mail to the last known address of
7042 each owner of land within the proposed district whose property will be assessed for the cost of
7043 the improvement.
7044 (3) The address to be used for that purpose shall be that last appearing on the real
7045 property assessment rolls of the county in which the property is located.
7046 (4) In addition, a copy of the notice shall be addressed to "Owner" and shall be so
7047 mailed addressed to the street number of each piece of improved property to be affected by the
7048 assessment.
7049 (5) Mailed notices and the published notice shall state where a copy of the resolution
7050 creating the district will be available for inspection by any interested parties.
7051 Section 117. Section ~~54-8-16~~ is amended to read:
7052 **54-8-16. Notice of assessment -- Publication.**
7053 (1) After the preparation of a resolution under Section ~~54-8-14~~, notice of a public
7054 hearing on the proposed assessments shall be given.
7055 (2) The notice described in Subsection (1) shall be:
7056 (a) published:
7057 (i) one time in a newspaper in which the first notice of hearing was published at least
7058 20 days before the date fixed for the hearing; and
7059 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
7060 at least 20 days before the date fixed for the hearing; and
7061 (b) mailed by certified mail not less than 15 days prior to the date fixed for such
7062 hearing to each owner of real property whose property will be assessed for part of the cost of
7063 the improvement at the last known address of such owner using for such purpose the names

7064 and addresses appearing on the last completed real property assessment rolls of the county
7065 wherein said affected property is located.

7066 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
7067 mailed addressed to the street number of each piece of improved property to be affected by
7068 such assessment.

7069 (4) Each notice shall state that at the specified time and place, the governing body will
7070 hold a public hearing upon the proposed assessments and shall state that any owner of any
7071 property to be assessed pursuant to the resolution will be heard on the question of whether his
7072 property will be benefited by the proposed improvement to the amount of the proposed
7073 assessment against his property and whether the amount assessed against his property
7074 constitutes more than his proper proportional share of the total cost of the improvement.

7075 (5) The notice shall further state where a copy of the resolution proposed to be adopted
7076 levying the assessments against all real property in the district will be on file for public
7077 inspection, and that subject to such changes and corrections therein as may be made by the
7078 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

7079 (6) A published notice shall describe the boundaries or area of the district with
7080 sufficient particularity to permit each owner of real property therein to ascertain that his
7081 property lies in the district.

7082 (7) The mailed notice may refer to the district by name and date of creation and shall
7083 state the amount of the assessment proposed to be levied against the real property of the person
7084 to whom the notice is mailed.

7085 Section 118. Section **57-11-11** is amended to read:

7086 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**
7087 **Intervention by division in suits -- General powers of division.**

7088 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,
7089 or repealed only after a public hearing.

7090 (b) The division shall:

7091 (i) publish notice of the public hearing described in Subsection (1)(a):

7092 (A) once in a newspaper or newspapers with statewide circulation and at least 20 days
7093 before the hearing; and

7094 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for

7095 at least 20 days before the hearing; and

7096 (ii) send a notice to a nonprofit organization which files a written request for notice
7097 with the division at least 20 days prior to the hearing.

7098 (2) The rules shall include but need not be limited to:

7099 (a) provisions for advertising standards to assure full and fair disclosure; and

7100 (b) provisions for escrow or trust agreements, performance bonds, or other means
7101 reasonably necessary to assure that all improvements referred to in the application for
7102 registration and advertising will be completed and that purchasers will receive the interest in
7103 land contracted for.

7104 (3) These provisions, however, shall not be required if the city or county in which the
7105 subdivision is located requires similar means of assurance of a nature and in an amount no less
7106 adequate than is required under said rules:

7107 (a) provisions for operating procedures;

7108 (b) provisions for a shortened form of registration in cases where the division
7109 determines that the purposes of this act do not require a subdivision to be registered pursuant to
7110 an application containing all the information required by Section 57-11-6 or do not require that
7111 the public offering statement contain all the information required by Section 57-11-7; and

7112 (c) other rules necessary and proper to accomplish the purpose of this chapter.

7113 (4) The division by rule or order, after reasonable notice, may require the filing of
7114 advertising material relating to subdivided lands prior to its distribution, provided that the
7115 division must approve or reject any advertising material within 15 days from the receipt thereof
7116 or the material shall be considered approved.

7117 (5) If it appears that a person has engaged or is about to engage in an act or practice
7118 constituting a violation of a provision of this chapter or a rule or order hereunder, the agency,
7119 with or without prior administrative proceedings, may bring an action in the district court of the
7120 district where said person maintains his residence or a place of business or where said act or
7121 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce
7122 compliance with this chapter or any rule or order hereunder. Upon proper showing, injunctive
7123 relief or temporary restraining orders shall be granted, and a receiver or conservator may be
7124 appointed. The division shall not be required to post a bond in any court proceedings.

7125 (6) The division shall be allowed to intervene in a suit involving subdivided lands,

7126 either as a party or as an amicus curiae, where it appears that the interpretation or
7127 constitutionality of any provision of law will be called into question. In any suit by or against a
7128 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice
7129 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,
7130 constitute grounds for the division withholding any approval required by this chapter.

7131 (7) The division may:

7132 (a) accept registrations filed in other states or with the federal government;

7133 (b) contract with public agencies or qualified private persons in this state or other
7134 jurisdictions to perform investigative functions; and

7135 (c) accept grants-in-aid from any source.

7136 (8) The division shall cooperate with similar agencies in other jurisdictions to establish
7137 uniform filing procedures and forms, uniform public offering statements, advertising standards,
7138 rules, and common administrative practices.

7139 Section 119. Section **59-2-919** is amended to read:

7140 **59-2-919. Notice and public hearing requirements for certain tax increases --**

7141 **Exceptions.**

7142 (1) As used in this section:

7143 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue
7144 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

7145 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including
7146 revenue from:

7147 (i) eligible new growth as defined in Section [59-2-924](#); or

7148 (ii) personal property that is:

7149 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

7150 (B) semiconductor manufacturing equipment.

7151 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
7152 that begins on January 1 and ends on December 31.

7153 (d) "County executive calendar year taxing entity" means a calendar year taxing entity
7154 that operates under the county executive-council form of government described in Section
7155 [17-52a-203](#).

7156 (e) "Current calendar year" means the calendar year immediately preceding the

7157 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the
7158 calendar year taxing entity's certified tax rate.

7159 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that
7160 begins on July 1 and ends on June 30.

7161 (g) "Last year's property tax budgeted revenue" does not include revenue received by a
7162 taxing entity from a debt service levy voted on by the public.

7163 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
7164 rate unless the taxing entity meets:

7165 (a) the requirements of this section that apply to the taxing entity; and

7166 (b) all other requirements as may be required by law.

7167 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar
7168 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax
7169 rate if the calendar year taxing entity:

7170 (i) 14 or more days before the date of the regular general election or municipal general
7171 election held in the current calendar year, states at a public meeting:

7172 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the
7173 calendar year taxing entity's certified tax rate;

7174 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would
7175 be generated by the proposed increase in the certified tax rate; and

7176 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity
7177 based on the proposed increase described in Subsection (3)(a)(i)(B);

7178 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in
7179 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a
7180 separate item on the meeting agenda that notifies the public that the calendar year taxing entity
7181 intends to make the statement described in Subsection (3)(a)(i);

7182 (iii) meets the advertisement requirements of Subsections (6) and (7) before the
7183 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);

7184 (iv) provides notice by mail:

7185 (A) seven or more days before the regular general election or municipal general
7186 election held in the current calendar year; and

7187 (B) as provided in Subsection (3)(c); and

- 7188 (v) conducts a public hearing that is held:
- 7189 (A) in accordance with Subsections (8) and (9); and
- 7190 (B) in conjunction with the public hearing required by Section 17-36-13 or 17B-1-610.
- 7191 (b) (i) For a county executive calendar year taxing entity, the statement described in
- 7192 Subsection (3)(a)(i) shall be made by the:
- 7193 (A) county council;
- 7194 (B) county executive; or
- 7195 (C) both the county council and county executive.
- 7196 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
- 7197 county council states a dollar amount of additional ad valorem tax revenue that is greater than
- 7198 the amount of additional ad valorem tax revenue previously stated by the county executive in
- 7199 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:
- 7200 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
- 7201 county executive calendar year taxing entity conducts the public hearing under Subsection
- 7202 (3)(a)(v); and
- 7203 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
- 7204 county executive calendar year taxing entity conducts the public hearing required by
- 7205 Subsection (3)(a)(v).
- 7206 (c) The notice described in Subsection (3)(a)(iv):
- 7207 (i) shall be mailed to each owner of property:
- 7208 (A) within the calendar year taxing entity; and
- 7209 (B) listed on the assessment roll;
- 7210 (ii) shall be printed on a separate form that:
- 7211 (A) is developed by the commission;
- 7212 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
- 7213 "NOTICE OF PROPOSED TAX INCREASE"; and
- 7214 (C) may be mailed with the notice required by Section 59-2-1317;
- 7215 (iii) shall contain for each property described in Subsection (3)(c)(i):
- 7216 (A) the value of the property for the current calendar year;
- 7217 (B) the tax on the property for the current calendar year; and
- 7218 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year

7219 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
7220 rate, the estimated tax on the property;

7221 (iv) shall contain the following statement:

7222 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
7223 year]. This notice contains estimates of the tax on your property and the proposed tax increase
7224 on your property as a result of this tax increase. These estimates are calculated on the basis of
7225 [insert previous applicable calendar year] data. The actual tax on your property and proposed
7226 tax increase on your property may vary from this estimate.";

7227 (v) shall state the date, time, and place of the public hearing described in Subsection
7228 (3)(a)(v); and

7229 (vi) may contain other property tax information approved by the commission.

7230 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
7231 calculate the estimated tax on property on the basis of:

7232 (i) data for the current calendar year; and

7233 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
7234 section.

7235 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
7236 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

7237 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
7238 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
7239 taxing entity's annual budget is adopted; and

7240 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
7241 fiscal year taxing entity's annual budget is adopted.

7242 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
7243 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
7244 the requirements of this section.

7245 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
7246 (4) if:

7247 (i) Section 53F-8-301 allows the taxing entity to levy a tax rate that exceeds that
7248 certified tax rate without having to comply with the notice provisions of this section; or

7249 (ii) the taxing entity:

7250 (A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal year;

7251 and

7252 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
7253 revenue.

7254 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
7255 section shall be published:

7256 (i) subject to Section [45-1-101](#), in a newspaper or combination of newspapers of
7257 general circulation in the taxing entity;

7258 (ii) electronically in accordance with Section [45-1-101](#); and

7259 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

7260 (b) The advertisement described in Subsection (6)(a)(i) shall:

7261 (i) be no less than 1/4 page in size;

7262 (ii) use type no smaller than 18 point; and

7263 (iii) be surrounded by a 1/4-inch border.

7264 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
7265 portion of the newspaper where legal notices and classified advertisements appear.

7266 (d) It is the intent of the Legislature that:

7267 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
7268 newspaper that is published at least one day per week; and

7269 (ii) the newspaper or combination of newspapers selected:

7270 (A) be of general interest and readership in the taxing entity; and

7271 (B) not be of limited subject matter.

7272 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

7273 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks
7274 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);

7275 and

7276 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
7277 advertisement, which shall be seven or more days after the day the first advertisement is
7278 published, for the purpose of hearing comments regarding any proposed increase and to explain
7279 the reasons for the proposed increase.

7280 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

7281 (A) be published two weeks before a taxing entity conducts a public hearing described
7282 in Subsection (3)(a)(v) or (4)(b); and

7283 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
7284 advertisement, which shall be seven or more days after the day the first advertisement is
7285 published, for the purpose of hearing comments regarding any proposed increase and to explain
7286 the reasons for the proposed increase.

7287 (f) If a fiscal year taxing entity's public hearing information is published by the county
7288 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the
7289 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run
7290 the advertisement once during the week before the fiscal year taxing entity conducts a public
7291 hearing at which the taxing entity's annual budget is discussed.

7292 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an
7293 advertisement shall be substantially as follows:

7294 "NOTICE OF PROPOSED TAX INCREASE

7295 (NAME OF TAXING ENTITY)

7296 The (name of the taxing entity) is proposing to increase its property tax revenue.

7297 ● The (name of the taxing entity) tax on a (insert the average value of a residence
7298 in the taxing entity rounded to the nearest thousand dollars) residence would
7299 increase from \$_____ to \$_____, which is \$_____ per year.

7300 ● The (name of the taxing entity) tax on a (insert the value of a business having
7301 the same value as the average value of a residence in the taxing entity) business
7302 would increase from \$_____ to \$_____, which is \$_____ per year.

7303 ● If the proposed budget is approved, (name of the taxing entity) would increase
7304 its property tax budgeted revenue by ___% above last year's property tax
7305 budgeted revenue excluding eligible new growth.

7306 All concerned citizens are invited to a public hearing on the tax increase.

7307 PUBLIC HEARING

7308 Date/Time: (date) (time)

7309 Location: (name of meeting place and address of meeting place)

7310 To obtain more information regarding the tax increase, citizens may contact the (name
7311 of the taxing entity) at (phone number of taxing entity)."

- 7312 (7) The commission:
- 7313 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
- 7314 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by
- 7315 two or more taxing entities; and
- 7316 (b) subject to Section 45-1-101, may authorize:
- 7317 (i) the use of a weekly newspaper:
- 7318 (A) in a county having both daily and weekly newspapers if the weekly newspaper
- 7319 would provide equal or greater notice to the taxpayer; and
- 7320 (B) if the county petitions the commission for the use of the weekly newspaper; or
- 7321 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer
- 7322 if:
- 7323 (A) the cost of the advertisement would cause undue hardship;
- 7324 (B) the direct notice is different and separate from that provided for in Section
- 7325 59-2-919.1; and
- 7326 (C) the taxing entity petitions the commission for the use of a commission approved
- 7327 direct notice.
- 7328 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county
- 7329 legislative body in which the fiscal year taxing entity is located of the date, time, and place of
- 7330 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.
- 7331 (B) A county that receives notice from a fiscal year taxing entity under Subsection
- 7332 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place
- 7333 of the public hearing described in Subsection (8)(a)(i)(A).
- 7334 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar
- 7335 year, notify the county legislative body in which the calendar year taxing entity is located of the
- 7336 date, time, and place of the first public hearing at which the calendar year taxing entity's annual
- 7337 budget will be discussed.
- 7338 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:
- 7339 (A) open to the public; and
- 7340 (B) held at a meeting of the taxing entity with no items on the agenda other than
- 7341 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing
- 7342 entity's certified tax rate, the taxing entity's budget, a local district's or special service district's

7343 fee implementation or increase, or a combination of these items.

7344 (ii) The governing body of a taxing entity conducting a public hearing described in
7345 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an
7346 opportunity to present oral testimony:

7347 (A) within reasonable time limits; and

7348 (B) without unreasonable restriction on the number of individuals allowed to make
7349 public comment.

