

Senator Karen Mayne proposes the following substitute bill:

PUBLIC NOTICE AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Joel Ferry

LONG TITLE

General Description:

This bill modifies provisions relating to public notices.

Highlighted Provisions:

This bill:

- ▶ eliminates some requirements to publish certain notices in a newspaper and on a specified legal notice website;
- ▶ requires certain notices to be posted on the Utah Public Notice Website;
- ▶ requires the Division of Archives and Records Service to allow newspapers to request and automatically receive a feed of postings to the Utah Public Notice Website; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

8-5-6, as last amended by Laws of Utah 2009, Chapter 388



- 26 [10-2-406](#), as last amended by Laws of Utah 2019, Chapter 255
- 27 [10-2-407](#), as last amended by Laws of Utah 2019, Chapter 255
- 28 [10-2-415](#), as last amended by Laws of Utah 2020, Chapter 22
- 29 [10-2-418](#), as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 7
- 30 [10-2-419](#), as last amended by Laws of Utah 2019, Chapter 255
- 31 [10-2-502.5](#), as last amended by Laws of Utah 2019, Chapter 255
- 32 [10-2-607](#), as last amended by Laws of Utah 2019, Chapter 255
- 33 [10-2-703](#), as last amended by Laws of Utah 2019, Chapter 255
- 34 [10-2-708](#), as last amended by Laws of Utah 2020, Chapter 22
- 35 [10-2a-207](#), as last amended by Laws of Utah 2019, Chapters 165, 255 and last amended
- 36 by Coordination Clause, Laws of Utah 2019, Chapter 165
- 37 [10-2a-210](#), as last amended by Laws of Utah 2020, Chapter 22
- 38 [10-2a-213](#), as last amended by Laws of Utah 2020, Chapter 22
- 39 [10-2a-214](#), as last amended by Laws of Utah 2020, Chapter 22
- 40 [10-2a-215](#), as last amended by Laws of Utah 2020, Chapter 22
- 41 [10-2a-404](#), as enacted by Laws of Utah 2015, Chapter 352
- 42 [10-2a-405](#), as last amended by Laws of Utah 2016, Chapter 176
- 43 [10-2a-410](#), as last amended by Laws of Utah 2017, Chapter 158
- 44 [10-3-301](#), as last amended by Laws of Utah 2020, Chapter 95
- 45 [10-3-711](#), as last amended by Laws of Utah 2004, Chapter 202
- 46 [10-5-108](#), as last amended by Laws of Utah 2017, Chapter 193
- 47 [10-6-113](#), as last amended by Laws of Utah 2017, Chapter 193
- 48 [10-6-152](#), as last amended by Laws of Utah 2009, Chapter 388
- 49 [10-7-16](#), as last amended by Laws of Utah 2009, Chapter 388
- 50 [10-7-19](#), as last amended by Laws of Utah 2019, Chapter 255
- 51 [10-8-2](#), as last amended by Laws of Utah 2019, Chapter 376
- 52 [10-8-15](#), as last amended by Laws of Utah 2019, Chapter 413
- 53 [10-9a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 54 [10-18-203](#), as last amended by Laws of Utah 2010, Chapter 90
- 55 [10-18-302](#), as last amended by Laws of Utah 2014, Chapter 176
- 56 [10-18-303](#), as last amended by Laws of Utah 2009, Chapter 388

57 [11-13-219](#), as last amended by Laws of Utah 2015, Chapter 265
58 [11-14-202](#), as last amended by Laws of Utah 2020, Chapter 31
59 [11-14-315](#), as last amended by Laws of Utah 2010, Chapter 378
60 [11-14-318](#), as last amended by Laws of Utah 2009, First Special Session, Chapter 5
61 [11-14a-1](#), as last amended by Laws of Utah 2009, Chapter 388
62 [11-30-5](#), as last amended by Laws of Utah 2009, Chapter 388
63 [11-39-103](#), as last amended by Laws of Utah 2014, Chapter 196
64 [11-42-202](#), as last amended by Laws of Utah 2020, Chapter 282
65 [11-42-301](#), as last amended by Laws of Utah 2017, Chapter 470
66 [11-42-402](#), as last amended by Laws of Utah 2015, Chapter 396
67 [11-42-404](#), as last amended by Laws of Utah 2015, Chapter 396
68 [11-42a-201](#), as last amended by Laws of Utah 2018, Chapters 197 and 431
69 [17-27a-204](#), as last amended by Laws of Utah 2010, Chapter 90
70 [17-27a-205](#), as last amended by Laws of Utah 2017, Chapter 84
71 [17-27a-306](#), as last amended by Laws of Utah 2015, Chapter 352
72 [17-27a-404](#), as last amended by Laws of Utah 2020, Chapter 434
73 [17-41-302](#), as last amended by Laws of Utah 2019, Chapter 227
74 [17-41-304](#), as last amended by Laws of Utah 2019, Chapter 227
75 [17-41-405](#), as last amended by Laws of Utah 2019, Chapter 227
76 [17B-1-111](#), as last amended by Laws of Utah 2011, Chapter 47
77 [17B-1-211](#), as last amended by Laws of Utah 2013, Chapter 265
78 [17B-1-304](#), as last amended by Laws of Utah 2017, Chapter 112
79 [17B-1-306](#), as last amended by Laws of Utah 2020, Chapter 31
80 [17B-1-313](#), as last amended by Laws of Utah 2009, Chapter 388
81 [17B-1-417](#), as last amended by Laws of Utah 2010, Chapter 90
82 [17B-1-505.5](#), as enacted by Laws of Utah 2017, Chapter 404
83 [17B-1-609](#), as last amended by Laws of Utah 2015, Chapter 436
84 [17B-1-643](#), as last amended by Laws of Utah 2016, Chapter 273
85 [17B-1-1204](#), as last amended by Laws of Utah 2010, Chapter 90
86 [17B-1-1307](#), as last amended by Laws of Utah 2010, Chapter 90
87 [17B-2a-705](#), as last amended by Laws of Utah 2019, Chapter 255

- 88 [17B-2a-1007](#), as last amended by Laws of Utah 2018, Chapter 197
- 89 [17B-2a-1110](#), as last amended by Laws of Utah 2016, Chapter 176
- 90 [17C-1-601.5](#), as last amended by Laws of Utah 2018, Chapter 101
- 91 [17C-1-701.5](#), as renumbered and amended by Laws of Utah 2016, Chapter 350
- 92 [17C-1-806](#), as last amended by Laws of Utah 2018, Chapter 364
- 93 [17C-2-108](#), as last amended by Laws of Utah 2016, Chapter 350
- 94 [17C-3-107](#), as last amended by Laws of Utah 2016, Chapter 350
- 95 [17C-4-106](#), as last amended by Laws of Utah 2016, Chapter 350
- 96 [17C-4-202](#), as last amended by Laws of Utah 2016, Chapter 350
- 97 [17C-5-110](#), as enacted by Laws of Utah 2016, Chapter 350
- 98 [17C-5-205](#), as last amended by Laws of Utah 2019, Chapter 376
- 99 [20A-1-206](#), as last amended by Laws of Utah 2019, Chapter 255
- 100 [20A-3a-604](#), as renumbered and amended by Laws of Utah 2020, Chapter 31
- 101 [20A-4-104](#), as last amended by Laws of Utah 2020, Chapter 31
- 102 [20A-4-304](#), as last amended by Laws of Utah 2019, Chapters 255 and 433
- 103 [20A-5-101](#), as last amended by Laws of Utah 2019, Chapter 255
- 104 [20A-5-403.5](#), as enacted by Laws of Utah 2020, Chapter 31
- 105 [20A-5-405](#), as last amended by Laws of Utah 2020, Chapter 31
- 106 [20A-9-203](#), as last amended by Laws of Utah 2020, Chapter 22
- 107 [26-8a-405.3](#), as last amended by Laws of Utah 2012, Chapters 91, 347 and last
108 amended by Coordination Clause, Laws of Utah 2012, Chapter 347
- 109 [38-8-3](#), as last amended by Laws of Utah 2013, Chapter 163
- 110 [54-8-10](#), as last amended by Laws of Utah 2010, Chapter 90
- 111 [54-8-16](#), as last amended by Laws of Utah 2010, Chapter 90
- 112 [54-8-23](#), as last amended by Laws of Utah 2009, Chapter 388
- 113 [57-13a-104](#), as enacted by Laws of Utah 2013, Chapter 267
- 114 [59-12-402](#), as last amended by Laws of Utah 2017, Chapter 422
- 115 [59-12-2208](#), as enacted by Laws of Utah 2010, Chapter 263
- 116 [62A-5-202.5](#), as last amended by Laws of Utah 2019, Chapter 255
- 117 [63A-5b-305](#), as enacted by Laws of Utah 2020, Chapter 152
- 118 [63F-1-701](#), as last amended by Laws of Utah 2020, Chapter 154

- 119 [63G-6a-112](#), as last amended by Laws of Utah 2020, Chapter 257
- 120 [72-5-105](#), as last amended by Laws of Utah 2017, First Special Session, Chapter 2
- 121 [72-6-108](#), as last amended by Laws of Utah 2012, Chapter 347
- 122 [76-8-809](#), as last amended by Laws of Utah 2009, Chapter 388
- 123 [78A-7-202](#), as last amended by Laws of Utah 2015, Chapters 99 and 352

124
125 *Be it enacted by the Legislature of the state of Utah:*

126 Section 1. Section **8-5-6** is amended to read:

127 **8-5-6. Alternative council or board procedures for notice -- Termination of**
128 **rights.**

129 (1) As an alternative to the procedures set forth in Sections [8-5-1](#) through [8-5-4](#), a
130 municipal council or cemetery maintenance district board may pass a resolution demanding
131 that the owner of a lot, site, or portion of the cemetery, which has been unused for burial
132 purposes for more than 60 years, file with the county recorder, city recorder, or town clerk
133 notice of any claim to the lot, site, or portion of the cemetery.

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

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

143 (a) publish its resolution[+] on the Utah Public Notice Website created in Section
144 [63F-1-701](#) for three weeks; and

145 [~~(a) (i) for three successive weeks in a newspaper of general circulation within the~~
146 ~~county; and]~~

147 [~~(ii) in accordance with Section [45-1-101](#) for three weeks; and]~~

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

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

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

156 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

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

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

162 ~~[(A) (a) within the area proposed for annexation[; and (B)] and the unincorporated~~
163 ~~area within 1/2 mile of the area proposed for annexation[; (ii) if there is no newspaper of~~
164 ~~general circulation in the combined area described in Subsections (1)(a)(i)(A) and (B)], no later~~
165 ~~than 10 days after the day on which the municipal legislative body receives the notice of~~
166 ~~certification[;]:~~

167 (i) by posting one notice, and at least one additional notice per 2,000 population within
168 the combined area, in places within the combined area that are most likely to give notice to the
169 residents within, and the owners of real property located within, the combined area; or

170 ~~[(iii) no later than 10 days after the day on which the municipal legislative body~~
171 ~~receives the notice of certification;]~~

172 (ii) by mailing the notice to each residence within, and to each owner of real property
173 located within, the combined area ~~[described in Subsections (1)(a)(i)(A) and (B)];~~

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

176 ~~[(c) (b) on the Utah Public Notice Website created in Section **63F-1-701**, for three~~
177 ~~weeks, beginning no later than 10 days after the day on which the municipal legislative body~~
178 ~~receives the notice of certification;~~

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

181 ~~(e)~~ (d) if the municipality has a website, on the municipality's website for the period
182 of time described in Subsection (1)~~(e)~~(b).

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

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

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

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

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

191 (e) state in conspicuous and plain terms that the municipality may grant the petition
192 and annex the area described in the petition unless, within the time required under Subsection
193 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and
194 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
195 municipality;

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

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

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

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

206 (B) in the creation of which an election was not required because of Subsection
207 17B-1-214(3)(c); and

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

210 (h) state that the area proposed for annexation to the municipality will be automatically
211 withdrawn from a local district providing fire protection, paramedic, and emergency services or

212 a local district providing law enforcement service, as the case may be, as provided in
213 Subsection 17B-1-502(2), if:

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

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

218 (B) in the creation of which an election was not required because of Subsection
219 17B-1-214(3)(c); and

220 (ii) the proposed annexing municipality is not within the boundaries of the local
221 district.

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

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

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

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

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

234 Section 3. Section 10-2-407 is amended to read:

235 **10-2-407. Protest to annexation petition -- Planning advisory area planning**
236 **commission recommendation -- Petition requirements -- Disposition of petition if no**
237 **protest filed.**

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

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

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

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

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

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

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

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

250 (a) be filed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

284 (ii) the commission; and

285 (iii) each entity that filed a protest.

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

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

290 ~~[(a) (i) at least seven days before the day of the public hearing in a newspaper of
291 general circulation within the municipality and the area proposed for annexation;]~~

292 ~~[(ii) if there is no newspaper of general circulation in the combined area described in
293 Subsection (7)(a)(i);]~~

294 (a) (i) at least seven days before the day of the public hearing, by posting one notice,
295 and at least one additional notice per 2,000 population within the ~~[combined area]~~ municipality
296 and the area proposed for annexation, in places within ~~[the]~~ that combined area that are most
297 likely to give notice to the residents within, and the owners of real property located within, the
298 combined area; or

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

302 (b) on the Utah Public Notice Website created in Section 63F-1-701, for seven days
303 before the day of the public hearing; and

304 ~~[(c) in accordance with Section 45-1-101, for seven days before the day of the public~~

305 hearing; and]

306 ~~[(d)]~~ (c) if the municipality has a website, on the municipality's website for seven days
307 before the day of the public hearing.

308 Section 4. Section **10-2-415** is amended to read:

309 **10-2-415. Public hearing -- Notice.**

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

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

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

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

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

321 (2) The commission shall publish notice of the public hearing described in Subsection
322 (1)(a)~~[(a) (i) at least once a week for two successive weeks before the public hearing in a~~
323 ~~newspaper of general circulation]~~ within the area proposed for annexation, the surrounding 1/2
324 mile of unincorporated area, and the proposed annexing municipality~~[:];~~

325 ~~[(ii) if there is no newspaper of general circulation within the combined area described~~
326 ~~in Subsection (2)(a)(i);]~~

327 (a) (i) at least two weeks before the day of the public hearing, by posting one notice,
328 and at least one additional notice per 2,000 population within the combined area, in places
329 within the combined area that are most likely to give notice of the public hearing to the
330 residents within, and the owners of real property located within, the combined area; or

331 ~~[(iii)]~~ (ii) by mailing notice to each residence within, and to each owner of real
332 property located within, the combined area ~~[described in Subsection (2)(a)(i)];~~

333 (b) on the Utah Public Notice Website created in Section **63F-1-701**, for two weeks
334 before the day of the public hearing;

335 ~~[(c) in accordance with Section **45-1-101**, for two weeks before the day of the public~~

336 hearing;]

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

341 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for two weeks
342 before the day of the public hearing; and

343 ~~[(f)]~~ (e) on the county's website for two weeks before the day of the public hearing.

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

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

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

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

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

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

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

352 (iii) a mailing address and telephone number.

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

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

359 ~~[(a) (i) in a newspaper of general circulation within the area proposed for annexation;]~~

360 ~~[(ii) if there is no newspaper of general circulation within the area proposed for
361 annexation;]~~

362 (a) (i) by posting one notice, and at least one additional notice per 2,000 population
363 within the area proposed for annexation, in places within the area that are most likely to give
364 notice of the hearing to the residents within, and the owners of real property located within, the
365 area; or

366 ~~[(iii)]~~ (ii) by mailing notice to each resident within, and each owner of real property

367 located within, the area proposed for annexation;

368 (b) on the Utah Public Notice Website created in Section 63F-1-701, for 14 days before
369 the day of the hearing;

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

371 [~~(d)~~] (c) if the municipality has a website, on the municipality's website for two weeks
372 before the day of the public hearing; and

373 [~~(e)~~] (d) on the county's website for two weeks before the day of the public hearing.

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

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

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

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

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

380 (8) In considering protests, the commission shall consider whether the proposed
381 annexation:

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

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

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

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

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

392 Section 5. Section 10-2-418 is amended to read:

393 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
394 **Hearing.**

395 (1) As used in Subsection (2)(b)(ii), for purposes of an annexation conducted in
396 accordance with this section of an area located within a county of the first class,
397 "municipal-type services" does not include a service provided by a municipality pursuant to a

398 contract that the municipality has with another political subdivision as "political subdivision" is
399 defined in Section 17B-1-102.

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

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

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

406 (B) the majority of each island or peninsula consists of residential or commercial
407 development;

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

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

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

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

417 (iii) the area consists of:

418 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
419 municipality; and

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

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

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

425 (C) the county legislative body in which the municipality is located provides notice to
426 each property owner within the area to be annexed that the county legislative body will hold a
427 public hearing, no less than 15 days after the day on which the county legislative body provides
428 the notice, and may make a recommendation of annexation to the municipality whose

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

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

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

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

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

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

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

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

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

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

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

458 (e) A private property owner may withdraw the property owner's signature indicating
459 consent by submitting a signed, written withdrawal with the recorder or clerk no later than the

460 close of the public hearing held in accordance with Subsection (5)(b).

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

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

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

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

469 ~~[(a) (i) at least once a week for three successive weeks before the public hearing in a
470 newspaper of general circulation within the municipality and the area proposed for
471 annexation;]~~

472 ~~[(ii) if there is no newspaper of general circulation in the combined area described in
473 Subsection (6)(a)(i);]~~

474 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
475 and at least one additional notice per 2,000 population in the ~~[combined area]~~ municipality and
476 the area proposed for annexation, in places within the combined area that are most likely to
477 give notice to the residents within, and the owners of real property located within, the
478 combined area; or

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

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

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

486 ~~[(d)]~~ (c) by sending written notice to:

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

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

491 [~~e~~] (d) if the municipality has a website, on the municipality's website for three weeks
492 before the day of the public hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

521 (b) (i) Notwithstanding Subsection (8)(a), upon conclusion of the public hearing

522 described in Subsection (5)(b), a municipality may adopt an ordinance approving the
523 annexation of the area proposed for annexation under this section without allowing or
524 considering protests under Subsection (8)(a) if the owners of at least 75% of the total private
525 land area within the entire area proposed for annexation, representing at least 75% of the value
526 of the private real property within the entire area proposed for annexation, have consented in
527 writing to the annexation.

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

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

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

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

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

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

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

547 (A) existing development in the area;

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

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

550 (iii) A county legislative body may make the recommendation for annexation required
551 in Subsection (8)(c)(i) for only a portion of an unincorporated island if, as a result of
552 information provided at the public hearing, the county legislative body makes a formal finding

553 that it would be equitable to leave a portion of the island unincorporated.

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

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

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

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

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

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

571 Section 6. Section 10-2-419 is amended to read:

572 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

583 [~~(a) (i) at least once a week for three successive weeks before the public hearing in a~~

584 ~~newspaper of general circulation within the municipality;]~~

585 ~~[(ii) if there is no newspaper of general circulation within the municipality;]~~

586 (a) (i) at least three weeks before the day of the public hearing, by posting one notice,
587 and at least one additional notice per 2,000 population of the municipality, in places within the
588 municipality that are most likely to give notice to residents of the municipality; or

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

591 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for three weeks
592 before the day of the public hearing;

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

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

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

601 (ii) the Utah State Developmental Center Board, created under Section [[62A-5-202](#)]
602 [62A-5-202.2](#), if any state-owned real property described in this Subsection (3)(d) is associated
603 with the Utah State Developmental Center; and

604 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for three weeks
605 before the day of the public hearing.

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

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

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

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

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

615 (i) an owner of private real property that:
616 (A) is located within the area proposed for adjustment;
617 (B) covers at least 25% of the total private land area within the area proposed for
618 adjustment; and
619 (C) is equal in value to at least 15% of the value of all private real property within the
620 area proposed for adjustment; or
621 (ii) a title holder of state-owned real property described in Subsection (3)(d);
622 (e) state that the area that is the subject of the boundary adjustment will, because of the
623 boundary adjustment, be automatically annexed to a local district providing fire protection,
624 paramedic, and emergency services or a local district providing law enforcement service, as the
625 case may be, as provided in Section 17B-1-416, if:
626 (i) the municipality to which the area is being added because of the boundary
627 adjustment is entirely within the boundaries of a local district:
628 (A) that provides fire protection, paramedic, and emergency services or law
629 enforcement service, respectively; and
630 (B) in the creation of which an election was not required because of Subsection
631 17B-1-214(3)(c); and
632 (ii) the municipality from which the area is being taken because of the boundary
633 adjustment is not within the boundaries of the local district; and
634 (f) state that the area proposed for annexation to the municipality will be automatically
635 withdrawn from a local district providing fire protection, paramedic, and emergency services,
636 as provided in Subsection 17B-1-502(2), if:
637 (i) the municipality to which the area is being added because of the boundary
638 adjustment is not within the boundaries of a local district:
639 (A) that provides fire protection, paramedic, and emergency services; and
640 (B) in the creation of which an election was not required because of Subsection
641 17B-1-214(3)(c); and
642 (ii) the municipality from which the area is being taken because of the boundary
643 adjustment is entirely within the boundaries of the local district.
644 [~~5~~] The first publication of the notice described in Subsection (3)(a)(i) shall be within
645 14 days after the day on which the municipal legislative body adopts a resolution under

646 Subsection (2)(a):]

647 ~~[(6)]~~ (5) Upon conclusion of the public hearing described in Subsection (2)(b), the
648 municipal legislative body may adopt an ordinance approving the adjustment of the common
649 boundary unless, at or before the hearing described in Subsection (2)(b), a written protest to the
650 adjustment is filed with the city recorder or town clerk by a person described in Subsection
651 (3)(d)(i) or (ii).

652 ~~[(7)]~~ (6) The municipal legislative body shall comply with the requirements of Section
653 10-2-425 as if the boundary adjustment were an annexation.

654 ~~[(8)]~~ (7) (a) An ordinance adopted under Subsection ~~[(6)]~~ (5) becomes effective when
655 each municipality involved in the boundary adjustment has adopted an ordinance under
656 Subsection ~~[(6)]~~ (5).

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

659 Section 7. Section 10-2-502.5 is amended to read:

660 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
661 **legislative body -- Petition in district court.**

662 (1) No sooner than ~~[seven calendar days after, and no later than 30 calendar days after,~~
663 ~~the last day on which the petitioner publishes the notice required under Subsection~~
664 ~~10-2-501(3)(a)]~~ three weeks after notice is provided under Subsection 10-2-501(3), the
665 legislative body of the municipality in which the area proposed for disconnection is located
666 shall hold a public hearing.

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

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

670 ~~[(b) (i) at least seven days before the hearing date, by publishing notice in a newspaper~~
671 ~~of general circulation within the municipality;]~~

672 ~~[(ii) if there is no newspaper of general circulation within the municipality;]~~

673 (b) (i) at least seven days before the hearing date, by posting one notice, and at least
674 one additional notice per 2,000 population of the municipality, in places within the
675 municipality that are most likely to give notice to residents within, and the owners of real
676 property located within, the municipality; or

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

679 (c) on the Utah Public Notice Website created in Section ~~63F-1-701~~, for seven days
680 before the hearing date; and

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

682 ~~[(e)]~~ (d) if the municipality has a website, on the municipality's website for seven days
683 before the hearing date.

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

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

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

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

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

692 (i) the petitioner; or

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

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

696 Section 8. Section ~~10-2-607~~ is amended to read:

697 **~~10-2-607. Notice of election.~~**

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

702 ~~[(1) (a) in a newspaper of general circulation within the boundaries of the municipality~~
703 ~~at least once a week for four consecutive weeks before the election;]~~

704 ~~[(b) if there is no newspaper of general circulation in the municipality;]~~

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

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

710 (2) on the Utah Public Notice Website created in Section 63F-1-701, for at least four
711 weeks before the day of the election; and

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

714 ~~[(4)]~~ (3) if the municipality has a website, on the municipality's website for at least four
715 weeks before the day of the election.

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

717 **10-2-703. Publication of notice of election.**

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

720 (a) petition; and

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

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

723 ~~[(a) (i) for at least once a week for a period of four weeks before the election in a~~
724 ~~newspaper of general circulation in the municipality;]~~

725 ~~[(ii) if there is no newspaper of general circulation in the municipality;]~~

726 (a) (i) at least four weeks before the day of the election, by posting one notice, and at
727 least one additional notice per 2,000 population of the municipality, in places within the
728 municipality that are most likely to give notice to the voters in the municipality; or

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

731 (b) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
732 before the day of the election; and

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

735 ~~[(d)]~~ (c) if the municipality has a website, on the municipality's website for four weeks
736 before the day of the election.

737 Section 10. Section 10-2-708 is amended to read:

738 **10-2-708. Notice of disincorporation -- Publication and filing.**

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

741 ~~[(1) (a) in a newspaper of general circulation in the county in which the municipality is~~
742 ~~located at least once a week for four consecutive weeks;]~~

743 ~~[(b) if there is no newspaper of general circulation in the county in which the~~
744 ~~municipality is located;]~~

745 (1) (a) by posting one notice, and at least one additional notice per 2,000 population of
746 the county in places within the county that are most likely to give notice to the residents within,
747 and the owners of real property located within, the county, including the residents and owners
748 within the municipality that is dissolved; or

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

751 (2) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks;
752 ~~[(3) in accordance with Section [45-1-101](#), for four weeks;]~~

753 ~~[(4)] (3)~~ if the municipality has a website, on the municipality's website for four weeks;
754 and

755 ~~[(5)] (4)~~ on the county's website for four weeks.

756 Section 11. Section **10-2a-207** is amended to read:

757 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

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

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

762 (b) at least seven days apart;

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

765 (d) within or near the proposed municipality;

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

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

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

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

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

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

773 (d) allow the public to ask the feasibility consultant questions about the feasibility
774 study.

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

777 ~~[(a) (i) at least once a week for three consecutive weeks before the first public hearing
778 in a newspaper of general circulation within the proposed municipality;]~~

779 ~~[(ii) if there is no newspaper of general circulation in the proposed municipality,]~~

780 (a) (i) at least three weeks before the day of the first public hearing, by posting one
781 notice, and at least one additional notice per 2,000 population of the proposed municipality, in
782 places within the proposed municipality that are most likely to give notice to the residents
783 within, and the owners of real property located within, the proposed municipality; or

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

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

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

790 ~~[(d)] (c) on the lieutenant governor's website for three weeks before the day of the first
791 public hearing.~~

792 ~~[(4) The last notice required to be published under Subsection (3)(a)(i) shall be at least
793 three days before the first public hearing required under Subsection (1).]~~

794 ~~[(5)] (4) (a) Except as provided in Subsection [(5)] (4)(b), the notice described in
795 Subsection (3) shall include the feasibility study summary described in Subsection
796 10-2a-205(3)(c) and shall indicate that a full copy of the study is available on the lieutenant
797 governor's website and for inspection at the Office of the Lieutenant Governor.~~

798 (b) Instead of publishing the feasibility summary under Subsection ~~[(5)] (4)(a)~~, the
799 lieutenant governor may publish a statement that specifies the following sources where a
800 resident within, or the owner of real property located within, the proposed municipality, may

801 view or obtain a copy of the feasibility study:

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

805 Section 12. Section **10-2a-210** is amended to read:

806 **10-2a-210. Incorporation election.**

807 (1) (a) If the lieutenant governor certifies a petition under Subsection **10-2a-209(1)(b)**,

808 the lieutenant governor shall schedule an incorporation election for the proposed municipality

809 described in the petition to be held on the date of the next regular general election described in

810 Section **20A-1-201**, or the next municipal general election described in Section **20A-1-202**, that

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

812 (b) (i) The lieutenant governor shall direct the county legislative body of the county in

813 which the proposed municipality is located to hold the election on the date that the lieutenant

814 governor schedules under Subsection (1)(a).

815 (ii) The county shall hold the election as directed by the lieutenant governor under

816 Subsection (1)(b)(i).

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

818 [~~(a) (i) in a newspaper of general circulation within the area proposed to be~~

819 ~~incorporated at least once a week for three successive weeks before the election;~~]

820 [~~(ii) if there is no newspaper of general circulation in the area proposed to be~~

821 ~~incorporated;~~]

822 (a) (i) at least three weeks before the day of the election, by posting one notice, and at

823 least one additional notice per 2,000 population of the area proposed to be incorporated, in

824 places within the area proposed to be incorporated that are most likely to give notice to the

825 voters within the area proposed to be incorporated; or

826 [~~(iii)~~] (ii) at least three weeks before the day of the election, by mailing notice to each

827 registered voter in the area proposed to be incorporated;

828 (b) on the Utah Public Notice Website created in Section **63F-1-701**, for three weeks

829 before the day of the election;

830 [~~(c) in accordance with Section **45-1-101**, for three weeks before the day of the~~

831 ~~election;~~]

832 ~~[(d)]~~ (c) if the proposed municipality has a website, on the proposed municipality's
833 website for three weeks before the day of the election; and

834 ~~[(e)]~~ (d) on the county's website for three weeks before the day of the election.

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

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

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

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

839 and

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

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

845 ~~[(e)]~~ (b) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the
846 notice may include a statement that specifies the following sources where a registered voter in
847 area proposed to be incorporated may view or obtain a copy the feasibility study:

848 (i) the lieutenant governor's website;

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

850 (iii) a mailing address and telephone number.

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

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

856 Section 13. Section 10-2a-213 is amended to read:

857 **10-2a-213. Determination of number of council members -- Determination of**
858 **election districts -- Hearings and notice.**

859 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days
860 after the day on which the county conducts the canvass of the election under Section
861 10-2a-212:

862 (a) for the incorporation of a city:

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

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

869 (b) for the incorporation of any municipality:

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

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

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

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

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

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

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

888 ~~[(a)(i) in a newspaper of general circulation within the future municipality at least
889 once a week for two successive weeks before the public hearing;]~~

890 ~~[(ii) if there is no newspaper of general circulation in the future municipality;]~~

891 (a)(i) at least two weeks before the day of the public hearing, by posting one notice,
892 and at least one additional notice per 2,000 population of the future municipality, in places
893 within the future municipality that are most likely to give notice to the residents within, and the

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

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

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

901 ~~[(d)]~~ (c) if the future municipality has a website, for two weeks before the day of the
902 public hearing; and

903 ~~[(e)]~~ (d) on the county's website for two weeks before the day of the public hearing.

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

906 Section 14. Section 10-2a-214 is amended to read:

907 **10-2a-214. Notice of number of commission or council members to be elected and**
908 **of district boundaries -- Declaration of candidacy for municipal office.**

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

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

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

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

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

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

919 ~~[(a) (i) in a newspaper of general circulation within the future municipality at least
920 once a week for two consecutive weeks;]~~

921 ~~[(ii) if there is no newspaper of general circulation in the future municipality;]~~

922 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
923 the future municipality, in places within the future municipality that are most likely to give
924 notice to the residents in the future municipality; or

925 ~~[(iii)]~~ (ii) by mailing notice to each residence in the future municipality;
 926 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks;
 927 ~~[(c) in accordance with Section 45-1-101, for two weeks;]~~
 928 ~~[(d)]~~ (c) if the future municipality has a website, on the future municipality's website
 929 for two weeks; and
 930 ~~[(e)]~~ (d) on the county's website for two weeks.

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

- 934 (a) the county website;
- 935 (b) the physical address of the county offices; and
- 936 (c) a mailing address and telephone number.

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

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

945 Section 15. Section 10-2a-215 is amended to read:

946 **10-2a-215. Election of officers of new municipality -- Primary and final election**
 947 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

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

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

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

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

956 (b) for the incorporation of a city:
957 (i) appropriate to the form of government chosen by the voters at the incorporation
958 election;
959 (ii) consistent with the voters' decision about whether to elect city council members by
960 district and, if applicable, consistent with the boundaries of those districts as determined by the
961 petition sponsors; and
962 (iii) consistent with the sponsors' determination of the number of city council members
963 to be elected.
964 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
965 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:
966 (i) regular primary election described in Subsection 20A-1-201.5(1); or
967 (ii) municipal primary election described in Section 20A-9-404.
968 (b) The county shall hold the primary election, if necessary, on the next election date
969 described in Subsection (3)(a) that is after the incorporation election conducted under Section
970 10-2a-210.
971 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
972 Subsection (1)(b):
973 (i) on the following election date that next follows the date of the incorporation
974 election held under Subsection 10-2a-210(1)(a);
975 (ii) a regular general election described in Section 20A-1-201; or
976 (iii) a regular municipal general election under Section 20A-1-202.
977 (b) The county shall hold the final election on the earliest of the next election date that
978 is listed in Subsection (4)(a)(i), (ii), or (iii):
979 (i) that is after a primary election; or
980 (ii) if there is no primary election, that is at least:
981 (A) 75 days after the incorporation election under Section 10-2a-210; and
982 (B) 65 days after the candidate filing period.
983 (5) The county clerk shall publish notice of an election under this section:
984 ~~[(a)(i) in accordance with Subsection (6), at least once a week for two consecutive~~
985 ~~weeks before the election in a newspaper of general circulation within the future municipality;]~~
986 ~~[(ii) if there is no newspaper of general circulation in the future municipality;]~~

987 (a) (i) at least two weeks before the day of the election, by posting one notice, and at
988 least one additional notice per 2,000 population of the future municipality, in places within the
989 future municipality that are most likely to give notice to the voters within the future
990 municipality; or

991 ~~[(iii)]~~ (ii) at least two weeks before the day of the election, by mailing notice to each
992 registered voter within the future municipality;

993 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two weeks
994 before the day of the election;

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

997 ~~[(d)]~~ (c) if the future municipality has a website, on the future municipality's website
998 for two weeks before the day of the election; and

999 ~~[(e)]~~ (d) on the county's website for two weeks before the day of the election.

1000 ~~[(6) The last notice required to be published under Subsection (5)(a)(i) shall be
1001 published at least one day but no more than seven days before the day of the election.]~~

1002 ~~[(7)]~~ (6) Until the municipality is incorporated, the county clerk:

1003 (a) is the election officer for all purposes related to the election of municipal officers;

1004 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
1005 related to the election of municipal officers for a new municipality that are not otherwise
1006 contrary to law;

1007 (c) shall require and determine deadlines for municipal office candidates to file
1008 campaign financial disclosures in accordance with Section 10-3-208; and

1009 (d) shall ensure that the ballot for the election includes each office that is required to be
1010 included in the election for officers of the newly incorporated municipality, including the term
1011 of each office.

1012 ~~[(8)]~~ (7) An individual who has filed as a candidate for an office described in this
1013 section shall comply with:

1014 (a) the campaign finance disclosure requirements described in Section 10-3-208; and

1015 (b) the requirements and deadlines established by the county clerk under this section.

1016 ~~[(9)]~~ (8) Notwithstanding Section 10-3-201, the officers elected at a final election
1017 described in Subsection (4)(a) shall take office:

1018 (a) after taking the oath of office; and
1019 (b) at noon on the first Monday following the day on which the election official
1020 transmits a certificate of nomination or election under the officer's seal to each elected
1021 candidate in accordance with Subsection 20A-4-304(4)(b).