7350 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
7351 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing
7352 of another overlapping taxing entity in the same county.

7353 (ii) The taxing entities in which the power to set tax levies is vested in the same
7354 governing board or authority may consolidate the public hearings described in Subsection
7355 (3)(a)(v) or (4)(b) into one public hearing.

7356 (d) A county legislative body shall resolve any conflict in public hearing dates and
7357 times after consultation with each affected taxing entity.

7358 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
7359 (4)(b) beginning at or after 6 p.m.

7360 (ii) If a taxing entity holds a public meeting for the purpose of addressing general
7361 business of the taxing entity on the same date as a public hearing described in Subsection
7362 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before
7363 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).

7364 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the
7365 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public
7366 hearing of the taxing entity.

7367 (ii) A taxing entity may hold the following hearings on the same date as a public
7368 hearing described in Subsection (3)(a)(v) or (4)(b):

7369 (A) a budget hearing;

7370 (B) if the taxing entity is a local district or a special service district, a fee hearing
7371 described in Section [17B-1-643](#);

7372 (C) if the taxing entity is a town, an enterprise fund hearing described in Section
7373 [10-5-107.5](#); or

7374 (D) if the taxing entity is a city, an enterprise fund hearing described in Section
7375 10-6-135.5.

7376 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
7377 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing
7378 entity shall:

7379 (i) announce at that public hearing the scheduled time and place of the next public
7380 meeting at which the taxing entity will consider budgeting the additional ad valorem tax
7381 revenue; and

7382 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described
7383 in Subsection (9)(a)(i) before September 1.

7384 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount
7385 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem
7386 tax revenue stated at a public meeting under Subsection (3)(a)(i).

7387 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's
7388 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed
7389 annual budget.

7390 Section 120. Section **59-2-919.2** is amended to read:

7391 **59-2-919.2. Consolidated advertisement of public hearings.**

7392 (1) (a) Except as provided in Subsection (1)(b), on the same day on which a taxing
7393 entity provides the notice to the county required under Subsection 59-2-919(8)(a)(i), the taxing
7394 entity shall provide to the county auditor the information required by Subsection
7395 59-2-919(8)(a)(i).

7396 (b) A taxing entity is not required to notify the county auditor of the taxing entity's
7397 public hearing in accordance with Subsection (1)(a) if the taxing entity is exempt from the
7398 notice requirements of Section 59-2-919.

7399 (2) If as of July 22, two or more taxing entities notify the county auditor under
7400 Subsection (1), the county auditor shall by no later than July 22 of each year:

7401 (a) compile a list of the taxing entities that notify the county auditor under Subsection
7402 (1);

7403 (b) include on the list described in Subsection (2)(a), the following information for
7404 each taxing entity on the list:

- 7405 (i) the name of the taxing entity;
- 7406 (ii) the date, time, and location of the public hearing described in Subsection
- 7407 [59-2-919](#)(8)(a)(i);
- 7408 (iii) the average dollar increase on a residence in the taxing entity that the proposed tax
- 7409 increase would generate; and
- 7410 (iv) the average dollar increase on a business in the taxing entity that the proposed tax
- 7411 increase would generate;
- 7412 (c) provide a copy of the list described in Subsection (2)(a) to each taxing entity that
- 7413 notifies the county auditor under Subsection (1); and
- 7414 (d) in addition to the requirements of Subsection (3), if the county has a webpage,
- 7415 publish a copy of the list described in Subsection (2)(a) on the county's webpage until
- 7416 December 31.
- 7417 (3) (a) At least two weeks before any public hearing included in the list under
- 7418 Subsection (2) is held, the county auditor shall publish:
- 7419 (i) the list compiled under Subsection (2); and
- 7420 (ii) a statement that:
- 7421 (A) the list is for informational purposes only;
- 7422 (B) the list should not be relied on to determine a person's tax liability under this
- 7423 chapter; and
- 7424 (C) for specific information related to the tax liability of a taxpayer, the taxpayer
- 7425 should review the taxpayer's tax notice received under Section [59-2-919.1](#).
- 7426 (b) Except as provided in Subsection (3)(d)(ii), the information described in Subsection
- 7427 (3)(a) shall be published:
- 7428 (i) in no less than 1/4 page in size;
- 7429 (ii) in type no smaller than 18 point; and
- 7430 (iii) surrounded by a 1/4-inch border.
- 7431 (c) The published information described in Subsection (3)(a) and published in
- 7432 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a
- 7433 legal notice or classified advertisement appears.
- 7434 (d) A county auditor shall publish the information described in Subsection (3)(a):
- 7435 (i) (A) in a newspaper or combination of newspapers that are:

- 7436 (I) published at least one day per week;
- 7437 (II) of general interest and readership in the county; and
- 7438 (III) not of limited subject matter; and
- 7439 (B) once each week for the two weeks preceding the first hearing included in the list
- 7440 compiled under Subsection (2); and
- 7441 (ii) for two weeks preceding the first hearing included in the list compiled under
- 7442 Subsection (2):
- 7443 (A) as required in Section [45-1-101](#); and
- 7444 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).
- 7445 (4) A taxing entity that notifies the county auditor under Subsection (1) shall provide
- 7446 the list described in Subsection (2)(c) to a person:
- 7447 (a) who attends the public hearing described in Subsection [59-2-919](#)(8)(a)(i) of the
- 7448 taxing entity; or
- 7449 (b) who requests a copy of the list.
- 7450 (5) (a) A county auditor shall by no later than 30 days from the day on which the last
- 7451 publication of the information required by Subsection (3)(a) is made:
- 7452 (i) determine the costs of compiling and publishing the list; and
- 7453 (ii) charge each taxing entity included on the list an amount calculated by dividing the
- 7454 amount determined under Subsection (5)(a) by the number of taxing entities on the list.
- 7455 (b) A taxing entity shall pay the county auditor the amount charged under Subsection
- 7456 (5)(a).
- 7457 (6) The publication of the list under this section does not remove or change the notice
- 7458 requirements of Section [59-2-919](#) for a taxing entity.
- 7459 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 7460 commission may make rules:
- 7461 (a) relating to the publication of a consolidated advertisement which includes the
- 7462 information described in Subsection (2) for a taxing entity that overlaps two or more counties;
- 7463 (b) relating to the payment required in Subsection (5)(b); and
- 7464 (c) to oversee the administration of this section and provide for uniform
- 7465 implementation.
- 7466 Section 121. Section **59-12-1102** is amended to read:

7467 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**
7468 **Administration -- Administrative charge -- Commission requirement to retain an amount**
7469 **to be deposited into the Qualified Emergency Food Agencies Fund -- Enactment or repeal**
7470 **of tax -- Effective date -- Notice requirements.**

7471 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax
7472 authorized by this chapter, a county may impose by ordinance a county option sales and use tax
7473 of .25% upon the transactions described in Subsection 59-12-103(1).

7474 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
7475 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are
7476 exempt from taxation under Section 59-12-104.

7477 (b) For purposes of this Subsection (1), the location of a transaction shall be
7478 determined in accordance with Sections 59-12-211 through 59-12-215.

7479 (c) The county option sales and use tax under this section shall be imposed:

7480 (i) upon transactions that are located within the county, including transactions that are
7481 located within municipalities in the county; and

7482 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
7483 January:

7484 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
7485 ordinance is adopted on or before May 25; or

7486 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
7487 ordinance is adopted after May 25.

7488 (d) The county option sales and use tax under this section shall be imposed:

7489 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before
7490 September 4, 1997; or

7491 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997
7492 but after September 4, 1997.

7493 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
7494 county shall hold two public hearings on separate days in geographically diverse locations in
7495 the county.

7496 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
7497 time of no earlier than 6 p.m.

7498 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven
7499 days after the day the first advertisement required by Subsection (2)(c) is published.

7500 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county
7501 shall advertise:

7502 (A) its intent to adopt a county option sales and use tax;

7503 (B) the date, time, and location of each public hearing; and

7504 (C) a statement that the purpose of each public hearing is to obtain public comments
7505 regarding the proposed tax.

7506 (ii) The advertisement shall be published:

7507 (A) in a newspaper of general circulation in the county once each week for the two
7508 weeks preceding the earlier of the two public hearings; and

7509 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
7510 two weeks preceding the earlier of the two public hearings.

7511 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8
7512 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
7513 border.

7514 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
7515 portion of the newspaper where legal notices and classified advertisements appear.

7516 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

7517 (A) the advertisement shall appear in a newspaper that is published at least five days a
7518 week, unless the only newspaper in the county is published less than five days a week; and

7519 (B) the newspaper selected shall be one of general interest and readership in the
7520 community, and not one of limited subject matter.

7521 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
7522 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
7523 6, Local Referenda - Procedures.

7524 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a
7525 county option sales and use tax under Subsection (1) is less than 75% of the state population,
7526 the tax levied under Subsection (1) shall be distributed to the county in which the tax was
7527 collected.

7528 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a

7529 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state
7530 population:

7531 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
7532 the county in which the tax was collected; and

7533 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
7534 (1) in each county shall be distributed proportionately among all counties imposing the tax,
7535 based on the total population of each county.

7536 (c) Except as provided in Subsection (5), the amount to be distributed annually to a
7537 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county
7538 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

7539 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall
7540 be increased so that, when combined with the amount distributed to the county under
7541 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

7542 (ii) the amount to be distributed annually to all other counties under Subsection
7543 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
7544 Subsection (3)(c)(i).

7545 (d) The commission shall establish rules to implement the distribution of the tax under
7546 Subsections (3)(a), (b), and (c).

7547 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
7548 shall be administered, collected, and enforced in accordance with:

7549 (i) the same procedures used to administer, collect, and enforce the tax under:

7550 (A) Part 1, Tax Collection; or

7551 (B) Part 2, Local Sales and Use Tax Act; and

7552 (ii) Chapter 1, General Taxation Policies.

7553 (b) A tax under this part is not subject to Subsections 59-12-205(2) through (6).

7554 (c) (i) Subject to Subsection (4)(c)(ii), the commission shall retain and deposit an
7555 administrative charge in accordance with Section 59-1-306 from the revenue the commission
7556 collects from a tax under this part.

7557 (ii) Notwithstanding Section 59-1-306, the administrative charge described in
7558 Subsection (4)(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of
7559 the distribution amounts resulting after:

7560 (A) the applicable distribution calculations under Subsection (3) have been made; and

7561 (B) the commission retains the amount required by Subsection (5).

7562 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion
7563 of the sales and use tax collected under this part as provided in this Subsection (5).

7564 (b) For a county that imposes a tax under this part, the commission shall calculate a
7565 percentage each month by dividing the sales and use tax collected under this part for that
7566 month within the boundaries of that county by the total sales and use tax collected under this
7567 part for that month within the boundaries of all of the counties that impose a tax under this part.

7568 (c) For a county that imposes a tax under this part, the commission shall retain each
7569 month an amount equal to the product of:

7570 (i) the percentage the commission determines for the month under Subsection (5)(b)
7571 for the county; and

7572 (ii) \$6,354.

7573 (d) The commission shall deposit an amount the commission retains in accordance
7574 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section
7575 [35A-8-1009](#).

7576 (e) An amount the commission deposits into the Qualified Emergency Food Agencies
7577 Fund shall be expended as provided in Section [35A-8-1009](#).

7578 (6) (a) For purposes of this Subsection (6):

7579 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County
7580 Consolidations and Annexations.

7581 (ii) "Annexing area" means an area that is annexed into a county.

7582 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a
7583 county enacts or repeals a tax under this part:

7584 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

7585 (II) the repeal shall take effect on the first day of a calendar quarter; and

7586 (B) after a 90-day period beginning on the date the commission receives notice meeting
7587 the requirements of Subsection (6)(b)(ii) from the county.

7588 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

7589 (A) that the county will enact or repeal a tax under this part;

7590 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

7591 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and
7592 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the
7593 tax.

7594 (c) (i) If the billing period for a transaction begins before the effective date of the
7595 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day
7596 of the first billing period that begins on or after the effective date of the enactment of the tax.

7597 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
7598 period is produced on or after the effective date of the repeal of the tax imposed under
7599 Subsection (1).

7600 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7601 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
7602 Subsection (6)(b)(i) takes effect:

7603 (A) on the first day of a calendar quarter; and
7604 (B) beginning 60 days after the effective date of the enactment or repeal under
7605 Subsection (6)(b)(i).

7606 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7607 commission may by rule define the term "catalogue sale."

7608 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
7609 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
7610 part for an annexing area, the enactment or repeal shall take effect:

7611 (A) on the first day of a calendar quarter; and
7612 (B) after a 90-day period beginning on the date the commission receives notice meeting
7613 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

7614 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

7615 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
7616 repeal of a tax under this part for the annexing area;
7617 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
7618 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and
7619 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

7620 (f) (i) If the billing period for a transaction begins before the effective date of the
7621 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day

7622 of the first billing period that begins on or after the effective date of the enactment of the tax.

7623 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
7624 period is produced on or after the effective date of the repeal of the tax imposed under
7625 Subsection (1).

7626 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7627 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
7628 Subsection (6)(e)(i) takes effect:

7629 (A) on the first day of a calendar quarter; and

7630 (B) beginning 60 days after the effective date of the enactment or repeal under
7631 Subsection (6)(e)(i).

7632 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7633 commission may by rule define the term "catalogue sale."

7634 Section 122. Section **63A-3-103** is amended to read:

7635 **63A-3-103. Duties of director of division -- Application to institutions of higher**
7636 **education.**

7637 (1) The director of the Division of Finance shall:

7638 (a) define fiscal procedures relating to approval and allocation of funds;

7639 (b) provide for the accounting control of funds;

7640 (c) promulgate rules that:

7641 (i) establish procedures for maintaining detailed records of all types of leases;

7642 (ii) account for all types of leases in accordance with generally accepted accounting
7643 principles;

7644 (iii) require the performance of a lease with an option to purchase study by state
7645 agencies prior to any lease with an option to purchase acquisition of capital equipment; and

7646 (iv) require that the completed lease with an option to purchase study be approved by
7647 the director of the Division of Finance;

7648 (d) if the department operates the Division of Finance as an internal service fund
7649 agency in accordance with Section [63A-1-109.5](#), submit to the Rate Committee established in
7650 Section [63A-1-114](#):

7651 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and

7652 (ii) other information or analysis requested by the Rate Committee;

- 7653 (e) oversee the Office of State Debt Collection;
- 7654 (f) publish the state's current constitutional debt limit on the [~~Utah Public Finance~~
- 7655 ~~Website, created in Section 63A-1-202]~~ public finance website established by the state auditor
- 7656 in accordance with Section 67-3-12; and
- 7657 (g) prescribe other fiscal functions required by law or under the constitutional authority
- 7658 of the governor to transact all executive business for the state.

7659 (2) (a) Institutions of higher education are subject to the provisions of Title 63A,
7660 Chapter 3, Part 1, General Provisions, and Title 63A, Chapter 3, Part 2, Accounting System,
7661 only to the extent expressly authorized or required by the Utah Board of Higher Education
7662 under Title 53B, State System of Higher Education.

7663 (b) Institutions of higher education shall submit financial data for the past fiscal year
7664 conforming to generally accepted accounting principles to the director of the Division of
7665 Finance.

7666 (3) The Division of Finance shall prepare financial statements and other reports in
7667 accordance with legal requirements and generally accepted accounting principles for the state
7668 auditor's examination and certification:

- 7669 (a) not later than 60 days after a request from the state auditor; and
- 7670 (b) at the end of each fiscal year.

7671 Section 123. Section **63A-5b-905** is amended to read:

7672 **63A-5b-905. Notice required before division may convey division-owned**
7673 **property.**

7674 (1) Before the division may convey vacant division-owned property, the division shall
7675 give notice as provided in Subsection (2).

7676 (2) A notice required under Subsection (1) shall:

- 7677 (a) identify and describe the vacant division-owned property;
- 7678 (b) indicate the availability of the vacant division-owned property;
- 7679 (c) invite persons interested in the vacant division-owned property to submit a written
7680 proposal to the division;
- 7681 (d) indicate the deadline for submitting a written proposal;
- 7682 (e) be posted on the division's website for at least 60 consecutive days before the
7683 deadline for submitting a written proposal, in a location specifically designated for notices

7684 dealing with vacant division-owned property;

7685 (f) be posted on the Utah Public Notice Website created in Section [~~63F-1-701~~]
7686 63A-12-201 for at least 60 consecutive days before the deadline for submitting a written
7687 proposal; and

7688 (g) be sent by email to each person who has previously submitted to the division a
7689 written request to receive notices under this section.

7690 Section 124. Section **63A-12-100** is amended to read:

7691 **CHAPTER 12. DIVISION OF ARCHIVES AND RECORDS SERVICE**

7692 **Part 1. General Provisions**

7693 **63A-12-100. Title.**

7694 This chapter is known as the [~~"Public Records Management Act."~~] "Division of
7695 Archives and Records Service."

7696 Section 125. Section **63A-12-101** is amended to read:

7697 **63A-12-101. Division of Archives and Records Service created -- Duties.**

7698 (1) There is created the Division of Archives and Records Service within the
7699 Department of Administrative Services.

7700 (2) The state archives shall:

7701 (a) administer the state's archives and records management programs, including storage
7702 of records, central microphotography programs, and quality control;

7703 (b) apply fair, efficient, and economical management methods to the collection,
7704 creation, use, maintenance, retention, preservation, disclosure, and disposal of records and
7705 documents;

7706 (c) establish standards, procedures, and techniques for the effective management and
7707 physical care of records;

7708 (d) conduct surveys of office operations and recommend improvements in current
7709 records management practices, including the use of space, equipment, automation, and supplies
7710 used in creating, maintaining, storing, and servicing records;

7711 (e) establish standards for the preparation of schedules providing for the retention of
7712 records of continuing value and for the prompt and orderly disposal of state records no longer
7713 possessing sufficient administrative, historical, legal, or fiscal value to warrant further
7714 retention;

- 7715 (f) establish, maintain, and operate centralized microphotography lab facilities and
7716 quality control for the state;
- 7717 (g) provide staff and support services to the Records Management Committee created
7718 in Section [63A-12-112](#) and the State Records Committee created in Section [63G-2-501](#);
- 7719 (h) develop training programs to assist records officers and other interested officers and
7720 employees of governmental entities to administer this chapter and Title 63G, Chapter 2,
7721 Government Records Access and Management Act;
- 7722 (i) provide access to public records deposited in the archives;
- 7723 (j) administer and maintain the Utah Public Notice Website established under Section
7724 [~~63F-1-701~~] [63A-12-201](#);
- 7725 (k) provide assistance to any governmental entity in administering this chapter and
7726 Title 63G, Chapter 2, Government Records Access and Management Act;
- 7727 (l) prepare forms for use by all governmental entities for a person requesting access to
7728 a record; and
- 7729 (m) if the department operates the Division of Archives and Records Service as an
7730 internal service fund agency in accordance with Section [63A-1-109.5](#), submit to the Rate
7731 Committee established in Section [63A-1-114](#):
- 7732 (i) the proposed rate and fee schedule as required by Section [63A-1-114](#); and
7733 (ii) other information or analysis requested by the Rate Committee.
- 7734 (3) The state archives may:
- 7735 (a) establish a report and directives management program; and
7736 (b) establish a forms management program.
- 7737 (4) The executive director of the Department of Administrative Services may direct the
7738 state archives to administer other functions or services consistent with this chapter and Title
7739 63G, Chapter 2, Government Records Access and Management Act.
- 7740 Section 126. Section [63A-12-114](#) is enacted to read:
- 7741 **[63A-12-114](#). Utah Open Records Portal Website.**
- 7742 (1) As used in this section:
- 7743 (a) "Governmental entity" means the same as that term is defined in Section
7744 [63G-2-103](#).
- 7745 (b) "Website" means the Utah Open Records Portal Website created in this section.

7746 (2) There is created the Utah Open Records Portal Website to be administered by the
7747 division.

7748 (3) Unless otherwise provided by a governmental entity, the website shall serve as an
7749 additional point of access for requests for records under Title 63G, Chapter 2, Government
7750 Records Access and Management Act.

7751 (4) The division is responsible for:

7752 (a) establishing and maintaining the website, with the technical assistance of the
7753 Department of Technology Services, including the provision of equipment, resources, and
7754 personnel as necessary;

7755 (b) providing a mechanism for governmental entities to gain access to the website for
7756 the purpose of posting, modifying, and maintaining records; and

7757 (c) maintaining an archive of all records posted to the website.

7758 (5) The timing for posting and the content of records posted to the website is the
7759 responsibility of the governmental entity posting the record.

7760 Section 127. Section **63A-12-201**, which is renumbered from Section 63F-1-701 is
7761 renumbered and amended to read:

7762 ~~[63F-1-701].~~ **63A-12-201. Utah Public Notice Website -- Establishment**
7763 **and administration.**

7764 (1) As used in this part:

7765 (a) "Division" means the Division of Archives and Records Service of the Department
7766 of Administrative Services.

7767 (b) "Executive board" means the same as that term is defined in Section [67-1-2.5](#).

7768 (c) "Public body" means the same as that term is defined in Section [52-4-103](#).

7769 (d) "Public information" means a public body's public notices, minutes, audio
7770 recordings, and other materials that are required to be posted to the website under Title 52,
7771 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

7772 (e) "Website" means the Utah Public Notice Website created under this section.

7773 (2) There is created the Utah Public Notice Website to be administered by the
7774 ~~[Division of Archives and Records Service]~~ division.

7775 (3) The website shall consist of an Internet website provided to assist the public to find
7776 posted public information.

7777 (4) The division, with the technical assistance of the Department of Technology
7778 Services, shall create the website that shall:

7779 (a) allow a public body, or other certified entity, to easily post any public information,
7780 including the contact information required under Subsections [17B-1-303\(9\)](#) and

7781 [17D-1-106\(1\)\(b\)\(ii\)](#);

7782 (b) allow the public to easily search the public information by:

7783 (i) public body name;

7784 (ii) date of posting of the notice;

7785 (iii) date of any meeting or deadline included as part of the public information; and

7786 (iv) any other criteria approved by the division;

7787 (c) allow the public to easily search and view past, archived public information;

7788 (d) allow an individual to subscribe to receive updates and notices associated with a
7789 public body or a particular type of public information;

7790 [~~(e) be easily accessible by the public from the State of Utah home page;~~]

7791 [~~(f)~~] (e) have a unique and simplified website address;

7792 [~~(g)~~] (f) be directly accessible via a link from the main page of the official state
7793 website; [~~and~~]

7794 [~~(h)~~] (g) include other links, features, or functionality that will assist the public in
7795 obtaining and reviewing public information posted on the website, as may be approved by the
7796 division[-]; and

7797 (h) be guided by the principles described in Subsection [63A-16-202\(2\)](#).

7798 (5) (a) Subject to Subsection (5)(b), the division and the governor's office shall
7799 coordinate to ensure that the website, the database described in Section [67-1-2.5](#), and the
7800 website described in Section [67-1-2.5](#) automatically share appropriate information in order to
7801 ensure that:

7802 (i) an individual who subscribes to receive information under Subsection (4)(d) for an
7803 executive board automatically receives notifications of vacancies on the executive board that
7804 will be publicly filled, including a link to information regarding how an individual may apply
7805 to fill the vacancy; and

7806 (ii) an individual who accesses an executive board's information on the website has
7807 access to the following through the website:

7808 (A) the executive board's information in the database, except an individual's physical
7809 address, e-mail address, or phone number; and

7810 (B) the portal described in Section 67-1-2.5 through which an individual may provide
7811 input on an appointee to, or member of, the executive board.

7812 (b) The division and the governor's office shall comply with Subsection (5)(a) as soon
7813 as reasonably possible within existing funds appropriated to the division and the governor's
7814 office.

7815 (6) Before August 1 of each year, the division shall:

7816 (a) identify each executive board that is a public body that did not submit to the
7817 website a notice of a public meeting during the previous fiscal year; and

7818 (b) report the name of each identified executive board to the governor's boards and
7819 commissions administrator.

7820 (7) The division is responsible for:

7821 (a) establishing and maintaining the website, including the provision of equipment,
7822 resources, and personnel as is necessary;

7823 (b) providing a mechanism for public bodies or other certified entities to have access to
7824 the website for the purpose of posting and modifying public information; and

7825 (c) maintaining an archive of all public information posted to the website.

7826 (8) A public body is responsible for the content the public body is required to post to
7827 the website and the timing of posting of that information.

7828 Section 128. Section **63A-12-202**, which is renumbered from Section 63F-1-702 is
7829 renumbered and amended to read:

7830 ~~[63F-1-702]~~. **63A-12-202. Notice and training by the Division of Archives**
7831 **and Records Service.**

7832 (1) The division shall provide notice of the provisions and requirements of this chapter
7833 to all public bodies that are subject to the provision of Subsection 52-4-202(3)(a)(ii).

7834 (2) The division shall, as necessary, provide periodic training on the use of the [~~Utah~~
7835 ~~Public Notice Website~~] website to public bodies that are authorized to post notice on the
7836 website.

7837 Section 129. Section **63A-16-101** is enacted to read:

7838 **CHAPTER 16. UTAH TRANSPARENCY ADVISORY BOARD**

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Part 1. General Provisions

63A-16-101. Title.

This chapter is known as the "Utah Transparency Advisory Board."

Section 130. Section **63A-16-102** is enacted to read:

63A-16-102. Definitions.

As used in this chapter:

(1) "Board" means the Utah Transparency Advisory Board created in Section

63A-16-201.

(2) "Public Information" means the same as that term is defined in Section 63F-1-108.

(3) "Public information website" means:

(a) the website established by the State Board of Education in accordance with

Subsection 53E-5-211(1);

(b) the Utah Open Records Portal Website created in Section 63A-12-114;

(c) the Utah Public Notice Website created in Section 63A-12-201;

(d) the Utah Open Data Portal Website created in Section 63F-1-108; or

(e) the public finance website established by the state auditor in accordance with

Section 67-3-12.

Section 131. Section **63A-16-201**, which is renumbered from Section 63A-1-203 is renumbered and amended to read:

Part 2. Creation and Duties

~~[63A-1-203].~~ **63A-16-201. Utah Transparency Advisory Board -- Creation -- Membership -- Duties.**

(1) There is created within the department the Utah Transparency Advisory Board comprised of members knowledgeable about public finance or providing public access to public information.

(2) The board consists of:

(a) the state auditor or the state auditor's designee;

(b) an individual appointed by the executive director of the department;

(c) an individual appointed by the executive director of the Governor's Office of Management and Budget;

~~[(d) an individual appointed by the governor on advice from the Legislative Fiscal~~

7870 Analyst;]

7871 [~~(e) one member of the Senate, appointed by the governor on advice from the president~~

7872 ~~of the Senate;]~~

7873 [~~(f) one member of the House of Representatives, appointed by the governor on advice~~

7874 ~~from the speaker of the House of Representatives;]~~

7875 [~~(g) an individual appointed by the director of the Department of Technology~~

7876 ~~Services;]~~

7877 [~~(h) the director of the Division of Archives and Records Service created in Section~~

7878 ~~63A-12-101 or the director's designee;]~~

7879 [~~(i) an individual who is a member of the State Records Committee created in Section~~

7880 ~~63G-2-501, appointed by the governor;]~~

7881 [~~(j) an individual representing counties, appointed by the governor;]~~

7882 [~~(k) an individual representing municipalities, appointed by the governor;]~~

7883 [~~(l) an individual representing special districts, appointed by the governor;]~~

7884 [~~(m) an individual representing the State Board of Education, appointed by the State~~

7885 ~~Board of Education; and]~~

7886 [~~(n) one individual who is a member of the public and who has knowledge, expertise,~~

7887 ~~or experience in matters relating to the board's duties under Subsection (10), appointed by the~~

7888 ~~board members identified in Subsections (2)(a) through (m).]~~

7889 [~~(3) The board shall:]~~

7890 [~~(a) advise the state auditor and the department on matters related to the~~

7891 ~~implementation and administration of this part;]~~

7892 [~~(b) develop plans, make recommendations, and assist in implementing the provisions~~

7893 ~~of this part;]~~

7894 [~~(c) determine what public financial information shall be provided by a participating~~

7895 ~~state entity, independent entity, and participating local entity, if the public financial~~

7896 ~~information:]~~

7897 [~~(i) only includes records that:]~~

7898 [~~(A) are classified as public under Title 63G, Chapter 2, Government Records Access~~

7899 ~~and Management Act, or, subject to any specific limitations and requirements regarding the~~

7900 ~~provision of financial information from the entity described in Section 63A-1-202, if an entity~~

7901 is exempt from Title 63G, Chapter 2, Government Records Access and Management Act,
7902 records that would normally be classified as public if the entity were not exempt from Title
7903 63G, Chapter 2, Government Records Access and Management Act;]

7904 [~~(B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or~~
7905 ~~revenues, regardless of the source; and]~~

7906 [~~(C) are owned, held, or administered by the participating state entity, independent~~
7907 ~~entity, or participating local entity that is required to provide the record; and]~~

7908 [~~(ii) is of the type or nature that should be accessible to the public via a website based~~
7909 ~~on considerations of:]~~

7910 [~~(A) the cost effectiveness of providing the information;]~~

7911 [~~(B) the value of providing the information to the public; and]~~

7912 [~~(C) privacy and security considerations;]~~

7913 [~~(d) evaluate the cost effectiveness of implementing specific information resources and~~
7914 ~~features on the website;]~~