1022 Section 16. Section 10-2a-404 is amended to read:

1023 **10-2a-404. Election.**

1024 (1) (a) Notwithstanding Section 20A-1-203, a county of the first class shall hold a local
1025 special election on November 3, 2015, on the following ballot propositions:

1026 (i) for registered voters residing within a planning township:

1027 (A) whether the planning township shall be incorporated as a city or town, according to
1028 the classifications of Section 10-2-301, or as a metro township; and

1029 (B) if the planning township incorporates as a metro township, whether the metro
1030 township is included in a municipal services district; and

1031 (ii) for registered voters residing within an unincorporated island, whether the island
1032 should maintain its unincorporated status or be annexed into an eligible city.

1033 (b) (i) A metro township incorporated under this part shall be governed by the
1034 five-member council in accordance with Chapter 3b, Part 5, Metro Township Council Form of
1035 Municipal Government.

1036 (ii) A city or town incorporated under this part shall be governed by the five-member
1037 council form of government as defined in Section 10-3b-102.

1038 (2) Unless a person is a registered voter who resides, as defined in Section 20A-1-102,
1039 within the boundaries of a planning township or an unincorporated island, the person may not
1040 vote on the proposed incorporation or annexation.

1041 (3) The county clerk shall publish notice of the election[:] on the Utah Public Notice
1042 Website created in Section 63F-1-701 for three weeks before the election.

1043 [~~(a) in a newspaper of general circulation within the planning township or~~
1044 ~~unincorporated island at least once a week for three successive weeks; and]~~

1045 [~~(b) in accordance with Section 45-1-101 for three weeks.]~~

1046 (4) The notice required by Subsection (3) shall contain:

1047 (a) for residents of a planning township:

1048 (i) a statement that the voters will vote:

1049 (A) to incorporate as a city or town, according to the classifications of Section
1050 10-2-301, or as a metro township; and

1051 (B) if the planning township incorporates as a metro township, whether the metro
1052 township is included in a municipal services district;

1053 (ii) if applicable under Subsection 10-2a-405(5), a map showing the alteration to the
1054 planning township boundaries that would be effective upon incorporation;

1055 (iii) a statement that if the residents of the planning township elect to incorporate:

1056 (A) as a metro township, the metro township shall be governed by a five-member
1057 metro township council in accordance with Chapter 3b, Part 5, Metro Township Council Form
1058 of Municipal Government; or

1059 (B) as a city or town, the city or town shall be governed by the five-member council
1060 form of government as defined in Section 10-3b-102; and

1061 (iv) a statement of the date and time of the election and the location of polling places;

1062 (b) for residents of an unincorporated island:

1063 (i) a statement that the voters will vote either to be annexed into an eligible city or
1064 maintain unincorporated status; and

1065 (ii) a statement of the eligible city, as determined by the county legislative body in
1066 accordance with Section 10-2a-405, the unincorporated island may elect to be annexed by; and

1067 (c) a statement of the date and time of the election and the location of polling places.

1068 [~~(5) The last publication of notice required under Subsection (3) shall occur at least one~~
1069 ~~day but no more than seven days before the election.]~~

1070 [~~(6) (a) In accordance with Subsection (3)(a), if there is no newspaper of general~~
1071 ~~circulation within the proposed metro township or unincorporated island,]~~

1072 (5) (a) In addition to the notice required under Subsection (3), the county clerk shall
1073 post at least one notice of the election per 1,000 population in conspicuous places within the
1074 planning township or unincorporated island that are most likely to give notice of the election to
1075 the voters of the proposed incorporation or annexation.

1076 (b) The clerk shall post the notices under Subsection [~~(6)~~] (5)(a) at least seven days
1077 before the election under Subsection (1).

1078 [~~(7)~~] (6) (a) In a planning township, if a majority of those casting votes within the
1079 planning township vote to:

1080 (i) incorporate as a city or town, the planning township shall incorporate as a city or
1081 town, respectively; or

1082 (ii) incorporate as a metro township, the planning township shall incorporate as a metro
1083 township.

1084 (b) If a majority of those casting votes within the planning township vote to incorporate
1085 as a metro township, and a majority of those casting votes vote to include the metro township
1086 in a municipal services district and limit the metro township's municipal powers, the metro
1087 township shall be included in a municipal services district and have limited municipal powers.

1088 (c) In an unincorporated island, if a majority of those casting a vote within the selected
1089 unincorporated island vote to:

1090 (i) be annexed by the eligible city, the area shall be annexed by the eligible city; or

1091 (ii) remain an unincorporated area, the area shall remain unincorporated.

1092 [~~8~~] (7) The county shall, in consultation with interested parties, prepare and provide
1093 information on an annexation or incorporation subject to this part and an election held in
1094 accordance with this section.

1095 Section 17. Section **10-2a-405** is amended to read:

1096 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**
1097 **election and incorporation issues -- Rural real property excluded.**

1098 (1) The legislative body of a county of the first class shall before an election described
1099 in Section [10-2a-404](#):

1100 (a) in accordance with Subsection (3), publish notice of the public hearing described in
1101 Subsection (1)(b);

1102 (b) hold a public hearing; and

1103 (c) at the public hearing, adopt a resolution:

1104 (i) identifying, including a map prepared by the county surveyor, all unincorporated
1105 islands within the county;

1106 (ii) identifying each eligible city that will annex each unincorporated island, including
1107 whether the unincorporated island may be annexed by one eligible city or divided and annexed
1108 by multiple eligible cities, if approved by the residents at an election under Section [10-2a-404](#);
1109 and

1110 (iii) identifying, including a map prepared by the county surveyor, the planning

1111 townships within the county and any changes to the boundaries of a planning township that the
1112 county legislative body proposes under Subsection (5).

1113 (2) The county legislative body shall exclude from a resolution adopted under
1114 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
1115 consent to include the property in accordance with Subsection (7).

1116 (3) (a) The county clerk shall publish notice of the public hearing described in
1117 Subsection (1)(b):

1118 (i) by mailing notice to each owner of real property located in an unincorporated island
1119 or planning township no later than 15 days before the day of the public hearing;

1120 ~~[(ii) at least once a week for three successive weeks in a newspaper of general
1121 circulation within each unincorporated island, each eligible city, and each planning township;
1122 and]~~

1123 ~~[(iii) (ii) by posting notice on the Utah Public Notice Website created in Section
1124 63F-1-701, for three weeks before the day of the public hearing[-]; and~~

1125 ~~[(b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least
1126 three days before the first public hearing required under Subsection (1)(b).]~~

1127 ~~[(c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation
1128 within an unincorporated island, an eligible city, or a planning township, the county clerk shall
1129 post]~~

1130 (iii) by posting at least one notice of the hearing per 1,000 population in conspicuous
1131 places within the selected unincorporated island, eligible city, or planning township, as
1132 applicable, that are most likely to give notice of the hearing to the residents of the
1133 unincorporated island, eligible city, or planning township.

1134 ~~[(ii) (b) The clerk shall post the notices under Subsection ~~[(3)(c)(i)]~~ (3)(a)(iii) at least
1135 seven days before the hearing under Subsection (1)(b).~~

1136 ~~[(d) (c) The notice under Subsection (3)(a) ~~[or (c)]~~ shall include:~~

1137 (i) (A) for a resident of an unincorporated island, a statement that the property in the
1138 unincorporated island may be, if approved at an election under Section 10-2a-404, annexed by
1139 an eligible city, including divided and annexed by multiple cities if applicable, and the name of
1140 the eligible city or cities; or

1141 (B) for residents of a planning township, a statement that the property in the planning

1142 township shall be, pending the results of the election held under Section 10-2a-404,
1143 incorporated as a city, town, or metro township;

1144 (ii) the location and time of the public hearing; and

1145 (iii) the county website where a map may be accessed showing:

1146 (A) how the unincorporated island boundaries will change if annexed by an eligible
1147 city; or

1148 (B) how the planning township area boundaries will change, if applicable under
1149 Subsection (5), when the planning township incorporates as a metro township or as a city or
1150 town.

1151 ~~(e)~~ (d) The county clerk shall publish a map described in Subsection (3)~~(d)~~(c)(iii)
1152 on the county website.

1153 (4) The county legislative body may, by ordinance or resolution adopted at a public
1154 meeting and in accordance with applicable law, resolve an issue that arises with an election
1155 held in accordance with this part or the incorporation and establishment of a metro township in
1156 accordance with this part.

1157 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
1158 meeting, change the boundaries of a planning township.

1159 (b) A change to a planning township boundary under this Subsection (5) is effective
1160 only upon the vote of the residents of the planning township at an election under Section
1161 10-2a-404 to incorporate as a metro township or as a city or town and does not affect the
1162 boundaries of the planning township before the election.

1163 (c) The county legislative body:

1164 (i) may alter a planning township boundary under Subsection (5)(a) only if the
1165 alteration:

1166 (A) affects less than 5% of the residents residing within the planning advisory area; and

1167 (B) does not increase the area located within the planning township's boundaries; and

1168 (ii) may not alter the boundaries of a planning township whose boundaries are entirely
1169 surrounded by one or more municipalities.

1170 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an
1171 annexation or an incorporation process that, if approved, would change the boundaries of a
1172 planning township.

1173 (7) (a) As used in this Subsection (7), "rural real property" means an area:
 1174 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and
 1175 (ii) that does not include residential units with a density greater than one unit per acre.

1176 (b) Unless an owner of rural real property gives written consent to a county legislative
 1177 body, rural real property described in Subsection (7)(c) may not be:

1178 (i) included in a planning township identified under Subsection (1)(c); or
 1179 (ii) incorporated as part of a metro township, city, or town, in accordance with this
 1180 part.

1181 (c) The following rural real property is subject to an owner's written consent under
 1182 Subsection (7)(b):

1183 (i) rural real property that consists of 1,500 or more contiguous acres of real property
 1184 consisting of one or more tax parcels;

1185 (ii) rural real property that is not contiguous to, but used in connection with, rural real
 1186 property that consists of 1,500 or more contiguous acres of real property consisting of one or
 1187 more tax parcels;

1188 (iii) rural real property that is owned, managed, or controlled by a person, company, or
 1189 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
 1190 contiguous acres of rural real property consisting of one or more tax parcels; or

1191 (iv) rural real property that is located in whole or in part in one of the following as
 1192 defined in Section 17-41-101:

- 1193 (A) an agricultural protection area;
- 1194 (B) an industrial protection area; or
- 1195 (C) a mining protection area.

1196 Section 18. Section **10-2a-410** is amended to read:

1197 **10-2a-410. Determination of metro township districts -- Determination of metro**
 1198 **township or city initial officer terms -- Adoption of proposed districts.**

1199 (1) (a) If a metro township with a population of 10,000 or more is incorporated in
 1200 accordance with an election held under Section 10-2a-404:

- 1201 (i) each of the five metro township council members shall be elected by district; and
- 1202 (ii) the boundaries of the five council districts for election and the terms of office shall
 1203 be designated and determined in accordance with this section.

1204 (b) If a metro township with a population of less than 10,000 or a town is incorporated
1205 at an election held in accordance with Section 10-2a-404, the five council members shall be
1206 elected at-large for terms as designated and determined in accordance with this section.

1207 (c) If a city is incorporated at an election held in accordance with Section 10-2a-404:

1208 (i) (A) the four members of the council district who are not the mayor shall be elected
1209 by district; and

1210 (B) the boundaries of the four council districts for election and the term of office shall
1211 be designated and determined in accordance with this section; and

1212 (ii) the mayor shall be elected at-large for a term designated and determined in
1213 accordance with this section.

1214 (2) (a) No later than 90 days after the election day on which the metro township, city,
1215 or town is successfully incorporated under this part, the legislative body of the county in which
1216 the metro township, city, or town is located shall adopt by resolution:

1217 (i) subject to Subsection (2)(b), for each incorporated metro township, city, or town,
1218 the council terms for a length of time in accordance with this section; and

1219 (ii) (A) for a metro township with a population of 10,000 or more, the boundaries of
1220 the five council districts; and

1221 (B) for a city, the boundaries of the four council districts.

1222 (b) (i) For each metro township, city, or town, the county legislative body shall set the
1223 initial terms of the members of the metro township council, city council, or town council so
1224 that:

1225 (A) except as provided in Subsection (2)(b)(ii), approximately half the members of the
1226 council, including the mayor in the case of a city, are elected to serve an initial term, of no less
1227 than one year, that allows their successors to serve a full four-year term that coincides with the
1228 schedule established in Subsection 10-3-205(1); and

1229 (B) the remaining members of the council are elected to serve an initial term, of no less
1230 than one year, that allows their successors to serve a full four-year term that coincides with the
1231 schedule established in Subsection 10-3-205(2).

1232 (ii) For a city that incorporated in a county of the first class in 2016, the term of office
1233 for the office of mayor is:

1234 (A) three years for the initial term of office; and

1235 (B) four years for each subsequent term of office.

1236 (iii) For a metro township with a population of 10,000 or more, the county legislative
1237 body shall divide the metro township into five council districts that comply with Section
1238 10-3-205.5.

1239 (iv) For a city, the county legislative body shall divide the city into four council
1240 districts that comply with Section 10-3-205.5.

1241 (3) (a) Within 20 days of the county legislative body's adoption of a resolution under
1242 Subsection (2), the county clerk shall publish, in accordance with Subsection (3)(b), notice
1243 containing:

1244 (i) if applicable, a description of the boundaries, as designated in the resolution, of:

1245 (A) for a metro township with a population of 10,000 or more, the metro township
1246 council districts; or

1247 (B) the city council districts;

1248 (ii) information about the deadline for filing a declaration of candidacy for those
1249 seeking to become candidates for metro township council, city council, town council, or city
1250 mayor, respectively; and

1251 (iii) information about the length of the initial term of city mayor or each of the metro
1252 township, city, or town council offices, as described in the resolution.

1253 (b) The county clerk shall publish the notice required under Subsection (3)(a) [~~shall be~~
1254 ~~published~~]:

1255 [~~(i) in a newspaper of general circulation within the metro township, city, or town at~~
1256 ~~least once a week for two successive weeks; and]~~

1257 [~~(ii) in accordance with Section 45-1-101 for two weeks.]~~

1258 [~~(c) (i) In accordance with Subsection (3)(b)(i), if there is no newspaper of general~~
1259 ~~circulation within the future metro township, city, or town, the county clerk shall post]~~

1260 (i) on the Utah Public Notice Website created in Section 63F-1-701 for two weeks; and

1261 (ii) by posting at least one notice per 1,000 population in conspicuous places within the
1262 future metro township, city, or town that are most likely to give notice to the residents of the
1263 future metro township, city, or town.

1264 [~~(ii)~~] (c) The notice under Subsection [~~(3)(c)(i)~~] (3)(b)(ii) shall contain the information
1265 required under Subsection (3)(a).

1266 [(iii)] (d) The county clerk shall post the notices under Subsection [(3)(e)(i)] (3)(b)(ii)
1267 at least seven days before the deadline for filing a declaration of candidacy under Subsection
1268 [(3)(d)] (4).

1269 [(d)] (4) A person seeking to become a candidate for metro township, city, or town
1270 council or city mayor shall, in accordance with Section 20A-9-202, file a declaration of
1271 candidacy with the clerk of the county in which the metro township, city, or town is located for
1272 an election described in Section 10-2a-411.

1273 Section 19. Section 10-3-301 is amended to read:

1274 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
1275 **office -- Mayor and recorder limitations.**

1276 (1) As used in this section:

1277 (a) "Absent" means that an elected municipal officer fails to perform official duties,
1278 including the officer's failure to attend each regularly scheduled meeting that the officer is
1279 required to attend.

1280 (b) "Principal place of residence" means the same as that term is defined in Section
1281 20A-2-105.

1282 (c) "Secondary residence" means a place where an individual resides other than the
1283 individual's principal place of residence.

1284 (2) (a) On or before May 1 in a year in which there is a municipal general election, the
1285 municipal clerk shall publish a notice that identifies:

1286 (i) the municipal offices to be voted on in the municipal general election; and

1287 (ii) the dates for filing a declaration of candidacy for the offices identified under
1288 Subsection (2)(a)(i).

1289 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

1290 (i) on the Utah Public Notice Website established by Section 63F-1-701; and

1291 (ii) in at least one of the following ways:

1292 (A) at the principal office of the municipality;

1293 ~~[(B) in a newspaper of general circulation within the municipality at least once a week~~
1294 ~~for two successive weeks in accordance with Section 45-1-101;]~~

1295 [(E)] (B) in a newsletter produced by the municipality;

1296 [(D)] (C) on a website operated by the municipality; or

1297 [~~E~~] D with a utility enterprise fund customer's bill.

1298 (3) (a) An individual who files a declaration of candidacy for a municipal office shall

1299 comply with the requirements described in Section 20A-9-203.

1300 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of

1301 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in

1302 Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

1303 (A) Saturday or Sunday; or

1304 (B) state holiday as listed in Section 63G-1-301.

1305 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that

1306 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection

1307 (3)(b)(i) without maintaining office hours by:

1308 (A) posting the recorder's or clerk's contact information, including a phone number and

1309 email address, on the recorder's or clerk's office door, the main door to the municipal offices,

1310 and, if available, on the municipal website; and

1311 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),

1312 via the contact information described in Subsection (3)(b)(ii)(A).

1313 (4) An individual elected to municipal office shall be a registered voter in the

1314 municipality in which the individual is elected.

1315 (5) (a) Each elected officer of a municipality shall maintain a principal place of

1316 residence within the municipality, and within the district that the elected officer represents,

1317 during the officer's term of office.

1318 (b) Except as provided in Subsection (6), an elected municipal office is automatically

1319 vacant if the officer elected to the municipal office, during the officer's term of office:

1320 (i) establishes a principal place of residence outside the district that the elected officer

1321 represents;

1322 (ii) resides at a secondary residence outside the district that the elected officer

1323 represents for a continuous period of more than 60 days while still maintaining a principal

1324 place of residence within the district;

1325 (iii) is absent from the district that the elected officer represents for a continuous period

1326 of more than 60 days; or

1327 (iv) fails to respond to a request, within 30 days after the day on which the elected

1328 officer receives the request, from the county clerk or the lieutenant governor seeking
1329 information to determine the officer's residency.

1330 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
1331 consent of the municipal legislative body in accordance with Subsection (6)(b) before the
1332 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1333 (i) reside at a secondary residence outside the district that the elected officer represents
1334 while still maintaining a principal place of residence within the district for a continuous period
1335 of up to one year during the officer's term of office; or

1336 (ii) be absent from the district that the elected officer represents for a continuous period
1337 of up to one year during the officer's term of office.

1338 (b) At a public meeting, the municipal legislative body may give the consent described
1339 in Subsection (6)(a) by majority vote after taking public comment regarding:

1340 (i) whether the legislative body should give the consent; and

1341 (ii) the length of time to which the legislative body should consent.

1342 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or
1343 treasurer.

1344 (b) The recorder of a municipality may not also serve as the municipal treasurer.

1345 (c) An individual who holds a county elected office may not, at the same time, hold a
1346 municipal elected office.

1347 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
1348 individual is elected to the office or appointed to fill a vacancy in the office.

1349 Section 20. Section **10-3-711** is amended to read:

1350 **10-3-711. Publication and posting of ordinances.**

1351 (1) Before an ordinance may take effect, the legislative body of each municipality
1352 adopting an ordinance, except an ordinance enacted under Section [10-3-706](#), [10-3-707](#),
1353 [10-3-708](#), [10-3-709](#), or [10-3-710](#), shall:

1354 (a) deposit a copy of the ordinance in the office of the municipal recorder; and

1355 (b) (i) publish a short summary of the ordinance [~~at least once:~~] on the Utah Public
1356 Notice Website created in Section [63F-1-701](#); or

1357 [~~(A) in a newspaper published within the municipality; or]~~

1358 [~~(B) if there is no newspaper published within the municipality, in a newspaper of~~

1359 ~~general circulation within the municipality; or]~~

1360 (ii) post a complete copy of the ordinance:

1361 (A) for a city of the first class, in nine public places within the city; or

1362 (B) for any other municipality, in three public places within the municipality.

1363 (2) (a) Any ordinance, code, or book, other than the state code, relating to building or
1364 safety standards, municipal functions, administration, control, or regulations, may be adopted
1365 and shall take effect without further publication or posting, if reference is made to the code or
1366 book and at least one copy has been filed for use and examination by the public in the office of
1367 the recorder or clerk of the city or town prior to the adoption of the ordinance by the governing
1368 body.

1369 (b) Any state law relating to building or safety standards, municipal functions,
1370 administration, control, or regulations, may be adopted and shall take effect without further
1371 publication or posting if reference is made to the state code.

1372 (c) The ordinance adopting the code or book shall be published in the manner provided
1373 in this section.

1374 Section 21. Section **10-5-108** is amended to read:

1375 **10-5-108. Budget hearing -- Notice -- Adjustments.**

1376 (1) Prior to the adoption of the final budget or an amendment to a budget, a town
1377 council shall hold a public hearing to receive public comment.

1378 (2) The town council shall provide notice of the place, purpose, and time of the public
1379 hearing by ~~[publishing]~~ posting notice at least seven days before the hearing:

1380 ~~[(a) (i) at least once in a newspaper of general circulation in the town; or]~~

1381 ~~[(ii) if there is no newspaper of general circulation, then by posting the notice]~~

1382 (a) in three public places at least 48 hours before the hearing;

1383 (b) on the Utah Public Notice Website created in Section [63F-1-701](#); and

1384 (c) on the home page of the website, either in full or as a link, of the town or metro
1385 township, if the town or metro township has a publicly viewable website, until the hearing
1386 takes place.

1387 (3) After the hearing, the town council, subject to Section [10-5-110](#), may adjust
1388 expenditures and revenues in conformity with this chapter.

1389 Section 22. Section **10-6-113** is amended to read:

1390 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1391 At the meeting at which each tentative budget is adopted, the governing body shall
1392 establish the time and place of a public hearing to consider its adoption and shall order that
1393 notice of the public hearing be published at least seven days prior to the hearing:

1394 ~~[(1)(a) in at least one issue of a newspaper of general circulation published in the
1395 county in which the city is located; or]~~

1396 ~~[(b) if there is not a newspaper as described in Subsection (1)(a);]~~

1397 (1) in three public places within the city;

1398 (2) on the Utah Public Notice Website created in Section [63F-1-701](#); and

1399 (3) on the home page of the website, either in full or as a link, of the city or metro
1400 township, if the city or metro township has a publicly viewable website, until the hearing takes
1401 place.

1402 Section 23. Section **10-6-152** is amended to read:

1403 **10-6-152. Notice that audit completed and available for inspection.**

1404 Within 10 days following the receipt of the audit report furnished by the independent
1405 auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall:

1406 (1) prepare ~~[and publish: (a) (i) at least twice in a newspaper of general circulation
1407 published within the county;]~~ a notice to the public that the audit of the city has been
1408 completed; ~~[or]~~

1409 ~~[(ii) if a newspaper of general circulation is not published within the county, the notice
1410 required by this section may be posted]~~

1411 (2) post the notice:

1412 (a) in three public places; and

1413 (b) on the Utah Public Notice Website created in Section [63F-1-701](#); and

1414 ~~[(b) a notice, published in accordance with Section [45-1-101](#), to the public that the
1415 audit of the city has been completed; and]~~

1416 ~~[(2)]~~ (3) make a copy of the notice described in Subsection (1)(a) available for
1417 inspection at the office of the city auditor or recorder.

1418 Section 24. Section **10-7-16** is amended to read:

1419 **10-7-16. Call for bids -- Notice -- Contents.**

1420 (1) (a) Before holding an election under Subsection [10-7-15\(1\)\(a\)\(ii\)](#), the municipal

1421 legislative body shall open to bid the sale or lease of the property mentioned in Section
1422 10-7-15.

1423 (b) The municipal legislative body shall cause notice of the bid process to be given by
1424 publication for at least three consecutive weeks[~~:-~~] on the Utah Public Notice Website created in
1425 Section 63F-1-701.

1426 [~~(i) in a newspaper published or having general circulation in the city or town; and]~~

1427 [~~(ii) as required in Section 45-1-101.~~]

1428 (c) The notice described in Subsection (1) shall:

1429 (i) give a general description of the property to be sold or leased;

1430 (ii) specify the time when sealed bids for the property, or for a lease on the property,
1431 will be received; and

1432 (iii) specify the time when and the place where the bids will be opened.

1433 (2) (a) As used in this section and in Section 10-7-17, "responsible bidder" means an
1434 entity with a proven history of successful operation of an electrical generation and distribution
1435 system, or an equivalent proven history.

1436 (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to
1437 receive any bid submitted for the sale or lease of the electrical works and plant.

1438 (c) A municipal legislative body may not receive a bid unless the municipal legislative
1439 body determines that the bid is submitted by a responsible bidder.

1440 Section 25. Section 10-7-19 is amended to read:

1441 **10-7-19. Election to authorize -- Notice -- Ballots.**

1442 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or
1443 the board of trustees of any incorporated town, may aid and encourage the building of railroads
1444 by granting to any railroad company, for depot or other railroad purposes, real property of the
1445 city or incorporated town, not necessary for municipal or public purposes, upon the limitations
1446 and conditions established by the board of commissioners, city council, or board of trustees.

1447 (2) A board of commissioners, city council, or board of trustees may not grant real
1448 property under Subsection (1) unless the grant is approved by the eligible voters of the city or
1449 town at the next municipal election, or at a special election called for that purpose by the board
1450 of commissioners, city council, or board of trustees.

1451 (3) If the question is submitted at a special election, the election shall be held as nearly

1452 as practicable in conformity with the general election laws of the state.

1453 (4) The board of commissioners, city council, or board of trustees shall publish notice
1454 of an election described in Subsections (2) and (3):

1455 [~~(a) (i) in a newspaper of general circulation in the city or town once a week for four~~
1456 ~~weeks before the election;~~]

1457 [~~(ii) if there is no newspaper of general circulation in the city or town;~~]

1458 (a) (i) at least four weeks before the day of the election, by posting one notice, and at
1459 least one additional notice per 2,000 population of the city or town, in places within the city or
1460 town that are most likely to give notice to the voters in the city or town; or

1461 [~~(iii)~~] (ii) at least four weeks before the day of the election, by mailing notice to each
1462 registered voter in the city or town;

1463 (b) on the Utah Public Notice Website created in Section [63F-1-701](#), for four weeks
1464 before the day of the election; and

1465 [~~(c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;~~
1466 ~~and~~]

1467 [~~(d)~~] (c) if the municipality has a website, on the municipality's website for at least four
1468 weeks before the day of the election.

1469 (5) The board of commissioners, city council, or board of trustees shall cause ballots to
1470 be printed and provided to the eligible voters, which shall read: "For the proposed grant for
1471 depot or other railroad purposes: Yes. No."

1472 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,
1473 city council, or board of trustees shall convey the real property to the railroad company.

1474 Section 26. Section **10-8-2** is amended to read:

1475 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
1476 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1477 (1) (a) A municipal legislative body may:

1478 (i) appropriate money for corporate purposes only;

1479 (ii) provide for payment of debts and expenses of the corporation;

1480 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
1481 dispose of real and personal property for the benefit of the municipality, whether the property is
1482 within or without the municipality's corporate boundaries, if the action is in the public interest

1483 and complies with other law;

1484 (iv) improve, protect, and do any other thing in relation to this property that an
1485 individual could do; and

1486 (v) subject to Subsection (2) and after first holding a public hearing, authorize
1487 municipal services or other nonmonetary assistance to be provided to or waive fees required to
1488 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1489 (b) A municipality may:

1490 (i) furnish all necessary local public services within the municipality;

1491 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
1492 located and operating within and operated by the municipality; and

1493 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
1494 located inside or outside the corporate limits of the municipality and necessary for any of the
1495 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
1496 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1497 (c) Each municipality that intends to acquire property by eminent domain under
1498 Subsection (1)(b) shall comply with the requirements of Section [78B-6-505](#).

1499 (d) Subsection (1)(b) may not be construed to diminish any other authority a
1500 municipality may claim to have under the law to acquire by eminent domain property located
1501 inside or outside the municipality.

1502 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
1503 the provisions of Subsection (3).

1504 (b) The total amount of services or other nonmonetary assistance provided or fees
1505 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
1506 municipality's budget for that fiscal year.

1507 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
1508 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
1509 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
1510 subject to this Subsection (3).

1511 (a) The net value received for any money appropriated shall be measured on a
1512 project-by-project basis over the life of the project.

1513 (b) (i) A municipal legislative body shall establish the criteria for a determination

1514 under this Subsection (3).

1515 (ii) A municipal legislative body's determination of value received is presumed valid
1516 unless a person can show that the determination was arbitrary, capricious, or illegal.

1517 (c) The municipality may consider intangible benefits received by the municipality in
1518 determining net value received.

1519 (d) (i) Before the municipal legislative body makes any decision to appropriate any
1520 funds for a corporate purpose under this section, the municipal legislative body shall hold a
1521 public hearing.

1522 (ii) ~~[The]~~ At least 14 days before the date of the hearing, the municipal legislative body
1523 shall publish a notice of the hearing described in Subsection (3)(d)(i) by posting notice:

1524 (A) ~~[in a newspaper of general circulation at least 14 days before the date of the~~
1525 ~~hearing or, if there is no newspaper of general circulation, by posting notice]~~ in at least three
1526 conspicuous places within the municipality ~~[for the same time period]; and~~

1527 (B) on the Utah Public Notice Website created in Section [63F-1-701](#) ~~[, at least 14 days~~
1528 ~~before the date of the hearing].~~

1529 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
1530 municipality shall perform a study that analyzes and demonstrates the purpose for an
1531 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

1532 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
1533 the municipality for review by interested parties at least 14 days immediately before the public
1534 hearing described in Subsection (3)(d)(i).

1535 (iii) A municipality shall consider the following factors when conducting the study
1536 described in Subsection (3)(e)(i):

1537 (A) what identified benefit the municipality will receive in return for any money or
1538 resources appropriated;

1539 (B) the municipality's purpose for the appropriation, including an analysis of the way
1540 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
1541 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1542 (C) whether the appropriation is necessary and appropriate to accomplish the
1543 reasonable goals and objectives of the municipality in the area of economic development, job
1544 creation, affordable housing, elimination of a development impediment, job preservation, the

1545 preservation of historic structures and property, and any other public purpose.

1546 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
1547 to make an appropriation.

1548 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
1549 court within 30 days after the day on which the municipal legislative body makes a decision.

1550 (iii) Any appeal shall be based on the record of the proceedings before the legislative
1551 body.

1552 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
1553 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1554 (g) The provisions of this Subsection (3) apply only to those appropriations made after
1555 May 6, 2002.

1556 (h) This section applies only to appropriations not otherwise approved pursuant to Title
1557 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
1558 Fiscal Procedures Act for Utah Cities.

1559 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
1560 municipality shall:

1561 (i) provide reasonable notice of the proposed disposition at least 14 days before the
1562 opportunity for public comment under Subsection (4)(a)(ii); and

1563 (ii) allow an opportunity for public comment on the proposed disposition.

1564 (b) Each municipality shall, by ordinance, define what constitutes:

1565 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1566 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1567 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
1568 real property for the purpose of expanding the municipality's infrastructure or other facilities
1569 used for providing services that the municipality offers or intends to offer shall provide written
1570 notice, as provided in this Subsection (5), of its intent to acquire the property if:

1571 (i) the property is located:

1572 (A) outside the boundaries of the municipality; and

1573 (B) in a county of the first or second class; and

1574 (ii) the intended use of the property is contrary to:

1575 (A) the anticipated use of the property under the general plan of the county in whose

1576 unincorporated area or the municipality in whose boundaries the property is located; or

1577 (B) the property's current zoning designation.

1578 (b) Each notice under Subsection (5)(a) shall:

1579 (i) indicate that the municipality intends to acquire real property;

1580 (ii) identify the real property; and

1581 (iii) be sent to:

1582 (A) each county in whose unincorporated area and each municipality in whose

1583 boundaries the property is located; and

1584 (B) each affected entity.

1585 (c) A notice under this Subsection (5) is a protected record as provided in Subsection

1586 [63G-2-305](#)(8).

1587 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
1588 previously provided notice under Section [10-9a-203](#) identifying the general location within the
1589 municipality or unincorporated part of the county where the property to be acquired is located.

1590 (ii) If a municipality is not required to comply with the notice requirement of
1591 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
1592 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
1593 property.

1594 Section 27. Section **10-8-15** is amended to read:

1595 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

1596 (1) As used in this section, "affected entity" means a:

1597 (a) county that has land use authority over land subject to an ordinance or regulation
1598 described in this section;

1599 (b) local health department, as that term is defined in Section [26A-1-102](#), that has
1600 jurisdiction pursuant to Section [26A-1-108](#) over land subject to an ordinance or regulation
1601 described in this section;

1602 (c) municipality that has enacted or has the right to enact an ordinance or regulation
1603 described in this section over the land subject to an ordinance or regulation described in this
1604 section; and

1605 (d) municipality that has land use authority over land subject to an ordinance or
1606 regulation described in this section.

1607 (2) A municipality may construct or authorize the construction of waterworks within or
1608 without the municipal limits, and for the purpose of maintaining and protecting the same from
1609 injury and the water from pollution the municipality's jurisdiction shall extend over the territory
1610 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used
1611 in and necessary for the construction, maintenance and operation of the same, and over the
1612 stream or other source from which the water is taken, for 15 miles above the point from which
1613 it is taken and for a distance of 300 feet on each side of such stream and over highways along
1614 such stream or watercourse within said 15 miles and said 300 feet.

1615 (3) The jurisdiction of a city of the first class shall additionally be over the entire
1616 watershed within the county of origin of the city of the first class and subject to Subsection (6)
1617 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or
1618 source; and provided further, that the city of the first class shall provide a highway in and
1619 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not
1620 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any
1621 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners
1622 of the city may enact ordinances placing under police regulations the manner of driving such
1623 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over
1624 which the city has jurisdiction.

1625 (4) A municipality may enact all ordinances and regulations necessary to carry the
1626 power herein conferred into effect, and is authorized and empowered to enact ordinances
1627 preventing pollution or contamination of the streams or watercourses from which the
1628 municipality derives the municipality's water supply, in whole or in part, for domestic and
1629 culinary purposes, and may enact ordinances prohibiting or regulating the construction or
1630 maintenance of any closet, privy, outhouse or urinal within the area over which the
1631 municipality has jurisdiction, and provide for permits for the construction and maintenance of
1632 the same.

1633 (5) In granting a permit described in Subsection (4), a municipality may annex thereto
1634 such reasonable conditions and requirements for the protection of the public health as the
1635 municipality determines proper, and may, if determined advisable, require that all closets,
1636 privies and urinals along such streams shall be provided with effective septic tanks or other
1637 germ-destroying instrumentalities.

1638 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the
1639 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all
1640 municipalities and counties that have jurisdiction over the area where the watershed is located.

1641 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance
1642 or regulation under the authority of this section shall:

1643 (i) hold a public hearing on the proposed ordinance or regulation; and

1644 (ii) give notice of the date, place, and time of the hearing, as described in Subsection
1645 (7)(b).