7915 [~~(e) require participating local entities to provide public financial information in~~
7916 ~~accordance with the requirements of this part, with a specified content, reporting frequency,~~
7917 ~~and form;]~~

7918 [~~(f) require an independent entity's website or a participating local entity's website to be~~
7919 ~~accessible by link or other direct route from the Utah Public Finance Website if the~~
7920 ~~independent entity or participating local entity does not use the Utah Public Finance Website;]~~

7921 [~~(g) determine the search methods and the search criteria that shall be made available~~
7922 ~~to the public as part of a website used by an independent entity or a participating local entity~~
7923 ~~under the requirements of this part, which criteria may include:]~~

7924 [~~(i) fiscal year;]~~

7925 [~~(ii) expenditure type;]~~

7926 [~~(iii) name of the agency;]~~

7927 [~~(iv) payee;]~~

7928 [~~(v) date; and]~~

7929 [~~(vi) amount; and]~~

7930 [~~(h) analyze ways to improve the information on the Utah Public Finance Website so~~
7931 ~~the information is more relevant to citizens, including through the use of:]~~

- 7932 ~~[(i) infographics that provide more context to the data; and]~~
 7933 ~~[(ii) geolocation services, if possible.]~~
 7934 (d) an individual appointed by the executive director of the Department of Technology
 7935 Services;
 7936 (e) the director of the Division of Archives and Records Service created in Section
 7937 63A-12-101 or the director's designee;
 7938 (f) an individual representing the State Board of Education, appointed by the State
 7939 Board of Education;
 7940 (g) the following individuals appointed by the governor:
 7941 (i) an individual recommended by the Office of the Legislative Fiscal Analyst;
 7942 (ii) one member of the Senate, recommended by the president of the Senate;
 7943 (iii) one member of the House of Representatives, recommended by the speaker of the
 7944 House of Representatives;
 7945 (iv) an individual who is a member of the State Records Committee created in Section
 7946 63G-2-501;
 7947 (v) an individual representing counties;
 7948 (vi) an individual representing municipalities; and
 7949 (vii) an individual representing special districts; and
 7950 (h) one individual who is a member of the public and who has knowledge, expertise, or
 7951 experience in matters relating to the board's duties under Section 63A-16-202, appointed by the
 7952 board members identified in Subsections (2)(a) through (g).
 7953 ~~[(4)]~~ (3) Every two years, the board shall elect a chair and a vice chair from its
 7954 members.
 7955 ~~[(5)]~~ (4) (a) Each member shall serve a four-year term.
 7956 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
 7957 appointed for a four-year term.
 7958 ~~[(6)]~~ (5) To accomplish its duties, the board shall meet as it determines necessary.
 7959 ~~[(7)]~~ (6) Reasonable notice shall be given to each member of the board before any
 7960 meeting.
 7961 ~~[(8)]~~ (7) A majority of the board constitutes a quorum for the transaction of business.
 7962 ~~[(9)]~~ (8) (a) A member who is not a legislator may not receive compensation or

7963 benefits for the member's service, but may receive per diem and travel expenses as allowed in:

7964 (i) Section 63A-3-106;

7965 (ii) Section 63A-3-107; and

7966 (iii) rules made by the Division of Finance according to Sections 63A-3-106 and

7967 63A-3-107.

7968 (b) Compensation and expenses of a member who is a legislator are governed by
7969 Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

7970 ~~[(10)(a) As used in Subsections (10) and (11):]~~

7971 ~~[(i) "Information website" means a single Internet website containing public
7972 information or links to public information.]~~

7973 ~~[(ii) "Public information" means records of state government, local government, or an
7974 independent entity that are classified as public under Title 63G, Chapter 2, Government
7975 Records Access and Management Act, or, subject to any specific limitations and requirements
7976 regarding the provision of financial information from the entity described in Section~~

7977 ~~63A-1-202, if an entity is exempt from Title 63G, Chapter 2, Government Records Access and
7978 Management Act, records that would normally be classified as public if the entity were not
7979 exempt from Title 63G, Chapter 2, Government Records Access and Management Act.]~~

7980 ~~[(b) The board shall:]~~

7981 ~~[(i) study the establishment of an information website and develop recommendations
7982 for its establishment;]~~

7983 ~~[(ii) develop recommendations about how to make public information more readily
7984 available to the public through the information website;]~~

7985 ~~[(iii) develop standards to make uniform the format and accessibility of public
7986 information posted to the information website; and]~~

7987 ~~[(iv) identify and prioritize public information in the possession of a state agency or
7988 political subdivision that may be appropriate for publication on the information website.]~~

7989 ~~[(c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by
7990 principles that encourage:]~~

7991 ~~[(i) (A) the establishment of a standardized format of public information that makes the
7992 information more easily accessible by the public;]~~

7993 ~~[(B) the removal of restrictions on the reuse of public information;]~~

7994 ~~[(C) minimizing limitations on the disclosure of public information while appropriately~~
7995 ~~safeguarding sensitive information; and]~~

7996 ~~[(D) balancing factors in favor of excluding public information from an information~~
7997 ~~website against the public interest in having the information accessible on an information~~
7998 ~~website;]~~

7999 ~~[(ii) (A) permanent, lasting, open access to public information; and]~~

8000 ~~[(B) the publication of bulk public information;]~~

8001 ~~[(iii) the implementation of well-designed public information systems that ensure data~~
8002 ~~quality, create a public, comprehensive list or index of public information, and define a process~~
8003 ~~for continuous publication of and updates to public information;]~~

8004 ~~[(iv) the identification of public information not currently made available online and~~
8005 ~~the implementation of a process, including a timeline and benchmarks, for making that public~~
8006 ~~information available online; and]~~

8007 ~~[(v) accountability on the part of those who create, maintain, manage, or store public~~
8008 ~~information or post it to an information website.]~~

8009 ~~[(d) The department shall implement the board's recommendations, including the~~
8010 ~~establishment of an information website, to the extent that implementation:]~~

8011 ~~[(i) is approved by the Legislative Management Committee;]~~

8012 ~~[(ii) does not require further legislative appropriation; and]~~

8013 ~~[(iii) is within the department's existing statutory authority.]~~

8014 ~~[(11) The department shall, in consultation with the board and as funding allows,~~
8015 ~~modify the information website described in Subsection (10) to:]~~

8016 ~~[(a) by January 1, 2015, serve as a point of access for Government Records Access and~~
8017 ~~Management requests for executive agencies;]~~

8018 ~~[(b) by January 1, 2016, serve as a point of access for Government Records Access and~~
8019 ~~Management requests for:]~~

8020 ~~[(i) school districts;]~~

8021 ~~[(ii) charter schools;]~~

8022 ~~[(iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit~~
8023 ~~District Act;]~~

8024 ~~[(iv) counties; and]~~

8025 ~~[(v) municipalities;]~~
8026 ~~[(e) by January 1, 2017, serve as a point of access for Government Records Access and~~
8027 ~~Management requests for:]~~
8028 ~~[(i) local districts under Title 17B, Limited Purpose Local Government Entities - Local~~
8029 ~~Districts; and]~~
8030 ~~[(ii) special service districts under Title 17D, Chapter 1, Special Service District Act;]~~
8031 ~~[(d) except as provided in Subsection (12)(a), provide link capabilities to other existing~~
8032 ~~repositories of public information, including maps, photograph collections, legislatively~~
8033 ~~required reports, election data, statute, rules, regulations, and local ordinances that exist on~~
8034 ~~other agency and political subdivision websites;]~~
8035 ~~[(e) provide multiple download options in different formats, including nonproprietary,~~
8036 ~~open formats where possible;]~~
8037 ~~[(f) provide any other public information that the board, under Subsection (10),~~
8038 ~~identifies as appropriate for publication on the information website; and]~~
8039 ~~[(g) incorporate technical elements the board identifies as useful to a citizen using the~~
8040 ~~information website.]~~
8041 ~~[(12) (a) The department, in consultation with the board, shall establish by rule any~~
8042 ~~restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on~~
8043 ~~the website described in Subsection (10) if the inclusion would pose a potential security~~
8044 ~~concern.]~~
8045 ~~[(b) The website described in Subsection (10) may not publish any record that is~~
8046 ~~classified as private, protected, or controlled under Title 63G, Chapter 2, Government Records~~
8047 ~~Access and Management Act.]~~
8048 (9) The department shall provide staff support for the board.
8049 Section 132. Section **63A-16-202** is enacted to read:
8050 **63A-16-202. Utah Transparency Advisory Board -- Duties.**
8051 (1) (a) The board shall advise and assist:
8052 (i) the state auditor regarding the public finance website established by the state auditor
8053 in accordance with Section [67-3-12](#);
8054 (ii) the Department of Technology Services regarding the Utah Open Data Portal
8055 website created in Section [63F-1-108](#);

8056 (iii) the Division of Archives and Records Service regarding:
8057 (A) the Utah Open Records Portal Website created in Section 63A-12-114; and
8058 (B) the Utah Public Notice Website created in Section 63A-12-201; and
8059 (iv) the State Board of Education regarding the website required under Subsection
8060 53E-5-211(1).

8061 (b) In providing advice and assistance under Subsection (1)(a), the board may:
8062 (i) develop recommendations on how to make public information more readily
8063 available to the public through a public information website;
8064 (ii) develop standards to make uniform the format and accessibility of public
8065 information posted to a public information website; and
8066 (iii) identify and prioritize public information that may be appropriate for publication
8067 on a public information website.

8068 (2) In fulfilling the board's duties under Subsection (1), the board shall follow
8069 principles that encourage:

8070 (a) the establishment of a standardized format of public information that makes the
8071 information posted to a public information website more easily accessible by the public;
8072 (b) the removal of restrictions on the reuse of public information;
8073 (c) balancing the following:
8074 (i) factors in favor of excluding public information from a public information website;
8075 and
8076 (ii) the public interest in having the public information accessible through a public
8077 information website;
8078 (d) permanent, lasting, open access to public information;
8079 (e) the bulk publication of public information;
8080 (f) the implementation of well-designed public information systems that:
8081 (i) ensure data quality;
8082 (ii) create a public, comprehensive list or index of public information; and
8083 (iii) define a process for continuous publication of public information, including
8084 updates to available public information;
8085 (g) the identification of public information not currently available on a public
8086 information website and the implementation of a process, including a timeline and benchmarks,

8087 for making that public information available; and

8088 (h) accountability on the part of the persons who create, maintain, manage, or store
8089 public information or post public information to a public information website.

8090 Section 133. Section **63E-2-109** is amended to read:

8091 **63E-2-109. State statutes.**

8092 (1) Except as specifically modified in its authorizing statute, each independent
8093 corporation shall be exempt from the statutes governing state agencies, including:

8094 (a) Title 51, Chapter 5, Funds Consolidation Act;

8095 (b) Title 51, Chapter 7, State Money Management Act;

8096 (c) [~~except as provided in Subsection (2),~~] Title 63A, Utah Administrative Services
8097 Code;

8098 (d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

8099 (e) Title 63G, Chapter 4, Administrative Procedures Act;

8100 (f) Title 63G, Chapter 6a, Utah Procurement Code;

8101 (g) Title 63J, Chapter 1, Budgetary Procedures Act;

8102 (h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and

8103 (i) Title 67, Chapter 19, Utah State Personnel Management Act.

8104 (2) Except as specifically modified in its authorizing statute, each independent
8105 corporation shall be subject to:

8106 (a) Title 52, Chapter 4, Open and Public Meetings Act;

8107 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] Section 67-3-12; and

8108 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

8109 (3) Each independent corporation board may adopt its own policies and procedures
8110 governing its:

8111 (a) funds management;

8112 (b) audits; and

8113 (c) personnel.

8114 Section 134. Section **63F-1-108** is enacted to read:

8115 **63F-1-108. Utah Open Data Portal Website.**

8116 (1) As used in this section:

8117 (a) "Governmental entity" means the same as that term is defined in Section

8118 [63G-2-103.](#)

8119 (b) "Public information" means:

8120 (i) a record of a state governmental entity, a local governmental entity, or an
8121 independent entity that is classified as public under Title 63G, Chapter 2, Government Records
8122 Access and Management Act; or

8123 (ii) subject to any specific limitations and requirements regarding the provision of
8124 financial information from the entity under Section [67-3-12](#), for an entity that is exempt from
8125 Title 63G, Chapter 2, Government Records Access and Management Act, records that would
8126 normally be classified as public if the entity were not exempt from Title 63G, Chapter 2,
8127 Government Records Access and Management Act.

8128 (c) "Private, controlled, or protected information" means information classified as
8129 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
8130 Management Act.

8131 (d) "Website" means the Utah Open Data Portal Website created in this section.

8132 (2) There is created the Utah Open Data Portal Website to be administered by the
8133 department.

8134 (3) The website shall serve as a point of access for public information.

8135 (4) The department shall:

8136 (a) establish and maintain the website, guided by the principles described in Subsection
8137 [63A-16-202\(2\)](#);

8138 (b) provide equipment, resources, and personnel as needed to establish and maintain
8139 the website;

8140 (c) provide a mechanism for a governmental entity to gain access to the website for the
8141 purpose of posting and modifying public information; and

8142 (d) maintain an archive of all public information posted to the website.

8143 (5) The timing for posting and the content of the public information posted to the
8144 website is the responsibility of the governmental entity posting the public information.

8145 (6) A governmental entity may not post private, controlled, or protected information to
8146 the website.

8147 (7) A person who negligently discloses private, controlled, or protected information is
8148 not criminally or civilly liable for improper disclosure of the information if the information is

8149 disclosed solely as a result of the preparation or publication of the website.

8150 Section 135. Section **63G-4-107** is amended to read:

8151 **63G-4-107. Petition to remove agency action from public access.**

8152 (1) An individual may petition the agency that maintains, on a state-controlled website
8153 available to the public, a record of administrative disciplinary action, to remove the record of
8154 administrative disciplinary action from public access on the state-controlled website, if:

8155 (a) (i) five years have passed since:

8156 (A) the date the final order was issued; or

8157 (B) if no final order was issued, the date the administrative disciplinary action was
8158 commenced; or

8159 (ii) the individual has obtained a criminal expungement order under Title 77, Chapter
8160 40, Utah Expungement Act, for the individual's criminal records related to the same incident or
8161 conviction upon which the administrative disciplinary action was based;

8162 (b) the individual has successfully completed all action required by the agency relating
8163 to the administrative disciplinary action within the time frame set forth in the final order, or if
8164 no time frame is specified in the final order, within the time frame set forth in Title 63G,
8165 Chapter 4, Administrative Procedures Act;

8166 (c) from the time that the original administrative disciplinary action was filed, the
8167 individual has not violated the same statutory provisions or administrative rules related to those
8168 statutory provisions that resulted in the original administrative disciplinary action; and

8169 (d) the individual pays an application fee determined by the agency in accordance with
8170 Section [63J-1-504](#).

8171 (2) The individual petitioning the agency under Subsection (1) shall provide the agency
8172 with a written request containing the following information:

8173 (a) the petitioner's full name, address, telephone number, and date of birth;

8174 (b) the information the petitioner seeks to remove from public access; and

8175 (c) an affidavit certifying that the petitioner is in compliance with the provisions of
8176 Subsection (1).

8177 (3) Within 30 days of receiving the documents and information described in
8178 Subsection (2):

8179 (a) the agency shall review the petition and all documents submitted with the petition

8180 to determine whether the petitioner has met the requirements of Subsections (1) and (2); and

8181 (b) if the agency determines that the petitioner has met the requirements of Subsections
8182 (1) and (2), the agency shall immediately remove the record of administrative disciplinary
8183 action from public access on the state-controlled website.

8184 (4) Notwithstanding the provisions of Subsection (3), an agency is not required to
8185 remove a recording, written minutes, or other electronic information from the Utah Public
8186 Notice Website, created under Section [~~63F-1-701~~] [63A-12-201](#), if the recording, written
8187 minutes, or other electronic information is required to be available to the public on the Utah
8188 Public Notice Website under the provisions of Title 52, Chapter 4, Open and Public Meetings
8189 Act.

8190 Section 136. Section **63G-9-303** is amended to read:

8191 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

8192 (1) At least 60 days preceding the annual general session of the Legislature, the board
8193 shall hold a session for the purpose of examining the claims referred to in Section [63G-9-302](#),
8194 and may adjourn from time to time until the work is completed.

8195 (2) The board shall cause notice of such meeting or meetings to be published on the
8196 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#).

8197 Section 137. Section **63H-1-701** is amended to read:

8198 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**
8199 **Auditor forms -- Requirement to file form.**

8200 (1) The authority shall prepare and its board adopt an annual budget of revenues and
8201 expenditures for the authority for each fiscal year.

8202 (2) Each annual authority budget shall be adopted before June 30.

8203 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

8204 (4) (a) Before adopting an annual budget, the authority board shall hold a public
8205 hearing on the annual budget.

8206 (b) The authority shall provide notice of the public hearing on the annual budget by
8207 publishing notice:

8208 (i) at least once in a newspaper of general circulation within the state, one week before
8209 the public hearing; and

8210 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for

8211 at least one week immediately before the public hearing.

8212 (c) The authority shall make the annual budget available for public inspection at least
8213 three days before the date of the public hearing.

8214 (5) The state auditor shall prescribe the budget forms and the categories to be contained
8215 in each authority budget, including:

8216 (a) revenues and expenditures for the budget year;

8217 (b) legal fees; and

8218 (c) administrative costs, including rent, supplies, and other materials, and salaries of
8219 authority personnel.

8220 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a
8221 copy of the annual budget with the auditor of each county in which a project area of the
8222 authority is located, the State Tax Commission, the state auditor, the State Board of Education,
8223 and each taxing entity that levies a tax on property from which the authority collects property
8224 tax allocation.

8225 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
8226 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
8227 the state auditor.

8228 Section 138. Section **63H-2-502** is amended to read:

8229 **63H-2-502. Annual authority budget -- Auditor forms -- Requirement to file**
8230 **form.**

8231 (1) (a) The authority shall prepare an annual budget of revenues and expenditures for
8232 the authority for each fiscal year.

8233 (b) Before June 30 of each year and subject to the other provisions of this section, the
8234 board shall adopt an annual budget of revenues and expenditures of the authority for the
8235 immediately following fiscal year.

8236 (2) (a) Before adopting an annual budget, the board shall hold a public hearing on the
8237 annual budget.

8238 (b) Before holding the public hearing required by this Subsection (2), the board shall
8239 post notice of the public hearing on the Utah Public Notice Website created under Section
8240 ~~[63F-1-701]~~ [63A-12-201](#) no less than 14 days before the day on which the public hearing is to
8241 be held.

8242 (3) The state auditor shall prescribe the budget forms and the categories to be contained
8243 in each annual budget of the authority, including:

8244 (a) revenues and expenditures for the budget year;

8245 (b) the outstanding bonds and related expenses;

8246 (c) legal fees; and

8247 (d) administrative costs, including:

8248 (i) rent;

8249 (ii) supplies;

8250 (iii) other materials; and

8251 (iv) salaries of authority personnel.

8252 (4) Within 30 days after adopting an annual budget, the board shall file a copy of the
8253 annual budget with:

8254 (a) the State Tax Commission; and

8255 (b) the state auditor.

8256 (5) (a) Subject to Subsection (5)(b), the board may by resolution amend an annual
8257 budget of the authority.

8258 (b) The board may make an amendment of an annual budget that would increase total
8259 expenditures of the authority only after:

8260 (i) holding a public hearing; and

8261 (ii) before holding the public hearing required by this Subsection (5)(b), posting notice

8262 of the public hearing on the Utah Public Notice Website created under Section [~~63F-1-701~~

8263 [63A-12-201](#) no less than 14 days before the day on which the public hearing is to be held.

8264 (6) The authority may not make expenditures in excess of the total expenditures
8265 established in the annual budget as it is adopted or amended.

8266 Section 139. Section **63H-4-108** is amended to read:

8267 **63H-4-108. Relation to certain acts -- Participation in Risk Management Fund.**

8268 (1) The authority is exempt from:

8269 (a) Title 51, Chapter 5, Funds Consolidation Act;

8270 (b) [~~except as provided in Subsection (2)(b);~~] Title 63A, Utah Administrative Services
8271 Code;

8272 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

- 8273 (d) Title 67, Chapter 19, Utah State Personnel Management Act.
- 8274 (2) The authority is subject to:
- 8275 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 8276 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);
- 8277 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 8278 (d) Title 63G, Chapter 6a, Utah Procurement Code.
- 8279 (3) The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3,
- 8280 Auditor, and by the legislative auditor general pursuant to [Section 36-12-15](#).
- 8281 (4) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the authority may
- 8282 participate in coverage under the Risk Management Fund created by [Section 63A-4-201](#).
- 8283 Section 140. Section **63H-5-108** is amended to read:
- 8284 **63H-5-108. Relation to certain acts.**
- 8285 (1) The authority is exempt from:
- 8286 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 8287 (b) [~~except as provided in Subsection (2)(b);~~] Title 63A, Utah Administrative Services
- 8288 Code;
- 8289 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 8290 (d) Title 67, Chapter 19, Utah State Personnel Management Act.
- 8291 (2) The authority is subject to:
- 8292 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 8293 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);
- 8294 (c) Title 63G, Chapter 2, Government Records Access and Management Act;
- 8295 (d) Title 63G, Chapter 6a, Utah Procurement Code; and
- 8296 (e) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
- 8297 legislative auditor general pursuant to [Section 36-12-15](#).
- 8298 Section 141. Section **63H-6-103** is amended to read:
- 8299 **63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.**
- 8300 (1) There is created an independent public nonprofit corporation known as the "Utah
- 8301 State Fair Corporation."
- 8302 (2) The board shall file articles of incorporation for the corporation with the Division
- 8303 of Corporations and Commercial Code.

- 8304 (3) The corporation, subject to this chapter, has all powers and authority permitted
8305 nonprofit corporations by law.
- 8306 (4) The corporation shall:
- 8307 (a) manage, supervise, and control:
- 8308 (i) all activities relating to the annual exhibition described in Subsection (4)(j); and
8309 (ii) except as otherwise provided by statute, all state expositions, including setting the
8310 time, place, and purpose of any state exposition;
- 8311 (b) for public entertainment, displays, and exhibits or similar events:
- 8312 (i) provide, sponsor, or arrange the events;
8313 (ii) publicize and promote the events; and
8314 (iii) secure funds to cover the cost of the exhibits from:
- 8315 (A) private contributions;
8316 (B) public appropriations;
8317 (C) admission charges; and
8318 (D) other lawful means;
- 8319 (c) acquire and designate exposition sites;
8320 (d) use generally accepted accounting principles in accounting for the corporation's
8321 assets, liabilities, and operations;
- 8322 (e) seek corporate sponsorships for the state fair park or for individual buildings or
8323 facilities within the fair park;
- 8324 (f) work with county and municipal governments, the Salt Lake Convention and
8325 Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote
8326 expositions and the use of the state fair park;
- 8327 (g) develop and maintain a marketing program to promote expositions and the use of
8328 the state fair park;
- 8329 (h) in accordance with provisions of this part, operate and maintain the state fair park,
8330 including the physical appearance and structural integrity of the state fair park and the
8331 buildings located at the state fair park;
- 8332 (i) prepare an economic development plan for the state fair park;
8333 (j) hold an annual exhibition that:
8334 (i) is called the state fair or a similar name;

- 8335 (ii) promotes and highlights agriculture throughout the state;
- 8336 (iii) includes expositions of livestock, poultry, agricultural, domestic science,
8337 horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic
8338 animals that, in the corporation's opinion will best stimulate agricultural, industrial, artistic, and
8339 educational pursuits and the sharing of talents among the people of Utah;
- 8340 (iv) includes the award of premiums for the best specimens of the exhibited articles
8341 and animals;
- 8342 (v) permits competition by livestock exhibited by citizens of other states and territories
8343 of the United States; and
- 8344 (vi) is arranged according to plans approved by the board;
- 8345 (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j);
8346 and
- 8347 (l) publish a list of premiums that will be awarded at the annual exhibition described in
8348 Subsection (4)(j) for the best specimens of exhibited articles and animals.
- 8349 (5) In addition to the annual exhibition described in Subsection (4)(j), the corporation
8350 may hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural,
8351 floricultural, mineral and industrial products, manufactured articles, and domestic animals that,
8352 in the corporation's opinion, will best stimulate agricultural, industrial, artistic, and educational
8353 pursuits and the sharing of talents among the people of Utah.
- 8354 (6) The corporation may:
- 8355 (a) employ advisers, consultants, and agents, including financial experts and
8356 independent legal counsel, and fix their compensation;
- 8357 (b) (i) participate in the state's Risk Management Fund created under Section
8358 [63A-4-201](#); or
- 8359 (ii) procure insurance against any loss in connection with the corporation's property
8360 and other assets, including mortgage loans;
- 8361 (c) receive and accept aid or contributions of money, property, labor, or other things of
8362 value from any source, including any grants or appropriations from any department, agency, or
8363 instrumentality of the United States or Utah;
- 8364 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the
8365 purposes of the corporation, subject to the conditions, if any, upon which the aid and

8366 contributions were made;

8367 (e) enter into management agreements with any person or entity for the performance of
8368 the corporation's functions or powers;

8369 (f) establish whatever accounts and procedures as necessary to budget, receive, and
8370 disburse, account for, and audit all funds received, appropriated, or generated;

8371 (g) subject to Subsection (8), lease any of the facilities at the state fair park;

8372 (h) sponsor events as approved by the board; and

8373 (i) enter into one or more agreements to develop the state fair park.

8374 (7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the
8375 corporation is exempt from:

8376 (i) Title 51, Chapter 5, Funds Consolidation Act;

8377 (ii) Title 51, Chapter 7, State Money Management Act;

8378 (iii) Title 63A, Utah Administrative Services Code;

8379 (iv) Title 63J, Chapter 1, Budgetary Procedures Act; and

8380 (v) Title 67, Chapter 19, Utah State Personnel Management Act.

8381 (b) The board shall adopt policies parallel to and consistent with:

8382 (i) Title 51, Chapter 5, Funds Consolidation Act;

8383 (ii) Title 51, Chapter 7, State Money Management Act;

8384 (iii) Title 63A, Utah Administrative Services Code; and

8385 (iv) Title 63J, Chapter 1, Budgetary Procedures Act.

8386 (c) The corporation shall comply with:

8387 (i) Title 52, Chapter 4, Open and Public Meetings Act;

8388 (ii) Title 63G, Chapter 2, Government Records Access and Management Act;

8389 (iii) the provisions of [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~]

8390 Section 67-3-12;

8391 (iv) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:

8392 (A) entertainment provided at the state fair park;

8393 (B) judges for competitive exhibits; or

8394 (C) sponsorship of an event at the state fair park; and

8395 (v) the legislative approval requirements for new facilities established in Section

8396 [63A-5b-404](#).

8397 (8) (a) Before the corporation executes a lease described in Subsection (6)(g) with a
8398 term of 10 or more years, the corporation shall:

8399 (i) submit the proposed lease to the State Building Board for the State Building Board's
8400 approval or rejection; and

8401 (ii) if the State Building Board approves the proposed lease, submit the proposed lease
8402 to the Executive Appropriations Committee for the Executive Appropriation Committee's
8403 review and recommendation in accordance with Subsection (8)(b).

8404 (b) The Executive Appropriations Committee shall review a proposed lease submitted
8405 in accordance with Subsection (8)(a) and recommend to the corporation that the corporation:

8406 (i) execute the proposed sublease; or

8407 (ii) reject the proposed sublease.

8408 Section 142. Section **63H-7a-104** is amended to read:

8409 **63H-7a-104. Relation to certain acts.**

8410 (1) The authority is exempt from:

8411 (a) Title 51, Chapter 5, Funds Consolidation Act;

8412 (b) [~~except as provided in Subsection (2)(b),~~] Title 63A, Utah Administrative Services
8413 Code;

8414 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

8415 (d) Title 67, Chapter 19, Utah State Personnel Management Act.

8416 (2) The authority is subject to:

8417 (a) Title 52, Chapter 4, Open and Public Meetings Act;

8418 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#);

8419 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and

8420 (d) Title 63G, Chapter 6a, Utah Procurement Code.

8421 Section 143. Section **63H-7a-803** is amended to read:

8422 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

8423 (1) The Utah Communications Authority is exempt from:

8424 (a) except as provided in Subsection (3), Title 63A, Utah Administrative Services
8425 Code;

8426 (b) Title 63G, Chapter 4, Administrative Procedures Act; and

8427 (c) Title 67, Chapter 19, Utah State Personnel Management Act.

8428 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and
8429 human resource policies substantially similar to those from which they have been exempted in
8430 Subsection (1).

8431 (b) The authority, the board, and the committee members are subject to Title 67,
8432 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

8433 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

8434 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.

8435 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act, only
8436 with respect to money appropriated to the authority by the Legislature.

8437 (3) (a) Subject to the requirements of Subsection [63E-1-304](#)(2), the administration may
8438 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

8439 (b) The authority is subject to [~~Title 63A, Chapter 1, Part 2, Utah Public Finance~~
8440 ~~Website~~] [Section 67-3-12](#).