1646 (b) At least ten days before the day on which the public hearing described in
1647 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:

1648 (i) mailed to:

1649 (A) each affected entity;

1650 (B) the director of the Division of Drinking Water; and

1651 (C) the director of the Division of Water Quality; and

1652 [~~(ii) published;~~]

1653 [~~(A) in a newspaper of general circulation in the county in which the land subject to the
1654 proposed ordinance or regulation is located; and]~~

1655 [~~(B)~~] (ii) published on the Utah Public Notice Website created in Section [63F-1-701](#).

1656 (c) An ordinance or regulation adopted under the authority of this section may not
1657 conflict with:

1658 (i) existing federal or state statutes; or

1659 (ii) a rule created pursuant to a federal or state statute governing drinking water or
1660 water quality.

1661 (d) A municipality that enacts an ordinance or regulation under the authority of this
1662 section shall:

1663 (i) provide a copy of the ordinance or regulation to each affected entity; and

1664 (ii) include a copy of the ordinance or regulation in the municipality's drinking water
1665 source protection plan.

1666 Section 28. Section **10-9a-204** is amended to read:

1667 **10-9a-204. Notice of public hearings and public meetings to consider general plan**
1668 **or modifications.**

- 1669 (1) Each municipality shall provide:
- 1670 (a) notice of the date, time, and place of the first public hearing to consider the original
- 1671 adoption or any modification of all or any portion of a general plan; and
- 1672 (b) notice of each public meeting on the subject.
- 1673 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
- 1674 days before the public hearing and shall be:
- 1675 [~~(a) (i) published in a newspaper of general circulation in the area; and~~]
- 1676 [(~~ii~~) (a) published on the Utah Public Notice Website created in Section 63F-1-701;
- 1677 (b) mailed to each affected entity; and
- 1678 (c) posted:
- 1679 (i) in at least three public locations within the municipality; or
- 1680 (ii) on the municipality's official website.
- 1681 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
- 1682 before the meeting and shall be:
- 1683 [~~(a) (i) submitted to a newspaper of general circulation in the area; and~~]
- 1684 [(~~ii~~) (a) published on the Utah Public Notice Website created in Section 63F-1-701;
- 1685 and
- 1686 (b) posted:
- 1687 (i) in at least three public locations within the municipality; or
- 1688 (ii) on the municipality's official website.
- 1689 Section 29. Section **10-18-203** is amended to read:
- 1690 **10-18-203. Feasibility study on providing cable television or public**
- 1691 **telecommunications services -- Public hearings.**
- 1692 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
- 1693 the municipality shall require the feasibility consultant to:
- 1694 (a) complete the feasibility study in accordance with this section;
- 1695 (b) submit to the legislative body by no later than 180 days from the date the feasibility
- 1696 consultant is hired to conduct the feasibility study:
- 1697 (i) the full written results of the feasibility study; and
- 1698 (ii) a summary of the results that is no longer than one page in length; and
- 1699 (c) attend the public hearings described in Subsection (4) to:

- 1700 (i) present the feasibility study results; and
- 1701 (ii) respond to questions from the public.
- 1702 (2) The feasibility study described in Subsection (1) shall at a minimum consider:
- 1703 (a) (i) if the municipality is proposing to provide cable television services to
- 1704 subscribers, whether the municipality providing cable television services in the manner
- 1705 proposed by the municipality will hinder or advance competition for cable television services
- 1706 in the municipality; or
- 1707 (ii) if the municipality is proposing to provide public telecommunications services to
- 1708 subscribers, whether the municipality providing public telecommunications services in the
- 1709 manner proposed by the municipality will hinder or advance competition for public
- 1710 telecommunications services in the municipality;
- 1711 (b) whether but for the municipality any person would provide the proposed:
- 1712 (i) cable television services; or
- 1713 (ii) public telecommunications services;
- 1714 (c) the fiscal impact on the municipality of:
- 1715 (i) the capital investment in facilities that will be used to provide the proposed:
- 1716 (A) cable television services; or
- 1717 (B) public telecommunications services; and
- 1718 (ii) the expenditure of funds for labor, financing, and administering the proposed:
- 1719 (A) cable television services; or
- 1720 (B) public telecommunications services;
- 1721 (d) the projected growth in demand in the municipality for the proposed:
- 1722 (i) cable television services; or
- 1723 (ii) public telecommunications services;
- 1724 (e) the projections at the time of the feasibility study and for the next five years, of a
- 1725 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
- 1726 facilities necessary to provide the proposed:
- 1727 (i) cable television services; or
- 1728 (ii) public telecommunications services; and
- 1729 (f) the projections at the time of the feasibility study and for the next five years of the
- 1730 revenues to be generated from the proposed:

- 1731 (i) cable television services; or
1732 (ii) public telecommunications services.
- 1733 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
1734 the feasibility consultant shall assume that the municipality will price the proposed cable
1735 television services or public telecommunications services consistent with Subsection
1736 [10-18-303\(5\)](#).
- 1737 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
1738 [10-18-202\(3\)](#), the legislative body, at the next regular meeting after the legislative body
1739 receives the results of the feasibility study, shall schedule at least two public hearings to be
1740 held:
- 1741 (a) within 60 days of the meeting at which the public hearings are scheduled;
1742 (b) at least seven days apart; and
1743 (c) for the purpose of allowing:
1744 (i) the feasibility consultant to present the results of the feasibility study; and
1745 (ii) the public to:
1746 (A) become informed about the feasibility study results; and
1747 (B) ask questions of the feasibility consultant about the results of the feasibility study.
- 1748 (5) (a) [~~Except as provided in Subsection (5)(b), the~~] The municipality shall publish
1749 notice of the public hearings required under Subsection (4) by:
- 1750 [~~(i) at least once a week for three consecutive weeks in a newspaper of general~~
1751 ~~circulation in the municipality and at least three days before the first public hearing required~~
1752 ~~under Subsection (4); and]~~
- 1753 [~~(ii)~~] (i) posting the notice on the Utah Public Notice Website created in Section
1754 [63F-1-701](#), for three weeks, at least three days before the first public hearing required under
1755 Subsection (4)[~~;~~]; and
- 1756 [~~(b)(i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general~~
1757 ~~circulation in the municipality, for each 1,000 residents, the municipality shall post]~~
- 1758 (ii) posting at least one notice of the hearings per 1,000 residents, in a conspicuous
1759 place within the municipality that is likely to give notice of the hearings to the greatest number
1760 of residents of the municipality.
- 1761 [~~(ii)~~] (b) The municipality shall post the notices at least seven days before the first

1762 public hearing required under Subsection (4) is held.

1763 Section 30. Section **10-18-302** is amended to read:

1764 **10-18-302. Bonding authority.**

1765 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
1766 legislative body of a municipality may by resolution determine to issue one or more revenue
1767 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide
1768 to subscribers:

1769 (a) a cable television service; or

1770 (b) a public telecommunications service.

1771 (2) The resolution described in Subsection (1) shall:

1772 (a) describe the purpose for which the indebtedness is to be created; and

1773 (b) specify the dollar amount of the one or more bonds proposed to be issued.

1774 (3) (a) A revenue bond issued under this section shall be secured and paid for:

1775 (i) from the revenues generated by the municipality from providing:

1776 (A) cable television services with respect to revenue bonds issued to finance facilities
1777 for the municipality's cable television services; and

1778 (B) public telecommunications services with respect to revenue bonds issued to finance
1779 facilities for the municipality's public telecommunications services; and

1780 (ii) notwithstanding Subsection (3)(b) and Subsection **10-18-303(3)(a)**, from revenues
1781 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

1782 (A) notwithstanding Subsection **11-14-201(3)** and except as provided in Subsections
1783 (4) and (5), the revenue bond is approved by the registered voters in an election held:

1784 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
1785 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

1786 (II) notwithstanding Subsection **11-14-203(2)**, at a regular general election;

1787 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
1788 revenue bond; and

1789 (C) the municipality or municipalities annually appropriate the revenues described in
1790 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

1791 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
1792 origination, financing, or other carrying costs associated with the one or more revenue bonds

1793 issued under this section from the town or city, respectively, general funds or other enterprise
1794 funds of the municipality.

1795 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
1796 pursuant to an agreement:

1797 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

1798 (ii) to which a municipality is a party.

1799 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
1800 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal
1801 entity that issues revenue bonds, if:

1802 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is
1803 a member of a municipal entity that is issuing revenue bonds has published the first notice
1804 described in Subsection (4)(b)(iii);

1805 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
1806 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
1807 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
1808 this Subsection (4)(b)(ii);

1809 (iii) (A) the municipality that is issuing the revenue bonds or the municipality that is a
1810 member of the municipal entity that is issuing the revenue bonds has~~[-(A)]~~ held a public
1811 hearing for which public notice was given by publication of the notice~~[-(F) in a newspaper~~
1812 ~~published in the municipality or in a newspaper of general circulation within the municipality~~
1813 ~~for two consecutive weeks, with the first publication being not less than 14 days before the~~
1814 ~~public hearing; and (H)]~~ on the Utah Public Notice Website created in Section [63F-1-701](#), for
1815 two weeks before the public hearing; and

1816 (B) the notice identifies:

1817 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding
1818 Act;

1819 (II) the purpose for the bonds to be issued;

1820 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
1821 be pledged in any fiscal year;

1822 (IV) the maximum number of years that the pledge will be in effect; and

1823 (V) the time, place, and location for the public hearing;

1824 (iv) the municipal entity that issues revenue bonds:
1825 (A) adopts a final financing plan; and
1826 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
1827 Management Act, makes available to the public at the time the municipal entity adopts the final
1828 financing plan:
1829 (I) the final financing plan; and
1830 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
1831 Chapter 2, Government Records Access and Management Act;
1832 (v) any municipality that is a member of a municipal entity described in Subsection
1833 (4)(b)(iv):
1834 (A) not less than 30 calendar days after the municipal entity complies with Subsection
1835 (4)(b)(iv)(B), holds a final public hearing;
1836 (B) provides notice, at the time the municipality schedules the final public hearing, to
1837 any person who has provided to the municipality a written request for notice; and
1838 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
1839 interested parties; and
1840 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not
1841 more than 50% of the average annual debt service of all revenue bonds described in this section
1842 to provide service throughout the municipality or municipal entity may be paid from the
1843 revenues described in Subsection (3)(a)(ii).
1844 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
1845 to a municipality that issues revenue bonds if:
1846 (a) (i) the municipality that is issuing the revenue bonds has~~[:(†)]~~ held a public hearing
1847 for which public notice was given by publication of the notice~~[:(A) in a newspaper published~~
1848 ~~in the municipality or in a newspaper of general circulation within the municipality for two~~
1849 ~~consecutive weeks, with the first publication being not less than 14 days before the public~~
1850 ~~hearing; and(B)]~~ on the Utah Public Notice Website created in Section [63F-1-701](#), for 14 days
1851 before the public hearing; and
1852 (ii) the notice identifies:
1853 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
1854 Bonding Act;

- 1855 (B) the purpose for the bonds to be issued;
- 1856 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
- 1857 pledged in any fiscal year;
- 1858 (D) the maximum number of years that the pledge will be in effect; and
- 1859 (E) the time, place, and location for the public hearing; and
- 1860 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
- 1861 more than 50% of the average annual debt service of all revenue bonds described in this section
- 1862 to provide service throughout the municipality or municipal entity may be paid from the
- 1863 revenues described in Subsection (3)(a)(ii).

1864 (6) A municipality that issues bonds pursuant to this section may not make or grant any

1865 undue or unreasonable preference or advantage to itself or to any private provider of:

- 1866 (a) cable television services; or
- 1867 (b) public telecommunications services.

1868 Section 31. Section **10-18-303** is amended to read:

1869 **10-18-303. General operating limitations.**

1870 A municipality that provides a cable television service or a public telecommunications

1871 service under this chapter is subject to the operating limitations of this section.

1872 (1) A municipality that provides a cable television service shall comply with:

- 1873 (a) the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.; and
- 1874 (b) the regulations issued by the Federal Communications Commission under the Cable
- 1875 Communications Policy Act of 1984, 47 U.S.C. 521, et seq.

1876 (2) A municipality that provides a public telecommunications service shall comply

1877 with:

- 1878 (a) the Telecommunications Act of 1996, Pub. L. 104-104;
- 1879 (b) the regulations issued by the Federal Communications Commission under the
- 1880 Telecommunications Act of 1996, Pub. L. 104-104;
- 1881 (c) Section [54-8b-2.2](#) relating to:
 - 1882 (i) the interconnection of essential facilities; and
 - 1883 (ii) the purchase and sale of essential services; and
 - 1884 (d) the rules made by the Public Service Commission of Utah under Section [54-8b-2.2](#).

1885 (3) A municipality may not cross subsidize its cable television services or its public

1886 telecommunications services with:

- 1887 (a) tax dollars;
- 1888 (b) income from other municipal or utility services;
- 1889 (c) below-market rate loans from the municipality; or
- 1890 (d) any other means.

1891 (4) (a) A municipality may not make or grant any undue or unreasonable preference or
1892 advantage to itself or to any private provider of:

- 1893 (i) cable television services; or
- 1894 (ii) public telecommunications services.

1895 (b) A municipality shall apply without discrimination as to itself and to any private
1896 provider the municipality's ordinances, rules, and policies, including those relating to:

- 1897 (i) obligation to serve;
- 1898 (ii) access to public rights of way;
- 1899 (iii) permitting;
- 1900 (iv) performance bonding;
- 1901 (v) reporting; and
- 1902 (vi) quality of service.

1903 (c) Subsections (4)(a) and (b) do not supersede the exception for a rural telephone
1904 company in Section 251 of the Telecommunications Act of 1996, Pub. L. 104-104.

1905 (5) In calculating the rates charged by a municipality for a cable television service or a
1906 public telecommunications service, the municipality:

1907 (a) shall include within its rates an amount equal to all taxes, fees, and other
1908 assessments that would be applicable to a similarly situated private provider of the same
1909 services, including:

- 1910 (i) federal, state, and local taxes;
- 1911 (ii) franchise fees;
- 1912 (iii) permit fees;
- 1913 (iv) pole attachment fees; and
- 1914 (v) fees similar to those described in Subsections (5)(a)(i) through (iv); and

1915 (b) may not price any cable television service or public telecommunications service at a
1916 level that is less than the sum of:

1917 (i) the actual direct costs of providing the service;
1918 (ii) the actual indirect costs of providing the service; and
1919 (iii) the amount determined under Subsection (5)(a).
1920 (6) (a) A municipality that provides cable television services or public
1921 telecommunications services shall establish and maintain a comprehensive price list of all cable
1922 television services or public telecommunications services offered by the municipality.
1923 (b) The price list required by Subsection (6)(a) shall:
1924 (i) include all terms and conditions relating to the municipality providing each cable
1925 television service or public telecommunications service offered by the municipality;
1926 ~~[(ii) (A) be published in a newspaper having general circulation in the municipality;~~
1927 ~~and]~~
1928 ~~[(B) be published in accordance with Section 45-1-101; and]~~
1929 (ii) be posted on the Utah Public Notice Website created in Section 63F-1-701; and
1930 (iii) be available for inspection:
1931 (A) at a designated office of the municipality; and
1932 (B) during normal business hours.
1933 (c) At least five days before the date a change to a municipality's price list becomes
1934 effective, the municipality shall:
1935 (i) notify the following of the change:
1936 (A) all subscribers to the services for which the price list is being changed; and
1937 (B) any other persons requesting notification of any changes to the municipality's price
1938 list; and
1939 (ii) publish notice on the Utah Public Notice Website created in Section 63F-1-701.
1940 ~~[(ii) (A) publish notice in a newspaper of general circulation in the municipality; and]~~
1941 ~~[(B) publish notice in accordance with Section 45-1-101.]~~
1942 ~~[(d) In accordance with Subsection (6)(c)(ii)(A), if there is no newspaper of general~~
1943 ~~circulation in the municipality, the municipality shall publish the notice required by this~~
1944 ~~Subsection (6) in a newspaper of general circulation that is nearest the municipality.]~~
1945 ~~[(e)]~~ (d) A municipality may not offer a cable television service or a public
1946 telecommunications service except in accordance with the prices, terms, and conditions set
1947 forth in the municipality's price list.

1948 (7) A municipality may not offer to provide or provide cable television services or
1949 public telecommunications services to a subscriber that does not reside within the geographic
1950 boundaries of the municipality.

1951 (8) (a) A municipality shall keep accurate books and records of the municipality's:

1952 (i) cable television services; and

1953 (ii) public telecommunications services.

1954 (b) The books and records required to be kept under Subsection (8)(a) are subject to
1955 legislative audit to verify the municipality's compliance with the requirements of this chapter
1956 including:

1957 (i) pricing;

1958 (ii) recordkeeping; and

1959 (iii) antidiscrimination.

1960 (9) A municipality may not receive distributions from the Universal Public
1961 Telecommunications Service Support Fund established in Section [54-8b-15](#).

1962 Section 32. Section **11-13-219** is amended to read:

1963 **11-13-219. Publication of resolutions or agreements -- Contesting legality of**
1964 **resolution or agreement.**

1965 (1) As used in this section:

1966 (a) "Enactment" means:

1967 (i) a resolution adopted or proceedings taken by a governing body under the authority
1968 of this chapter, and includes a resolution, indenture, or other instrument providing for the
1969 issuance of bonds; and

1970 (ii) an agreement or other instrument that is authorized, executed, or approved by a
1971 governing body under the authority of this chapter.

1972 (b) "Governing body" means:

1973 (i) the legislative body of a public agency; or

1974 (ii) the governing authority of an interlocal entity created under this chapter.

1975 (c) "Notice of agreement" means the notice authorized by Subsection (3)(c).

1976 (d) "Notice of bonds" means the notice authorized by Subsection (3)(d).

1977 ~~[(e) "Official newspaper" means the newspaper selected by a governing body under~~
1978 ~~Subsection (4)(b) to publish its enactments.]~~

1979 (2) Any enactment taken or made under the authority of this chapter is not subject to
1980 referendum.

1981 (3) (a) A governing body need not publish any enactment taken or made under the
1982 authority of this chapter.

1983 (b) A governing body may provide for the publication of any enactment taken or made
1984 by it under the authority of this chapter according to the publication requirements established
1985 by this section.

1986 (c) (i) If the enactment is an agreement, document, or other instrument, or a resolution
1987 or other proceeding authorizing or approving an agreement, document, or other instrument, the
1988 governing body may, instead of publishing the full text of the agreement, resolution, or other
1989 proceeding, publish a notice of agreement containing:

1990 (A) the names of the parties to the agreement;

1991 (B) the general subject matter of the agreement;

1992 (C) the term of the agreement;

1993 (D) a description of the payment obligations, if any, of the parties to the agreement;

1994 and

1995 (E) a statement that the resolution and agreement will be available for review at the
1996 governing body's principal place of business during regular business hours for 30 days after the
1997 publication of the notice of agreement.

1998 (ii) The governing body shall make a copy of the resolution or other proceeding and a
1999 copy of the contract available at its principal place of business during regular business hours
2000 for 30 days after the publication of the notice of agreement.

2001 (d) If the enactment is a resolution or other proceeding authorizing the issuance of
2002 bonds, the governing body may, instead of publishing the full text of the resolution or other
2003 proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds
2004 that contains the information described in Subsection [11-14-316\(2\)](#).

2005 (4) (a) If the governing body chooses to publish an enactment, notice of bonds, or
2006 notice of agreement, the governing body shall comply with the requirements of this Subsection
2007 (4).

2008 ~~[(b) If there is more than one newspaper of general circulation, or more than one~~
2009 ~~newspaper, published within the boundaries of the governing body, the governing body may~~

2010 ~~designate one of those newspapers as the official newspaper for all publications made under~~
2011 ~~this section.]~~

2012 ~~[(c)(i)(A)]~~ (b) The governing body shall ~~[publish]~~ post the enactment, notice of
2013 bonds, or notice of agreement ~~[in:]~~ on the Utah Public Notice Website created in Section
2014 63F-1-701.

2015 ~~[(f) the official newspaper;]~~

2016 ~~[(H) the newspaper published in the municipality in which the principal office of the~~
2017 ~~governmental entity is located; or]~~

2018 ~~[(H) if no newspaper is published in that municipality, in a newspaper having general~~
2019 ~~circulation in the municipality; and]~~

2020 ~~[(B) as required in Section 45-1-101.]~~

2021 ~~[(ii) The governing body may publish the enactment, notice of bonds, or notice of~~
2022 ~~agreement.]~~

2023 ~~[(A) (f) in a newspaper of general circulation; or]~~

2024 ~~[(H) in a newspaper that is published within the boundaries of any public agency that is~~
2025 ~~a party to the enactment or agreement; and]~~

2026 ~~[(B) as required in Section 45-1-101.]~~

2027 (5) (a) Any person in interest may contest the legality of an enactment or any action
2028 performed or instrument issued under the authority of the enactment for 30 days after the
2029 ~~[publication]~~ posting of the enactment, notice of bonds, or notice of agreement.

2030 (b) After the 30 days have passed, no one may contest the regularity, formality, or
2031 legality of the enactment or any action performed or instrument issued under the authority of
2032 the enactment for any cause whatsoever.

2033 Section 33. Section **11-14-202** is amended to read:

2034 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2035 (1) The governing body shall publish notice of the election:

2036 ~~[(a) (i) once per week for three consecutive weeks before the election in a newspaper of~~
2037 ~~general circulation in the local political subdivision, in accordance with Section 11-14-316, the~~
2038 ~~first publication occurring not less than 21, nor more than 35, days before the day of the~~
2039 ~~election;]~~

2040 ~~[(ii) if there is no newspaper of general circulation in the local political subdivision;]~~

2041 (a) (i) at least 21 days before the day of the election, by posting one notice, and at least
2042 one additional notice per 2,000 population of the local political subdivision, in places within
2043 the local political subdivision that are most likely to give notice to the voters in the local
2044 political subdivision; or

2045 ~~[(iii)]~~ (ii) at least three weeks before the day of the election, by mailing notice to each
2046 registered voter in the local political subdivision;

2047 (b) on the Utah Public Notice Website created in Section 63F-1-701, for three weeks
2048 before the day of the election; and

2049 ~~[(c) in accordance with Section 45-1-101, for three weeks before the day of the
2050 election; and]~~

2051 ~~[(d)]~~ (c) if the local political subdivision has a website, on the local political
2052 subdivision's website for at least three weeks before the day of the election.

2053 (2) When the debt service on the bonds to be issued will increase the property tax
2054 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
2055 per year, the governing body shall prepare and mail either a voter information pamphlet or a
2056 notification described in Subsection (8):

2057 (a) at least 15 days, but not more than 45 days, before the bond election;

2058 (b) to each household containing a registered voter who is eligible to vote on the
2059 bonds; and

2060 (c) that includes the information required by Subsections (4) and (5).

2061 (3) The election officer may change the location of, or establish an additional:

2062 (a) voting precinct polling place, in accordance with Subsection (6);

2063 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or

2064 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).

2065 (4) The notice described in Subsection (1) and the voter information pamphlet
2066 described in Subsection (2):

2067 (a) shall include, in the following order:

2068 (i) the date of the election;

2069 (ii) the hours during which the polls will be open;

2070 (iii) the address of the Statewide Electronic Voter Information Website and, if
2071 available, the address of the election officer's website, with a statement indicating that the

2072 election officer will post on the website the location of each polling place for each voting
2073 precinct, each early voting polling place, and each election day voting center, including any
2074 changes to the location of a polling place and the location of an additional polling place;

2075 (iv) a phone number that a voter may call to obtain information regarding the location
2076 of a polling place; and

2077 (v) the title and text of the ballot proposition, including the property tax cost of the
2078 bond described in Subsection 11-14-206(2)(a); and

2079 (b) may include the location of each polling place.

2080 (5) The voter information pamphlet required by this section shall include:

2081 (a) the information required under Subsection (4); and

2082 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
2083 which may be based on information the governing body determines to be useful, including:

2084 (i) expected debt service on the bonds to be issued;

2085 (ii) a description of the purpose, remaining principal balance, and maturity date of any
2086 outstanding general obligation bonds of the issuer;

2087 (iii) funds other than property taxes available to pay debt service on general obligation
2088 bonds;

2089 (iv) timing of expenditures of bond proceeds;

2090 (v) property values; and

2091 (vi) any additional information that the governing body determines may be useful to
2092 explain the property tax impact of issuance of the bonds.

2093 (6) (a) Except as provided in Section 20A-1-308, the election officer may, after the
2094 deadlines described in Subsections (1) and (2):

2095 (i) if necessary, change the location of a voting precinct polling place; or

2096 (ii) if the election officer determines that the number of voting precinct polling places
2097 is insufficient due to the number of registered voters who are voting, designate additional
2098 voting precinct polling places.

2099 (b) Except as provided in Section 20A-1-308, if an election officer changes the
2100 location of a voting precinct polling place or designates an additional voting precinct polling
2101 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,
2102 times, and location of a changed voting precinct polling place or an additional voting precinct

2103 polling place:

2104 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
2105 Information Website;

2106 (ii) by posting the information on the website of the election officer, if available; and

2107 (iii) by posting notice:

2108 (A) of a change in the location of a voting precinct polling place, at the new location
2109 and, if possible, the old location; and

2110 (B) of an additional voting precinct polling place, at the additional voting precinct
2111 polling place.

2112 (7) The governing body shall pay the costs associated with the notice required by this
2113 section.

2114 (8) (a) The governing body may mail a notice printed on a postage prepaid,
2115 preaddressed return form that a person may use to request delivery of a voter information
2116 pamphlet by mail.

2117 (b) The notice described in Subsection (8)(a) shall include:

2118 (i) the website upon which the voter information pamphlet is available; and

2119 (ii) the phone number a voter may call to request delivery of a voter information
2120 pamphlet by mail.

2121 (9) A local school board shall comply with the voter information pamphlet
2122 requirements described in Section [53G-4-603](#).

2123 Section 34. Section **11-14-315** is amended to read:

2124 **11-14-315. Nature and validity of bonds issued -- Applicability of other statutory**
2125 **provisions -- Budget provision required -- Applicable procedures for issuance.**

2126 Bonds issued under this chapter shall have all the qualities of negotiable paper, shall be
2127 incontestable in the hands of bona fide purchasers or holders for value and are not invalid for
2128 any irregularity or defect in the proceedings for their issuance and sale. This chapter is
2129 intended to afford an alternative method for the issuance of bonds by local political
2130 subdivisions and may not be so construed as to deprive any local political subdivision of the
2131 right to issue its bonds under authority of any other statute, but nevertheless this chapter shall
2132 constitute full authority for the issue and sale of bonds by local political subdivisions. The
2133 provisions of Section [11-1-1](#)[~~Utah Code Annotated 1953,~~] are not applicable to bonds issued

2134 under this chapter. Any local political subdivision subject to the provisions of any budget law
2135 shall in its annual budget make proper provision for the payment of principal and interest
2136 currently falling due on bonds issued hereunder, but no provision need be made in any such
2137 budget prior to the issuance of the bonds for the issuance thereof or for the expenditure of the
2138 proceeds thereof. No ordinance, resolution or proceeding in respect to the issuance of bonds
2139 hereunder shall be necessary except as herein specifically required, nor shall the publication of
2140 any resolution, proceeding or notice relating to the issuance of the bonds be necessary except as
2141 herein required. Any publication made hereunder [~~may be made in any newspaper conforming~~
2142 ~~to the terms hereof in which legal notices may be published under the laws of Utah, without~~
2143 ~~regard to the designation thereof as the official journal or newspaper of the local political~~
2144 ~~subdivision, and as required in Section 45-1-101]~~ shall be made by posting on the Utah Public
2145 Notice Website created in Section 63F-1-701. No resolution adopted or proceeding taken
2146 hereunder shall be subject to referendum petition or to an election other than as herein required.
2147 All proceedings adopted hereunder may be adopted on a single reading at any legally convened
2148 meeting of the governing body.

2149 Section 35. Section 11-14-318 is amended to read:

2150 **11-14-318. Public hearing required.**

2151 (1) Before issuing bonds authorized under this chapter, a local political subdivision
2152 shall:

2153 (a) in accordance with Subsection (2), provide public notice of the local political
2154 subdivision's intent to issue bonds; and

2155 (b) hold a public hearing:

2156 (i) if an election is required under this chapter:

2157 (A) no sooner than 30 days before the day on which the notice of election is published
2158 under Section 11-14-202; and

2159 (B) no later than five business days before the day on which the notice of election is
2160 published under Section 11-14-202; and

2161 (ii) to receive input from the public with respect to:

2162 (A) the issuance of the bonds; and

2163 (B) the potential economic impact that the improvement, facility, or property for which
2164 the bonds pay all or part of the cost will have on the private sector.

2165 (2) A local political subdivision shall:

2166 (a) publish the notice required by Subsection (1)(a)[~~:(i) once each week for two~~
2167 ~~consecutive weeks in the official newspaper described in Section 11-14-316 with the first~~
2168 ~~publication being not less than 14 days before the public hearing required by Subsection (1)(b);~~
2169 ~~and (ii)] on the Utah Public Notice Website, created under Section 63F-1-701, no less than 14~~
2170 days before the public hearing required by Subsection (1)(b); and

2171 (b) ensure that the notice:

2172 (i) identifies:

2173 (A) the purpose for the issuance of the bonds;

2174 (B) the maximum principal amount of the bonds to be issued;

2175 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and

2176 (D) the time, place, and location of the public hearing; and

2177 (ii) informs the public that the public hearing will be held for the purposes described in
2178 Subsection (1)(b)(ii).

2179 Section 36. Section **11-14a-1** is amended to read:

2180 **11-14a-1. Notice of debt issuance.**

2181 (1) For purposes of this chapter:

2182 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
2183 and contracts with municipal building authorities.

2184 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

2185 (b) (i) "Local government entity" means a county, city, town, school district, local
2186 district, or special service district.

2187 (ii) "Local government entity" does not mean an entity created by an interlocal
2188 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
2189 \$10,000,000.

2190 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
2191 or partially to fund a rejected project.

2192 (d) "Rejected Project" means a project for which a local government entity sought
2193 voter approval for general obligation bond financing and failed to receive that approval.

2194 (2) Unless a local government entity complies with the requirements of this section, it
2195 may not adopt a new debt resolution.

2196 (3) (a) Before adopting a new debt resolution, a local government entity shall:
2197 [~~(i) advertise its intent to issue debt in a newspaper of general circulation;~~]
2198 [~~(A) (i) at least once each week for the two weeks before the meeting at which the~~
2199 ~~resolution will be considered; and]~~
2200 [~~(H) on no less than 1/4 page or a 5 x 7 inch advertisement with type size no smaller~~
2201 ~~than 18 point and surrounded by a 1/4 inch border; and]~~
2202 [~~(B) in accordance with Section [45-1-101](#);~~]
2203 (i) advertise the local government entity's intent to issue debt by posting a notice of that
2204 intent on the Utah Public Notice Website created in Section [63F-1-701](#), for the two weeks
2205 before the meeting at which the resolution will be considered; or
2206 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least
2207 95% of the residents of the local government entity.
2208 (b) The local government entity shall ensure that the notice:
2209 (i) except for website publication, is at least as large as the bill or other mailing that it
2210 accompanies;
2211 (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and
2212 (iii) contains the information required by Subsection (3)(c).
2213 (c) The local government entity shall ensure that the advertisement or notice described
2214 in Subsection (3)(a):
2215 (i) identifies the local government entity;
2216 (ii) states that the entity will meet on a day, time, and place identified in the
2217 advertisement or notice to hear public comments regarding a resolution authorizing the
2218 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;
2219 (iii) contains:
2220 (A) the name of the entity that will issue the debt;
2221 (B) the purpose of the debt; and
2222 (C) that type of debt and the maximum principal amount that may be issued;
2223 (iv) invites all concerned citizens to attend the public hearing; and
2224 (v) states that some or all of the proposed debt would fund a project whose general
2225 obligation bond financing was rejected by the voters.
2226 (4) (a) The resolution considered at the hearing shall identify:

- 2227 (i) the type of debt proposed to be issued;
- 2228 (ii) the maximum principal amount that might be issued;
- 2229 (iii) the interest rate;
- 2230 (iv) the term of the debt; and
- 2231 (v) how the debt will be repaid.
- 2232 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
- 2233 hearing need not be in final form and need not be adopted or rejected at the meeting at which
- 2234 the public hearing is held.

2235 (ii) The local government entity may not, in the final resolution, increase the maximum

2236 principal amount of debt contained in the notice and discussed at the hearing.

2237 (c) The local government entity may adopt, amend and adopt, or reject the resolution at

2238 a later meeting without recomplying with the published notice requirements of this section.

2239 Section 37. Section **11-30-5** is amended to read:

2240 **11-30-5. Publication of order for hearing.**

2241 (1) Prior to the date set for hearing, the clerk of the court shall cause the order to be

2242 published[:] by posting the order on the Utah Public Notice Website created in Section

2243 63F-1-701 for three weeks.

2244 [~~(a) once each week for three consecutive weeks:]~~

2245 [~~(i) in a newspaper published or of general circulation within the boundaries of the~~

2246 ~~public body; or]~~

2247 [~~(ii) if the public body has no defined boundaries or there is no newspaper published or~~

2248 ~~of general circulation within the defined boundaries, a newspaper reasonably calculated to~~

2249 ~~notify all parties, which has been approved by the court; and]~~

2250 [~~(b) in accordance with Section 45-1-101 for three weeks.]~~

2251 (2) If a refunding bond is being validated, all holders of the bonds to be refunded may

2252 be made defendants to the action, in which case notice may be made, and if so made shall be

2253 considered sufficient, by mailing a copy of the order to each holder's last-known address.

2254 (3) By publication of the order, all defendants shall have been duly served and shall be

2255 parties to the proceedings.

2256 Section 38. Section **11-39-103** is amended to read:

2257 **11-39-103. Requirements for undertaking a building improvement or public**

2258 **works project -- Request for bids -- Authority to reject bids.**

2259 (1) If the estimated cost of the building improvement or public works project exceeds
2260 the bid limit, the local entity shall, if it determines to proceed with the building improvement or
2261 public works project:

2262 (a) request bids for completion of the building improvement or public works project
2263 by:

2264 [~~(i) (A) publishing notice at least twice in a newspaper published or of general
2265 circulation in the local entity at least five days before opening the bids; or]~~

2266 [~~(B) if there is no newspaper published or of general circulation in the local entity as
2267 described in Subsection (1)(a)(i)(A);]~~

2268 (i) posting notice at least five days before opening the bids in at least five public places
2269 in the local entity and leaving the notice posted for at least three days; and

2270 (ii) [~~publishing notice in accordance with Section 45-1-101~~] posting notice on the Utah
2271 Public Notice Website created in Section 63F-1-701, at least five days before opening the bids;
2272 and

2273 (b) except as provided in Subsection (3), enter into a contract for the completion of the
2274 building improvement or public works project with:

2275 (i) the lowest responsive responsible bidder; or

2276 (ii) for a design-build project formulated by a local entity, a responsible bidder that:

2277 (A) offers design-build services; and

2278 (B) satisfies the local entity's criteria relating to financial strength, past performance,
2279 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder
2280 to perform fully and in good faith the contract requirements for a design-build project.