8441 Section 144. Section **63H-8-204** is amended to read:

8442 **63H-8-204. Relation to certain acts.**

8443 (1) The corporation is exempt from:

8444 (a) Title 51, Chapter 5, Funds Consolidation Act;

8445 (b) Title 51, Chapter 7, State Money Management Act;

8446 (c) [~~except as provided in Subsection (2);~~] Title 63A, Utah Administrative Services
8447 Code;

8448 (d) Title 63G, Chapter 6a, Utah Procurement Code;

8449 (e) Title 63J, Chapter 1, Budgetary Procedures Act;

8450 (f) Title 63J, Chapter 2, Revenue Procedures and Control Act; and

8451 (g) Title 67, Chapter 19, Utah State Personnel Management Act.

8452 (2) The corporation shall comply with:

8453 (a) Title 52, Chapter 4, Open and Public Meetings Act;

8454 (b) [~~Title 63A, Chapter 1, Part 2, Utah Public Finance Website~~] [Section 67-3-12](#); and

8455 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

8456 Section 145. Section **63I-1-263** is amended to read:

8457 **63I-1-263. Repeal dates, Titles 63A to 63N.**

8458 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

- 8459 [~~(a) Subsection 63A-1-201(1) is repealed;~~]
- 8460 [~~(b) Subsection 63A-1-202(2)(c), the language "using criteria established by the board"~~
- 8461 ~~is repealed;~~]
- 8462 [~~(c) Section 63A-1-203 is repealed;~~]
- 8463 [~~(d) Subsections 63A-1-204(1) and (2), the language "After consultation with the~~
- 8464 ~~board, and" is repealed; and]~~
- 8465 [~~(e) Subsection 63A-1-204(1)(b), the language "using the standards provided in~~
- 8466 ~~Subsection 63A-1-203(3)(c)" is repealed.]~~
- 8467 (a) Section 63A-16-102 is repealed;
- 8468 (b) Section 63A-16-201 is repealed; and
- 8469 (c) Section 63A-16-202 is repealed.
- 8470 (2) Subsection 63A-5b-405(5), relating to prioritizing and allocating capital
- 8471 improvement funding, is repealed July 1, 2024.
- 8472 (3) Section 63A-5b-1003, State Facility Energy Efficiency Fund, is repealed July 1,
- 8473 2023.
- 8474 (4) Sections 63A-9-301 and 63A-9-302, related to the Motor Vehicle Review
- 8475 Committee, are repealed July 1, 2023.
- 8476 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
- 8477 1, 2028.
- 8478 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
- 8479 2025.
- 8480 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
- 8481 2024.
- 8482 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
- 8483 repealed July 1, 2021.
- 8484 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
- 8485 July 1, 2023.
- 8486 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 8487 (11) Title 63F, Chapter 2, Data Security Management Council, is repealed July 1,
- 8488 2025.
- 8489 (12) Section 63G-6a-805, which creates the Purchasing from Persons with Disabilities

- 8490 Advisory Board, is repealed July 1, 2026.
- 8491 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
8492 2025.
- 8493 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,
8494 2024.
- 8495 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 8496 (16) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is repealed
8497 July 1, 2026.
- 8498 (17) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System
8499 Restricted Account, is repealed July 1, 2022.
- 8500 (b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and
8501 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
8502 necessary changes to subsection numbering and cross references.
- 8503 (18) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
8504 Commission, is repealed July 1, 2023.
- 8505 (19) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed
8506 July 1, 2022.
- 8507 (20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is
8508 repealed January 1, 2025.
- 8509 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
8510 repealed July 1, 2027.
- 8511 (22) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory
8512 Committee, is repealed on July 1, 2021.
- 8513 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
8514 January 1, 2023:
- 8515 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
8516 repealed;
- 8517 (b) Section 63M-7-305, the language that states "council" is replaced with
8518 "commission";
- 8519 (c) Subsection 63M-7-305(1) is repealed and replaced with:
8520 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and

- 8521 (d) Subsection 63M-7-305(2) is repealed and replaced with:
8522 "(2) The commission shall:
8523 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
8524 Drug-Related Offenses Reform Act; and
8525 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in
8526 Subsections 77-18-1(5)(b)(iii) and (iv).".
8527 (24) The Crime Victim Reparations and Assistance Board, created in Section
8528 63M-7-504, is repealed July 1, 2027.
8529 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
8530 1, 2022.
8531 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.
8532 (27) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed
8533 January 1, 2023.
8534 (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
8535 Council, is repealed July 1, 2024.
8536 (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
8537 (30) Section 63N-2-512 is repealed July 1, 2021.
8538 (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
8539 January 1, 2021.
8540 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
8541 calendar years beginning on or after January 1, 2021.
8542 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in
8543 accordance with Section 59-9-107 if:
8544 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
8545 31, 2020; and
8546 (ii) the qualified equity investment that is the basis of the tax credit is certified under
8547 Section 63N-2-603 on or before December 31, 2023.
8548 (32) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.
8549 (33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
8550 July 1, 2023.
8551 (34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,

- 8552 2025.
- 8553 (35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
8554 is repealed January 1, 2023.
- 8555 (36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,
8556 2023.
- 8557 Section 146. Section **63I-2-263** is amended to read:
- 8558 **63I-2-263. Repeal dates, Title 63A to Title 63N.**
- 8559 [~~(1) On July 1, 2020:~~]
- 8560 [~~(a) Subsection 63A-1-203(5)(a)(i) is repealed; and~~]
- 8561 [~~(b) in Subsection 63A-1-203(5)(a)(ii), the language that states "appointed on or after~~
8562 ~~May 8, 2018," is repealed.]~~]
- 8563 [~~(2)~~] (1) Section 63A-3-111 is repealed June 30, 2021.
- 8564 [~~(3)~~] (2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is
8565 repealed July 1, 2021.
- 8566 [~~(4)~~] (3) Title 63C, Chapter 22, Digital Wellness, Citizenship, and Safe Technology
8567 Commission is repealed July 1, 2023.
- 8568 [~~(5)~~] (4) The following sections regarding the World War II Memorial Commission are
8569 repealed on July 1, 2022:
- 8570 (a) Section 63G-1-801;
- 8571 (b) Section 63G-1-802;
- 8572 (c) Section 63G-1-803; and
- 8573 (d) Section 63G-1-804.
- 8574 [~~(6)~~] (5) Subsections 63G-6a-802(1)(d) and 63G-6a-802(3)(b)(iii), regarding a
8575 procurement relating to a vice presidential debate, are repealed January 1, 2021.
- 8576 [~~(7)~~] (6) In relation to the State Fair Park Committee, on January 1, 2021:
- 8577 (a) Section 63H-6-104.5 is repealed; and
- 8578 (b) Subsections 63H-6-104(8) and (9) are repealed.
- 8579 [~~(8)~~] (7) Section 63H-7a-303 is repealed July 1, 2024.
- 8580 [~~(9)~~] (8) Subsection 63J-1-206(3)(c), relating to coronavirus, is repealed July 1, 2021.
- 8581 [~~(10)~~] (9) In relation to the Employability to Careers Program Board, on July 1, 2022:
- 8582 (a) Subsection 63J-1-602.1(57) is repealed;

8583 (b) Subsection [63J-4-301](#)(1)(h), related to the review of data and metrics, is repealed;
8584 and

8585 (c) Title 63J, Chapter 4, Part 7, Employability to Careers Program, is repealed.

8586 [~~(11)~~] [\(10\)](#) Title 63M, Chapter 4, Part 8, Voluntary Home Energy Information Pilot
8587 Program Act, is repealed January 1, 2022.

8588 [~~(12)~~] [\(11\)](#) Sections [63M-7-213](#) and [63M-7-213.5](#) are repealed on January 1, 2023.

8589 [~~(13)~~] [\(12\)](#) Subsection [63N-12-508](#)(3) is repealed December 31, 2021.

8590 [~~(14)~~] [\(13\)](#) Title 63N, Chapter 13, Part 3, Facilitating Public-Private Partnerships Act,
8591 is repealed January 1, 2024.

8592 [~~(15)~~] [\(14\)](#) Title 63N, Chapter 15, COVID-19 Economic Recovery Programs, is
8593 repealed December 31, 2021.

8594 Section 147. Section **63M-4-402** is amended to read:

8595 **63M-4-402. In-state generator need -- Merchant electric transmission line.**

8596 (1) As used in this section:

8597 (a) "Capacity allocation process" means the process outlined by the Federal Energy
8598 Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of
8599 Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded
8600 Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C.
8601 P61,038 (2013).

8602 (b) "Certificate of in-state need" means a certificate issued by the office in accordance
8603 with this section identifying an in-state generator that meets the requirements and qualifications
8604 of this section.

8605 (c) "Expression of need" means a document prepared and submitted to the office by an
8606 in-state merchant generator that describes or otherwise documents the transmission needs of
8607 the in-state merchant generator in conformance with the requirements of this section.

8608 (d) "In-state merchant generator" means an electric power provider that generates
8609 power in Utah and does not provide service to retail customers within the boundaries of Utah.

8610 (e) "Merchant electric transmission line" means a transmission line that does not
8611 provide electricity to retail customers within the boundaries of Utah.

8612 (f) "Office" means the Office of Energy Development established in Section
8613 [63M-4-401](#).

8614 (g) "Open solicitation notice" means a document prepared and submitted to the office
8615 by a merchant electric transmission line regarding the commencement of the line's open
8616 solicitation in compliance with 142 F.E.R.C. P61,038 (2013).

8617 (2) As part of the capacity allocation process, a merchant electric transmission line
8618 shall file an open solicitation notice with the office containing a description of the merchant
8619 electric transmission line, including:

8620 (a) the proposed capacity;

8621 (b) the location of potential interconnection for in-state merchant generators;

8622 (c) the planned date for commencement of construction; and

8623 (d) the planned commercial operations date.

8624 (3) Upon receipt of the open solicitation notice, the office shall:

8625 (a) publish the notice on the Utah Public Notice Website created under Section

8626 ~~[63F-1-701]~~ [63A-12-201](#);

8627 (b) include in the notice contact information; and

8628 (c) provide the deadline date for submission of an expression of need.

8629 (4) (a) In response to the open solicitation notice published by the office, and no later
8630 than 30 days after publication of the notice, an in-state merchant generator may submit an
8631 expression of need to the office.

8632 (b) An expression of need submitted under Subsection (4)(a) shall include:

8633 (i) a description of the in-state merchant generator; and

8634 (ii) a schedule of transmission capacity requirement provided in megawatts, by point of
8635 receipt and point of delivery and by operating year.

8636 (5) No later than 60 days after notice is published under Subsection (3), the office shall
8637 prepare a certificate of in-state need identifying the in-state merchant generators.

8638 (6) Within five days of preparing the certificate of in-state need, the office shall:

8639 (a) publish the certificate on the Utah Public Notice Website created under Section

8640 ~~[63F-1-701]~~ [63A-12-201](#); and

8641 (b) provide the certificate to the merchant electric transmission line for consideration in
8642 the capacity allocation process.

8643 (7) The merchant electric transmission line shall:

8644 (a) provide the Federal Energy Regulatory Commission with a copy of the certificate of

8645 in-state need; and

8646 (b) certify that the certificate is being provided to the Federal Energy Regulatory
8647 Commission in accordance with the requirements of this section, including a citation to this
8648 section.

8649 (8) At the conclusion of the capacity allocation process, and unless prohibited by a
8650 contractual obligation of confidentiality, the merchant electric transmission line shall report to
8651 the office whether a merchant in-state generator reflected on the certificate of in-state need has
8652 entered into a transmission service agreement with the merchant electric transmission line.

8653 (9) This section may not be interpreted to:

8654 (a) create an obligation of a merchant electric transmission line to pay for, or construct
8655 any portion of, the transmission line on behalf of an in-state merchant generator; or

8656 (b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory
8657 Commission rules and regulations applicable to a commercial transmission agreement,
8658 including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key
8659 rates.

8660 (10) Subsections (2) through (9) do not apply to a project entity as defined in Section
8661 [11-13-103](#).

8662 Section 148. Section **67-1-2.5** is amended to read:

8663 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

8664 (1) As used in this section:

8665 (a) "Administrator" means the boards and commissions administrator designated under
8666 Subsection (3).

8667 (b) "Executive board" means an executive branch board, commission, council,
8668 committee, working group, task force, study group, advisory group, or other body:

8669 (i) with a defined limited membership;

8670 (ii) that is created by the constitution, by statute, by executive order, by the governor,
8671 lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a
8672 department, division, or other administrative subunit of the executive branch of state
8673 government; and

8674 (iii) that is created to operate for more than six months.

8675 (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year

8676 following the year in which a new executive board is created in statute, the governor shall:

8677 (i) review the executive board to evaluate:

8678 (A) whether the executive board accomplishes a substantial governmental interest; and

8679 (B) whether it is necessary for the executive board to remain in statute;

8680 (ii) in the governor's review described in Subsection (2)(a)(i), consider:

8681 (A) the funding required for the executive board;

8682 (B) the staffing resources required for the executive board;

8683 (C) the time members of the executive board are required to commit to serve on the

8684 executive board; and

8685 (D) whether the responsibilities of the executive board could reasonably be

8686 accomplished through an existing entity or without statutory direction; and

8687 (iii) submit a report to the Government Operations Interim Committee recommending

8688 that the Legislature:

8689 (A) repeal the executive board;

8690 (B) add a sunset provision or future repeal date to the executive board;

8691 (C) make other changes to make the executive board more efficient; or

8692 (D) make no changes to the executive board.

8693 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give

8694 deference to:

8695 (i) reducing the size of government; and

8696 (ii) making governmental programs more efficient and effective.

8697 (c) The governor is not required to conduct the review or submit the report described in

8698 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,

8699 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.

8700 (3) (a) The governor shall designate a board and commissions administrator from the

8701 governor's staff to maintain a computerized database containing information about all

8702 executive boards.