2281 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject
2282 any or all bids submitted.

2283 (b) (i) The cost of a building improvement or public works project may not be divided
2284 to avoid:

2285 (A) exceeding the bid limit; and

2286 (B) subjecting the local entity to the requirements of this section.

2287 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a
2288 building improvement or public works project that would, without dividing, exceed the bid

2289 limit if the local entity complies with the requirements of this section with respect to each part
2290 of the building improvement or public works project that results from dividing the cost.

2291 (3) (a) The local entity may reject any or all bids submitted.

2292 (b) If the local entity rejects all bids submitted but still intends to undertake the
2293 building improvement or public works project, the local entity shall again request bids by
2294 following the procedure provided in Subsection (1)(a).

2295 (c) If, after twice requesting bids by following the procedure provided in Subsection
2296 (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing
2297 body may undertake the building improvement or public works project as it considers
2298 appropriate.

2299 Section 39. Section **11-42-202** is amended to read:

2300 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
2301 **designation.**

2302 (1) Each notice required under Subsection [11-42-201\(2\)\(a\)](#) shall:

2303 (a) state that the local entity proposes to:

2304 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
2305 assessment area;

2306 (ii) provide an improvement to property within the proposed assessment area; and

2307 (iii) finance some or all of the cost of improvements by an assessment on benefitted
2308 property within the assessment area;

2309 (b) describe the proposed assessment area by any reasonable method that allows an
2310 owner of property in the proposed assessment area to determine that the owner's property is
2311 within the proposed assessment area;

2312 (c) describe, in a general and reasonably accurate way, the improvements to be
2313 provided to the assessment area, including:

2314 (i) the nature of the improvements; and

2315 (ii) the location of the improvements, by reference to streets or portions or extensions
2316 of streets or by any other means that the governing body chooses that reasonably describes the
2317 general location of the improvements;

2318 (d) state the estimated cost of the improvements as determined by a project engineer;

2319 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the

2320 estimated total assessment specific to the benefitted property for which the notice is mailed;

2321 (f) state that the local entity proposes to levy an assessment on benefitted property
2322 within the assessment area to pay some or all of the cost of the improvements according to the
2323 estimated benefits to the property from the improvements;

2324 (g) if applicable, state that an unassessed benefitted government property will receive
2325 improvements for which the cost will be allocated proportionately to the remaining benefitted
2326 properties within the proposed assessment area and that a description of each unassessed
2327 benefitted government property is available for public review at the location or website
2328 described in Subsection (6);

2329 (h) state the assessment method by which the governing body proposes to calculate the
2330 proposed assessment, including, if the local entity is a municipality or county, whether the
2331 assessment will be collected:

2332 (i) by directly billing a property owner; or

2333 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317
2334 and in compliance with Section 11-42-401;

2335 (i) state:

2336 (i) the date described in Section 11-42-203 and the location at which protests against
2337 designation of the proposed assessment area or of the proposed improvements are required to
2338 be filed;

2339 (ii) the method by which the governing body will determine the number of protests
2340 required to defeat the designation of the proposed assessment area or acquisition or
2341 construction of the proposed improvements; and

2342 (iii) in large, boldface, and conspicuous type that a property owner must protest the
2343 designation of the assessment area in writing if the owner objects to the area designation or
2344 being assessed for the proposed improvements, operation and maintenance costs, or economic
2345 promotion activities;

2346 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

2347 (k) if the governing body elects to create and fund a reserve fund under Section
2348 11-42-702, include a description of:

2349 (i) how the reserve fund will be funded and replenished; and

2350 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of

2351 the bonds;

2352 (l) if the governing body intends to designate a voluntary assessment area, include a
2353 property owner consent form that:

2354 (i) estimates the total assessment to be levied against the particular parcel of property;

2355 (ii) describes any additional benefits that the governing body expects the assessed
2356 property to receive from the improvements;

2357 (iii) designates the date and time by which the fully executed consent form is required
2358 to be submitted to the governing body; and

2359 (iv) if the governing body intends to enforce an assessment lien on the property in
2360 accordance with Subsection [11-42-502.1\(2\)\(a\)\(ii\)\(C\)](#):

2361 (A) appoints a trustee that satisfies the requirements described in Section [57-1-21](#);

2362 (B) gives the trustee the power of sale;

2363 (C) is binding on the property owner and all successors; and

2364 (D) explains that if an assessment or an installment of an assessment is not paid when
2365 due, the local entity may sell the property owner's property to satisfy the amount due plus
2366 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;

2367 (m) if the local entity intends to levy an assessment to pay operation and maintenance
2368 costs or for economic promotion activities, include:

2369 (i) a description of the operation and maintenance costs or economic promotion
2370 activities to be paid by assessments and the initial estimated annual assessment to be levied;

2371 (ii) a description of how the estimated assessment will be determined;

2372 (iii) a description of how and when the governing body will adjust the assessment to
2373 reflect the costs of:

2374 (A) in accordance with Section [11-42-406](#), current economic promotion activities; or

2375 (B) current operation and maintenance costs;

2376 (iv) a description of the method of assessment if different from the method of
2377 assessment to be used for financing any improvement; and

2378 (v) a statement of the maximum number of years over which the assessment will be
2379 levied for:

2380 (A) operation and maintenance costs; or

2381 (B) economic promotion activities;

2382 (n) if the governing body intends to divide the proposed assessment area into
2383 classifications under Subsection 11-42-201(1)(b), include a description of the proposed
2384 classifications;

2385 (o) if applicable, state the portion and value of the improvement that will be increased
2386 in size or capacity to serve property outside of the assessment area and how the increases will
2387 be financed; and

2388 (p) state whether the improvements will be financed with a bond and, if so, the
2389 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
2390 benefitted properties within the assessment area may be obligated.

2391 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be
2392 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
2393 subject to the market rate at the time of the issuance of the bond.

2394 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information
2395 that the governing body considers to be appropriate, including:

2396 (a) the amount or proportion of the cost of the improvement to be paid by the local
2397 entity or from sources other than an assessment;

2398 (b) the estimated total amount of each type of assessment for the various improvements
2399 to be financed according to the method of assessment that the governing body chooses; and

2400 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

2401 (4) Each notice required under Subsection 11-42-201(2)(a) shall:

2402 ~~[(a) (i) (A) be published in a newspaper of general circulation within the local entity's~~
2403 ~~jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at~~
2404 ~~least five but not more than 20 days before the day of the hearing required in Section~~
2405 ~~11-42-204; or]~~

2406 ~~[(B) if there is no newspaper of general circulation within the local entity's~~
2407 ~~jurisdictional boundaries;]~~

2408 (a) (i) be posted in at least three public places within the local entity's jurisdictional
2409 boundaries at least 20 but not more than 35 days before the day of the hearing required in
2410 Section 11-42-204; and

2411 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for
2412 four weeks before the deadline for filing protests specified in the notice under Subsection

2413 (1)(i); and

2414 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
2415 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed
2416 assessment area at the property owner's mailing address.

2417 (5) (a) The local entity may record the version of the notice that is published or posted
2418 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description
2419 and tax identification number as identified in county records, against the property proposed to
2420 be assessed.

2421 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year
2422 after the day on which the local entity records the notice if the local entity has failed to adopt
2423 the designation ordinance or resolution under Section 11-42-201 designating the assessment
2424 area for which the notice was recorded.

2425 (6) A local entity shall make available on the local entity's website, or, if no website is
2426 available, at the local entity's place of business, the address and type of use of each unassessed
2427 benefitted government property described in Subsection (1)(g).

2428 (7) If a governing body fails to provide actual or constructive notice under this section,
2429 the local entity may not assess a levy against a benefitted property omitted from the notice
2430 unless:

2431 (a) the property owner gives written consent;

2432 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did
2433 not object to the levy of the assessment before the final hearing of the board of equalization; or

2434 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date
2435 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,
2436 Subsection 11-42-207(1)(d)(i) are met.

2437 Section 40. Section 11-42-301 is amended to read:

2438 **11-42-301. Improvements made only under contract let to lowest responsive,**
2439 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**
2440 **contract requirement.**

2441 (1) Except as otherwise provided in this section, a local entity may make improvements
2442 in an assessment area only under contract let to the lowest responsive, responsible bidder for
2443 the kind of service, material, or form of construction that the local entity's governing body

2444 determines in compliance with any applicable local entity ordinances.

2445 (2) A local entity may:

2446 (a) divide improvements into parts;

2447 (b) (i) let separate contracts for each part; or

2448 (ii) combine multiple parts into the same contract; and

2449 (c) let a contract on a unit basis.

2450 (3) (a) A local entity may not let a contract until after [~~publishing~~] posting notice as
2451 provided in Subsection (3)(b)[~~:(i) at least one time in a newspaper of general circulation within~~
2452 ~~the boundaries of the local entity at least 15 days before the date specified for receipt of bids;~~
2453 ~~and (ii) in accordance with Section ~~45-1-101~~] on the Utah Public Notice Website created in
2454 Section 63F-1-701, at least 15 days before the date specified for receipt of bids.~~

2455 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will
2456 receive sealed bids at a specified time and place for the construction of the improvements.

2457 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
2458 publish the notice or to publish the notice within 15 days before the date specified for receipt of
2459 bids, the governing body may proceed to let a contract for the improvements if the local entity
2460 receives at least three sealed and bona fide bids from contractors by the time specified for the
2461 receipt of bids.

2462 (d) A local entity may publish a notice required under this Subsection (3) at the same
2463 time as a notice under Section 11-42-202.

2464 (4) (a) A local entity may accept as a sealed bid a bid that is:

2465 (i) manually sealed and submitted; or

2466 (ii) electronically sealed and submitted.

2467 (b) The governing body or project engineer shall, at the time specified in the notice
2468 under Subsection (3), open and examine the bids.

2469 (c) In open session, the governing body:

2470 (i) shall declare the bids; and

2471 (ii) may reject any or all bids if the governing body considers the rejection to be for the
2472 public good.

2473 (d) The local entity may award the contract to the lowest responsive, responsible bidder
2474 even if the price bid by that bidder exceeds the estimated costs as determined by the project

2475 engineer.

2476 (e) A local entity may in any case:

2477 (i) refuse to award a contract;

2478 (ii) obtain new bids after giving a new notice under Subsection (3);

2479 (iii) determine to abandon the assessment area; or

2480 (iv) not make some of the improvements proposed to be made.

2481 (5) A local entity is not required to let a contract as provided in this section for:

2482 (a) an improvement or part of an improvement the cost of which or the making of

2483 which is donated or contributed;

2484 (b) an improvement that consists of furnishing utility service or maintaining

2485 improvements;

2486 (c) labor, materials, or equipment supplied by the local entity;

2487 (d) the local entity's acquisition of completed or partially completed improvements in

2488 an assessment area;

2489 (e) design, engineering, and inspection costs incurred with respect to the construction

2490 of improvements in an assessment area; or

2491 (f) additional work performed in accordance with the terms of a contract duly let to the

2492 lowest responsive, responsible bidder.

2493 (6) A local entity may itself furnish utility service and maintain improvements within

2494 an assessment area.

2495 (7) (a) A local entity may acquire completed or partially completed improvements in an

2496 assessment area, but may not pay an amount for those improvements that exceeds their fair

2497 market value.

2498 (b) Upon the local entity's payment for completed or partially completed

2499 improvements, title to the improvements shall be conveyed to the local entity or another public

2500 agency.

2501 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works

2502 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an

2503 assessment area.

2504 Section 41. Section 11-42-402 is amended to read:

2505 **11-42-402. Notice of assessment and board of equalization hearing.**

2506 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

2507 (1) state:

2508 (a) that an assessment list is completed and available for examination at the offices of
2509 the local entity;

2510 (b) the total estimated or actual cost of the improvements;

2511 (c) the amount of the total estimated or actual cost of the proposed improvements to be
2512 paid by the local entity;

2513 (d) the amount of the assessment to be levied against benefitted property within the
2514 assessment area;

2515 (e) the assessment method used to calculate the proposed assessment;

2516 (f) the unit cost used to calculate the assessments shown on the assessment list, based
2517 on the assessment method used to calculate the proposed assessment; and

2518 (g) the dates, times, and place of the board of equalization hearings under Subsection
2519 11-42-401(2)(b)(i);

2520 (2) (a) beginning at least 20 but not more than 35 days before the day on which the first
2521 hearing of the board of equalization is held[~~:(i) be published at least once in a newspaper of
2522 general circulation within the local entity's jurisdictional boundaries; or (ii) if there is no
2523 newspaper of general circulation within the local entity's jurisdictional boundaries]~~, be posted
2524 in at least three public places within the local entity's jurisdictional boundaries; and

2525 (b) be published on the Utah Public Notice Website created in Section 63F-1-701 for
2526 35 days immediately before the day on which the first hearing of the board of equalization is
2527 held; and

2528 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of
2529 the notice under Subsection (2) to each owner of property to be assessed within the proposed
2530 assessment area at the property owner's mailing address.

2531 Section 42. Section 11-42-404 is amended to read:

2532 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**
2533 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**
2534 **interest.**

2535 (1) (a) After receiving a final report from a board of equalization under Subsection
2536 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection

2537 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an
2538 assessment against benefitted property within the assessment area designated in accordance
2539 with Part 2, Designating an Assessment Area.

2540 (b) Except as provided in Subsection (1)(c), a local entity may not levy more than one
2541 assessment under this chapter for an assessment area designated in accordance with Part 2,
2542 Designating an Assessment Area.

2543 (c) A local entity may levy more than one assessment in an assessment area designated
2544 in accordance with Part 2, Designating an Assessment Area, if:

2545 (i) the local entity has adopted a designation resolution or designation ordinance for
2546 each assessment in accordance with Section 11-42-201; and

2547 (ii) the assessment is levied to pay:

2548 (A) subject to Section 11-42-401, operation and maintenance costs;

2549 (B) subject to Section 11-42-406, the costs of economic promotion activities; or

2550 (C) the costs of environmental remediation activities.

2551 (d) An assessment resolution or ordinance adopted under Subsection (1)(a):

2552 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to
2553 be assessed;

2554 (ii) need not include the legal description or tax identification number of the parcels of
2555 property assessed in the assessment area; and

2556 (iii) is adequate for purposes of identifying the property to be assessed within the
2557 assessment area if the assessment resolution or ordinance incorporates by reference the
2558 corrected assessment list that describes the property assessed by legal description and tax
2559 identification number.

2560 (2) (a) A local entity that adopts an assessment resolution or ordinance shall give notice
2561 of the adoption by:

2562 ~~[(i) (A) publishing a copy of the resolution or ordinance, or a summary of the~~
2563 ~~resolution or ordinance, once in a newspaper of general circulation within the local entity's~~
2564 ~~jurisdictional boundaries; or]~~

2565 ~~[(B) if there is no newspaper of general circulation with the local entity's jurisdictional~~
2566 ~~boundaries as described in Subsection (2)(a)(i);]~~

2567 (i) posting a copy of the resolution or ordinance in at least three public places within

2568 the local entity's jurisdictional boundaries for at least 21 days; and

2569 (ii) [~~publishing, in accordance with Section 45-1-101;~~] posting a copy of the resolution
2570 or ordinance on the Utah Public Notice Website created in Section 63F-1-701 for at least 21
2571 days.

2572 (b) No other publication or posting of the resolution or ordinance is required.

2573 (3) Notwithstanding any other statutory provision regarding the effective date of a
2574 resolution or ordinance, each assessment resolution or ordinance takes effect:

2575 (a) on the date of publication or posting of the notice under Subsection (2); or

2576 (b) at a later date provided in the resolution or ordinance.

2577 (4) (a) The governing body of each local entity that has adopted an assessment
2578 resolution or ordinance under Subsection (1) shall, within five days after the day on which the
2579 25-day prepayment period under Subsection 11-42-411(6) has passed, file a notice of
2580 assessment interest with the recorder of the county in which the assessed property is located.

2581 (b) Each notice of assessment interest under Subsection (4)(a) shall:

2582 (i) state that the local entity has an assessment interest in the assessed property;

2583 (ii) if the assessment is to pay operation and maintenance costs or for economic
2584 promotion activities, state the maximum number of years over which an assessment will be
2585 payable; and

2586 (iii) describe the property assessed by legal description and tax identification number.

2587 (c) A local entity's failure to file a notice of assessment interest under this Subsection
2588 (4) has no effect on the validity of an assessment levied under an assessment resolution or
2589 ordinance adopted under Subsection (1).

2590 Section 43. Section 11-42a-201 is amended to read:

2591 **11-42a-201. Resolution or ordinance designating an energy assessment area,**
2592 **levying an assessment, and issuing an energy assessment bond.**

2593 (1) (a) Except as otherwise provided in this chapter, and subject to the requirements of
2594 this part, at the request of a property owner on whose property or for whose benefit an
2595 improvement is being installed or being reimbursed, a governing body of a local entity may
2596 adopt an energy assessment resolution or an energy assessment ordinance that:

2597 (i) designates an energy assessment area;

2598 (ii) levies an assessment within the energy assessment area; and

2599 (iii) if applicable, authorizes the issuance of an energy assessment bond.

2600 (b) The governing body of a local entity may, by adopting a parameters resolution,

2601 delegate to an officer of the local entity, in accordance with the parameters resolution, the

2602 authority to:

2603 (i) execute an energy assessment resolution or ordinance that:

2604 (A) designates an energy assessment area;

2605 (B) levies an energy assessment lien; and

2606 (C) approves the final interest rate, price, principal amount, maturities, redemption

2607 features, and other terms of the energy assessment bonds; and

2608 (ii) approve and execute all documents related to the designation of the energy

2609 assessment area, the levying of the energy assessment lien, and the issuance of the energy

2610 assessment bonds.

2611 (c) The boundaries of a proposed energy assessment area may:

2612 (i) include property that is not intended to be assessed; and

2613 (ii) overlap, be coextensive with, or be substantially coterminous with the boundaries

2614 of any other energy assessment area or an assessment area created under Title 11, Chapter 42,

2615 Assessment Area Act.

2616 (d) The energy assessment resolution or ordinance described in Subsection (1)(a) is

2617 adequate for purposes of identifying the property to be assessed within the energy assessment

2618 area if the resolution or ordinance describes the property to be assessed by legal description and

2619 tax identification number.

2620 (2) (a) A local entity that adopts an energy assessment resolution or ordinance under

2621 Subsection (1)(a) or a parameters resolution under Subsection (1)(b) shall give notice of the

2622 adoption of the energy assessment resolution or ordinance or the parameters resolution by~~[(i)~~

2623 ~~publishing a copy or a summary of the resolution or ordinance once in a newspaper of general~~

2624 ~~circulation where the energy assessment area is located; or (ii) if there is no newspaper of~~

2625 ~~general circulation where the energy assessment area is located,] posting a copy of the~~

2626 resolution or ordinance:

2627 (i) in at least three public places within the local entity's jurisdictional boundaries for at

2628 least 21 days~~[-];~~ and

2629 (ii) on the Utah Public Notice Website created in Section [63F-1-701](#), for at least 21

2630 days.

2631 (b) Except as provided in Subsection (2)(a), a local entity is not required to make any
2632 other publication or posting of the resolution or ordinance.

2633 (3) Notwithstanding any other statutory provision regarding the effective date of a
2634 resolution or ordinance, each energy assessment resolution or ordinance takes effect on the
2635 later of:

2636 (a) the date on which the governing body of the local entity adopts the energy
2637 assessment resolution or ordinance;

2638 (b) the date of publication or posting of the notice of adoption of either the energy
2639 assessment resolution or ordinance or the parameters resolution described in Subsection (2); or

2640 (c) at a later date as provided in the resolution or ordinance.

2641 (4) (a) The governing body of each local entity that has adopted an energy assessment
2642 resolution or ordinance under Subsection (1) shall, within five days after the effective date of
2643 the resolution or ordinance, file a notice of assessment interest with the recorder of the county
2644 in which the property to be assessed is located.

2645 (b) Each notice of assessment interest under Subsection (4)(a) shall:

2646 (i) state that the local entity has an assessment interest in the property to be assessed;
2647 and

2648 (ii) describe the property to be assessed by legal description and tax identification
2649 number.

2650 (c) If a local entity fails to file a notice of assessment interest under this Subsection (4):

2651 (i) the failure does not invalidate the designation of an energy assessment area; and

2652 (ii) the local entity may not assess a levy against a subsequent purchaser of a benefitted
2653 property that lacked recorded notice unless:

2654 (A) the subsequent purchaser gives written consent;

2655 (B) the subsequent purchaser has actual notice of the assessment levy; or

2656 (C) the subsequent purchaser purchased the property after a corrected notice was filed
2657 under Subsection (4)(d).

2658 (d) The local entity may file a corrected notice if the entity fails to comply with the date
2659 or other requirements for filing a notice of assessment interest.

2660 (e) If a governing body has filed a corrected notice under Subsection (4)(d), the local

2661 entity may not retroactively collect or adjust the amount of the levy to recapture lost funds for a
2662 levy that the local entity was prohibited from collecting, if applicable, under Subsection (4)(c).

2663 Section 44. Section **17-27a-204** is amended to read:

2664 **17-27a-204. Notice of public hearings and public meetings to consider general**
2665 **plan or modifications.**

2666 (1) A county shall provide:

2667 (a) notice of the date, time, and place of the first public hearing to consider the original
2668 adoption or any modification of all or any portion of a general plan; and

2669 (b) notice of each public meeting on the subject.

2670 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
2671 days before the public hearing and shall be:

2672 [~~(a) (i) published in a newspaper of general circulation in the area; and~~]

2673 [(ii)] (a) published on the Utah Public Notice Website created in Section [63F-1-701](#);

2674 (b) mailed to each affected entity; and

2675 (c) posted:

2676 (i) in at least three public locations within the county; or

2677 (ii) on the county's official website.

2678 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
2679 before the meeting and shall be:

2680 [~~(a) (i) submitted to a newspaper of general circulation in the area; and~~]

2681 [(ii)] (a) published on the Utah Public Notice Website created in Section [63F-1-701](#);

2682 and

2683 (b) posted:

2684 (i) in at least three public locations within the county; or

2685 (ii) on the county's official website.

2686 Section 45. Section **17-27a-205** is amended to read:

2687 **17-27a-205. Notice of public hearings and public meetings on adoption or**
2688 **modification of land use regulation.**

2689 (1) Each county shall give:

2690 (a) notice of the date, time, and place of the first public hearing to consider the
2691 adoption or modification of a land use regulation; and

- 2692 (b) notice of each public meeting on the subject.
- 2693 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
- 2694 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
- 2695 (b) posted:
- 2696 (i) in at least three public locations within the county; or
- 2697 (ii) on the county's official website; and
- 2698 [~~(c) (i) published;~~]
- 2699 [~~(A) in a newspaper of general circulation in the area at least 10 calendar days before~~
- 2700 ~~the public hearing; and]~~
- 2701 [~~(B)~~] (c) (i) posted on the Utah Public Notice Website created in Section 63F-1-701, at
- 2702 least 10 calendar days before the public hearing; or
- 2703 (ii) mailed at least 10 days before the public hearing to:
- 2704 (A) each property owner whose land is directly affected by the land use ordinance
- 2705 change; and
- 2706 (B) each adjacent property owner within the parameters specified by county ordinance.
- 2707 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
- 2708 before the hearing and shall be posted:
- 2709 (a) in at least three public locations within the county; or
- 2710 (b) on the county's official website.
- 2711 (4) (a) A county shall send a courtesy notice to each owner of private real property
- 2712 whose property is located entirely or partially within the proposed zoning map enactment or
- 2713 amendment at least 10 days before the scheduled day of the public hearing.
- 2714 (b) The notice shall:
- 2715 (i) identify with specificity each owner of record of real property that will be affected
- 2716 by the proposed zoning map or map amendments;
- 2717 (ii) state the current zone in which the real property is located;
- 2718 (iii) state the proposed new zone for the real property;
- 2719 (iv) provide information regarding or a reference to the proposed regulations,
- 2720 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
- 2721 amendment is adopted;
- 2722 (v) state that the owner of real property may no later than 10 days after the day of the

2723 first public hearing file a written objection to the inclusion of the owner's property in the
2724 proposed zoning map or map amendment;

2725 (vi) state the address where the property owner should file the protest;

2726 (vii) notify the property owner that each written objection filed with the county will be
2727 provided to the county legislative body; and

2728 (viii) state the location, date, and time of the public hearing described in Section
2729 17-27a-502.

2730 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
2731 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
2732 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent
2733 separately.

2734 Section 46. Section 17-27a-306 is amended to read:

2735 **17-27a-306. Planning advisory areas.**

2736 (1) (a) A planning advisory area may be established as provided in this Subsection (1).

2737 (b) A planning advisory area may not be established unless the area to be included
2738 within the proposed planning advisory area:

2739 (i) is unincorporated;

2740 (ii) is contiguous; and

2741 (iii) (A) contains:

2742 (I) at least 20% but not more than 80% of:

2743 (Aa) the total private land area in the unincorporated county; or

2744 (Bb) the total value of locally assessed taxable property in the unincorporated county;

2745 or

2746 (II) (Aa) in a county of the second or third class, at least 5% of the total population of
2747 the unincorporated county, but not less than 300 residents; or

2748 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population
2749 of the unincorporated county; or

2750 (B) has been declared by the United States Census Bureau as a census designated
2751 place.

2752 (c) (i) The process to establish a planning advisory area is initiated by the filing of a
2753 petition with the clerk of the county in which the proposed planning advisory area is located.

2754 (ii) A petition to establish a planning advisory area may not be filed if it proposes the
2755 establishment of a planning advisory area that includes an area within a proposed planning
2756 advisory area in a petition that has previously been certified under Subsection (1)(g), until after
2757 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).

2758 (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:

2759 (i) be signed by the owners of private real property that:

2760 (A) is located within the proposed planning advisory area;

2761 (B) covers at least 10% of the total private land area within the proposed planning
2762 advisory area; and

2763 (C) is equal in value to at least 10% of the value of all private real property within the
2764 proposed planning advisory area;

2765 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
2766 area proposed to be established as a planning advisory area;

2767 (iii) indicate the typed or printed name and current residence address of each owner
2768 signing the petition;

2769 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
2770 be designated as the contact sponsor, with the mailing address and telephone number of each
2771 petition sponsor;

2772 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
2773 petition for purposes of the petition; and

2774 (vi) request the county legislative body to provide notice of the petition and of a public
2775 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning
2776 advisory area.

2777 (e) Subsection [10-2a-102\(3\)](#) applies to a petition to establish a planning advisory area
2778 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal
2779 Incorporation.

2780 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
2781 the establishment of a planning advisory area in a county of the second class, the county clerk
2782 shall provide notice of the filing of the petition to:

2783 (A) each owner of real property owning more than 1% of the assessed value of all real
2784 property within the proposed planning advisory area; and

2785 (B) each owner of real property owning more than 850 acres of real property within the
2786 proposed planning advisory area.

2787 (ii) A property owner may exclude all or part of the property owner's property from a
2788 proposed planning advisory area in a county of the second class:

2789 (A) if:

2790 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
2791 property within the proposed planning advisory area;

2792 (Iiii) the property is nonurban; and

2793 (IIIiii) the property does not or will not require municipal provision of municipal-type
2794 services; or

2795 (Bb) the property owner owns more than 850 acres of real property within the proposed
2796 planning advisory area; and

2797 (II) exclusion of the property will not leave within the planning advisory area an island
2798 of property that is not part of the planning advisory area; and

2799 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
2800 under Subsection (1)(f)(i).

2801 (iii) (A) The county legislative body shall exclude from the proposed planning advisory
2802 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if
2803 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

2804 (B) If the county legislative body excludes property from a proposed planning advisory
2805 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the
2806 exclusion, send written notice of its action to the contact sponsor.

2807 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
2808 clerk shall:

2809 (A) with the assistance of other county officers from whom the clerk requests
2810 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
2811 and

2812 (B) (I) if the clerk determines that the petition complies with the requirements of
2813 Subsection (1)(d):

2814 (Aa) certify the petition and deliver the certified petition to the county legislative body;
2815 and

2816 (Bb) mail or deliver written notification of the certification to the contact sponsor; or
2817 (II) if the clerk determines that the petition fails to comply with any of the requirements
2818 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the
2819 rejection and the reasons for the rejection.

2820 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition
2821 may be amended to correct the deficiencies for which it was rejected and then refiled with the
2822 county clerk.

2823 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,
2824 the county legislative body shall hold a public hearing on the proposal to establish a planning
2825 advisory area.

2826 (ii) A public hearing under Subsection (1)(h)(i) shall be:

2827 (A) within the boundary of the proposed planning advisory area; or

2828 (B) if holding a public hearing in that area is not practicable, as close to that area as
2829 practicable.

2830 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the
2831 county legislative body shall publish notice of the petition and the time, date, and place of the
2832 public hearing[~~:(A) at least once in a newspaper of general circulation in the county; and (B)]
2833 on the Utah Public Notice Website created in Section 63F-1-701.~~

2834 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body
2835 shall arrange for the proposal to establish a planning advisory area to be submitted to voters
2836 residing within the proposed planning advisory area at the next regular general election that is
2837 more than 90 days after the public hearing.

2838 (j) A planning advisory area is established at the time of the canvass of the results of an
2839 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the
2840 proposal to establish a planning advisory area voted in favor of the proposal.

2841 (k) An area that is an established township before May 12, 2015:

2842 (i) is, as of May 12, 2015, a planning advisory area; and

2843 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

2844 and

2845 (B) may use the word "planning advisory area" in its name.

2846 (2) The county legislative body may:

2847 (a) assign to the countywide planning commission the duties established in this part
2848 that would have been assumed by a planning advisory area planning commission designated
2849 under Subsection (2)(b); or

2850 (b) designate and appoint a planning commission for the planning advisory area.

2851 (3) (a) An area within the boundary of a planning advisory area may be withdrawn
2852 from the planning advisory area as provided in this Subsection (3) or in accordance with
2853 Subsection (5)(a).

2854 (b) The process to withdraw an area from a planning advisory area is initiated by the
2855 filing of a petition with the clerk of the county in which the planning advisory area is located.

2856 (c) A petition under Subsection (3)(b) shall:

2857 (i) be signed by the owners of private real property that:

2858 (A) is located within the area proposed to be withdrawn from the planning advisory
2859 area;

2860 (B) covers at least 50% of the total private land area within the area proposed to be
2861 withdrawn from the planning advisory area; and

2862 (C) is equal in value to at least 33% of the value of all private real property within the
2863 area proposed to be withdrawn from the planning advisory area;

2864 (ii) state the reason or reasons for the proposed withdrawal;

2865 (iii) be accompanied by an accurate plat or map showing the boundary of the
2866 contiguous area proposed to be withdrawn from the planning advisory area;

2867 (iv) indicate the typed or printed name and current residence address of each owner
2868 signing the petition;

2869 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
2870 be designated as the contact sponsor, with the mailing address and telephone number of each
2871 petition sponsor;

2872 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
2873 petition for purposes of the petition; and

2874 (vii) request the county legislative body to withdraw the area from the planning
2875 advisory area.

2876 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning
2877 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter

2878 2a, Municipal Incorporation.

2879 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
2880 clerk shall:

2881 (A) with the assistance of other county officers from whom the clerk requests
2882 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
2883 and

2884 (B) (I) if the clerk determines that the petition complies with the requirements of
2885 Subsection (3)(c):

2886 (Aa) certify the petition and deliver the certified petition to the county legislative body;
2887 and

2888 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2889 (II) if the clerk determines that the petition fails to comply with any of the requirements
2890 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
2891 and the reasons for the rejection.

2892 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
2893 may be amended to correct the deficiencies for which it was rejected and then refiled with the
2894 county clerk.

2895 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area
2896 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw
2897 the area from the planning advisory area.

2898 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

2899 (A) within the area proposed to be withdrawn from the planning advisory area; or

2900 (B) if holding a public hearing in that area is not practicable, as close to that area as
2901 practicable.

2902 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
2903 body shall:

2904 (A) publish notice of the petition and the time, date, and place of the public hearing[~~;~~

2905 ~~(F) at least once a week for three consecutive weeks in a newspaper of general circulation in the~~
2906 ~~planning advisory area; and (H)] on the Utah Public Notice Website created in Section~~
2907 ~~63F-1-701~~, for three consecutive weeks; and

2908 (B) mail a notice of the petition and the time, date, and place of the public hearing to

2909 each owner of private real property within the area proposed to be withdrawn.

2910 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
2911 legislative body shall make a written decision on the proposal to withdraw the area from the
2912 planning advisory area.

2913 (ii) In making its decision as to whether to withdraw the area from the planning
2914 advisory area, the county legislative body shall consider:

2915 (A) whether the withdrawal would leave the remaining planning advisory area in a
2916 situation where the future incorporation of an area within the planning advisory area or the
2917 annexation of an area within the planning advisory area to an adjoining municipality would be
2918 economically or practically not feasible;

2919 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
2920 area:

2921 (I) whether the proposed subsequent incorporation or withdrawal:

2922 (Aa) will leave or create an unincorporated island or peninsula; or

2923 (Bb) will leave the county with an area within its unincorporated area for which the
2924 cost, requirements, or other burdens of providing municipal services would materially increase
2925 over previous years; and

2926 (II) whether the municipality to be created or the municipality into which the
2927 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
2928 providing service to the withdrawn area that the county will no longer provide due to the
2929 incorporation or annexation;

2930 (C) the effects of a withdrawal on adjoining property owners, existing or projected
2931 county streets or other public improvements, law enforcement, and zoning and other municipal
2932 services provided by the county; and

2933 (D) whether justice and equity favor the withdrawal.

2934 (h) Upon the written decision of the county legislative body approving the withdrawal
2935 of an area from a planning advisory area, the area is withdrawn from the planning advisory area
2936 and the planning advisory area continues as a planning advisory area with a boundary that
2937 excludes the withdrawn area.

2938 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).

2939 (b) The process to dissolve a planning advisory area is initiated by the filing of a

2940 petition with the clerk of the county in which the planning advisory area is located.

2941 (c) A petition under Subsection (4)(b) shall:

2942 (i) be signed by registered voters within the planning advisory area equal in number to
2943 at least 25% of all votes cast by voters within the planning advisory area at the last
2944 congressional election;

2945 (ii) state the reason or reasons for the proposed dissolution;

2946 (iii) indicate the typed or printed name and current residence address of each person
2947 signing the petition;

2948 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
2949 be designated as the contact sponsor, with the mailing address and telephone number of each
2950 petition sponsor;

2951 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
2952 for purposes of the petition; and

2953 (vi) request the county legislative body to provide notice of the petition and of a public
2954 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning
2955 advisory area.

2956 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county
2957 clerk shall:

2958 (A) with the assistance of other county officers from whom the clerk requests
2959 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
2960 and

2961 (B) (I) if the clerk determines that the petition complies with the requirements of
2962 Subsection (4)(c):

2963 (Aa) certify the petition and deliver the certified petition to the county legislative body;
2964 and

2965 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

2966 (II) if the clerk determines that the petition fails to comply with any of the requirements
2967 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
2968 and the reasons for the rejection.