8703 (b) The administrator shall ensure that the database contains:

8704 (i) the name of each executive board;

8705 (ii) the current statutory or constitutional authority for the creation of the executive

8706 board;

- 8707 (iii) the sunset date on which each executive board's statutory authority expires;
- 8708 (iv) the state officer or department and division of state government under whose
- 8709 jurisdiction the executive board operates or with which the executive board is affiliated, if any;
- 8710 (v) the name, address, gender, telephone number, and county of each individual
- 8711 currently serving on the executive board, along with a notation of all vacant or unfilled
- 8712 positions;
- 8713 (vi) the title of the position held by the person who appointed each member of the
- 8714 executive board;
- 8715 (vii) the length of the term to which each member of the executive board was
- 8716 appointed and the month and year that each executive board member's term expires;
- 8717 (viii) whether members appointed to the executive board require the advice and
- 8718 consent of the Senate;
- 8719 (ix) the organization, interest group, profession, local government entity, or geographic
- 8720 area that an individual appointed to an executive board represents, if any;
- 8721 (x) the party affiliation of an individual appointed to an executive board, if the statute
- 8722 or executive order creating the position requires representation from political parties;
- 8723 (xi) whether each executive board is a policy board or an advisory board;
- 8724 (xii) whether the executive board has or exercises rulemaking authority, or is a
- 8725 rulemaking board as defined in Section [63G-24-102](#); and
- 8726 (xiii) any compensation and expense reimbursement that members of the executive
- 8727 board are authorized to receive.
- 8728 (4) The administrator shall ensure the governor's website includes:
- 8729 (a) the information contained in the database, except for an individual's:
- 8730 (i) physical address;
- 8731 (ii) email address; and
- 8732 (iii) telephone number;
- 8733 (b) a portal, accessible on each executive board's web page within the governor's
- 8734 website, through which a member of the public may provide input on:
- 8735 (i) an individual appointed to serve on the executive board; or
- 8736 (ii) a sitting member of the executive board;
- 8737 (c) each report the administrator receives under Subsection (5); and

- 8738 (d) the summary report described in Subsection (6).
- 8739 (5) (a) Before August 1, once every five years, beginning in calendar year 2024, each
8740 executive board shall prepare and submit to the administrator a report that includes:
- 8741 (i) the name of the executive board;
- 8742 (ii) a description of the executive board's official function and purpose;
- 8743 (iii) a description of the actions taken by the executive board since the last report the
8744 executive board submitted to the administrator under this Subsection (5);
- 8745 (iv) recommendations on whether any statutory, rule, or other changes are needed to
8746 make the executive board more effective; and
- 8747 (v) an indication of whether the executive board should continue to exist.
- 8748 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
8749 to the governor's website before September 1 of a calendar year in which the administrator
8750 receives a report described in Subsection (5)(a).
- 8751 (6) (a) Before September 1 of a calendar year in which the administrator receives a
8752 report described in Subsection (5)(a), the administrator shall prepare a report that includes:
- 8753 (i) as of July 1 of that year, the total number of executive boards that exist;
- 8754 (ii) a summary of the reports submitted to the administrator under Subsection (5),
8755 including:
- 8756 (A) a list of each executive board that submitted a report under Subsection (5);
- 8757 (B) a list of each executive board that did not submit a report under Subsection (5);
- 8758 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and
- 8759 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
8760 executive board should no longer exist; and
- 8761 (iii) a list of each executive board, identified and reported by the Division of Archives
8762 and Record Services under Section ~~[63F-1-701]~~ [63A-12-201](#), that did not post a notice of a
8763 public meeting on the ~~[public notice website]~~ Utah Public Notice Website during the previous
8764 fiscal year.
- 8765 (b) On or before September 1 of a calendar year in which the administrator prepares a
8766 report described in Subsection (6)(a), in accordance with Section [68-3-14](#), the administrator
8767 shall submit the report to:
- 8768 (i) the president of the Senate;

8769 (ii) the speaker of the House of Representatives; and
8770 (iii) the Government Operations Interim Committee.

8771 Section 149. Section **67-3-12**, which is renumbered from Section 63A-1-202 is
8772 renumbered and amended to read:

8773 ~~[63A-1-202]~~. **67-3-12. Utah Public Finance Website -- Establishment and**
8774 **administration -- Records disclosure -- Exceptions.**

8775 ~~[(1) There is created the Utah Public Finance Website to be administered by the state~~
8776 ~~auditor.]~~

8777 (1) As used in this section:

8778 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same
8779 as that term is defined in Section 63E-1-102.

8780 (ii) "independent entity" includes an entity that is part of an independent entity
8781 described in Subsection (1)(a)(i), if the entity is considered a component unit of the
8782 independent entity under the governmental accounting standards issued by the Governmental
8783 Accounting Standards Board.

8784 (iii) "independent entity" does not include the Utah State Retirement Office created in
8785 Section 49-11-201.

8786 (b) "Local education agency" means a school district or charter school.

8787 (c) "Participating local entity" means:

8788 (i) a county;

8789 (ii) a municipality;

8790 (iii) a local district under Title 17B, Limited Purpose Local Government Entities -
8791 Local Districts;

8792 (iv) a special service district under Title 17D, Chapter 1, Special Service District Act;

8793 (v) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

8794 (vi) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District
8795 Act;

8796 (vii) except for a taxed interlocal entity as defined in Section 11-13-602:

8797 (A) an interlocal entity as defined in Section 11-13-103;

8798 (B) a joint or cooperative undertaking as defined in Section 11-13-103; or

8799 (C) any project, program, or undertaking entered into by interlocal agreement in

8800 accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

8801 (viii) except for a taxed interlocal entity as defined in Section [11-13-602](#), an entity that

8802 is part of an entity described in Subsections (1)(c)(i) through (vii), if the entity is considered a

8803 component unit of the entity described in Subsections (1)(c)(i) through (vii) under the

8804 governmental accounting standards issued by the Governmental Accounting Standards Board;

8805 or

8806 (ix) a conservation district under Title 17D, Chapter 3, Conservation District Act.

8807 (d) (i) "Participating state entity" means the state of Utah, including its executive,

8808 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,

8809 councils, committees, and institutions.

8810 (ii) "Participating state entity" includes an entity that is part of an entity described in

8811 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in

8812 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental

8813 Accounting Standards Board.

8814 (e) "Public finance website" or "website" means the website established by the state

8815 auditor in accordance with this section.

8816 (f) "Public financial information" means each record that is required under this section

8817 or by rule made by the Office of the State Auditor under Subsection (8) to be made available on

8818 the public finance website, a participating local entity's website, or an independent entity's

8819 website.

8820 (g) "Qualifying entity" means:

8821 (i) an independent entity;

8822 (ii) a participating local entity;

8823 (iii) a participating state entity;

8824 (iv) a local education agency;

8825 (v) a state institution of higher education as defined in Section [53B-3-102](#);

8826 (vi) the Utah Educational Savings Plan created in Section [58B-8a-103](#);

8827 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);

8828 (viii) the School and Institutional Trust Lands Administration created in Section

8829 [53C-1-201](#); or

8830 (ix) the Utah Capital Investment Corporation created in Section [63N-6-301](#).

8831 (2) The state auditor shall establish and maintain a public finance website in
8832 accordance with this section.

8833 ~~[(2)]~~ (3) The ~~[Utah Public Finance Website]~~ website shall:

8834 (a) permit Utah taxpayers to:

8835 (i) view, understand, and track the use of taxpayer dollars by making public financial
8836 information available on the Internet for participating state entities, independent entities, and
8837 participating local entities, using the ~~[Utah Public Finance Website]~~ website; and

8838 (ii) link to websites administered by participating local entities or independent entities
8839 that do not use the ~~[Utah Public Finance Website]~~ website for the purpose of providing
8840 participating local entities' or independent entities' public financial information as required by
8841 this part and by rule made under ~~[Section 63A-1-204]~~ Subsection (8);

8842 (b) allow a person who has Internet access to use the website without paying a fee;

8843 (c) allow the public to search public financial information on the ~~[Utah Public Finance~~
8844 ~~Website using criteria established by the board]~~ website;

8845 (d) provide access to financial reports, financial audits, budgets, or other financial
8846 documents that are used to allocate, appropriate, spend, and account for government funds, as
8847 may be established by rule made under ~~[Section 63A-1-204]~~ Subsection (8);

8848 (e) have a unique and simplified website address;

8849 (f) be ~~[directly accessible via a link from the main page of the official state website]~~
8850 guided by the principles described in Subsection 63A-16-202(2);

8851 (g) include other links, features, or functionality that will assist the public in obtaining
8852 and reviewing public financial information, as may be established by rule made under ~~[Section~~
8853 ~~63A-1-204]~~ Subsection (8); and

8854 (h) include a link to school report cards published on the State Board of Education's
8855 website under Section 53E-5-211.

8856 ~~[(3)(a)]~~ (4) The state auditor shall:

8857 ~~[(i)]~~ (a) establish and maintain the website, including the provision of equipment,
8858 resources, and personnel as necessary;

8859 ~~[(ii)]~~ (b) maintain an archive of all information posted to the website;

8860 ~~[(iii)]~~ (c) coordinate and process the receipt and posting of public financial information
8861 from participating state entities; and

8862 ~~[(iv)] (d) coordinate and regulate the posting of public financial information by~~
8863 participating local entities and independent entities.

8864 ~~[(b) The department shall provide staff support for the advisory committee.]~~

8865 ~~[(4) (a) A participating state entity and each independent entity shall permit the public~~
8866 ~~to view the entity's public financial information via the website, beginning with information~~
8867 ~~that is generated not later than the fiscal year that begins July 1, 2008, except that public~~
8868 ~~financial information for an:]~~

8869 ~~[(i) institution of higher education shall be provided beginning with information~~
8870 ~~generated for the fiscal year beginning July 1, 2009; and]~~

8871 ~~[(ii) independent entity shall be provided beginning with information generated for the~~
8872 ~~entity's fiscal year beginning in 2014:]~~

8873 ~~[(b) No later than May 15, 2009, the website shall:]~~

8874 ~~[(i) be operational; and]~~

8875 ~~[(ii) permit public access to participating state entities' public financial information,~~
8876 ~~except as provided in Subsections (4)(c) and (d).]~~

8877 ~~[(c) An institution of higher education that is a participating state entity shall submit~~
8878 ~~the entity's public financial information at a time allowing for inclusion on the website no later~~
8879 ~~than May 15, 2010.]~~

8880 ~~[(d) No later than the first full quarter after July 1, 2014, an independent entity shall~~
8881 ~~submit the entity's public financial information for inclusion on the Utah Public Finance~~
8882 ~~Website or via a link to its own website on the Utah Public Finance Website.]~~

8883 ~~[(5) (a) The Utah Educational Savings Plan, created in Section [53B-8a-103](#), shall~~
8884 ~~provide the following financial information to the state auditor for posting on the Utah Public~~
8885 ~~Finance Website:]~~

8886 ~~[(i) administrative fund expense transactions from its general ledger accounting~~
8887 ~~system; and]~~

8888 ~~[(ii) employee compensation information.]~~

8889 ~~[(b) The plan is not required to submit other financial information to the state auditor,~~
8890 ~~including:]~~

8891 ~~[(i) revenue transactions;]~~

8892 ~~[(ii) account owner transactions; and]~~

8893 ~~[(iii) fiduciary or commercial information, as defined in Section 53B-12-102.]~~
8894 ~~[(6) (a) The following independent entities shall each provide administrative expense~~
8895 ~~transactions from its general ledger accounting system and employee compensation~~
8896 ~~information to the state auditor for posting on the Utah Public Finance Website or via a link to~~
8897 ~~a website administered by the independent entity:]~~
8898 ~~[(i) the Utah Housing Corporation, created in Section 63H-8-201; and]~~
8899 ~~[(ii) the School and Institutional Trust Lands Administration, created in Section~~
8900 ~~53C-1-201.]~~
8901 ~~[(b) The Utah Capital Investment Corporation, an independent entity created in Section~~
8902 ~~63N-6-301, shall provide the following information to the division for posting on the Utah~~
8903 ~~Public Finance Website or via a link to a website administered by the independent entity for~~
8904 ~~each fiscal year ending on or after June 30, 2015:]~~
8905 ~~[(i) aggregate compensation information for full-time and part-time employees,~~
8906 ~~including benefit information;]~~
8907 ~~[(ii) aggregate business travel expenses;]~~
8908 ~~[(iii) aggregate expenses related to the Utah Capital Investment Corporation's~~
8909 ~~allocation manager; and]~~
8910 ~~[(iv) aggregate administrative, operating, and finance costs.]~~
8911 ~~[(c) For purposes of this part, an independent entity described in Subsection (6)(a) or~~
8912 ~~(b) is not required to submit to the state auditor, or provide a link to, other financial~~
8913 ~~information, including:]~~
8914 ~~[(i) revenue transactions of a fund or account created in its enabling statute;]~~
8915 ~~[(ii) fiduciary or commercial information related to any subject if the disclosure of the~~
8916 ~~information:]~~
8917 ~~[(A) would conflict with fiduciary obligations; or]~~
8918 ~~[(B) is prohibited by insider trading provisions;]~~
8919 ~~[(iii) information of a commercial nature, including information related to:]~~
8920 ~~[(A) account owners, borrowers, and dependents;]~~
8921 ~~[(B) demographic data;]~~
8922 ~~[(C) contracts and related payments;]~~
8923 ~~[(D) negotiations;]~~

- 8924 ~~[(E) proposals or bids;]~~
- 8925 ~~[(F) investments;]~~
- 8926 ~~[(G) the investment and management of funds;]~~
- 8927 ~~[(H) fees and charges;]~~
- 8928 ~~[(I) plan and program design;]~~
- 8929 ~~[(J) investment options and underlying investments offered to account owners;]~~
- 8930 ~~[(K) marketing and outreach efforts;]~~
- 8931 ~~[(L) lending criteria;]~~
- 8932 ~~[(M) the structure and terms of bonding; and]~~
- 8933 ~~[(N) financial plans or strategies; and]~~
- 8934 ~~[(iv) information protected from public disclosure by federal law.]~~
- 8935 ~~[(7) (a) As used in this Subsection (7):]~~
- 8936 ~~[(i) "Local education agency" means a school district or a charter school.]~~
- 8937 ~~[(ii) "New school building project" means:]~~
- 8938 ~~[(A) the construction of a school or school facility that did not previously exist in a~~
- 8939 ~~local education agency; or]~~
- 8940 ~~[(B) the lease or purchase of an existing building, by a local education agency, to be~~
- 8941 ~~used as a school or school facility.]~~
- 8942 ~~[(iii) "School facility" means a facility, including a pool, theater, stadium, or~~
- 8943 ~~maintenance building, that is built, leased, acquired, or remodeled by a local education agency~~
- 8944 ~~regardless of whether the facility is open to the public.]~~
- 8945 ~~[(iv) "Significant school remodel" means a construction project undertaken by a local~~
- 8946 ~~education agency with a project cost equal to or greater than \$2,000,000, including:]~~
- 8947 ~~[(A) the upgrading, changing, alteration, refurbishment, modification, or complete~~
- 8948 ~~substitution of an existing school or school facility in a local education agency; or]~~
- 8949 ~~[(B) the addition of a school facility.]~~
- 8950 ~~[(b) For each new school building project or significant school remodel, the local~~
- 8951 ~~education agency shall:]~~
- 8952 ~~[(i) prepare an annual school plant capital outlay report; and]~~
- 8953 ~~[(ii) submit the report:]~~
- 8954 ~~[(A) to the state auditor for publication on the Utah Public Finance Website; and]~~

8955 ~~[(B) in a format, including any raw data or electronic formatting, prescribed by~~
8956 ~~applicable policy established by the state auditor.]~~

8957 ~~[(c) The local education agency shall include in the capital outlay report described in~~
8958 ~~Subsection (7)(b)(i) the following information as applicable to each new school building~~
8959 ~~project or significant school remodel:]~~

8960 ~~[(i) the name and location of the new school building project or significant school~~
8961 ~~remodel;]~~

8962 ~~[(ii) construction and design costs, including:]~~

8963 ~~[(A) the purchase price or lease terms of any real property acquired or leased for the~~
8964 ~~project or remodel;]~~

8965 ~~[(B) facility construction;]~~

8966 ~~[(C) facility and landscape design;]~~

8967 ~~[(D) applicable impact fees; and]~~

8968 ~~[(E) furnishings and equipment;]~~

8969 ~~[(iii) the gross square footage of the project or remodel;]~~

8970 ~~[(iv) the year construction was completed; and]~~

8971 ~~[(v) the final student capacity of the new school building project or, for a significant~~
8972 ~~school remodel, the increase or decrease in student capacity created by the remodel.]~~

8973 ~~[(d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c);~~
8974 ~~the local education agency shall report the actual cost, fee, or other expense.]~~

8975 ~~[(ii) The state auditor may require that a local education agency provide further~~
8976 ~~itemized data on information listed in Subsection (7)(c).]~~

8977 ~~[(e) (i) No later than May 15, 2015, a local education agency shall provide the state~~
8978 ~~auditor a school plant capital outlay report for each new school building project and significant~~
8979 ~~school remodel completed on or after July 1, 2004, and before May 13, 2014.]~~

8980 ~~[(ii) For a new school building project or significant school remodel completed after~~
8981 ~~May 13, 2014, the local education agency shall provide the school plant capital outlay report~~
8982 ~~described in this Subsection (7) to the state auditor annually by a date designated by the state~~
8983 ~~auditor.]~~

8984 (5) A qualifying entity shall permit the public to view the qualifying entity's public
8985 financial information by posting the public financial information to the public finance website

8986 in accordance with rules made under Subsection (8).