2969 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
2970 may be amended to correct the deficiencies for which it was rejected and then refiled with the

2971 county clerk.

2972 (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,
2973 the county legislative body shall hold a public hearing on the proposal to dissolve the planning
2974 advisory area.

2975 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

2976 (A) within the boundary of the planning advisory area; or

2977 (B) if holding a public hearing in that area is not practicable, as close to that area as
2978 practicable.

2979 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
2980 body shall publish notice of the petition and the time, date, and place of the public hearing[†

2981 ~~(A) at least once a week for three consecutive weeks in a newspaper of general circulation in~~
2982 ~~the planning advisory area; and (B)] on the Utah Public Notice Website created in Section~~
2983 [63F-1-701](#), for three consecutive weeks immediately before the public hearing.

2984 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
2985 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters
2986 residing within the planning advisory area at the next regular general election that is more than
2987 90 days after the public hearing.

2988 (g) A planning advisory area is dissolved at the time of the canvass of the results of an
2989 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the
2990 proposal to dissolve the planning advisory area voted in favor of the proposal.

2991 (5) (a) If a portion of an area located within a planning advisory area is annexed by a
2992 municipality or incorporates, that portion is withdrawn from the planning advisory area.

2993 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,
2994 the planning advisory area is dissolved.

2995 Section 47. Section ~~17-27a-404~~ is amended to read:

2996 **17-27a-404. Public hearing by planning commission on proposed general plan or**
2997 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
2998 **by legislative body.**

2999 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
3000 amend the general plan, the planning commission shall schedule and hold a public hearing on
3001 the proposed plan or amendment.

3002 (b) The planning commission shall provide notice of the public hearing, as required by
3003 Section 17-27a-204.

3004 (c) After the public hearing, the planning commission may modify the proposed
3005 general plan or amendment.

3006 (2) The planning commission shall forward the proposed general plan or amendment to
3007 the legislative body.

3008 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
3009 shall provide notice of its intent to consider the general plan proposal.

3010 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
3011 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
3012 regarding Subsection 17-27a-401(4). The hearing procedure shall comply with this Subsection
3013 (3)(b).

3014 (ii) The hearing format shall allow adequate time for public comment at the actual
3015 public hearing, and shall also allow for public comment in writing to be submitted to the
3016 legislative body for not fewer than 90 days after the date of the public hearing.

3017 (c) (i) The legislative body shall give notice of the hearing in accordance with this
3018 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(4) are
3019 complete.

3020 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
3021 the state Legislature, executive director of the Department of Environmental Quality, the state
3022 planning coordinator, the Resource Development Coordinating Committee, and any other
3023 citizens or entities who specifically request notice in writing.

3024 (iii) Public notice shall be given by publication[~~:(A) in at least one major Utah~~
3025 ~~newspaper having broad general circulation in the state; (B) in at least one Utah newspaper~~
3026 ~~having a general circulation focused mainly on the county where the proposed high-level~~
3027 ~~nuclear waste or greater than class C radioactive waste site is to be located; and (C)] on the
3028 Utah Public Notice Website created in Section 63F-1-701.~~

3029 (iv) The notice shall be published to allow reasonable time for interested parties and
3030 the state to evaluate the information regarding the provisions of Subsection 17-27a-401(4),
3031 including[~~:(A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days~~
3032 ~~before the date of the hearing to be held under this Subsection (3); and (B)] publication~~

3033 described in Subsection (3)(c)(iii)~~[(B) or (C)]~~ for 180 days before the date of the hearing to be
3034 held under this Subsection (3).

3035 (4) (a) After the public hearing required under this section, the legislative body may
3036 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

3037 (b) The legislative body shall respond in writing and in a substantive manner to all
3038 those providing comments as a result of the hearing required by Subsection (3).

3039 (c) If the county legislative body rejects the proposed general plan or amendment, it
3040 may provide suggestions to the planning commission for the planning commission's review and
3041 recommendation.

3042 (5) The legislative body shall adopt:

3043 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

3044 (b) a transportation and traffic circulation element as provided in Subsection
3045 17-27a-403(2)(a)(ii);

3046 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to
3047 provide a realistic opportunity to meet the need for additional moderate income housing; and

3048 (d) before August 1, 2017, a resource management plan as provided by Subsection
3049 17-27a-403(2)(a)(iv).

3050 Section 48. Section 17-41-302 is amended to read:

3051 **17-41-302. Notice of proposal for creation of protection area -- Responses.**

3052 (1) An applicable legislative body shall provide notice of the proposal by:

3053 ~~[(a) (i) publishing notice in a newspaper having general circulation within:]~~

3054 ~~[(A) the same county as the land proposed for inclusion within an agriculture
3055 protection area, industrial protection area, or critical infrastructure materials protection area, as
3056 the case may be, if the land is within the unincorporated part of the county; or]~~

3057 ~~[(B) the same city or town as the land proposed for inclusion within an agriculture
3058 protection area, industrial protection area, or critical infrastructure materials protection area, as
3059 the case may be, if the land is within a city or town; and]~~

3060 ~~[(ii) as required in Section 45-1-101;]~~

3061 (a) posting notice on the Utah Public Notice Website created in Section 63F-1-701;

3062 (b) posting notice at five public places, designated by the county or municipal
3063 legislative body, within or near the proposed agriculture protection area, industrial protection

3064 area, or critical infrastructure materials protection area; and

3065 (c) mailing written notice to each owner of land within 1,000 feet of the land proposed
3066 for inclusion within an agriculture protection area, industrial protection area, or critical
3067 infrastructure materials protection area.

3068 (2) The notice shall contain:

3069 (a) a statement that a proposal for the creation of an agriculture protection area,
3070 industrial protection area, or critical infrastructure materials protection area has been filed with
3071 the applicable legislative body;

3072 (b) a statement that the proposal will be open to public inspection in the office of the
3073 applicable legislative body;

3074 (c) a statement that any person affected by the establishment of the area may, within 15
3075 days of the date of the notice, file with the applicable legislative body:

3076 (i) written objections to the proposal; or

3077 (ii) a written request to modify the proposal to exclude land from or add land to the
3078 proposed protection area;

3079 (d) a statement that the applicable legislative body will submit the proposal to the
3080 advisory committee and to the planning commission for review and recommendations;

3081 (e) a statement that the applicable legislative body will hold a public hearing to discuss
3082 and hear public comment on:

3083 (i) the proposal to create the agriculture protection area, industrial protection area, or
3084 critical infrastructure materials protection area;

3085 (ii) the recommendations of the advisory committee and planning commission; and

3086 (iii) any requests for modification of the proposal and any objections to the proposal;

3087 and

3088 (f) a statement indicating the date, time, and place of the public hearing.

3089 (3) (a) A person wishing to modify the proposal for the creation of the agriculture
3090 protection area, industrial protection area, or critical infrastructure materials protection area
3091 shall, within 15 days after the date of the notice, file a written request for modification of the
3092 proposal, which identifies specifically the land that should be added to or removed from the
3093 proposal.

3094 (b) A person wishing to object to the proposal for the creation of the agriculture

3095 protection area, industrial protection area, or critical infrastructure materials protection area
3096 shall, within 15 days after the date of the notice, file a written objection to the creation of the
3097 relevant protection area.

3098 Section 49. Section **17-41-304** is amended to read:

3099 **17-41-304. Public hearing -- Review and action on proposal.**

3100 (1) After receipt of the written reports from the advisory committee and planning
3101 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
3102 legislative body shall:

3103 (a) schedule a public hearing;

3104 (b) provide notice of the public hearing by:

3105 ~~[(i) publishing notice:]~~

3106 ~~[(A) in a newspaper having general circulation within:]~~

3107 ~~[(F) the same county as the land proposed for inclusion within the agriculture protection~~
3108 ~~area, industrial protection area, or critical infrastructure materials protection area, if the land is~~
3109 ~~within the unincorporated part of the county; or]~~

3110 ~~[(H) the same city or town as the land proposed for inclusion within an agriculture~~
3111 ~~protection area, industrial protection area, or critical infrastructure materials protection area, if~~
3112 ~~the land is within a city or town; and]~~

3113 ~~[(B)]~~ (i) posting notice on the Utah Public Notice Website created in Section
3114 [63F-1-701](#);

3115 (ii) posting notice at five public places, designated by the applicable legislative body,
3116 within or near the proposed agriculture protection area, industrial protection area, or critical
3117 infrastructure materials protection area; and

3118 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed
3119 for inclusion within an agriculture protection area, industrial protection area, or critical
3120 infrastructure materials protection area; and

3121 (c) ensure that the notice includes:

3122 (i) the time, date, and place of the public hearing on the proposal;

3123 (ii) a description of the proposed agriculture protection area, industrial protection area,
3124 or critical infrastructure materials protection area;

3125 (iii) any proposed modifications to the proposed agriculture protection area, industrial

3126 protection area, or critical infrastructure materials protection area;

3127 (iv) a summary of the recommendations of the advisory committee and planning
3128 commission; and

3129 (v) a statement that interested persons may appear at the public hearing and speak in
3130 favor of or against the proposal, any proposed modifications to the proposal, or the
3131 recommendations of the advisory committee and planning commission.

3132 (2) The applicable legislative body shall:

3133 (a) convene the public hearing at the time, date, and place specified in the notice; and

3134 (b) take oral or written testimony from interested persons.

3135 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
3136 body shall approve, modify and approve, or reject the proposal.

3137 (b) The creation of an agriculture protection area, industrial protection area, or critical
3138 infrastructure materials protection area is effective at the earlier of:

3139 (i) the applicable legislative body's approval of a proposal or modified proposal; or

3140 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
3141 the applicable legislative body has failed to approve or reject the proposal within that time.

3142 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area
3143 is effective only if the applicable legislative body, at its discretion, approves a proposal or
3144 modified proposal.

3145 (4) (a) To give constructive notice of the existence of the agriculture protection area,
3146 industrial protection area, or critical infrastructure materials protection area to all persons who
3147 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant
3148 protection area within 10 days of the creation of the relevant protection area, the applicable
3149 legislative body shall file an executed document containing a legal description of the relevant
3150 protection area with:

3151 (i) the county recorder of deeds; and

3152 (ii) the affected planning commission.

3153 (b) If the legal description of the property to be included in the relevant protection area
3154 is available through the county recorder's office, the applicable legislative body shall use that
3155 legal description in its executed document required in Subsection (4)(a).

3156 (5) Within 10 days of the recording of the agriculture protection area, the applicable

3157 legislative body shall:

3158 (a) send written notification to the commissioner of agriculture and food that the
3159 agriculture protection area has been created; and

3160 (b) include in the notification:

3161 (i) the number of landowners owning land within the agriculture protection area;

3162 (ii) the total acreage of the area;

3163 (iii) the date of approval of the area; and

3164 (iv) the date of recording.

3165 (6) The applicable legislative body's failure to record the notice required under
3166 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
3167 creation of an agriculture protection area.

3168 (7) The applicable legislative body may consider the cost of recording notice under
3169 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
3170 under Subsection 17-41-301(4)(b).

3171 Section 50. Section 17-41-405 is amended to read:

3172 **17-41-405. Eminent domain restrictions.**

3173 (1) A political subdivision having or exercising eminent domain powers may not
3174 condemn for any purpose any land within an agriculture protection area that is being used for
3175 agricultural production, land within an industrial protection area that is being put to an
3176 industrial use, or land within a critical infrastructure materials protection area, unless the
3177 political subdivision obtains approval, according to the procedures and requirements of this
3178 section, from the applicable legislative body and the advisory board.

3179 (2) Any condemnor wishing to condemn property within an agriculture protection area,
3180 industrial protection area, or critical infrastructure materials protection area shall file a notice
3181 of condemnation with the applicable legislative body and the relevant protection area's advisory
3182 board at least 30 days before filing an eminent domain complaint.

3183 (3) The applicable legislative body and the advisory board shall:

3184 (a) hold a joint public hearing on the proposed condemnation at a location within the
3185 county in which the relevant protection area is located;

3186 (b) ~~publish~~ post notice of the time, date, place, and purpose of the public hearing:

3187 ~~[(i) in a newspaper of general circulation within the relevant protection area; and]~~

3188 [(~~it~~)] (i) on the Utah Public Notice Website created in Section 63F-1-701; and
3189 [~~e~~] post notice of the time, date, place, and purpose of the public hearing]
3190 (ii) in five conspicuous public places, designated by the applicable legislative body,
3191 within or near the relevant protection area.

3192 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or
3193 liquid waste materials, the applicable legislative body and the advisory board may approve the
3194 condemnation only if there is no reasonable and prudent alternative to the use of the land
3195 within the agriculture protection area, industrial protection area, or critical infrastructure
3196 materials protection area for the project.

3197 (b) If the condemnation is for any other purpose, the applicable legislative body and the
3198 advisory board may approve the condemnation only if:

3199 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
3200 preservation and enhancement of:

3201 (A) agriculture within the agriculture protection area;

3202 (B) the industrial use within the industrial protection area; or

3203 (C) critical infrastructure materials operations within the critical infrastructure
3204 materials protection area; or

3205 (ii) there is no reasonable and prudent alternative to the use of the land within the [~~the~~]
3206 relevant protection area for the project.

3207 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
3208 legislative body and the advisory board shall approve or reject the proposed condemnation.

3209 (b) If the applicable legislative body and the advisory board fail to act within the 60
3210 days or such further time as the applicable legislative body establishes, the condemnation shall
3211 be considered rejected.

3212 (6) The applicable legislative body or the advisory board may request the county or
3213 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
3214 this section.

3215 Section 51. Section 17B-1-111 is amended to read:

3216 **17B-1-111. Impact fee resolution -- Notice and hearing requirements.**

3217 (1) (a) If a local district wishes to impose impact fees, the board of trustees of the local
3218 district shall:

3219 (i) prepare a proposed impact fee resolution that meets the requirements of Title 11,
3220 Chapter 36a, Impact Fees Act;

3221 (ii) make a copy of the impact fee resolution available to the public at least 14 days
3222 before the date of the public hearing and hold a public hearing on the proposed impact fee
3223 resolution; and

3224 (iii) provide reasonable notice of the public hearing at least 14 days before the date of
3225 the hearing.

3226 (b) After the public hearing, the board of trustees may:

3227 (i) adopt the impact fee resolution as proposed;

3228 (ii) amend the impact fee resolution and adopt or reject it as amended; or

3229 (iii) reject the resolution.

3230 (2) A local district meets the requirements of reasonable notice required by this section
3231 if it:

3232 (a) posts notice of the hearing or meeting in at least three public places within the
3233 jurisdiction [~~and publishes notice of the hearing or meeting in a newspaper of general~~
3234 ~~circulation in the jurisdiction, if one is available~~]; or

3235 (b) gives actual notice of the hearing or meeting.

3236 (3) The local district's board of trustees may enact a resolution establishing stricter
3237 notice requirements than those required by this section.

3238 (4) (a) Proof that one of the two forms of notice required by this section was given is
3239 prima facie evidence that notice was properly given.

3240 (b) If notice given under authority of this section is not challenged within 30 days from
3241 the date of the meeting for which the notice was given, the notice is considered adequate and
3242 proper.

3243 Section 52. Section **17B-1-211** is amended to read:

3244 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3245 (1) Before holding a public hearing or set of public hearings under Section **17B-1-210**,
3246 the legislative body of each county or municipality with which a request is filed or that adopts a
3247 resolution under Subsection **17B-1-203**(1)(d) and the board of trustees of each local district
3248 that adopts a resolution under Subsection **17B-1-203**(1)(e) shall:

3249 [~~(a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice~~

3250 ~~in a newspaper or combination of newspapers of general circulation within the applicable area~~
3251 ~~in accordance with Subsection (2); or]~~

3252 ~~[(B) if there is no newspaper or combination of newspapers of general circulation~~
3253 ~~within the applicable area, post notice]~~

3254 ~~(a) (i) in accordance with Subsection (2), post at least one notice per 1,000 population~~
3255 ~~of [that] the applicable area and at places within the area that are most likely to provide actual~~
3256 ~~notice to residents of the area; and~~

3257 ~~(ii) publish notice on the Utah Public Notice Website created in Section 63F-1-701, for~~
3258 ~~two weeks before the hearing or the first of the set of hearings; or~~

3259 ~~(b) mail a notice to each registered voter residing within and each owner of real~~
3260 ~~property located within the proposed local district.~~

3261 ~~[(2) Each published notice under Subsection (1)(a)(i)(A) shall:]~~

3262 ~~[(a) be no less than 1/4 page in size, use type no smaller than 18 point, and be~~
3263 ~~surrounded by a 1/4-inch border;]~~

3264 ~~[(b) if possible, appear in a newspaper that is published at least one day per week;]~~

3265 ~~[(c) if possible, appear in a newspaper of general interest and readership in the area and~~
3266 ~~not of limited subject matter;]~~

3267 ~~[(d) be placed in a portion of the newspaper other than where legal notices and~~
3268 ~~classified advertisements appear; and]~~

3269 ~~[(e) be published once each week for four consecutive weeks, with the final publication~~
3270 ~~being no fewer than five and no more than 20 days before the hearing or the first of the set of~~
3271 ~~hearings.]]~~

3272 ~~[(3)] (2) Each notice required under Subsection (1) shall:~~

3273 ~~(a) if the hearing or set of hearings is concerning a resolution:~~

3274 ~~(i) contain the entire text or an accurate summary of the resolution; and~~

3275 ~~(ii) state the deadline for filing a protest against the creation of the proposed local~~
3276 ~~district;~~

3277 ~~(b) clearly identify each governing body involved in the hearing or set of hearings;~~

3278 ~~(c) state the date, time, and place for the hearing or set of hearings and the purposes for~~
3279 ~~the hearing or set of hearings; and~~

3280 ~~(d) describe or include a map of the entire proposed local district.~~

3281 ~~[(4)]~~ (3) County or municipal legislative bodies may jointly provide the notice required
3282 under this section if all the requirements of this section are met as to each notice.

3283 Section 53. Section **17B-1-304** is amended to read:

3284 **17B-1-304. Appointment procedures for appointed members.**

3285 (1) The appointing authority may, by resolution, appoint persons to serve as members
3286 of a local district board by following the procedures established by this section.

3287 (2) (a) In any calendar year when appointment of a new local district board member is
3288 required, the appointing authority shall prepare a notice of vacancy that contains:

3289 (i) the positions that are vacant that shall be filled by appointment;

3290 (ii) the qualifications required to be appointed to those positions;

3291 (iii) the procedures for appointment that the governing body will follow in making
3292 those appointments; and

3293 (iv) the person to be contacted and any deadlines that a person shall meet who wishes
3294 to be considered for appointment to those positions.

3295 (b) The appointing authority shall:

3296 (i) post the notice of vacancy in four public places within the local district at least one
3297 month before the deadline for accepting nominees for appointment; and

3298 ~~[(ii) publish the notice of vacancy:]~~

3299 ~~[(A) in a daily newspaper of general circulation within the local district for five
3300 consecutive days before the deadline for accepting nominees for appointment; or]~~

3301 ~~[(B) in a local weekly newspaper circulated within the local district in the week before
3302 the deadline for accepting nominees for appointment; and]~~

3303 ~~[(iii)]~~ (ii) ~~[publish]~~ post the notice of vacancy ~~[in accordance with Section [45-1-101](#)]~~
3304 on the Utah Public Notice Website, created in Section [63F-1-701](#), for five days before the
3305 deadline for accepting nominees for appointment.

3306 (c) The appointing authority may bill the local district for the cost of preparing,
3307 printing, and publishing the notice.

3308 (3) (a) Not sooner than two months after the appointing authority is notified of the
3309 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants
3310 who meet the qualifications established by law.

3311 (b) The appointing authority shall:

3312 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
3313 appointment;

3314 (ii) allow any interested persons to be heard; and

3315 (iii) adopt a resolution appointing a person to the local district board.

3316 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
3317 appointing authority, the appointing authority shall select the appointee from the two top
3318 candidates by lot.

3319 (4) Persons appointed to serve as members of the local district board serve four-year
3320 terms, but may be removed for cause at any time after a hearing by two-thirds vote of the
3321 appointing body.

3322 (5) (a) At the end of each board member's term, the position is considered vacant, and,
3323 after following the appointment procedures established in this section, the appointing authority
3324 may either reappoint the incumbent board member or appoint a new member.

3325 (b) Notwithstanding Subsection (5)(a), a board member may continue to serve until a
3326 successor is elected or appointed and qualified in accordance with Subsection 17B-1-303(2)(b).

3327 (6) Notwithstanding any other provision of this section, if the appointing authority
3328 appoints one of its own members and that member meets all applicable statutory board member
3329 qualifications, the appointing authority need not comply with Subsection (2) or (3).

3330 Section 54. Section 17B-1-306 is amended to read:

3331 **17B-1-306. Local district board -- Election procedures.**

3332 (1) Except as provided in Subsection (12), each elected board member shall be selected
3333 as provided in this section.

3334 (2) (a) Each election of a local district board member shall be held:

3335 (i) at the same time as the municipal general election or the regular general election, as
3336 applicable; and

3337 (ii) at polling places designated by the local district board in consultation with the
3338 county clerk for each county in which the local district is located, which polling places shall
3339 coincide with municipal general election or regular general election polling places, as
3340 applicable, whenever feasible.

3341 (b) The local district board, in consultation with the county clerk, may consolidate two
3342 or more polling places to enable voters from more than one district to vote at one consolidated

3343 polling place.

3344 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
3345 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
3346 polling place per division of the district, designated by the district board.

3347 (ii) Each polling place designated by an irrigation district board under Subsection
3348 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
3349 (2)(a)(ii).

3350 (3) The clerk of each local district with a board member position to be filled at the next
3351 municipal general election or regular general election, as applicable, shall provide notice of:

3352 (a) each elective position of the local district to be filled at the next municipal general
3353 election or regular general election, as applicable;

3354 (b) the constitutional and statutory qualifications for each position; and

3355 (c) the dates and times for filing a declaration of candidacy.

3356 (4) The clerk of the local district shall publish the notice described in Subsection (3):

3357 (a) by posting the notice on the Utah Public Notice Website created in Section
3358 [63F-1-701](#), for 10 days before the first day for filing a declaration of candidacy; and

3359 (b) ~~[(†)]~~ by posting the notice in at least five public places within the local district at
3360 least 10 days before the first day for filing a declaration of candidacy; ~~[or]~~ and

3361 ~~[(ii) publishing the notice:]~~

3362 ~~[(A) in a newspaper of general circulation within the local district at least three but no
3363 more than 10 days before the first day for filing a declaration of candidacy;]~~

3364 ~~[(B) in accordance with Section [45-1-101](#), for 10 days before the first day for filing a
3365 declaration of candidacy; and]~~

3366 (c) if the local district has a website, on the local district's website for 10 days before
3367 the first day for filing a declaration of candidacy.

3368 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective
3369 local district board position, an individual shall file a declaration of candidacy in person with
3370 an official designated by the local district, during office hours, within the candidate filing
3371 period for the applicable election year in which the election for the local district board is held.

3372 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the
3373 filing time shall be extended until the close of normal office hours on the following regular

3374 business day.

3375 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a
3376 declaration of candidacy with the official designated by the local district if:

3377 (i) the individual is located outside of the state during the entire filing period;

3378 (ii) the designated agent appears in person before the official designated by the local
3379 district; and

3380 (iii) the individual communicates with the official designated by the local district using
3381 an electronic device that allows the individual and official to see and hear each other.

3382 (d) (i) Before the filing officer may accept any declaration of candidacy from an
3383 individual, the filing officer shall:

3384 (A) read to the individual the constitutional and statutory qualification requirements for
3385 the office that the individual is seeking; and

3386 (B) require the individual to state whether the individual meets those requirements.

3387 (ii) If the individual does not meet the qualification requirements for the office, the
3388 filing officer may not accept the individual's declaration of candidacy.

3389 (iii) If it appears that the individual meets the requirements of candidacy, the filing
3390 officer shall accept the individual's declaration of candidacy.

3391 (e) The declaration of candidacy shall be in substantially the following form:

3392 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
3393 _____, City of _____, County of _____, state of Utah, (Zip
3394 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
3395 office of board of trustees member for _____ (state the name of the local
3396 district); that I am a candidate for that office to be voted upon at the next election; and that, if
3397 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
3398 period, and I hereby request that my name be printed upon the official ballot for that election.

3399 (Signed) _____

3400 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
3401 of _____, _____.

3402 (Signed) _____

3403 (Clerk or Notary Public)"

3404 (f) An agent designated under Subsection (5)(c) may not sign the form described in

3405 Subsection (5)(e).

3406 (g) Each individual wishing to become a valid write-in candidate for an elective local
3407 district board position is governed by Section 20A-9-601.

3408 (h) If at least one individual does not file a declaration of candidacy as required by this
3409 section, an individual shall be appointed to fill that board position in accordance with the
3410 appointment provisions of Section 20A-1-512.

3411 (i) If only one candidate files a declaration of candidacy and there is no write-in
3412 candidate who complies with Section 20A-9-601, the board, in accordance with Section
3413 20A-1-206, may:

3414 (i) consider the candidate to be elected to the position; and

3415 (ii) cancel the election.

3416 (6) (a) A primary election may be held if:

3417 (i) the election is authorized by the local district board; and

3418 (ii) the number of candidates for a particular local board position or office exceeds
3419 twice the number of persons needed to fill that position or office.

3420 (b) The primary election shall be conducted:

3421 (i) on the same date as the municipal primary election or the regular primary election,
3422 as applicable; and

3423 (ii) according to the procedures for primary elections provided under Title 20A,
3424 Election Code.

3425 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
3426 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
3427 names to the clerk of each county in which the local district is located.

3428 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
3429 20A-6-305, the clerk of each county in which the local district is located and the local district
3430 clerk shall coordinate the placement of the name of each candidate for local district office in
3431 the nonpartisan section of the ballot with the appropriate election officer.

3432 (ii) If consolidation of the local district election ballot with the municipal general
3433 election ballot or the regular general election ballot, as applicable, is not feasible, the local
3434 district board of trustees, in consultation with the county clerk, shall provide for a separate
3435 local district election ballot to be administered by poll workers at polling locations designated

3436 under Subsection (2).

3437 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
3438 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

3439 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
3440 prescribe the form of the ballot for each board member election.

3441 (B) Each ballot for an election of an irrigation district board member shall be in a
3442 nonpartisan format.

3443 (C) The name of each candidate shall be placed on the ballot in the order specified
3444 under Section 20A-6-305.

3445 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

3446 (i) be a registered voter within the district, except for an election of:

3447 (A) an irrigation district board of trustees member; or

3448 (B) a basic local district board of trustees member who is elected by property owners;

3449 and

3450 (ii) meet the requirements to vote established by the district.

3451 (b) Each voter may vote for as many candidates as there are offices to be filled.

3452 (c) The candidates who receive the highest number of votes are elected.

3453 (9) Except as otherwise provided by this section, the election of local district board
3454 members is governed by Title 20A, Election Code.

3455 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
3456 local district board shall serve a four-year term, beginning at noon on the January 1 after the
3457 person's election.

3458 (b) A person elected shall be sworn in as soon as practical after January 1.

3459 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
3460 the county or municipality holding an election under this section for the costs of the election
3461 attributable to that local district.

3462 (b) Each irrigation district shall bear its own costs of each election it holds under this
3463 section.

3464 (12) This section does not apply to an improvement district that provides electric or gas
3465 service.

3466 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,

3467 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

3468 (14) (a) As used in this Subsection (14), "board" means:

3469 (i) a local district board; or

3470 (ii) the administrative control board of a special service district that has elected
3471 members on the board.

3472 (b) A board may hold elections for membership on the board at a regular general
3473 election instead of a municipal general election if the board submits an application to the
3474 lieutenant governor that:

3475 (i) requests permission to hold elections for membership on the board at a regular
3476 general election instead of a municipal general election; and

3477 (ii) indicates that holding elections at the time of the regular general election is
3478 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
3479 material reason.

3480 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
3481 governor may approve the application if the lieutenant governor concludes that holding the
3482 elections at the regular general election is beneficial based on the criteria described in
3483 Subsection (14)(b)(ii).

3484 (d) If the lieutenant governor approves a board's application described in this section:

3485 (i) all future elections for membership on the board shall be held at the time of the
3486 regular general election; and

3487 (ii) the board may not hold elections at the time of a municipal general election unless
3488 the board receives permission from the lieutenant governor to hold all future elections for
3489 membership on the board at a municipal general election instead of a regular general election,
3490 under the same procedure, and by applying the same criteria, described in this Subsection (14).

3491 Section 55. Section **17B-1-313** is amended to read:

3492 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**
3493 **No contest after contest period.**

3494 (1) After the board of trustees of a local district adopts a resolution or takes other
3495 action on behalf of the district, the board may provide for the publication of a notice of the
3496 resolution or other action.

3497 (2) Each notice under Subsection (1) shall:

3498 (a) include, as the case may be:

3499 (i) the language of the resolution or a summary of the resolution; or

3500 (ii) a description of the action taken by the board;

3501 (b) state that:

3502 (i) any person in interest may file an action in district court to contest the regularity,
3503 formality, or legality of the resolution or action within 30 days after the date of publication; and

3504 (ii) if the resolution or action is not contested by filing an action in district court within
3505 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
3506 action after the expiration of the 30-day period; and

3507 [~~(c) be published;~~]

3508 [~~(i) in a newspaper that is published or has general circulation in the district; and]~~

3509 [~~(ii) as required in Section [45-1-101](#);~~]

3510 (c) be posted on the Utah Public Notice Website created in Section [63F-1-701](#).

3511 (3) For a period of 30 days after the date of the publication, any person in interest may
3512 contest the regularity, formality, or legality of the resolution or other action by filing an action
3513 in district court.

3514 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
3515 the regularity, formality, or legality of the resolution or action for any cause.

3516 Section 56. Section **17B-1-417** is amended to read:

3517 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
3518 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
3519 **Recording requirements -- Effective date.**

3520 (1) As used in this section, "affected area" means the area located within the
3521 boundaries of one local district that will be removed from that local district and included within
3522 the boundaries of another local district because of a boundary adjustment under this section.

3523 (2) The boards of trustees of two or more local districts having a common boundary
3524 and providing the same service on the same wholesale or retail basis may adjust their common
3525 boundary as provided in this section.

3526 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
3527 common with another local district shall:

3528 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

3529 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
3530 after the adoption of the resolution under Subsection (3)(a)(i); and
3531 [~~(iii)(A) publish notice:~~]
3532 [~~(I)(Aa) once a week for two successive weeks in a newspaper of general circulation~~
3533 ~~within the local district; or]~~
3534 [~~(Ib) if there is no newspaper of general circulation within the local district, post~~
3535 ~~notice]~~
3536 (iii) (A) post notice:
3537 (I) in at least four conspicuous places within the local district at least two weeks before
3538 the public hearing; and
3539 (II) on the Utah Public Notice Website created in Section [63F-1-701](#), for two weeks; or
3540 (B) mail a notice to each owner of property located within the affected area and to each
3541 registered voter residing within the affected area.
3542 (b) The notice required under Subsection (3)(a)(iii) shall:
3543 (i) state that the board of trustees of the local district has adopted a resolution
3544 indicating the board's intent to adjust a boundary that the local district has in common with
3545 another local district that provides the same service as the local district;
3546 (ii) describe the affected area;
3547 (iii) state the date, time, and location of the public hearing required under Subsection
3548 (3)(a)(ii);
3549 (iv) provide a local district telephone number where additional information about the
3550 proposed boundary adjustment may be obtained;
3551 (v) explain the financial and service impacts of the boundary adjustment on property
3552 owners or residents within the affected area; and
3553 (vi) state in conspicuous and plain terms that the board of trustees may approve the
3554 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
3555 written protests to the adjustment are filed with the board by:
3556 (A) the owners of private real property that:
3557 (I) is located within the affected area;
3558 (II) covers at least 50% of the total private land area within the affected area; and
3559 (III) is equal in assessed value to at least 50% of the assessed value of all private real

3560 property within the affected area; or

3561 (B) registered voters residing within the affected area equal in number to at least 50%
3562 of the votes cast in the affected area for the office of governor at the last regular general
3563 election before the filing of the protests.

3564 ~~[(c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be~~
3565 ~~within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).]~~

3566 ~~[(d)]~~ (c) The boards of trustees of the local districts whose boundaries are being
3567 adjusted may jointly:

3568 (i) ~~[publish, post,]~~ post or mail the notice required under Subsection (3)(a)(iii); and
3569 (ii) hold the public hearing required under Subsection (3)(a)(ii).

3570 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
3571 may adopt a resolution approving the adjustment of the common boundary unless, at or before
3572 the public hearing, written protests to the boundary adjustment have been filed with the board
3573 by:

3574 (a) the owners of private real property that:

3575 (i) is located within the affected area;

3576 (ii) covers at least 50% of the total private land area within the affected area; and

3577 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
3578 property within the affected area; or

3579 (b) registered voters residing within the affected area equal in number to at least 50%
3580 of the votes cast in the affected area for the office of governor at the last regular general
3581 election before the filing of the protests.

3582 (5) A resolution adopted under Subsection (4) does not take effect until the board of
3583 each local district whose boundaries are being adjusted has adopted a resolution under
3584 Subsection (4).

3585 (6) The board of the local district whose boundaries are being adjusted to include the
3586 affected area shall:

3587 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
3588 lieutenant governor:

3589 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
3590 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

3591 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

3592 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment

3593 under Section 67-1a-6.5:

3594 (i) if the affected area is located within the boundary of a single county, submit to the

3595 recorder of that county:

3596 (A) the original:

3597 (I) notice of an impending boundary action;

3598 (II) certificate of boundary adjustment; and

3599 (III) approved final local entity plat; and

3600 (B) a certified copy of each resolution adopted under Subsection (4); or

3601 (ii) if the affected area is located within the boundaries of more than a single county:

3602 (A) submit to the recorder of one of those counties:

3603 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

3604 (II) a certified copy of each resolution adopted under Subsection (4); and

3605 (B) submit to the recorder of each other county:

3606 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

3607 and

3608 (II) a certified copy of each resolution adopted under Subsection (4).

3609 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment

3610 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are

3611 being adjusted to include the affected area, and the affected area is withdrawn from the local

3612 district whose boundaries are being adjusted to exclude the affected area.

3613 (b) (i) The effective date of a boundary adjustment under this section for purposes of

3614 assessing property within the affected area is governed by Section 59-2-305.5.

3615 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the

3616 recorder of the county in which the property is located, a local district in whose boundary an

3617 affected area is included because of a boundary adjustment under this section may not:

3618 (A) levy or collect a property tax on property within the affected area;

3619 (B) levy or collect an assessment on property within the affected area; or

3620 (C) charge or collect a fee for service provided to property within the affected area.