8987 (6) The content of the public financial information posted to the public finance website
8988 is the responsibility of the qualifying entity posting the public financial information.

8989 [~~(8)~~] (7) (a) A qualifying entity may not post financial information that is classified as
8990 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
8991 Management Act, to the public finance website.

8992 (b) A person who negligently discloses [a record] financial information that is
8993 classified as private, protected, or controlled by Title 63G, Chapter 2, Government Records
8994 Access and Management Act, is not criminally or civilly liable for an improper disclosure of
8995 the [record] financial information if the [record] financial information is disclosed solely as a
8996 result of the preparation or publication of the [Utah Public Finance Website] website.

8997 (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8998 Office of the State Auditor:

8999 (a) shall make rules to:

9000 (i) establish which records a qualifying entity is required to post to the public finance
9001 website; and

9002 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting
9003 public financial information on the public finance website; and

9004 (b) may make rules governing when a qualifying entity is required to disclose an
9005 expenditure made by a person under contract with the qualifying entity, including the form and
9006 content of the disclosure.

9007 Section 150. Section **72-3-108** is amended to read:

9008 **72-3-108. County roads -- Vacation and narrowing.**

9009 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
9010 without petition or after petition by a property owner.

9011 (2) A county may not vacate a county road unless notice of the hearing is:

9012 (a) published:

9013 (i) in a newspaper of general circulation in the county once a week for four consecutive
9014 weeks before the hearing; and

9015 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
9016 four weeks before the hearing; and

9017 (b) posted in three public places for four consecutive weeks prior to the hearing; and

9018 (c) mailed to the department and all owners of property abutting the county road.

9019 (3) The right-of-way and easements, if any, of a property owner and the franchise rights
9020 of any public utility may not be impaired by vacating or narrowing a county road.

9021 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the
9022 state's right-of-way interest in the county road is also vacated.

9023 Section 151. Section 72-5-105 is amended to read:

9024 **72-5-105. Highways, streets, or roads once established continue until abandoned**
9025 **-- Temporary closure.**

9026 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads
9027 once established shall continue to be highways, streets, or roads until formally abandoned or
9028 vacated by written order, resolution, or ordinance resolution of a highway authority having
9029 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has
9030 been duly recorded in the office of the recorder of the county or counties where the highway,
9031 street, or road is located.

9032 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
9033 proper authority with the county recorder's office, title to the vacated or abandoned highway,
9034 street, or road shall vest to the adjoining record owners, with one-half of the width of the
9035 highway, street, or road assessed to each of the adjoining owners.

9036 (b) Provided, however, that should a description of an owner of record extend into the
9037 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
9038 highway, street, or road shall vest in the record owner, with the remainder of the highway,
9039 street, or road vested as otherwise provided in this Subsection (2).

9040 (c) Title to a highway, street, or road that a local highway authority closes to vehicular
9041 traffic under Subsection (3) or (7) remains vested in the city.

9042 (3) (a) In accordance with this section, a state or local highway authority may
9043 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,
9044 C, or D road or R.S. 2477 right-of-way.

9045 (b) (i) A temporary closure authorized under this section is not an abandonment.

9046 (ii) The erection of a barrier or sign on a highway, street, or road once established is
9047 not an abandonment.

9048 (iii) An interruption of the public's continuous use of a highway, street, or road once
9049 established is not an abandonment even if the interruption is allowed to continue unabated.

9050 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
9051 following circumstances:

9052 (i) when a federal authority, or other person, provides an alternate route to an R.S.
9053 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

9054 (A) accepted by the highway authority; and

9055 (B) formalized by a federal permit or a written agreement between the federal authority
9056 or other person and the highway authority;

9057 (ii) when a state or local highway authority determines that correction or mitigation of
9058 injury to private or public land resources is necessary on or near a class B or D road or portion
9059 of a class B or D road; or

9060 (iii) when a local highway authority makes a finding that temporary closure of all or
9061 part of a class C road is necessary to mitigate unsafe conditions.

9062 (d) (i) If a local highway authority temporarily closes all or part of a class C road under
9063 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to
9064 another public use or purpose related to the mitigation of the unsafe condition.

9065 (ii) If a local highway authority temporarily closes all or part of a class C road under
9066 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement
9067 between the local highway authority and another entity, the local highway authority may not
9068 reopen the closed portion of the road until the lease agreement terminates.

9069 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
9070 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
9071 reason.

9072 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

9073 (i) be authorized annually; and

9074 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
9075 whichever is less.

9076 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway
9077 authority shall pass an ordinance to temporarily or indefinitely close the road.

9078 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),

9079 a highway authority shall:

9080 (a) hold a hearing on the proposed temporary or indefinite closure;

9081 (b) provide notice of the hearing by mailing a notice to the Department of
9082 Transportation and all owners of property abutting the highway; and

9083 (c) except for a closure under Subsection (3)(c)(iii):

9084 (i) publishing the notice:

9085 (A) in a newspaper of general circulation in the county at least once a week for four
9086 consecutive weeks before the hearing; and

9087 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
9088 four weeks before the hearing; or

9089 (ii) posting the notice in three public places for at least four consecutive weeks before
9090 the hearing.

9091 (6) The right-of-way and easements, if any, of a property owner and the franchise rights
9092 of any public utility may not be impaired by a temporary or indefinite closure authorized under
9093 this section.

9094 (7) (a) A local highway authority may close to vehicular travel and convert to another
9095 public use or purpose a highway, road, or street over which the local highway authority has
9096 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding
9097 that:

9098 (i) the closed highway, road, or street is not necessary for vehicular travel;

9099 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury
9100 to private or public land resources on or near the highway, road, or street; or

9101 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe
9102 conditions.

9103 (b) If a local highway authority indefinitely closes all or part of a highway, road, or
9104 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease
9105 agreement between the local highway authority and another entity, the local highway authority
9106 may not reopen the closed portion of the road until the lease agreement terminates.

9107 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.
9108 Section 152. Section **73-1-16** is amended to read:

9109 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**

9110 -- Costs -- Review.

9111 Where any water users' association, irrigation company, canal company, ditch company,
9112 reservoir company, or other corporation of like character or purpose, organized under the laws
9113 of this state has entered into or proposes to enter into a contract with the United States for the
9114 payment by such association or company of the construction and other charges of a federal
9115 reclamation project constructed, under construction, or to be constructed within this state, and
9116 where funds for the payment of such charges are to be obtained from assessments levied upon
9117 the stock of such association or company, or where a lien is created or will be created against
9118 any of the land, property, canals, water rights or other assets of such association or company or
9119 against the land, property, canals, water rights or other assets of any stockholder of such
9120 association or company to secure the payment of construction or other charges of a reclamation
9121 project, the water users' association, irrigation company, canal company, ditch company,
9122 reservoir company or other corporation of like character or purpose may file in the district court
9123 of the county wherein is situated the office of such association or company a petition entitled
9124 "..... Water Users' Association" or "..... Company," as the case may be, "against the
9125 stockholders of said association or company and the owners and mortgagees of land within the
9126 Federal Reclamation Project." No other or more specific description of the defendants
9127 shall be required. In the petition it may be stated that the water users' association, irrigation
9128 company, canal company, ditch company, reservoir company or other corporation of like
9129 character and purpose has entered into or proposes to enter into a contract with the United
9130 States, to be set out in full in said petition, with a prayer that the court find said contract to be
9131 valid, and a modification of any individual contracts between the United States and the
9132 stockholders of such association or company, or between the association or company, and its
9133 stockholders, so far as such individual contracts are at variance with the contract or proposed
9134 contract between the association or company and the United States.

9135 Thereupon a notice in the nature of a summons shall issue under the hand and seal of
9136 the clerk of said court, stating in brief outline the contents of said petition, and showing where
9137 a full copy of said contract or proposed contract may be examined, such notice to be directed to
9138 the said defendants under the same general designations, which shall be considered sufficient
9139 to give the court jurisdiction of all matters involved and parties interested. Service shall be
9140 obtained (a) by publication of such notice once a week for three consecutive weeks (three

9141 times) in a newspaper published in each county where the irrigable land of such federal
9142 reclamation project is situated, (b) as required in Section [45-1-101](#) for three weeks, (c) by
9143 publishing the notice on the Utah Public Notice Website created in Section [~~63F-1-701~~]
9144 [63A-12-201](#), for three weeks prior to the date of the hearing, and (d) by the posting at least
9145 three weeks prior to the date of the hearing on said petition of the notice and a complete copy
9146 of the said contract or proposed contract in the office of the plaintiff association or company,
9147 and at three other public places within the boundaries of such federal reclamation project. Any
9148 stockholder in the plaintiff association or company, or owner, or mortgagee of land within said
9149 federal reclamation project affected by the contract proposed to be made by such association or
9150 company, may demur to or answer said petition before the date set for such hearing or within
9151 such further time as may be allowed therefor by the court. The failure of any persons affected
9152 by the said contract to answer or demur shall be construed, so far as such persons are concerned
9153 as an acknowledgment of the validity of said contract and as a consent to the modification of
9154 said individual contracts if any with such association or company or with the United States, to
9155 the extent that such modification is required to cause the said individual contracts if any to
9156 conform to the terms of the contract or proposed contract between the plaintiff and the United
9157 States. All persons filing demurrers or answers shall be entered as defendants in said cause and
9158 their defense consolidated for hearing or trial. Upon hearing the court shall examine all matters
9159 and things in controversy and shall enter judgment and decree as the case warrants, showing
9160 how and to what extent, if any, the said individual contracts of the defendants or under which
9161 they claim are modified by the plaintiff's contract or proposed contract with the United States.
9162 In reaching his conclusion in such causes, the court shall follow a liberal interpretation of the
9163 laws, and shall disregard informalities or omissions not affecting the substantial rights of the
9164 parties, unless it is affirmatively shown that such informalities or omissions led to a different
9165 result than would have been obtained otherwise. The Code of Civil Procedure shall govern
9166 matters of pleading and practice as nearly as may be. Costs may be assessed or apportioned
9167 among contesting parties in the discretion of the trial court. Review of the judgment of the
9168 district court by the Supreme Court may be had as in other civil causes.

9169 Section 153. Section **73-5-14** is amended to read:

9170 **73-5-14. Determination by the state engineer of watershed to which particular**
9171 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

9172 (1) The state engineer may determine for administrative and distribution purposes the
9173 watershed to which any particular stream or source of water is tributary.

9174 (2) A determination under Subsection (1) may be made only after publication of notice
9175 to the water users.

9176 (3) Publication of notice under Subsection (2) shall be made:

9177 (a) in a newspaper or newspapers having general circulation in every county in the state
9178 in which any rights might be affected, once each week for five consecutive weeks;

9179 (b) in accordance with Section [45-1-101](#) for five weeks; and

9180 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
9181 five weeks.

9182 (4) The state engineer shall fix the date and place of hearing and at the hearing any
9183 water user shall be given an opportunity to appear and adduce evidence material to the
9184 determination of the question involved.

9185 (5) (a) The state engineer shall publish the result of the determination as provided in
9186 Subsections (3)(a) and (b), and the notice of the decision of the state engineer shall notify the
9187 public that any person aggrieved by the decision may appeal the decision as provided by
9188 Section [73-3-14](#).

9189 (b) The notice under Subsection (5)(a) shall be considered to have been given so as to
9190 start the time for appeal upon completion of the publication of notice.

9191 Section 154. Section **75-1-401** is amended to read:

9192 **75-1-401. Notice -- Method and time of giving.**

9193 (1) If notice of a hearing on any petition is required and except for specific notice
9194 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
9195 hearing of any petition to be given to any interested person or the person's attorney if the person
9196 has appeared by attorney or requested that notice be sent to the person's attorney. Notice shall
9197 be given by the clerk posting a copy of the notice for the 10 consecutive days immediately
9198 preceding the time set for the hearing in at least three public places in the county, one of which
9199 must be at the courthouse of the county and:

9200 (a) (i) by the clerk mailing a copy thereof at least 10 days before the time set for the
9201 hearing by certified, registered, or ordinary first class mail addressed to the person being
9202 notified at the post-office address given in the demand for notice, if any, or at the person's

9203 office or place of residence, if known; or

9204 (ii) by delivering a copy thereof to the person being notified personally at least 10 days
9205 before the time set for the hearing; and

9206 (b) if the address, or identity of any person is not known and cannot be ascertained with
9207 reasonable diligence, by publishing:

9208 (i) at least once a week for three consecutive weeks a copy thereof in a newspaper
9209 having general circulation in the county where the hearing is to be held, the last publication of
9210 which is to be at least 10 days before the time set for the hearing; and

9211 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-12-201](#), for
9212 three weeks.

9213 (2) The court for good cause shown may provide for a different method or time of
9214 giving notice for any hearing.

9215 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the
9216 proceeding.

9217 Section 155. **Repealer.**

9218 This bill repeals:

9219 Section [63A-1-201](#), **Definitions.**

9220 Section [63A-1-204](#), **Rulemaking authority.**

9221 Section [63A-1-205](#), **Participation by local entities.**

9222 Section [63A-1-206](#), **Submission of public financial information by a school district**
9223 **or charter school.**