3621 (iii) Subsection (7)(b)(ii)(C):

3622 (A) may not be construed to limit a local district's ability before a boundary adjustment
3623 to charge and collect a fee for service provided to property that is outside the local district's
3624 boundary; and

3625 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
3626 local district's boundary adjustment, with respect to a fee that the local district was charging for
3627 service provided to property within the area affected by the boundary adjustment immediately
3628 before the boundary adjustment.

3629 Section 57. Section **17B-1-505.5** is amended to read:

3630 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**
3631 **district providing fire protection, paramedic, and emergency services or law enforcement**
3632 **service.**

3633 (1) As used in this section:

3634 (a) "Feasibility consultant" means a person with expertise in:

3635 (i) the processes and economics of local government; and

3636 (ii) the economics of providing fire protection, paramedic, and emergency services or
3637 law enforcement service.

3638 (b) "Feasibility study" means a study to determine the functional and financial
3639 feasibility of a municipality's withdrawal from a first responder local district.

3640 (c) "First responder district" means a local district, other than a municipal services
3641 district, that provides:

3642 (i) fire protection, paramedic, and emergency services; or

3643 (ii) law enforcement service.

3644 (d) "Withdrawing municipality" means a municipality whose legislative body has
3645 adopted a resolution under Subsection **17B-1-505(3)(a)** to initiate the process of the
3646 municipality's withdrawal from a first responder district.

3647 (2) This section applies and a feasibility study shall be conducted, as provided in this
3648 section, if:

3649 (a) the legislative body of a municipality has adopted a resolution under Subsection
3650 **17B-1-505(3)(a)** to initiate the process of the municipality's withdrawal from a first responder
3651 district;

3652 (b) the municipality and first responder district have not agreed in writing to the

3653 withdrawal; and

3654 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election
3655 to be held approving the withdrawal.

3656 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first
3657 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

3658 (b) The withdrawing municipality and first responder district shall jointly choose and
3659 engage a feasibility consultant according to applicable municipal or local district procurement
3660 procedures.

3661 (c) (i) If the withdrawing municipality and first responder district cannot agree on and
3662 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the
3663 legislative body of the withdrawing municipality submits written notice to the first responder
3664 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder
3665 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of
3666 at least eight feasibility consultants provided by the Utah Association of Certified Public
3667 Accountants.

3668 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a
3669 feasibility consultant that has had a contract to provide services to the withdrawing
3670 municipality or first responder district at any time during the two-year period immediately
3671 preceding the date the list is provided under Subsection (3)(c)(i).

3672 (iii) (A) Beginning with the first responder district, the first responder district and
3673 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
3674 list of feasibility consultants until one feasibility consultant remains.

3675 (B) Within five days after receiving the list of consultants from the Utah Association of
3676 Certified Public Accountants, the first responder district shall make the first elimination of a
3677 feasibility consultant from the list and notify the withdrawing municipality in writing of the
3678 elimination.

3679 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
3680 municipality and first responder district shall each, within three days after receiving the written
3681 notification of the preceding elimination, notify the other in writing of the elimination of a
3682 feasibility consultant from the list.

3683 (d) If a withdrawing municipality and first responder district do not engage a feasibility

3684 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
3685 shall engage the feasibility consultant that has not been eliminated from the list at the
3686 completion of the process described in Subsection (3)(c).

3687 (4) A feasibility consultant that conducts a feasibility study under this section shall be
3688 independent of and unaffiliated with the withdrawing municipality and first responder district.

3689 (5) In conducting a feasibility study under this section, the feasibility consultant shall
3690 consider:

3691 (a) population and population density within the withdrawing municipality;

3692 (b) current and five-year projections of demographics and economic base in the
3693 withdrawing municipality, including household size and income, commercial and industrial
3694 development, and public facilities;

3695 (c) projected growth in the withdrawing municipality during the next five years;

3696 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
3697 including overhead, of providing the same service in the withdrawing municipality as is
3698 provided by the first responder district, including:

3699 (i) the estimated cost if the first responder district continues to provide service; and

3700 (ii) the estimated cost if the withdrawing municipality provides service;

3701 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,
3702 including overhead, of the first responder district providing service with:

3703 (i) the municipality included in the first responder district's service area; and

3704 (ii) the withdrawing municipality excluded from the first responder district's service
3705 area;

3706 (f) a projection of any new taxes per household that may be levied within the
3707 withdrawing municipality within five years after the withdrawal;

3708 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
3709 municipalities and unincorporated areas served by the first responder district, including any rate
3710 increase that may become necessary to maintain required coverage ratios for the first responder
3711 district's debt;

3712 (h) the physical and other assets that will be required by the withdrawing municipality
3713 to provide, without interruption or diminution of service, the same service that is being
3714 provided by the first responder district;

3715 (i) the physical and other assets that will no longer be required by the first responder
3716 district to continue to provide the current level of service to the remainder of the first responder
3717 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
3718 municipality;

3719 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
3720 district's assets between the first responder district and the withdrawing municipality, effective
3721 upon the withdrawal of the withdrawing municipality from the first responder district;

3722 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
3723 responder district and any local building authority of the first responder district, between the
3724 withdrawing municipality and the remaining first responder district, taking into consideration:

3725 (i) any requirement to maintain the excludability of interest from the income of the
3726 holder of the debt, liability, or obligation for federal income tax purposes; and

3727 (ii) any first responder district assets that have been purchased with the proceeds of
3728 bonds issued by the first responder district that the first responder district will retain and any of
3729 those assets that will be transferred to the withdrawing municipality;

3730 (l) the number and classification of first responder district employees who will no
3731 longer be required to serve the remaining portions of the first responder district after the
3732 withdrawing municipality withdraws from the first responder district, including the dollar
3733 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
3734 associated with termination of the employees if the withdrawing municipality does not employ
3735 the employees;

3736 (m) maintaining as a base, for a period of three years after withdrawal, the existing
3737 schedule of pay and benefits for first responder district employees who are transferred to the
3738 employment of the withdrawing municipality; and

3739 (n) any other factor that the feasibility consultant considers relevant to the question of
3740 the withdrawing municipality's withdrawal from the first responder district.

3741 (6) (a) For purposes of Subsections (5)(d) and (e):

3742 (i) the feasibility consultant shall assume a level and quality of service to be provided
3743 in the future to the withdrawing municipality that fairly and reasonably approximates the level
3744 and quality of service that the first responder district provides to the withdrawing municipality
3745 at the time of the feasibility study;

3746 (ii) in determining the present value cost of a service that the first responder district
3747 provides, the feasibility consultant shall consider:

3748 (A) the cost to the withdrawing municipality of providing the service for the first five
3749 years after the withdrawal; and

3750 (B) the first responder district's present and five-year projected cost of providing the
3751 same service within the withdrawing municipality; and

3752 (iii) the feasibility consultant shall consider inflation and anticipated growth in
3753 calculating the cost of providing service.

3754 (b) The feasibility consultant may not consider an allocation of first responder district
3755 assets or a transfer of first responder district employees to the extent that the allocation or
3756 transfer would impair the first responder district's ability to continue to provide the current
3757 level of service to the remainder of the first responder district without the withdrawing
3758 municipality, unless the first responder district consents to the allocation or transfer.

3759 (7) A feasibility consultant may retain an architect, engineer, or other professional, as
3760 the feasibility consultant considers prudent and as provided in the agreement with the
3761 withdrawing municipality and first responder district, to assist the feasibility consultant to
3762 conduct a feasibility study.

3763 (8) The withdrawing municipality and first responder district shall require the
3764 feasibility consultant to:

3765 (a) complete the feasibility study within a time established by the withdrawing
3766 municipality and first responder district;

3767 (b) prepare and submit a written report communicating the results of the feasibility
3768 study, including a one-page summary of the results; and

3769 (c) attend all public hearings relating to the feasibility study under Subsection (14).

3770 (9) A written report of the results of a feasibility study under this section shall:

3771 (a) contain a recommendation concerning whether a withdrawing municipality's
3772 withdrawal from a first responder district is functionally and financially feasible for both the
3773 first responder district and the withdrawing municipality; and

3774 (b) include any conditions the feasibility consultant determines need to be satisfied in
3775 order to make the withdrawal functionally and financially feasible, including:

3776 (i) first responder district assets and liabilities to be allocated to the withdrawing

3777 municipality; and

3778 (ii) (A) first responder district employees to become employees of the withdrawing
3779 municipality; and

3780 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
3781 responder district employees that the withdrawing municipality needs to assume.

3782 (10) The withdrawing municipality and first responder district shall equally share the
3783 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
3784 municipality and first responder district and the feasibility consultant.

3785 (11) (a) Upon completion of the feasibility study and preparation of a written report,
3786 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and
3787 first responder district.

3788 (b) (i) A withdrawing municipality or first responder district that disagrees with any
3789 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
3790 report under Subsection (11)(a), submit to the feasibility consultant a written objection
3791 detailing the disagreement.

3792 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
3793 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

3794 (B) A first responder district that submits a written objection under Subsection
3795 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

3796 (iii) A withdrawing municipality or first responder district may, within 10 business
3797 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
3798 consultant a written response to the objection.

3799 (iv) (A) A withdrawing municipality that submits a response under Subsection
3800 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

3801 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
3802 simultaneously deliver a copy of the response to the withdrawing municipality.

3803 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
3804 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for
3805 submitting a response to an objection:

3806 (A) modify the feasibility study report or explain in writing why the feasibility
3807 consultant is not modifying the feasibility study report; and

3808 (B) deliver the modified feasibility study report or written explanation to the
3809 withdrawing municipality and first responder local district.

3810 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
3811 for submitting an objection or, if an objection is submitted, within seven days after receiving a
3812 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
3813 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

3814 (a) make a copy of the report available to the public at the primary office of the
3815 withdrawing municipality; and

3816 (b) if the withdrawing municipality has a website, post a copy of the report on the
3817 municipality's website.

3818 (13) A feasibility study report or, if a feasibility study report is modified under
3819 Subsection (11), a modified feasibility study report may not be challenged unless the basis of
3820 the challenge is that the report results from collusion or fraud.

3821 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
3822 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
3823 the withdrawing municipality's receipt of the modified feasibility study report or written
3824 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
3825 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be
3826 held:

3827 (i) within the following 60 days; and

3828 (ii) for the purpose of allowing:

3829 (A) the feasibility consultant to present the results of the feasibility study; and

3830 (B) the public to become informed about the feasibility study results, to ask the
3831 feasibility consultant questions about the feasibility study, and to express the public's views
3832 about the proposed withdrawal.

3833 (b) At a public hearing under Subsection (14)(a), the legislative body of the
3834 withdrawing municipality shall:

3835 (i) provide a copy of the feasibility study for public review; and

3836 (ii) allow the public to:

3837 (A) ask the feasibility consultant questions about the feasibility study; and

3838 (B) express the public's views about the withdrawing municipality's proposed

3839 withdrawal from the first responder district.

3840 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a
3841 hearing under Subsection (14)~~[(i) at least once a week for three successive weeks in a~~
3842 ~~newspaper of general circulation within the withdrawing municipality, with the last publication~~
3843 ~~occurring no less than three days before the first public hearing held under Subsection (14); and~~
3844 ~~(ii)]~~ on the Utah Public Notice Website created in Section 63F-1-701, for three consecutive
3845 weeks immediately before the public hearing.

3846 (b) A notice under Subsection (15)(a) shall state:

3847 (i) the date, time, and location of the public hearing; and

3848 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the
3849 office of the withdrawing municipality or on the withdrawing municipality's website.

3850 (16) Unless the withdrawing municipality and first responder district agree otherwise,
3851 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
3852 be functionally and financially feasible for the withdrawing municipality and first responder
3853 district are binding on the withdrawing municipality and first responder district if the
3854 withdrawal occurs.

3855 Section 58. Section 17B-1-609 is amended to read:

3856 **17B-1-609. Hearing to consider adoption -- Notice.**

3857 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

3858 (a) establish the time and place of a public hearing to consider its adoption; and

3859 (b) except as provided in Subsection (6), order that notice of the hearing:

3860 ~~[(i) (A) be published at least seven days before the hearing in at least one issue of a~~
3861 ~~newspaper of general circulation in the county or counties in which the district is located; or~~

3862 ~~— (B) if no newspaper is circulated generally in the county or counties;]~~

3863 (i) be posted in three public places within the district; and

3864 (ii) be published at least seven days before the hearing on the Utah Public Notice
3865 Website created in Section 63F-1-701.

3866 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
3867 required in Subsection (1)(b):

3868 (a) may be combined with the notice required under Section 59-2-919; and

3869 (b) shall be published in accordance with the advertisement provisions of Section

3870 59-2-919.

3871 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
3872 notice required in Subsection (1)(b):

3873 (a) may be combined with the notice required under Section 17B-1-643; and

3874 (b) shall be published or mailed in accordance with the notice provisions of Section
3875 17B-1-643.

3876 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
3877 prima facie evidence that notice was properly given.

3878 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
3879 30 days after the day on which the hearing is held, the notice is adequate and proper.

3880 (6) A board of trustees of a local district with an annual operating budget of less than
3881 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

3882 (a) mailing a written notice, postage prepaid, to each voter in the local district; and

3883 (b) posting the notice in three public places within the district.

3884 Section 59. Section 17B-1-643 is amended to read:

3885 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

3886 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
3887 by a local district, each local district board of trustees shall first hold a public hearing at which:

3888 (i) the local district shall demonstrate its need to impose or increase the fee; and

3889 (ii) any interested person may speak for or against the proposal to impose a fee or to
3890 increase an existing fee.

3891 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
3892 no earlier than 6 p.m.

3893 (c) A public hearing required under this Subsection (1) may be combined with a public
3894 hearing on a tentative budget required under Section 17B-1-610.

3895 (d) Except to the extent that this section imposes more stringent notice requirements,
3896 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
3897 in holding the public hearing under Subsection (1)(a).

3898 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
3899 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

3900 [~~(b) The notice required under Subsection (2)(a) shall be published.~~]

3901 (b) The local district board shall:

3902 (i) post the notice required under Subsection (2)(a) on the Utah Public Notice Website
3903 established in Section 63F-1-701; and

3904 ~~[(ii) (A) in a newspaper or combination of newspapers of general circulation in the~~
3905 ~~local district, if there is a newspaper or combination of newspapers of general circulation in the~~
3906 ~~local district; or]~~

3907 ~~[(B) if there is no newspaper or combination of newspapers of general circulation in~~
3908 ~~the local district, the local district board shall]~~

3909 (ii) post at least one [notice] of the notices required under Subsection (2)(a) per 1,000
3910 population within the local district, at places within the local district that are most likely to
3911 provide actual notice to residents within the local district.

3912 ~~[(c) (i) The notice described in Subsection (2)(b)(ii)(A):]~~

3913 ~~[(A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18~~
3914 ~~point, and surrounded by a 1/4-inch border;]~~

3915 ~~[(B) may not be placed in that portion of the newspaper where legal notices and~~
3916 ~~classified advertisements appear;]~~

3917 ~~[(C) whenever possible, shall appear in a newspaper that is published at least one day~~
3918 ~~per week;]~~

3919 ~~[(D) shall be in a newspaper or combination of newspapers of general interest and~~
3920 ~~readership in the local district, and not of limited subject matter; and]~~

3921 ~~[(E) shall be run once each week for the two weeks preceding the hearing.]~~

3922 [(ii)] (c) The notice described in Subsection (2)(b) shall state that the local district
3923 board intends to impose or increase a fee for a service provided by the local district and will
3924 hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not
3925 less than seven days after the day the first notice is published, for the purpose of hearing
3926 comments regarding the proposed imposition or increase of a fee and to explain the reasons for
3927 the proposed imposition or increase.

3928 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
3929 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
3930 within the district who:

3931 (A) will be charged the fee for a district service, if the fee is being imposed for the first

3932 time; or

3933 (B) are being charged a fee, if the fee is proposed to be increased.

3934 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)[~~(f)~~].

3935 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
3936 fee.

3937 (e) If the hearing required under this section is combined with the public hearing
3938 required under Section 17B-1-610, the notice required under this Subsection (2):

3939 (i) may be combined with the notice required under Section 17B-1-609; and

3940 (ii) shall be [~~published;~~] posted[;] or mailed in accordance with the notice provisions of
3941 this section.

3942 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
3943 evidence that notice was properly given.

3944 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
3945 within 30 days after the date of the hearing, the notice is considered adequate and proper.

3946 (3) After holding a public hearing under Subsection (1), a local district board may:

3947 (a) impose the new fee or increase the existing fee as proposed;

3948 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
3949 then impose the new fee or increase the existing fee as adjusted; or

3950 (c) decline to impose the new fee or increase the existing fee.

3951 (4) This section applies to each new fee imposed and each increase of an existing fee
3952 that occurs on or after July 1, 1998.

3953 (5) (a) This section does not apply to an impact fee.

3954 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
3955 Impact Fees Act.

3956 Section 60. Section 17B-1-1204 is amended to read:

3957 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
3958 **supplemented validation petition.**

3959 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
3960 validation petition, the local district that filed the petition shall post notice:

3961 [~~(a) publish notice;~~]

3962 [~~(i) at least once a week for three consecutive weeks in a newspaper of general~~]

3963 circulation in the county in which the principal office of the district is located; and]

3964 ~~[(ii)]~~ (a) on the Utah Public Notice Website created in Section 63F-1-701, for three
3965 weeks immediately before the hearing; and

3966 (b) ~~[post notice in its]~~ in the local district's principal office at least 21 days before the
3967 date set for the hearing.

3968 (2) Each notice under Subsection (1) shall:

3969 (a) state the date, time, and place of the hearing on the validation petition;

3970 (b) include a general description of the contents of the validation petition; and

3971 (c) if applicable, state the location where a complete copy of a contract that is the
3972 subject of the validation petition may be examined.

3973 (3) If a district amends or supplements a validation petition under Subsection
3974 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district
3975 is not required to publish or post notice again unless required by the court.

3976 Section 61. Section 17B-1-1307 is amended to read:

3977 **17B-1-1307. Notice of public hearing and of dissolution.**

3978 (1) Before holding a public hearing required under Section 17B-1-1306, the
3979 administrative body shall:

3980 (a) post notice of the public hearing and of the proposed dissolution:

3981 ~~[(a)(i) publish notice of the public hearing and of the proposed dissolution:]~~

3982 ~~[(A) in a newspaper of general circulation within the local district proposed to be
3983 dissolved; and]~~

3984 ~~[(B)]~~ (i) on the Utah Public Notice Website created in Section 63F-1-701, for 30 days
3985 before the public hearing; and

3986 (ii) ~~[post notice of the public hearing and of the proposed dissolution]~~ in at least four
3987 conspicuous places within the local district proposed to be dissolved, no less than five and no
3988 more than 30 days before the public hearing; or

3989 (b) mail a notice to each owner of property located within the local district and to each
3990 registered voter residing within the local district.

3991 (2) Each notice required under Subsection (1) shall:

3992 (a) identify the local district proposed to be dissolved and the service it was created to
3993 provide; and

3994 (b) state the date, time, and location of the public hearing.

3995 Section 62. Section **17B-2a-705** is amended to read:

3996 **17B-2a-705. Taxation -- Additional levy -- Election.**

3997 (1) If a mosquito abatement district board of trustees determines that the funds required
3998 during the next ensuing fiscal year will exceed the maximum amount that the district is
3999 authorized to levy under Subsection **17B-1-103(2)(g)**, the board of trustees may call an election
4000 on a date specified in Section **20A-1-204** and submit to district voters the question of whether
4001 the district should be authorized to impose an additional tax to raise the necessary additional
4002 funds.

4003 (2) The board shall publish notice of the election:

4004 [~~(a) (i) in a newspaper of general circulation within the district at least once, no later~~
4005 ~~than four weeks before the day of the election;~~]

4006 [~~(ii) if there is no newspaper of general circulation in the district, at least four weeks~~
4007 ~~before the day of the election;~~]

4008 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
4009 the district, in places within the district that are most likely to give notice to the voters in the
4010 district; or

4011 [~~(iii) (ii)~~ (ii) at least four weeks before the day of the election, by mailing notice to each
4012 registered voter in the district;

4013 (b) by posting notice on the Utah Public Notice Website created in Section **63F-1-701**,
4014 for four weeks before the day of the election; and

4015 [~~(c) in accordance with Section **45-1-101**, for four weeks before the day of the election;~~
4016 ~~and]~~

4017 [~~(d) (c)~~ (c) if the district has a website, by posting notice on the district's website for four
4018 weeks before the day of the election.

4019 (3) No particular form of ballot is required, and no informalities in conducting the
4020 election may invalidate the election, if it is otherwise fairly conducted.

4021 (4) At the election each ballot shall contain the words, "Shall the district be authorized
4022 to impose an additional tax to raise the additional sum of \$ ____?"

4023 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
4024 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an

4025 additional levy to raise the additional amount of money required.

4026 Section 63. Section **17B-2a-1007** is amended to read:

4027 **17B-2a-1007. Contract assessments.**

4028 (1) As used in this section:

4029 (a) "Assessed land" means:

4030 (i) for a contract assessment under a water contract with a private water user, the land
4031 owned by the private water user that receives the beneficial use of water under the water
4032 contract; or

4033 (ii) for a contract assessment under a water contract with a public water user, the land
4034 within the boundaries of the public water user that is within the boundaries of the water
4035 conservancy district and that receives the beneficial use of water under the water contract.

4036 (b) "Contract assessment" means an assessment levied as provided in this section by a
4037 water conservancy district on assessed land.

4038 (c) "Governing body" means:

4039 (i) for a county, city, or town, the legislative body of the county, city, or town;

4040 (ii) for a local district, the board of trustees of the local district;

4041 (iii) for a special service district:

4042 (A) the legislative body of the county, city, or town that established the special service
4043 district, if no administrative control board has been appointed under Section [17D-1-301](#); or

4044 (B) the administrative control board of the special service district, if an administrative
4045 control board has been appointed under Section [17D-1-301](#); and

4046 (iv) for any other political subdivision of the state, the person or body with authority to
4047 govern the affairs of the political subdivision.

4048 (d) "Petitioner" means a private petitioner or a public petitioner.

4049 (e) "Private petitioner" means an owner of land within a water conservancy district
4050 who submits a petition to a water conservancy district under Subsection (3) to enter into a
4051 water contract with the district.

4052 (f) "Private water user" means an owner of land within a water conservancy district
4053 who enters into a water contract with the district.

4054 (g) "Public petitioner" means a political subdivision of the state:

4055 (i) whose territory is partly or entirely within the boundaries of a water conservancy

4056 district; and

4057 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
4058 into a water contract with the district.

4059 (h) "Public water user" means a political subdivision of the state:

4060 (i) whose territory is partly or entirely within the boundaries of a water conservancy
4061 district; and

4062 (ii) that enters into a water contract with the district.

4063 (i) "Water contract" means a contract between a water conservancy district and a
4064 private water user or a public water user under which the water user purchases, leases, or
4065 otherwise acquires the beneficial use of water from the water conservancy district for the
4066 benefit of:

4067 (i) land owned by the private water user; or

4068 (ii) land within the public water user's boundaries that is also within the boundaries of
4069 the water conservancy district.

4070 (j) "Water user" means a private water user or a public water user.

4071 (2) A water conservancy district may levy a contract assessment as provided in this
4072 section.

4073 (3) (a) The governing body of a public petitioner may authorize its chief executive
4074 officer to submit a written petition on behalf of the public petitioner to a water conservancy
4075 district requesting to enter into a water contract.

4076 (b) A private petitioner may submit a written petition to a water conservancy district
4077 requesting to enter into a water contract.

4078 (c) Each petition under this Subsection (3) shall include:

4079 (i) the petitioner's name;

4080 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

4081 (iii) a description of the land upon which the water will be used;

4082 (iv) the price to be paid for the water;

4083 (v) the amount of any service, turnout, connection, distribution system, or other charge
4084 to be paid;

4085 (vi) whether payment will be made in cash or annual installments;

4086 (vii) a provision requiring the contract assessment to become a lien on the land for

4087 which the water is petitioned and is to be allotted; and

4088 (viii) an agreement that the petitioner is bound by the provisions of this part and the
4089 rules and regulations of the water conservancy district board of trustees.

4090 (4) (a) If the board of a water conservancy district desires to consider a petition
4091 submitted by a petitioner under Subsection (3), the board shall:

4092 (i) [~~publish~~] post notice of the petition and of the hearing required under Subsection
4093 (4)(a)(ii) [~~at least once a week in two successive weeks in a newspaper of general circulation~~
4094 ~~within the county in which the political subdivision or private petitioner's land, as the case may~~
4095 ~~be, is located~~] on the Utah Public Notice Website, created in Section 63F-1-701, for at least
4096 two successive weeks immediately before the date of the hearing; and

4097 (ii) hold a public hearing on the petition.

4098 (b) Each notice under Subsection (4)(a)(i) shall:

4099 (i) state that a petition has been filed and that the district is considering levying a
4100 contract assessment; and

4101 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

4102 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
4103 water conservancy district shall:

4104 (A) allow any interested person to appear and explain why the petition should not be
4105 granted; and

4106 (B) consider each written objection to the granting of the petition that the board
4107 receives before or at the hearing.

4108 (ii) The board of trustees may adjourn and reconvene the hearing as the board
4109 considers appropriate.

4110 (d) (i) Any interested person may file with the board of the water conservancy district,
4111 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
4112 a petition.

4113 (ii) Each person who fails to submit a written objection within the time provided under
4114 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
4115 levying a contract assessment.

4116 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of
4117 trustees of a water conservancy district may:

- 4118 (a) deny the petition; or
4119 (b) grant the petition, if the board considers granting the petition to be in the best
4120 interests of the district.
- 4121 (6) The board of a water conservancy district that grants a petition under this section
4122 may:
- 4123 (a) make an allotment of water for the benefit of assessed land;
4124 (b) authorize any necessary construction to provide for the use of water upon the terms
4125 and conditions stated in the water contract;
4126 (c) divide the district into units and fix a different rate for water purchased or otherwise
4127 acquired and for other charges within each unit, if the rates and charges are equitable, although
4128 not equal and uniform, for similar classes of services throughout the district; and
4129 (d) levy a contract assessment on assessed land.
- 4130 (7) (a) The board of trustees of each water conservancy district that levies a contract
4131 assessment under this section shall:
- 4132 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
4133 to be recorded in the office of the recorder of each county in which assessed land is located;
4134 and
- 4135 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
4136 auditor of each county in which assessed land is located the amount of the contract assessment.
- 4137 (b) Upon the recording of the resolution, ordinance, or order, in accordance with
4138 Subsection (7)(a)(i):
- 4139 (i) the contract assessment associated with allotting water to the assessed land under
4140 the water contract becomes a political subdivision lien, as that term is defined in Section
4141 [11-60-102](#), on the assessed land, in accordance with Title 11, Chapter 60, Political Subdivision
4142 Lien Authority, as of the effective date of the resolution, ordinance, or order; and
- 4143 (ii) (A) the board of trustees of the water conservancy district shall certify the amount
4144 of the assessment to the county treasurer; and
- 4145 (B) the county treasurer shall include the certified amount on the property tax notice
4146 required by Section [59-2-1317](#) for that year.
- 4147 (c) (i) Each county in which assessed land is located shall collect the contract
4148 assessment in the same manner as taxes levied by the county.

4149 (ii) If the amount of a contract assessment levied under this section is not paid in full in
4150 a given year:

4151 (A) by September 15, the governing body of the water conservancy district that levies
4152 the contract assessment shall certify any unpaid amount to the treasurer of the county in which
4153 the property is located; and

4154 (B) the county treasurer shall include the certified amount on the property tax notice
4155 required by Section [59-2-1317](#) for that year.

4156 (8) (a) The board of trustees of each water conservancy district that levies a contract
4157 assessment under this section shall:

4158 (i) hold a public hearing, before August 8 of each year in which a contract assessment
4159 is levied, to hear and consider objections filed under Subsection (8)(b); and

4160 ~~[(ii) twice publish a notice, at least a week apart:]~~

4161 ~~[(A) in a newspaper of general circulation in each county with assessed land included~~
4162 ~~within the district boundaries or, if there is no newspaper of general circulation within the~~
4163 ~~county, in a newspaper of general circulation in an adjoining county; and]~~

4164 (ii) post a notice:

4165 (A) on the Utah Public Notice Website, created in Section [63F-1-701](#), for at least the
4166 two consecutive weeks before the public hearing; and

4167 (B) that contains a general description of the assessed land, the amount of the contract
4168 assessment, and the time and place of the public hearing under Subsection (8)(a)(i).

4169 (b) An owner of assessed land within the water conservancy district who believes that
4170 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
4171 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to
4172 the assessment, stating the grounds for the objection.

4173 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and
4174 consider the evidence and arguments supporting each objection.

4175 (ii) After hearing and considering the evidence and arguments supporting an objection,
4176 the board of trustees:

4177 (A) shall enter a written order, stating its decision; and

4178 (B) may modify the assessment.

4179 (d) (i) An owner of assessed land may file a petition in district court seeking review of

4180 a board of trustees' order under Subsection (8)(c)(ii)(A).

4181 (ii) Each petition under Subsection (8)(d)(i) shall:

4182 (A) be filed within 30 days after the board enters its written order;

4183 (B) state specifically the part of the board's order for which review is sought; and

4184 (C) be accompanied by a bond with good and sufficient security in an amount not
4185 exceeding \$200, as determined by the court clerk.

4186 (iii) If more than one owner of assessed land seeks review, the court may, upon a
4187 showing that the reviews may be consolidated without injury to anyone's interests, consolidate
4188 the reviews and hear them together.

4189 (iv) The court shall act as quickly as possible after a petition is filed.

4190 (v) A court may not disturb a board of trustees' order unless the court finds that the
4191 contract assessment on the petitioner's assessed land is manifestly disproportionate to
4192 assessments imposed upon other land in the district.

4193 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is
4194 conclusively considered to have been made in proportion to the benefits conferred on the land
4195 in the district.

4196 (9) Each resolution, ordinance, or order under which a water conservancy district
4197 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect
4198 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district
4199 may continue to levy the assessment according to the terms of the resolution, ordinance, or
4200 order.

4201 (10) A contract assessment is not a levy of an ad valorem property tax and is not
4202 subject to the limits stated in Section [17B-2a-1006](#).

4203 Section 64. Section **17B-2a-1110** is amended to read:

4204 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**
4205 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**
4206 **transferred to municipal services district.**

4207 (1) (a) A municipality may withdraw from a municipal services district in accordance
4208 with Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

4209 (b) If a municipality engages a feasibility consultant to conduct a feasibility study
4210 under Subsection (2)(a), the 180 days described in Subsection [17B-1-502](#)(3)(a)(iii)(B) is tolled

4211 from the day that the municipality engages the feasibility consultant to the day on which the
4212 municipality holds the final public hearing under Subsection (5).

4213 (2) (a) If a municipality decides to withdraw from a municipal services district, the
4214 municipal legislative body shall, before adopting a resolution under Section 17B-1-502 or
4215 17B-1-505, as applicable, engage a feasibility consultant to conduct a feasibility study.

4216 (b) The feasibility consultant shall be chosen:

4217 (i) by the municipal legislative body; and

4218 (ii) in accordance with applicable municipal procurement procedures.

4219 (3) The municipal legislative body shall require the feasibility consultant to:

4220 (a) complete the feasibility study and submit the written results to the municipal
4221 legislative body before the council adopts a resolution under Section 17B-1-502;

4222 (b) submit with the full written results of the feasibility study a summary of the results
4223 no longer than one page in length; and

4224 (c) attend the public hearings under Subsection (5).

4225 (4) (a) The feasibility study shall consider:

4226 (i) population and population density within the withdrawing municipality;

4227 (ii) current and five-year projections of demographics and economic base in the
4228 withdrawing municipality, including household size and income, commercial and industrial
4229 development, and public facilities;

4230 (iii) projected growth in the withdrawing municipality during the next five years;

4231 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
4232 including overhead, of municipal services in the withdrawing municipality;

4233 (v) assuming the same tax categories and tax rates as currently imposed by the
4234 municipal services district and all other current service providers, the present and five-year
4235 projected revenue for the withdrawing municipality;

4236 (vi) a projection of any new taxes per household that may be levied within the
4237 withdrawing municipality within five years of the withdrawal; and

4238 (vii) the fiscal impact on other municipalities serviced by the municipal services
4239 district.

4240 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
4241 level and quality of municipal services to be provided to the withdrawing municipality in the

4242 future that fairly and reasonably approximates the level and quality of municipal services being
4243 provided to the withdrawing municipality at the time of the feasibility study.

4244 (ii) In determining the present cost of a municipal service, the feasibility consultant
4245 shall consider:

4246 (A) the amount it would cost the withdrawing municipality to provide municipal
4247 services for the first five years after withdrawing; and

4248 (B) the municipal services district's present and five-year projected cost of providing
4249 municipal services.

4250 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
4251 and anticipated growth.

4252 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
4253 municipal legislative body shall, at its next regular meeting after receipt of the results of the
4254 feasibility study, schedule at least one public hearing to be held:

4255 (a) within the following 60 days; and

4256 (b) for the purpose of allowing:

4257 (i) the feasibility consultant to present the results of the study; and

4258 (ii) the public to become informed about the feasibility study results, including the
4259 requirement that if the municipality withdraws from the municipal services district, the
4260 municipality must comply with Subsection (9), and to ask questions about those results of the
4261 feasibility consultant.

4262 (6) At a public hearing described in Subsection (5), the municipal legislative body
4263 shall:

4264 (a) provide a copy of the feasibility study for public review; and

4265 (b) allow the public to express its views about the proposed withdrawal from the
4266 municipal services district.

4267 (7) (a) ~~[(†)]~~ The municipal clerk or recorder shall publish notice of the public hearings
4268 required under Subsection (5):

4269 ~~[(A) at least once a week for three successive weeks in a newspaper of general
4270 circulation within the municipality, and]~~

4271 ~~[(B)]~~ (i) by posting the notice on the Utah Public Notice Website created in Section
4272 63F-1-701, for three weeks[-]; and

4273 ~~[(ii) The municipal clerk or recorder shall publish the last publication of notice~~
 4274 ~~required under Subsection (7)(a)(i)(A) at least three days before the first public hearing~~
 4275 ~~required under Subsection (5).]~~

4276 ~~[(b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation~~
 4277 ~~within the proposed municipality, the municipal clerk or recorder shall post]~~

4278 (ii) by posting at least one notice of the hearings per 1,000 population in conspicuous
 4279 places within the municipality that are most likely to give notice of the hearings to the
 4280 residents.

4281 ~~[(ii)]~~ (b) The municipal clerk or recorder shall post the notices under Subsection
 4282 ~~[(7)(b)(i)]~~ (7)(a)(ii) at least seven days before the first hearing under Subsection (5).

4283 (c) The notice under ~~[Subsections (7)(a) and (b)]~~ Subsection (7)(a) shall include the
 4284 feasibility study summary and shall indicate that a full copy of the study is available for
 4285 inspection and copying at the office of the municipal clerk or recorder.

4286 (8) At a public meeting held after the public hearing required under Subsection (5), the
 4287 municipal legislative body may adopt a resolution under Section [17B-1-502](#) or [17B-1-505](#), as
 4288 applicable, if the municipality is in compliance with the other requirements of that section.

4289 (9) The municipality shall pay revenues in excess of 5% to the municipal services
 4290 district for 10 years beginning on the next fiscal year immediately following the municipal
 4291 legislative body adoption of a resolution or an ordinance to withdraw under Section [17B-1-502](#)
 4292 or [17B-1-505](#) if the results of the feasibility study show that the average annual amount of
 4293 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection
 4294 (4)(a)(iv) by more than 5%.

4295 Section 65. Section [17C-1-601.5](#) is amended to read:

4296 **[17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --](#)**
 4297 **[Auditor forms -- Requirement to file form.](#)**

4298 (1) Each agency shall prepare an annual budget of the agency's revenues and
 4299 expenditures for each fiscal year.

4300 (2) The board shall adopt each agency budget:

4301 (a) for an agency created by a municipality, before June 30; or

4302 (b) for an agency created by a county, before December 15.

4303 (3) The agency's fiscal year shall be the same as the fiscal year of the community that

4304 created the agency.

4305 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the
4306 annual budget.

4307 (b) Each agency shall provide notice of the public hearing on the annual budget by:

4308 [~~(i) (A) publishing at least one notice in a newspaper of general circulation within the~~
4309 ~~agency boundaries, one week before the public hearing; or]~~

4310 [~~(B) if there is no newspaper of general circulation within the agency boundaries,]~~

4311 (i) posting a notice of the public hearing in at least three public places within the
4312 agency boundaries; and

4313 (ii) publishing notice on the Utah Public Notice Website created in Section 63F-1-701,
4314 at least one week before the public hearing.

4315 (c) Each agency shall make the annual budget available for public inspection at least
4316 three days before the date of the public hearing.

4317 (5) The state auditor shall prescribe the budget forms and the categories to be contained
4318 in each annual budget, including:

4319 (a) revenues and expenditures for the budget year;

4320 (b) legal fees; and

4321 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4322 agency personnel.

4323 (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of
4324 the annual budget with the auditor of the county in which the agency is located, the State Tax
4325 Commission, the state auditor, the State Board of Education, and each taxing entity from which
4326 the agency receives project area funds.

4327 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4328 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
4329 state auditor.

4330 Section 66. Section 17C-1-701.5 is amended to read:

4331 **17C-1-701.5. Agency dissolution -- Restrictions -- Notice -- Recording**
4332 **requirements -- Agency records -- Dissolution expenses.**

4333 (1) (a) Subject to Subsection (1)(b), the community legislative body may, by ordinance,
4334 dissolve an agency.

4335 (b) A community legislative body may adopt an ordinance described in Subsection
4336 (1)(a) only if the agency has no outstanding bonded indebtedness, other unpaid loans,
4337 indebtedness, or advances, and no legally binding contractual obligations with a person other
4338 than the community.

4339 (2) (a) The community legislative body shall:

4340 (i) within 10 days after adopting an ordinance described in Subsection (1), file with the
4341 lieutenant governor a copy of a notice of an impending boundary action, as defined in Section
4342 [67-1a-6.5](#), that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

4343 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
4344 [67-1a-6.5](#), submit to the recorder of the county in which the agency is located:

4345 (A) the original notice of an impending boundary action;

4346 (B) the original certificate of dissolution; and

4347 (C) a certified copy of the ordinance that dissolves the agency.

4348 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
4349 Section [67-1a-6.5](#), the agency is dissolved.

4350 (c) Within 10 days after receiving the certificate of dissolution from the lieutenant
4351 governor under Section [67-1a-6.5](#), the community legislative body shall send a copy of the
4352 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
4353 Education, and each taxing entity.

4354 (d) The community legislative body shall ~~[publish]~~ post a notice of dissolution ~~[in a~~
4355 ~~newspaper of general circulation in the county in which the dissolved agency is located]~~ on the
4356 Utah Public Notice Website created in Section [63F-1-701](#).

4357 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
4358 deposited for safekeeping and reference with the recorder of the community that dissolved the
4359 agency.

4360 (4) The agency shall pay all expenses of the dissolution.

4361 Section 67. Section **17C-1-806** is amended to read:

4362 **17C-1-806. Requirements for notice provided by agency.**

4363 (1) The notice required by Section [17C-1-805](#) shall be given by:

4364 ~~[(a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a~~
4365 ~~newspaper of general circulation within the county in which the project area or proposed~~

4366 project area is located, at least 14 days before the hearing;]
4367 [~~(ii) if there is no newspaper of general circulation;~~]
4368 (a) (i) posting notice at least 14 days before the day of the hearing in at least three
4369 conspicuous places within the county in which the project area or proposed project area is
4370 located; or
4371 [~~(iii)~~] (ii) posting notice, excluding the map described in Subsection (3)(b), at least 14
4372 days before the day on which the hearing is held on:
4373 (A) the Utah Public Notice Website described in Section 63F-1-701; and
4374 (B) the public website of a community located within the boundaries of the project
4375 area; and
4376 (b) at least 30 days before the hearing, mailing notice to:
4377 (i) each record owner of property located within the project area or proposed project
4378 area;
4379 (ii) the State Tax Commission;
4380 (iii) the assessor and auditor of the county in which the project area or proposed project
4381 area is located; and
4382 (iv) (A) if a project area is subject to a taxing entity committee, each member of the
4383 taxing entity committee and the State Board of Education; or
4384 (B) if a project area is not subject to a taxing entity committee, the legislative body or
4385 governing board of each taxing entity within the boundaries of the project area or proposed
4386 project area.
4387 (2) The mailing of the notice to record property owners required under Subsection
4388 (1)(b)(i) shall be conclusively considered to have been properly completed if:
4389 (a) the agency mails the notice to the property owners as shown in the records,
4390 including an electronic database, of the county recorder's office and at the addresses shown in
4391 those records; and
4392 (b) the county recorder's office records used by the agency in identifying owners to
4393 whom the notice is mailed and their addresses were obtained or accessed from the county
4394 recorder's office no earlier than 30 days before the mailing.
4395 (3) The agency shall include in each notice required under Section 17C-1-805:
4396 (a) (i) a boundary description of the project area or proposed project area; or

4397 (ii) (A) a mailing address or telephone number where a person may request that a copy
4398 of the boundary description be sent at no cost to the person by mail, email, or facsimile
4399 transmission; and

4400 (B) if the agency or community has an Internet website, an Internet address where a
4401 person may gain access to an electronic, printable copy of the boundary description and other
4402 related information;

4403 (b) a map of the boundaries of the project area or proposed project area;

4404 (c) an explanation of the purpose of the hearing; and

4405 (d) a statement of the date, time, and location of the hearing.

4406 (4) The agency shall include in each notice under Subsection (1)(b):

4407 (a) a statement that property tax revenue resulting from an increase in valuation of
4408 property within the project area or proposed project area will be paid to the agency for project
4409 area development rather than to the taxing entity to which the tax revenue would otherwise
4410 have been paid if:

4411 (i) (A) the taxing entity committee consents to the project area budget; or

4412 (B) one or more taxing entities agree to share property tax revenue under an interlocal
4413 agreement; and

4414 (ii) the project area plan provides for the agency to receive tax increment; and

4415 (b) an invitation to the recipient of the notice to submit to the agency comments
4416 concerning the subject matter of the hearing before the date of the hearing.

4417 (5) An agency may include in a notice under Subsection (1) any other information the
4418 agency considers necessary or advisable, including the public purpose achieved by the project
4419 area development and any future tax benefits expected to result from the project area
4420 development.

4421 Section 68. Section **17C-2-108** is amended to read:

4422 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
4423 **of plan -- Contesting the formation of the plan.**

4424 (1) (a) Upon the community legislative body's adoption of an urban renewal project
4425 area plan, or an amendment to a project area plan under Section **17C-2-110**, the community
4426 legislative body shall provide notice as provided in Subsection (1)(b) by:

4427 [~~(i) (A) publishing or causing to be published a notice in a newspaper of general~~

4428 ~~circulation within the agency's boundaries; or]~~
4429 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~
4430 ~~(i) causing a notice to be posted in at least three public places within the agency's~~
4431 ~~boundaries; and~~
4432 ~~(ii) posting a notice on the Utah Public Notice Website described in Section~~
4433 ~~63F-1-701.~~
4434 (b) Each notice under Subsection (1)(a) shall:
4435 (i) set forth the community legislative body's ordinance adopting the project area plan
4436 or a summary of the ordinance; and
4437 (ii) include a statement that the project area plan is available for general public
4438 inspection and the hours for inspection.
4439 (2) The project area plan shall become effective on the date of:
4440 (a) if notice was published under Subsection (1)(a), publication of the notice; or
4441 (b) if notice was posted under Subsection (1)(a), posting of the notice.
4442 (3) (a) For a period of 30 days after the effective date of the project area plan under
4443 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
4444 project area plan if the plan or procedure fails to comply with applicable statutory
4445 requirements.
4446 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
4447 the project area plan or procedure used to adopt the project area plan for any cause.
4448 (4) Upon adoption of the project area plan by the community legislative body, the
4449 agency may carry out the project area plan.
4450 (5) Each agency shall make the project area plan available to the general public at the
4451 agency's office during normal business hours.
4452 Section 69. Section **17C-3-107** is amended to read:
4453 **17C-3-107. Notice of economic development project area plan adoption --**
4454 **Effective date of plan -- Contesting the formation of the plan.**
4455 (1) (a) Upon the community legislative body's adoption of an economic development
4456 project area plan, or an amendment to the project area plan under Section **17C-3-109** that
4457 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:
4458 ~~[(i) publishing or causing to be published a notice:]~~

4459 ~~[(A) in a newspaper of general circulation within the agency's boundaries; or]~~
4460 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~
4461 (i) causing a notice to be posted in at least three public places within the agency's
4462 boundaries; and
4463 (ii) posting a notice on the Utah Public Notice Website described in Section
4464 **63F-1-701**.
4465 (b) Each notice under Subsection (1)(a) shall:
4466 (i) set forth the community legislative body's ordinance adopting the project area plan
4467 or a summary of the ordinance; and
4468 (ii) include a statement that the project area plan is available for public inspection and
4469 the hours for inspection.
4470 (2) The project area plan shall become effective on the date of:
4471 (a) if notice was published under Subsection (1)(a), publication of the notice; or
4472 (b) if notice was posted under Subsection (1)(a), posting of the notice.
4473 (3) (a) For a period of 30 days after the effective date of the project area plan under
4474 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
4475 project area plan if the plan or procedure fails to comply with applicable statutory
4476 requirements.
4477 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
4478 the project area plan or procedure used to adopt the project area plan for any cause.
4479 (4) Upon adoption of the economic development project area plan by the community
4480 legislative body, the agency may implement the project area plan.
4481 (5) Each agency shall make the economic development project area plan available to
4482 the general public at the agency's office during normal business hours.
4483 Section 70. Section **17C-4-106** is amended to read:
4484 **17C-4-106. Notice of community development project area plan adoption --**
4485 **Effective date of plan -- Contesting the formation of the plan.**
4486 (1) (a) Upon the community legislative body's adoption of a community development
4487 project area plan, the community legislative body shall provide notice as provided in
4488 Subsection (1)(b) by:
4489 ~~[(i) (A) publishing or causing to be published a notice in a newspaper of general~~

4490 ~~circulation within the agency's boundaries; or]~~

4491 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4492 ~~(i) causing a notice to be posted in at least three public places within the agency's~~
4493 ~~boundaries; and~~

4494 ~~(ii) [publishing] posting a notice or causing a notice to be [published in accordance~~
4495 ~~with Section 45-1-101] posted on the Utah Public Notice Website created in Section~~
4496 ~~63F-1-701.~~

4497 (b) Each notice under Subsection (1)(a) shall:

4498 (i) set forth the community legislative body's ordinance adopting the community
4499 development project area plan or a summary of the ordinance; and

4500 (ii) include a statement that the project area plan is available for general public
4501 inspection and the hours for inspection.

4502 (2) The community development project area plan shall become effective on the date
4503 of[:] the posting of the notice under Subsection (1)(a).

4504 ~~[(a) if notice was published under Subsection (1)(a), publication of the notice; or]~~

4505 ~~[(b) if notice was posted under Subsection (1)(a), posting of the notice.]~~

4506 (3) (a) For a period of 30 days after the effective date of the community development
4507 project area plan under Subsection (2), any person may contest the project area plan or the
4508 procedure used to adopt the project area plan if the plan or procedure fails to comply with
4509 applicable statutory requirements.

4510 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
4511 the community development project area plan or procedure used to adopt the project area plan
4512 for any cause.

4513 (4) Upon adoption of the community development project area plan by the community
4514 legislative body, the agency may carry out the project area plan.

4515 (5) Each agency shall make the adopted project area plan available to the public at the
4516 agency's office during normal business hours.

4517 Section 71. Section **17C-4-202** is amended to read:

4518 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**
4519 **the community development project area plan -- Notice -- Effective date of resolution or**
4520 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**

4521 **of resolution or interlocal agreement.**

4522 (1) The approval and adoption of each resolution or interlocal agreement under
4523 Subsection 17C-4-201(2) shall be in an open and public meeting.

4524 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
4525 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

4526 ~~[(i) (A) publishing or causing to be published a notice in a newspaper of general
4527 circulation within the agency's boundaries; or]~~

4528 ~~[(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4529 (i) causing a notice to be posted in at least three public places within the agency's
4530 boundaries; and

4531 (ii) ~~[publishing]~~ posting or causing to be ~~[published]~~ posted a notice on the Utah Public
4532 Notice Website created in Section 63F-1-701.

4533 (b) Each notice under Subsection (2)(a) shall:

4534 (i) set forth a summary of the resolution or interlocal agreement; and

4535 (ii) include a statement that the resolution or interlocal agreement is available for
4536 public inspection and the hours of inspection.

4537 (3) The resolution or interlocal agreement shall become effective on the date of~~[:]~~ the
4538 posting of the notice under Subsection (2)(a).

4539 ~~[(a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of
4540 the notice; or]~~

4541 ~~[(b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.]~~

4542 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
4543 agreement under Subsection (3), any person may contest the resolution or interlocal agreement
4544 or the procedure used to adopt the resolution or interlocal agreement if the resolution or
4545 interlocal agreement or procedure fails to comply with applicable statutory requirements.

4546 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

4547 (i) the resolution or interlocal agreement;

4548 (ii) a distribution of tax increment to the agency under the resolution or interlocal
4549 agreement; or

4550 (iii) the agency's use of project area funds under the resolution or interlocal agreement.

4551 (5) Each agency that is to receive project area funds under a resolution or interlocal

4552 agreement under Section 17C-4-201 and each taxing entity that approves a resolution or enters
4553 into an interlocal agreement under Section 17C-4-201 shall make the resolution or interlocal
4554 agreement, as the case may be, available at the taxing entity's offices to the public for
4555 inspection and copying during normal business hours.

4556 Section 72. Section 17C-5-110 is amended to read:

4557 **17C-5-110. Notice of community reinvestment project area plan adoption --**
4558 **Effective date of plan -- Contesting the formation of the plan.**

4559 (1) (a) Upon a community legislative body's adoption of a community reinvestment
4560 project area plan in accordance with Section 17C-5-109, or an amendment to a community
4561 reinvestment project area plan in accordance with Section 17C-5-112, the community
4562 legislative body shall provide notice of the adoption or amendment in accordance with
4563 Subsection (1)(b) by:

4564 ~~[(i) (A) causing a notice to be published in a newspaper of general circulation within~~
4565 ~~the community; or]~~

4566 ~~[(B) if there is no newspaper of general circulation within the community;]~~

4567 (i) causing a notice to be posted in at least three public places within the community;

4568 and

4569 (ii) posting a notice on the Utah Public Notice Website described in Section
4570 63F-1-701.

4571 (b) A notice described in Subsection (1)(a) shall include:

4572 (i) a copy of the community legislative body's ordinance, or a summary of the
4573 ordinance, that adopts the community reinvestment project area plan; and

4574 (ii) a statement that the community reinvestment project area plan is available for
4575 public inspection and the hours for inspection.

4576 (2) A community reinvestment project area plan is effective on the day on which notice
4577 of adoption is published or posted in accordance with Subsection (1)(a).

4578 (3) A community reinvestment project area is considered created the day on which the
4579 community reinvestment project area plan becomes effective as described in Subsection (2).

4580 (4) (a) Within 30 days after the day on which a community reinvestment project area
4581 plan is effective, a person may contest the community reinvestment project area plan or the
4582 procedure used to adopt the community reinvestment project area plan if the community

4583 reinvestment project area plan or the procedure fails to comply with a provision of this title.

4584 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4585 contest the community reinvestment project area plan or the procedure used to adopt the
4586 community reinvestment project area plan.

4587 (5) Upon adoption of a community reinvestment project area plan by the community
4588 legislative body, the agency may implement the community reinvestment project area plan.

4589 (6) The agency shall make the community reinvestment project area plan available to
4590 the public at the agency's office during normal business hours.

4591 Section 73. Section **17C-5-205** is amended to read:

4592 **17C-5-205. Interlocal agreement to provide project area funds for the community**
4593 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
4594 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
4595 **agreement.**

4596 (1) An agency shall:

4597 (a) approve and adopt an interlocal agreement described in Section [17C-5-204](#) at an
4598 open and public meeting; and

4599 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community
4600 Reinvestment Project Area."

4601 (2) (a) Upon the execution of an interlocal agreement described in Section [17C-5-204](#),
4602 the agency shall provide notice of the execution by:

4603 [~~(i)(A) publishing or causing to be published a notice in a newspaper of general~~
4604 ~~circulation within the agency's boundaries; or]~~

4605 [~~(B) if there is no newspaper of general circulation within the agency's boundaries;]~~

4606 (i) causing the notice to be posted in at least three public places within the agency's
4607 boundaries; and

4608 (ii) [~~publishing~~] posting the notice or causing the notice to be [~~published~~] posted on the
4609 Utah Public Notice Website created in Section [63F-1-701](#).

4610 (b) A notice described in Subsection (2)(a) shall include:

4611 (i) a summary of the interlocal agreement; and

4612 (ii) a statement that the interlocal agreement:

4613 (A) is available for public inspection and the hours for inspection; and

4614 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or
4615 sales and use tax revenue.

4616 (3) An interlocal agreement described in Section 17C-5-204 is effective the day on
4617 which the notice described in Subsection (2) is ~~published or~~ posted in accordance with
4618 Subsection (2)(a).

4619 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a
4620 person may contest the interlocal agreement or the procedure used to adopt the interlocal
4621 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

4622 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
4623 contest:

4624 (i) the interlocal agreement;

4625 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

4626 (iii) the agency's use of project area funds under the interlocal agreement.

4627 (5) A taxing entity that enters into an interlocal agreement under Section 17C-5-204
4628 shall make a copy of the interlocal agreement available to the public at the taxing entity's office
4629 for inspection and copying during normal business hours.

4630 Section 74. Section 20A-1-206 is amended to read:

4631 **20A-1-206. Cancellation of local election -- Municipalities -- Local districts --**
4632 **Notice.**

4633 (1) A municipal legislative body may cancel a local election if:

4634 (a) (i) (A) all municipal officers are elected in an at-large election under Subsection
4635 10-3-205.5(1); and

4636 (B) the number of municipal officer candidates, including any eligible write-in
4637 candidates under Section 20A-9-601, for the at-large municipal offices does not exceed the
4638 number of open at-large municipal offices for which the candidates have filed; or

4639 (ii) (A) the municipality has adopted an ordinance under Subsection 10-3-205.5(2);

4640 (B) the number of municipal officer candidates, including any eligible write-in
4641 candidates under Section 20A-9-601, for the at-large municipal offices, if any, does not exceed
4642 the number of open at-large municipal offices for which the candidates have filed; and

4643 (C) each municipal officer candidate, including any eligible write-in candidates under
4644 Section 20A-9-601, in each district is unopposed;

- 4645 (b) there are no other municipal ballot propositions; and
- 4646 (c) the municipal legislative body passes, no later than 20 days before the day of the
- 4647 scheduled election, a resolution that cancels the election and certifies that:
- 4648 (i) each municipal officer candidate is:
- 4649 (A) unopposed; or
- 4650 (B) a candidate for an at-large municipal office for which the number of candidates
- 4651 does not exceed the number of open at-large municipal offices; and
- 4652 (ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.
- 4653 (2) A municipal legislative body that cancels a local election in accordance with
- 4654 Subsection (1) shall give notice that the election is cancelled by:
- 4655 (a) subject to Subsection (5), posting notice on the Statewide Electronic Voter
- 4656 Information Website as described in Section [20A-7-801](#), for 15 consecutive days before the day
- 4657 of the scheduled election;
- 4658 (b) if the municipality has a public website, posting notice on the municipality's public
- 4659 website for 15 days before the day of the scheduled election;
- 4660 (c) if the municipality publishes a newsletter or other periodical, publishing notice in
- 4661 the next scheduled newsletter or other periodical published before the day of the scheduled
- 4662 election;
- 4663 [~~(d) (i) publishing notice at least twice in a newspaper of general circulation in the~~
- 4664 ~~municipality before the day of the scheduled election;~~]
- 4665 [~~(ii) if there is no newspaper of general circulation in the municipality;~~]
- 4666 (d) (i) at least 10 days before the day of the scheduled election, [~~by~~] posting one notice,
- 4667 and at least one additional notice per 2,000 population within the municipality, in places within
- 4668 the municipality that are most likely to give notice to the voters in the municipality; or
- 4669 [~~(iii)~~] (ii) at least 10 days before the day of the scheduled election, mailing notice to
- 4670 each registered voter in the municipality; and
- 4671 (e) [~~in accordance with Section [45-1-101](#), publishing~~] posting notice on the Utah
- 4672 Public Notice Website, created in Section [63F-1-701](#), for at least 10 days before the day of the
- 4673 scheduled election.
- 4674 (3) A local district board may cancel an election as described in Section [17B-1-306](#) if:
- 4675 (a) (i) (A) any local district officers are elected in an at-large election; and

4676 (B) the number of local district officer candidates for the at-large local district offices,
4677 including any eligible write-in candidates under Section 20A-9-601, does not exceed the
4678 number of open at-large local district offices for which the candidates have filed; or

4679 (ii) (A) the local district has divided the local district into divisions under Section
4680 17B-1-306.5;

4681 (B) the number of local district officer candidates, including any eligible write-in
4682 candidates under Section 20A-9-601, for the at-large local district offices within the local
4683 district, if any, does not exceed the number of open at-large local district offices for which the
4684 candidates have filed; and

4685 (C) each local district officer candidate, including any eligible write-in candidates
4686 under Section 20A-9-601, in each division of the local district is unopposed;

4687 (b) there are no other local district ballot propositions; and

4688 (c) the local district governing body, no later than 20 days before the day of the
4689 scheduled election, adopts a resolution that cancels the election and certifies that:

4690 (i) each local district officer candidate is:

4691 (A) unopposed; or

4692 (B) a candidate for an at-large local district office for which the number of candidates
4693 does not exceed the number of open at-large local district offices; and

4694 (ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.

4695 (4) A local district that cancels a local election in accordance with Subsection (3) shall
4696 publish notice that the election is cancelled:

4697 (a) subject to Subsection (5), by posting notice on the Statewide Electronic Voter
4698 Information Website as described in Section 20A-7-801, for 15 consecutive days before the day
4699 of the scheduled election;

4700 (b) if the local district has a public website, by posting notice on the local district's
4701 public website for 15 days before the day of the scheduled election;

4702 (c) if the local district publishes a newsletter or other periodical, by publishing notice
4703 in the next scheduled newsletter or other periodical published before the day of the scheduled
4704 election;

4705 [~~(d) (i) at least twice in a newspaper of general circulation in the local district before~~
4706 ~~the scheduled election;~~]

4707 ~~[(ii) if there is no newspaper of general circulation in the local district,]~~
 4708 (d) at least 10 days before the day of the scheduled election[;];
 4709 (i) by posting one notice, and at least one additional notice per 2,000 population of the
 4710 local district, in places within the local district that are most likely to give notice to the voters
 4711 in the local district; or
 4712 ~~[(iii) at least 10 days before the day of the scheduled election,]~~
 4713 (ii) by mailing notice to each registered voter in the local district; and
 4714 (e) ~~[in accordance with Section 45-1-101]~~ by posting notice on the Utah Public Notice
 4715 Website, created in Section 63F-1-701, for at least 10 days before the day of the scheduled
 4716 election.

4717 (5) A municipal legislative body that posts a notice in accordance with Subsection
 4718 (2)(a) or a local district that posts a notice in accordance with Subsection (4)(a) is not liable for
 4719 a notice that fails to post due to technical or other error by the publisher of the Statewide
 4720 Electronic Voter Information Website.

4721 Section 75. Section **20A-3a-604** is amended to read:

4722 **20A-3a-604. Notice of time and place of early voting.**

4723 (1) Except as provided in Section 20A-1-308 or Subsection 20A-3a-603(2), the
 4724 election officer shall, at least 19 days before the date of the election, publish notice of the dates,
 4725 times, and locations of early voting:

4726 ~~[(a) (i) in one issue of a newspaper of general circulation in the county;]~~

4727 ~~[(ii) if there is no newspaper of general circulation in the county, in addition to posting~~
 4728 ~~the notice described in Subsection (1)(b);]~~

4729 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
 4730 the county, in places within the county that are most likely to give notice to the residents in the
 4731 county; or

4732 ~~[(iii)]~~ (ii) by mailing notice to each registered voter in the county;

4733 (b) by posting the notice at each early voting polling place;

4734 (c) on the Utah Public Notice Website created in Section 63F-1-701, for 19 days before
 4735 the day of the election; and

4736 ~~[(d) in accordance with Section 45-1-101, for 19 days before the date of the election;~~

4737 and]

4738 ~~[(e)]~~ (d) on the county's website for 19 days before the day of the election.

4739 (2) Instead of publishing all dates, times, and locations of early voting under
4740 Subsection (1), the election officer may publish a statement that specifies the following sources
4741 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

4742 (a) the county's website;

4743 (b) the physical address of the county's offices; and

4744 (c) a mailing address and telephone number.

4745 (3) The election officer shall include in the notice described in Subsection (1):

4746 (a) the address of the Statewide Electronic Voter Information Website and, if available,
4747 the address of the election officer's website, with a statement indicating that the election officer
4748 will post on the website the location of each early voting polling place, including any changes
4749 to the location of an early voting polling place and the location of additional early voting
4750 polling places; and

4751 (b) a phone number that a voter may call to obtain information regarding the location
4752 of an early voting polling place.

4753 Section 76. Section **20A-4-104** is amended to read:

4754 **20A-4-104. Counting ballots electronically.**

4755 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the
4756 election officer shall test the automatic tabulating equipment to ensure that it will accurately
4757 count the votes cast for all offices and all measures.

4758 (b) The election officer shall publish public notice of the time and place of the test:

4759 ~~[(i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of
4760 general circulation in the county, municipality, or jurisdiction where the equipment is used;]~~

4761 ~~[(B) if there is no daily or weekly newspaper of general circulation in the county,
4762 municipality, or jurisdiction where the equipment is used;]~~

4763 (i) at least 10 days before the day of the test~~;~~];

4764 (A) by posting one notice, and at least one additional notice per 2,000 population of the
4765 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction
4766 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

4767 ~~[(C) at least 10 days before the day of the test;]~~

4768 (B) by mailing notice to each registered voter in the county, municipality, or

4769 jurisdiction where the equipment is used;

4770 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for four weeks
4771 before the day of the test; and

4772 [~~(iii) in accordance with Section 45-1-101, for at least 10 days before the day of the~~
4773 ~~test, and]~~

4774 [~~(iv)~~] (iii) if the county, municipality, or jurisdiction has a website, on the website for
4775 four weeks before the day of the test.

4776 (c) The election officer shall conduct the test by processing a preaudited group of
4777 ballots.

4778 (d) The election officer shall ensure that:

4779 (i) a predetermined number of valid votes for each candidate and measure are recorded
4780 on the ballots;

4781 (ii) for each office, one or more ballots have votes in excess of the number allowed by
4782 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

4783 (iii) a different number of valid votes are assigned to each candidate for an office, and
4784 for and against each measure.

4785 (e) If any error is detected, the election officer shall determine the cause of the error
4786 and correct it.

4787 (f) The election officer shall ensure that:

4788 (i) the automatic tabulating equipment produces an errorless count before beginning
4789 the actual counting; and

4790 (ii) the automatic tabulating equipment passes the same test at the end of the count
4791 before the election returns are approved as official.

4792 (2) (a) The election officer or the election officer's designee shall supervise and direct
4793 all proceedings at the counting center.

4794 (b) (i) Proceedings at the counting center are public and may be observed by interested
4795 persons.

4796 (ii) Only those persons authorized to participate in the count may touch any ballot or
4797 return.

4798 (c) The election officer shall deputize and administer an oath or affirmation to all
4799 persons who are engaged in processing and counting the ballots that they will faithfully

4800 perform their assigned duties.

4801 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
4802 automatic tabulating equipment, the election officer shall ensure that two counting judges
4803 jointly:

4804 (a) make a true replication of the ballot with an identifying serial number;

4805 (b) substitute the replicated ballot for the damaged or defective ballot;

4806 (c) label the replicated ballot "replicated"; and

4807 (d) record the replicated ballot's serial number on the damaged or defective ballot.

4808 (4) The election officer may:

4809 (a) conduct an unofficial count before conducting the official count in order to provide
4810 early unofficial returns to the public;

4811 (b) release unofficial returns from time to time after the polls close; and

4812 (c) report the progress of the count for each candidate during the actual counting of
4813 ballots.

4814 (5) The election officer shall review and evaluate the provisional ballot envelopes and
4815 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

4816 (6) (a) The election officer or the election officer's designee shall:

4817 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

4818 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

4819 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
4820 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
4821 count the valid write-in vote as being the obvious intent of the voter.

4822 (7) (a) The election officer shall certify the return printed by the automatic tabulating
4823 equipment, to which have been added write-in and absentee votes, as the official return of each
4824 voting precinct.

4825 (b) Upon completion of the count, the election officer shall make official returns open
4826 to the public.

4827 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
4828 tabulating equipment, the election officer may direct that they be counted manually according
4829 to the procedures and requirements of this part.

4830 (9) After the count is completed, the election officer shall seal and retain the programs,

4831 test materials, and ballots as provided in Section [20A-4-202](#).

4832 Section 77. Section **20A-4-304** is amended to read:

4833 **20A-4-304. Declaration of results -- Canvassers' report.**

4834 (1) Each board of canvassers shall:

4835 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
4836 declare "elected" or "nominated" those persons who:

4837 (i) had the highest number of votes; and

4838 (ii) sought election or nomination to an office completely within the board's

4839 jurisdiction;

4840 (b) declare:

4841 (i) "approved" those ballot propositions that:

4842 (A) had more "yes" votes than "no" votes; and

4843 (B) were submitted only to the voters within the board's jurisdiction;

4844 (ii) "rejected" those ballot propositions that:

4845 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"

4846 votes; and

4847 (B) were submitted only to the voters within the board's jurisdiction;

4848 (c) certify the vote totals for persons and for and against ballot propositions that were
4849 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
4850 the lieutenant governor; and

4851 (d) if applicable, certify the results of each local district election to the local district
4852 clerk.

4853 (2) As soon as the result is declared, the election officer shall prepare a report of the
4854 result, which shall contain:

4855 (a) the total number of votes cast in the board's jurisdiction;

4856 (b) the names of each candidate whose name appeared on the ballot;

4857 (c) the title of each ballot proposition that appeared on the ballot;

4858 (d) each office that appeared on the ballot;

4859 (e) from each voting precinct:

4860 (i) the number of votes for each candidate;

4861 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate

4862 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
4863 potential ballot-counting phase and the name of the candidate excluded in each canvassing
4864 phase; and

4865 (iii) the number of votes for and against each ballot proposition;

4866 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
4867 and against each ballot proposition;

4868 (g) the number of ballots that were rejected; and

4869 (h) a statement certifying that the information contained in the report is accurate.

4870 (3) The election officer and the board of canvassers shall:

4871 (a) review the report to ensure that it is correct; and

4872 (b) sign the report.

4873 (4) The election officer shall:

4874 (a) record or file the certified report in a book kept for that purpose;

4875 (b) prepare and transmit a certificate of nomination or election under the officer's seal
4876 to each nominated or elected candidate;

4877 (c) publish a copy of the certified report in accordance with Subsection (5); and

4878 (d) file a copy of the certified report with the lieutenant governor.

4879 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
4880 days after the day on which the board of canvassers declares the election results, publish the
4881 certified report described in Subsection (2):

4882 [~~(a) (i) at least once in a newspaper of general circulation within the jurisdiction;~~]
4883 [~~(ii) if there is no newspaper of general circulation within the jurisdiction;~~]

4884 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
4885 the jurisdiction, in places within the jurisdiction that are most likely to give notice to the
4886 residents of the jurisdiction; or

4887 [~~(iii) (ii) by mailing notice to each residence within the jurisdiction;~~

4888 (b) on the Utah Public Notice Website created in Section 63F-1-701, for one week; and
4889 [~~(c) in accordance with Section 45-1-101, for one week; and~~]

4890 [~~(d) (c) if the jurisdiction has a website, on the jurisdiction's website for one week.~~

4891 (6) Instead of publishing the entire certified report under Subsection (5), the election
4892 officer may publish a statement that:

4893 (a) includes the following: "The Board of Canvassers for [indicate name of
4894 jurisdiction] has prepared a report of the election results for the [indicate type and date of
4895 election]."; and

4896 (b) specifies the following sources where an individual may view or obtain a copy of
4897 the entire certified report:

4898 (i) if the jurisdiction has a website, the jurisdiction's website;

4899 (ii) the physical address for the jurisdiction; and

4900 (iii) a mailing address and telephone number.

4901 (7) When there has been a regular general or a statewide special election for statewide
4902 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
4903 or more county ballot proposition, each board of canvassers shall:

4904 (a) prepare a separate report detailing the number of votes for each candidate and the
4905 number of votes for and against each ballot proposition; and

4906 (b) transmit the separate report by registered mail to the lieutenant governor.

4907 (8) In each county election, municipal election, school election, local district election,
4908 and local special election, the election officer shall transmit the reports to the lieutenant
4909 governor within 14 days after the date of the election.

4910 (9) In a regular primary election and in a presidential primary election, the board shall
4911 transmit to the lieutenant governor:

4912 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
4913 governor not later than the second Tuesday after the election; and

4914 (b) a complete tabulation showing voting totals for all primary races, precinct by
4915 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
4916 primary election.

4917 Section 78. Section **20A-5-101** is amended to read:

4918 **20A-5-101. Notice of election.**

4919 (1) On or before November 15 in the year before each regular general election year, the
4920 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

4921 (a) designates the offices to be filled at the next year's regular general election;

4922 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
4923 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),

4924 and 20A-9-408 for those offices; and

4925 (c) contains a description of any ballot propositions to be decided by the voters that
4926 have qualified for the ballot as of that date.

4927 (2) No later than seven business days after the day on which the lieutenant governor
4928 transmits the written notice described in Subsection (1), each county clerk shall publish notice,
4929 in accordance with Subsection (3):

4930 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in
4931 each voting precinct within the county; and

4932 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places
4933 where the notice was posted;

4934 [~~(b) (i) in a newspaper of general circulation in the county;~~]

4935 [~~(ii) if there is no newspaper of general circulation within the county, in addition to the
4936 notice described in Subsection (2)(a);~~]

4937 (b) (i) by posting one notice, and at least one additional notice per 2,000 population of
4938 the county, in places within the county that are most likely to give notice of the election to the
4939 voters in the county; or

4940 [~~(iii)~~] (ii) by mailing notice to each registered voter in the county;

4941 (c) on the Utah Public Notice Website created in Section 63F-1-701, for seven days
4942 before the day of the election; and

4943 [~~(d) in accordance with Section 45-1-101, for seven days before the day of the election;
4944 and]~~

4945 [~~(e)~~] (d) on the county's website for seven days before the day of the election.

4946 (3) The notice described in Subsection (2) shall:

4947 (a) designate the offices to be voted on in that election; and

4948 (b) identify the dates for filing a declaration of candidacy for those offices.

4949 (4) Except as provided in Subsection (6), before each election, the election officer shall
4950 give printed notice of the following information:

4951 (a) the date of election;

4952 (b) the hours during which the polls will be open;

4953 (c) the polling places for each voting precinct, early voting polling place, and election
4954 day voting center;

4955 (d) the address of the Statewide Electronic Voter Information Website and, if available,
4956 the address of the election officer's website, with a statement indicating that the election officer
4957 will post on the website any changes to the location of a polling place and the location of any
4958 additional polling place;

4959 (e) a phone number that a voter may call to obtain information regarding the location of
4960 a polling place; and

4961 (f) the qualifications for persons to vote in the election.

4962 (5) To provide the printed notice described in Subsection (4), the election officer shall
4963 publish the notice:

4964 [~~(a) (i) in a newspaper of general circulation in the jurisdiction to which the election~~
4965 ~~pertains at least two days before the day of the election;~~]

4966 [~~(ii) if there is no newspaper of general circulation in the jurisdiction to which the~~
4967 ~~election pertains;~~]

4968 (a) (i) at least two days before the day of the election, by posting one notice, and at
4969 least one additional notice per 2,000 population of the jurisdiction, in places within the
4970 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

4971 [~~(iii)~~ (ii) by mailing the notice to each registered voter who resides in the jurisdiction
4972 to which the election pertains at least five days before the day of the election;

4973 (b) on the Utah Public Notice Website created in Section 63F-1-701, for two days
4974 before the day of the election; and

4975 [~~(c) in accordance with Section 45-1-101, for two days before the day of the election;~~
4976 ~~and]~~

4977 [~~(d)~~ (c) if the jurisdiction has a website, on the jurisdiction's website for two days
4978 before the day of the election.

4979 (6) Instead of including the information described in Subsection (4) in the notice, the
4980 election officer may give printed notice that:

4981 (a) is entitled "Notice of Election";

4982 (b) includes the following: "A [indicate election type] will be held in [indicate the
4983 jurisdiction] on [indicate date of election]. Information relating to the election, including
4984 polling places, polling place hours, and qualifications of voters may be obtained from the
4985 following sources:"; and

4986 (c) specifies the following sources where an individual may view or obtain the
4987 information described in Subsection (4):

4988 (i) if the jurisdiction has a website, the jurisdiction's website;

4989 (ii) the physical address of the jurisdiction offices; and

4990 (iii) a mailing address and telephone number.

4991 Section 79. Section **20A-5-403.5** is amended to read:

4992 **20A-5-403.5. Ballot drop boxes.**

4993 (1) An election officer:

4994 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

4995 (b) shall clearly mark each ballot drop box as an official ballot drop box for the
4996 election officer's jurisdiction.

4997 (2) Except as provided in Section **20A-1-308** or Subsection (5), the election officer
4998 shall, at least 19 days before the date of the election, publish notice of the location of each
4999 ballot drop box designated under Subsection (1):

5000 [~~(a) (i) in one issue of a newspaper of general circulation in the jurisdiction holding the~~
5001 ~~election;~~]

5002 [~~(ii) if there is no newspaper of general circulation in the jurisdiction holding the~~
5003 ~~election;~~]

5004 (a) (i) by posting one notice, and at least one additional notice per 2,000 population of
5005 the jurisdiction holding the election, in places within the jurisdiction that are most likely to give
5006 notice to the residents in the jurisdiction; or

5007 [~~(iii)~~] (ii) by mailing notice to each registered voter in the jurisdiction holding the
5008 election;

5009 (b) on the Utah Public Notice Website created in Section **63F-1-701**, for 19 days before
5010 the day of the election; and

5011 [~~(c) in accordance with Section **45-1-101**, for 19 days before the date of the election;~~
5012 ~~and~~]

5013 [~~(d)~~] (c) on the jurisdiction's website for 19 days before the day of the election.

5014 (3) Instead of publishing the location of ballot drop boxes under Subsection (2), the
5015 election officer may publish a statement that specifies the following sources where a voter may
5016 view or obtain a copy of all ballot drop box locations:

- 5017 (a) the jurisdiction's website;
- 5018 (b) the physical address of the jurisdiction's offices; and
- 5019 (c) a mailing address and telephone number.
- 5020 (4) The election officer shall include in the notice described in Subsection (2):
- 5021 (a) the address of the Statewide Electronic Voter Information Website and, if available,
- 5022 the address of the election officer's website, with a statement indicating that the election officer
- 5023 will post on the website the location of each ballot drop box, including any changes to the
- 5024 location of a ballot drop box and the location of additional ballot drop boxes; and
- 5025 (b) a phone number that a voter may call to obtain information regarding the location
- 5026 of a ballot drop box.
- 5027 (5) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
- 5028 deadline described in Subsection (2):
- 5029 (i) if necessary, change the location of a ballot drop box; or
- 5030 (ii) if the election officer determines that the number of ballot drop boxes is
- 5031 insufficient due to the number of registered voters who are voting, designate additional ballot
- 5032 drop boxes.
- 5033 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
- 5034 location of a ballot box or designates an additional ballot drop box location, the election officer
- 5035 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
- 5036 the additional ballot drop box location:
- 5037 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;
- 5038 (ii) by posting the information on the website of the election officer, if available; and
- 5039 (iii) by posting notice:
- 5040 (A) for a change in the location of a ballot drop box, at the new location and, if
- 5041 possible, the old location; and
- 5042 (B) for an additional ballot drop box location, at the additional ballot drop box
- 5043 location.
- 5044 (6) An election officer may, at any time, authorize two or more poll workers to remove
- 5045 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.
- 5046 Section 80. Section [20A-5-405](#) is amended to read:
- 5047 **20A-5-405. Election officer to provide ballots.**

- 5048 (1) An election officer shall:
- 5049 (a) provide ballots for every election of public officers in which the voters, or any of
- 5050 the voters, within the election officer's jurisdiction participate;
- 5051 (b) cause the name of every candidate whose nomination has been certified to or filed
- 5052 with the election officer in the manner provided by law to be included on each ballot;
- 5053 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
- 5054 be included on each ballot;
- 5055 (d) ensure that the ballots are prepared and in the possession of the election officer
- 5056 before commencement of voting;
- 5057 (e) allow candidates and their agents and the sponsors of ballot propositions that have
- 5058 qualified for the official ballot to inspect the ballots;
- 5059 (f) cause sample ballots to be printed that are in the same form as official ballots and
- 5060 that contain the same information as official ballots but that are printed on different colored
- 5061 paper than official ballots or are identified by a watermark;
- 5062 (g) ensure that the sample ballots are printed and in the possession of the election
- 5063 officer at least seven days before commencement of voting;
- 5064 (h) make the sample ballots available for public inspection by:
- 5065 (i) posting a copy of the sample ballot in the election officer's office at least seven days
- 5066 before commencement of voting;
- 5067 (ii) mailing a copy of the sample ballot to:
- 5068 (A) each candidate listed on the ballot; and
- 5069 (B) the lieutenant governor;
- 5070 (iii) publishing a copy of the sample ballot:
- 5071 [~~(A) except as provided in Subsection (2), at least seven days before the day of the~~
- 5072 ~~election in a newspaper of general circulation in the jurisdiction holding the election;]~~
- 5073 [~~(B) if there is no newspaper of general circulation in the jurisdiction holding the~~
- 5074 ~~election;]~~
- 5075 (A) at least seven days before the day of the election, by posting one copy of the
- 5076 sample ballot, and at least one additional copy of the sample ballot per 2,000 population of the
- 5077 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
- 5078 the jurisdiction; or

- 5079 [(C)] (B) at least 10 days before the day of the election, by mailing a copy of the
5080 sample ballot to each registered voter who resides in the jurisdiction holding the election;
- 5081 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
5082 in Section 63F-1-701, for seven days before the day of the election; and
- 5083 [~~(v)~~] ~~in accordance with Section 45-1-101, publishing a copy of the sample ballot for at~~
5084 ~~least seven days before the day of the election; and]~~
- 5085 [(vi)] (v) if the jurisdiction has a website, publishing a copy of the sample ballot for at
5086 least seven days before the day of the election;
- 5087 (i) deliver at least five copies of the sample ballot to poll workers for each polling
5088 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 5089 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough
5090 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
5091 each voting precinct.
- 5092 (2) Instead of publishing the entire sample ballot under Subsection (1)(h)(iii)(A), the
5093 election officer may publish a statement that:
- 5094 (a) is entitled, "sample ballot";
- 5095 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
5096 upcoming [indicate type and date of election] may be obtained from the following sources:";
5097 and
- 5098 (c) specifies the following sources where an individual may view or obtain a copy of
5099 the sample ballot:
- 5100 (i) if the jurisdiction has a website, the jurisdiction's website;
- 5101 (ii) the physical address of the jurisdiction's offices; and
- 5102 (iii) a mailing address and telephone number.
- 5103 (3) (a) Each election officer shall, without delay, correct any error discovered in any
5104 ballot, if the correction can be made without interfering with the timely distribution of the
5105 ballots.
- 5106 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
5107 not possible to correct the error or omission, the election officer shall direct the poll workers to
5108 make the necessary corrections on the manual ballots before the ballots are distributed.
- 5109 (ii) If the election officer discovers an error or omission in an electronic ballot and it is

5110 not possible to correct the error or omission by revising the electronic ballot, the election
5111 officer shall direct the poll workers to post notice of each error or omission with instructions on
5112 how to correct each error or omission in a prominent position at each polling booth.

5113 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a
5114 candidate or a candidate's agent may file a verified petition with the district court asserting that:

5115 (A) an error or omission has occurred in:

5116 (I) the publication of the name or description of a candidate;

5117 (II) the preparation or display of an electronic ballot; or

5118 (III) in the printing of sample or official manual ballots; and

5119 (B) the election officer has failed to correct or provide for the correction of the error or
5120 omission.

5121 (ii) The district court shall issue an order requiring correction of any error in a ballot or
5122 an order to show cause why the error should not be corrected if it appears to the court that the
5123 error or omission has occurred and the election officer has failed to correct or provide for the
5124 correction of the error or ~~[ommission]~~ omission.

5125 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
5126 Supreme Court within five days after the day on which the district court enters the decision.

5127 Section 81. Section **20A-9-203** is amended to read:

5128 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5129 (1) An individual may become a candidate for any municipal office if:

5130 (a) the individual is a registered voter; and

5131 (b) (i) the individual has resided within the municipality in which the individual seeks
5132 to hold elective office for the 12 consecutive months immediately before the date of the
5133 election; or

5134 (ii) the territory in which the individual resides was annexed into the municipality, the
5135 individual has resided within the annexed territory or the municipality the 12 consecutive
5136 months immediately before the date of the election.

5137 (2) (a) For purposes of determining whether an individual meets the residency
5138 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
5139 before the election, the municipality is considered to have been incorporated 12 months before
5140 the date of the election.

5141 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
5142 council position shall, if elected from a district, be a resident of the council district from which
5143 the candidate is elected.

5144 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
5145 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
5146 against the elective franchise may not hold office in this state until the right to hold elective
5147 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

5148 (3) (a) An individual seeking to become a candidate for a municipal office shall,
5149 regardless of the nomination method by which the individual is seeking to become a candidate:

5150 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
5151 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a
5152 declaration of candidacy, in person with the city recorder or town clerk, during the office hours
5153 described in Section [10-3-301](#) and not later than the close of those office hours, between June 1
5154 and June 7 of any odd-numbered year; and

5155 (ii) pay the filing fee, if one is required by municipal ordinance.

5156 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
5157 declaration of candidacy with the city recorder or town clerk if:

5158 (i) the individual is located outside of the state during the entire filing period;

5159 (ii) the designated agent appears in person before the city recorder or town clerk;

5160 (iii) the individual communicates with the city recorder or town clerk using an
5161 electronic device that allows the individual and city recorder or town clerk to see and hear each
5162 other; and

5163 (iv) the individual provides the city recorder or town clerk with an email address to
5164 which the city recorder or town clerk may send the individual the copies described in
5165 Subsection (4).

5166 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5167 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting
5168 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during
5169 the office hours described in Section [10-3-301](#) and not later than the close of those office
5170 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
5171 of the nomination petition of the lesser of at least:

- 5172 (A) 25 registered voters who reside in the municipality; or
5173 (B) 20% of the registered voters who reside in the municipality; and
5174 (ii) paying the filing fee, if one is required by municipal ordinance.
- 5175 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
5176 petition, the filing officer shall:
- 5177 (i) read to the prospective candidate or individual filing the petition the constitutional
5178 and statutory qualification requirements for the office that the candidate is seeking;
- 5179 (ii) require the candidate or individual filing the petition to state whether the candidate
5180 meets the requirements described in Subsection (4)(a)(i); and
- 5181 (iii) inform the candidate or the individual filing the petition that an individual who
5182 holds a municipal elected office may not, at the same time, hold a county elected office.
- 5183 (b) If the prospective candidate does not meet the qualification requirements for the
5184 office, the filing officer may not accept the declaration of candidacy or nomination petition.
- 5185 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
5186 filing officer shall:
- 5187 (i) inform the candidate that the candidate's name will appear on the ballot as it is
5188 written on the declaration of candidacy;
- 5189 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
5190 for the office the candidate is seeking and inform the candidate that failure to comply will
5191 result in disqualification as a candidate and removal of the candidate's name from the ballot;
- 5192 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
5193 Electronic Voter Information Website Program and inform the candidate of the submission
5194 deadline under Subsection 20A-7-801(4)(a);
- 5195 (iv) provide the candidate with a copy of the pledge of fair campaign practices
5196 described under Section 20A-9-206 and inform the candidate that:
- 5197 (A) signing the pledge is voluntary; and
5198 (B) signed pledges shall be filed with the filing officer; and
- 5199 (v) accept the declaration of candidacy or nomination petition.
- 5200 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
5201 officer shall:
- 5202 (i) accept the candidate's pledge; and

5203 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
5204 candidate's pledge to the chair of the county or state political party of which the candidate is a
5205 member.

5206 (5) (a) The declaration of candidacy shall be in substantially the following form:

5207 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
5208 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
5209 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
5210 the legal qualifications required of candidates for this office. If filing via a designated agent, I
5211 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
5212 all campaign financial disclosure reports as required by law and I understand that failure to do
5213 so will result in my disqualification as a candidate for this office and removal of my name from
5214 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

5215 _____

5216 Subscribed and sworn to (or affirmed) before me by ____ on this

5217 _____(month\day\year).

5218 (Signed) _____ (Clerk or other officer qualified to administer oath).":]

5219 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
5220 not sign the form described in Subsection (5)(a).

5221 (c) (i) A nomination petition shall be in substantially the following form:

5222 "NOMINATION PETITION

5223 The undersigned residents of (name of municipality), being registered voters, nominate
5224 (name of nominee) for the office of (name of office) for the (length of term of office)."

5225 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5226 individuals signing the petition and each individual's address and phone number.

5227 (6) If the declaration of candidacy or nomination petition fails to state whether the
5228 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
5229 for the four-year term.

5230 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
5231 voters.

5232 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
5233 print the candidate's name on the ballot.

5234 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
5235 clerk shall:

5236 (a) publish a list of the names of the candidates as they will appear on the ballot:

5237 [~~(i) (A) in at least two successive publications of a newspaper of general circulation in~~
5238 ~~the municipality;~~]

5239 [~~(B) if there is no newspaper of general circulation in the municipality;~~]

5240 (i) (A) by posting one copy of the list, and at least one additional copy of the list per
5241 2,000 population of the municipality, in places within the municipality that are most likely to
5242 give notice to the voters in the municipality; or

5243 [~~(C)~~] (B) by mailing notice to each registered voter in the municipality;

5244 (ii) on the Utah Public Notice Website created in Section 63F-1-701, for seven days;
5245 and

5246 [~~(iii) in accordance with Section 45-1-101, for seven days; and]~~

5247 [~~(iv)~~] (iii) if the municipality has a website, on the municipality's website for seven
5248 days; and

5249 (b) notify the lieutenant governor of the names of the candidates as they will appear on
5250 the ballot.

5251 (9) Except as provided in Subsection (10)(c), an individual may not amend a
5252 declaration of candidacy or nomination petition filed under this section after the candidate
5253 filing period ends.

5254 (10) (a) A declaration of candidacy or nomination petition that an individual files under
5255 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
5256 five days after the last day for filing.

5257 (b) If a person files an objection, the clerk shall:

5258 (i) mail or personally deliver notice of the objection to the affected candidate
5259 immediately; and

5260 (ii) decide any objection within 48 hours after the objection is filed.

5261 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
5262 days after the day on which the clerk sustains the objection, correct the problem for which the
5263 objection is sustained by amending the candidate's declaration of candidacy or nomination
5264 petition, or by filing a new declaration of candidacy.

5265 (d) (i) The clerk's decision upon objections to form is final.

5266 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
5267 prompt application is made to the district court.

5268 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
5269 of its discretion, agrees to review the lower court decision.

5270 (11) A candidate who qualifies for the ballot under this section may withdraw as a
5271 candidate by filing a written affidavit with the municipal clerk.

5272 Section 82. Section **26-8a-405.3** is amended to read:

5273 **26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

5274 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
5275 Section [26-8a-405.2](#), or for non-911 services under Section [26-8a-405.4](#), shall be solicited
5276 through a request for proposal and the provisions of this section.

5277 (b) The governing body of the political subdivision shall approve the request for
5278 proposal prior to the notice of the request for proposals under Subsection (1)(c).

5279 (c) ~~(f)~~ Notice of the request for proposals shall be published:

5280 ~~[(A) at least once a week for three consecutive weeks in a newspaper of general
5281 circulation published in the county; or]~~

5282 ~~[(B) if there is no such newspaper, then notice shall be posted]~~

5283 (i) by posting the notice for at least 20 days in at least five public places in the county;
5284 and

5285 ~~[(ii) in accordance with Section [45-1-101](#) for at least 20 days.]~~

5286 (ii) by posting the notice on the Utah Public Notice Website, created in Section
5287 [63F-1-701](#), for at least 20 days.

5288 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
5289 offerors during the process of negotiations.

5290 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
5291 political subdivision shall hold a presubmission conference with interested applicants for the
5292 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

5293 (ii) A political subdivision shall allow at least 90 days from the presubmission
5294 conference for the proposers to submit proposals.

5295 (c) Subsequent to the presubmission conference, the political subdivision may issue

5296 addenda to the request for proposals. An addenda to a request for proposal shall be finalized
5297 and posted by the political subdivision at least 45 days before the day on which the proposal
5298 must be submitted.

5299 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
5300 respect to any opportunity for discussion and revisions of proposals, and revisions may be
5301 permitted after submission and before a contract is awarded for the purpose of obtaining best
5302 and final offers.

5303 (e) In conducting discussions, there shall be no disclosures of any information derived
5304 from proposals submitted by competing offerors.

5305 (3) (a) (i) A political subdivision may select an applicant approved by the department
5306 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the
5307 most responsible offeror as defined in Section 63G-6a-103.

5308 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
5309 proposal is determined in writing to be the most advantageous to the political subdivision,
5310 taking into consideration price and the evaluation factors set forth in the request for proposal.

5311 (b) The applicants who are approved under Section 26-8a-405 and who are selected
5312 under this section may be the political subdivision issuing the request for competitive sealed
5313 proposals, or any other public entity or entities, any private person or entity, or any
5314 combination thereof.

5315 (c) A political subdivision may reject all of the competitive proposals.

5316 (4) In seeking competitive sealed proposals and awarding contracts under this section,
5317 a political subdivision:

5318 (a) shall apply the public convenience and necessity factors listed in Subsections
5319 26-8a-408(2) through (6);

5320 (b) shall require the applicant responding to the proposal to disclose how the applicant
5321 will meet performance standards in the request for proposal;

5322 (c) may not require or restrict an applicant to a certain method of meeting the
5323 performance standards, including:

5324 (i) requiring ambulance medical personnel to also be a firefighter; or

5325 (ii) mandating that offerors use fire stations or dispatch services of the political
5326 subdivision;

- 5327 (d) shall require an applicant to submit the proposal:
- 5328 (i) based on full cost accounting in accordance with generally accepted accounting
5329 principals; and
- 5330 (ii) if the applicant is a governmental entity, in addition to the requirements of
5331 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
5332 in compliance with the State of Utah Legal Compliance Audit Guide; and
- 5333 (e) shall set forth in the request for proposal:
- 5334 (i) the method for determining full cost accounting in accordance with generally
5335 accepted accounting principles, and require an applicant to submit the proposal based on such
5336 full cost accounting principles;
- 5337 (ii) guidelines established to further competition and provider accountability; and
- 5338 (iii) a list of the factors that will be considered by the political subdivision in the award
5339 of the contract, including by percentage, the relative weight of the factors established under this
5340 Subsection (4)(e), which may include such things as:
- 5341 (A) response times;
- 5342 (B) staging locations;
- 5343 (C) experience;
- 5344 (D) quality of care; and
- 5345 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).
- 5346 (5) (a) Notwithstanding any provision of Title 63G, Chapter 6a, Utah Procurement
5347 Code, to the contrary, the provisions of Title 63G, Chapter 6a, Utah Procurement Code, apply
5348 to the procurement process required by this section, except as provided in Subsection (5)(c).
- 5349 (b) A procurement appeals panel described in Section [63G-6a-1702](#) shall have
5350 jurisdiction to review and determine an appeal of an offeror under this section.
- 5351 (c) (i) An offeror may appeal the solicitation or award as provided by the political
5352 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror
5353 may appeal under the provisions of Subsections (5)(a) and (b).
- 5354 (ii) A procurement appeals panel described in Section [63G-6a-1702](#) shall determine
5355 whether the solicitation or award was made in accordance with the procedures set forth in this
5356 section and Section [26-8a-405.2](#).
- 5357 (d) The determination of an issue of fact by the appeals board shall be final and

5358 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
5359 [63G-6a-1705](#).

5360 Section 83. Section **38-8-3** is amended to read:

5361 **38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**

5362 (1) An owner may enforce a lien described in Section [38-8-2](#) against an occupant if:

5363 (a) the occupant is in default for a continuous 30-day period; and

5364 (b) the owner provides written notice of the owner's intent to enforce the lien, in
5365 accordance with the requirements of this section, to:

5366 (i) the occupant;

5367 (ii) each lienholder disclosed by the occupant under Subsection [38-8-2\(3\)\(b\)](#);

5368 (iii) each person that has filed a valid financing statement with the Division of
5369 Corporations and Commercial Code; and

5370 (iv) each person identified as a lienholder in the records of the Motor Vehicle Division.

5371 (2) An owner shall provide the written notice described in Subsection (1)(b):

5372 (a) in person;

5373 (b) by certified mail, to the person's last known address; or

5374 (c) subject to Subsection (3), by email, to the person's last known email address.

5375 (3) If an owner sends a notice described in Subsection (2) by email and does not
5376 receive a response, return receipt, or delivery confirmation from the email address to which the
5377 notice was sent within three business days after the day on which the notice was sent, the
5378 owner shall deliver the notice in person or by certified mail to the person's last known address.

5379 (4) A written notice described in Subsection (1)(b) shall include:

5380 (a) an itemized statement of the owner's claim showing the sum due at the time of the
5381 notice and the date when the sum became due;

5382 (b) a brief description of the personal property subject to the lien that permits the
5383 person to identify the property, unless the property is locked, fastened, sealed, tied, or
5384 otherwise stored in a manner that prevents immediate identification of the property;

5385 (c) if permitted by the terms of the rental agreement, a notice that the occupant may not
5386 access the occupant's personal property until the occupant complies with the requirements
5387 described in Subsection (9);

5388 (d) the name, street address, and telephone number of the owner or the individual the

5389 occupant may contact to respond to the notification;

5390 (e) a demand for payment within a specified time not less than 15 days after the day on
5391 which the notice is delivered; and

5392 (f) a conspicuous statement that, unless the claim is paid within the time stated in the
5393 notice, the personal property will be advertised for sale and will be sold at a specified time and
5394 place.

5395 (5) A notice under this section shall be presumed delivered when it is deposited with
5396 the United States Postal Service and properly addressed with postage prepaid.

5397 (6) (a) (i) After the expiration of the time given in the notice, the owner shall publish
5398 an advertisement of the sale of the personal property subject to the lien once in a newspaper of
5399 general circulation in the county where the self-service storage facility is located.

5400 ~~[(b)]~~ (ii) An advertisement described in Subsection (6)(a)(i) shall include:

5401 ~~[(i)]~~ (A) the address of the self-service storage facility and the number, if any, of the
5402 space where the personal property is located;

5403 ~~[(ii)]~~ (B) the name of the occupant; and

5404 ~~[(iii)]~~ (C) the time, place, and manner of the sale, which shall take place not sooner
5405 than 15 days after the day on which the sale is advertised under Subsection (6)(a)(i).

5406 (b) Subsection (6)(a) does not apply if:

5407 (i) the owner:

5408 (A) provided the notice described in Subsection (1)(b) by email; and

5409 (B) received a response ~~→~~ [i] or ← ~~→~~ return receipt ~~→~~ [~~or delivery confirmation~~] ~~←~~
5409a from the email address

5410 to which the notice was sent; or

5411 (ii) the owner:

5412 (A) provided the notice described in Subsection (1)(b) by certified mail; and

5413 (B) has evidence of providing the notice by certified mail.

5414 (7) A sale of the personal property shall conform to the terms of the notice provided for
5415 in this section.

5416 (8) A sale of the personal property shall be held at the self-service storage facility, at
5417 the nearest suitable place to where the personal property is held or stored, or online.

5418 (9) Before a sale of personal property under this section, the occupant may pay the
5419 amount necessary to satisfy the lien and the reasonable expenses incurred under this section

5420 and thereby redeem the personal property; upon receipt of this payment, the owner shall return
5421 the personal property, and thereafter the owner shall have no liability to any person with respect
5422 to that personal property.

5423 (10) A purchaser in good faith of the personal property sold to satisfy a lien as
5424 provided for in this chapter takes the property free of any rights of persons against whom the
5425 lien was valid and free of any rights of a secured creditor, despite noncompliance by the owner
5426 with the requirements of this section.

5427 (11) In the event of a sale under this section, the owner may satisfy the lien for the
5428 proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior
5429 lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good
5430 faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge
5431 for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for
5432 delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or
5433 other person in interest does not claim the balance of the proceeds within one year of the date
5434 of sale, it shall become the property of the Utah state treasurer as unclaimed property with no
5435 further claim against the owner.

5436 (12) If the requirements of this chapter are not satisfied, if the sale of the personal
5437 property is not in conformity with the notice of sale, or if there is a willful violation of this
5438 chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any
5439 other person.

5440 Section 84. Section **54-8-10** is amended to read:

5441 **54-8-10. Public hearing -- Notice -- Publication.**

5442 (1) Such notice shall be:

5443 [~~(a) (i) published;~~]

5444 [~~(A) in full one time in a newspaper of general circulation in the district; or (B) if there~~
5445 ~~be no such newspaper, in a newspaper of general circulation in the county, city, or town in~~
5446 ~~which the district is located; and]~~

5447 [(~~it~~)] (a) published on the Utah Public Notice Website created in Section [63F-1-701](#);

5448 and

5449 (b) posted in not less than three public places in the district.

5450 (2) A copy of the notice shall be mailed by certified mail to the last known address of

5451 each owner of land within the proposed district whose property will be assessed for the cost of
5452 the improvement.

5453 (3) The address to be used for that purpose shall be that last appearing on the real
5454 property assessment rolls of the county in which the property is located.

5455 (4) In addition, a copy of the notice shall be addressed to "Owner" and shall be so
5456 mailed addressed to the street number of each piece of improved property to be affected by the
5457 assessment.

5458 (5) Mailed notices and the published notice shall state where a copy of the resolution
5459 creating the district will be available for inspection by any interested parties.

5460 Section 85. Section **54-8-16** is amended to read:

5461 **54-8-16. Notice of assessment -- Publication.**

5462 (1) After the preparation of a resolution under Section **54-8-14**, notice of a public
5463 hearing on the proposed assessments shall be given.

5464 (2) The notice described in Subsection (1) shall be:

5465 ~~[(a) published:]~~

5466 ~~[(i) one time in a newspaper in which the first notice of hearing was published at least
5467 20 days before the date fixed for the hearing; and]~~

5468 ~~[(ii) (a) published~~ on the Utah Public Notice Website created in Section **63F-1-701**,
5469 for at least 20 days before the date fixed for the hearing; and

5470 (b) mailed by certified mail not less than 15 days prior to the date fixed for such
5471 hearing to each owner of real property whose property will be assessed for part of the cost of
5472 the improvement at the last known address of such owner using for such purpose the names
5473 and addresses appearing on the last completed real property assessment rolls of the county
5474 wherein said affected property is located.

5475 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
5476 mailed addressed to the street number of each piece of improved property to be affected by
5477 such assessment.

5478 (4) Each notice shall state that at the specified time and place, the governing body will
5479 hold a public hearing upon the proposed assessments and shall state that any owner of any
5480 property to be assessed pursuant to the resolution will be heard on the question of whether his
5481 property will be benefited by the proposed improvement to the amount of the proposed

5482 assessment against his property and whether the amount assessed against his property
5483 constitutes more than his proper proportional share of the total cost of the improvement.

5484 (5) The notice shall further state where a copy of the resolution proposed to be adopted
5485 levying the assessments against all real property in the district will be on file for public
5486 inspection, and that subject to such changes and corrections therein as may be made by the
5487 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

5488 (6) A published notice shall describe the boundaries or area of the district with
5489 sufficient particularity to permit each owner of real property therein to ascertain that his
5490 property lies in the district.

5491 (7) The mailed notice may refer to the district by name and date of creation and shall
5492 state the amount of the assessment proposed to be levied against the real property of the person
5493 to whom the notice is mailed.

5494 Section 86. Section **54-8-23** is amended to read:

5495 **54-8-23. Objection to amount of assessment -- Civil action -- Litigation to**
5496 **question or attack proceedings or legality of bonds.**

5497 (1) No special assessment levied under this chapter shall be declared void, nor shall
5498 any such assessment or part thereof be set aside in consequence of any error or irregularity
5499 permitted or appearing in any of the proceedings under this chapter, but any party feeling
5500 aggrieved by any such special assessment or proceeding may bring a civil action to cause such
5501 grievance to be adjudicated if such action is commenced prior to the expiration of the period
5502 specified in this section.

5503 (2) The burden of proof to show that such special assessment or part thereof is invalid,
5504 inequitable or unjust shall rest upon the party who brings such suit.

5505 (3) Any such litigation shall not be regarded as an appeal within the meaning of the
5506 prohibition contained in Section [54-8-18](#).

5507 (4) Every person whose property is subject to such special assessment and who fails to
5508 appear during the public hearings on said assessments to raise his objection to such tax shall be
5509 deemed to have waived all objections to such levy except the objection that the governing body
5510 lacks jurisdiction to levy such tax.

5511 (5) For a period of 20 days after the governing body has adopted the enactment
5512 authorizing the assessment, any taxpayer in the district shall have the right to institute litigation

5513 for the purpose of questioning or attacking the proceedings pursuant to which the assessments
5514 have been authorized subject to the provisions of the preceding paragraph.

5515 (6) Whenever any enactment authorizing the issuance of any bonds pursuant to the
5516 improvement contemplated shall have been adopted such resolution shall be ~~[published;]~~
5517 posted on the Utah Public Notice Website created in Section [63F-1-701](#).

5518 ~~[(a) once in a newspaper in which the original notice of hearing was published; and]~~

5519 ~~[(b) as required in Section [45-1-101](#).]~~

5520 (7) For a period of 20 days thereafter, any person whose property shall have been
5521 assessed and any taxpayer in the district shall have the right to institute litigation for the
5522 purpose of questioning or attacking the legality of such bonds.

5523 (8) After the expiration of such 20-day period, all proceedings theretofore had by the
5524 governing body, the bonds to be issued pursuant thereto, and the special assessments from
5525 which such bonds are to be paid, shall become incontestable, and no suit attacking or
5526 questioning the legality thereof may be instituted in this state, and no court shall have the
5527 authority to inquire into such matters.

5528 Section 87. Section **57-13a-104** is amended to read:

5529 **57-13a-104. Abandonment of prescriptive easement for water conveyance.**

5530 (1) A holder of a prescriptive easement for a water conveyance established under
5531 Section [57-13a-102](#) may, in accordance with this section, abandon all or part of the easement.

5532 (2) A holder of a prescriptive easement for a water conveyance established under
5533 Section [57-13a-102](#) who seeks to abandon the easement or part of the easement shall:

5534 (a) in each county where the easement or part of the easement is located~~[(i)]~~, file in
5535 the office of the county recorder a notice of intent to abandon the prescriptive easement that
5536 describes the easement or part of the easement to be abandoned; ~~[and]~~

5537 ~~[(ii) publish the notice of intent to abandon the prescriptive easement once a week for~~
5538 ~~two consecutive weeks in:]~~

5539 ~~[(A) a local newspaper of general circulation that is published in the area generally~~
5540 ~~served by the water conveyance that utilizes the easement; or]~~

5541 ~~[(B) if a newspaper described in Subsection (2)(a)(ii)(A) does not exist, in a newspaper~~
5542 ~~of general circulation in the county;]~~

5543 (b) post copies of the notice of intent to abandon the prescriptive easement in three

5544 public places located within the area generally served by the water conveyance that utilizes the
5545 easement;

5546 (c) mail a copy of the notice of intent to abandon the prescriptive easement to each
5547 municipal and county government where the easement or part of the easement is located;

5548 (d) [~~in accordance with Section 45-1-101, publish~~] post a copy of the notice of intent to
5549 abandon the prescriptive easement on the [~~public legal notice website described in Subsection~~
5550 ~~45-1-101(2)(b)~~] Utah Public Notice Website created in Section 63F-1-701; and

5551 (e) after meeting the requirements of Subsections (2)(a), (b), (c), and (d) and at least 45
5552 days after the last day on which the holder of the easement [~~publishes~~] posts the notice of intent
5553 to abandon the prescriptive easement in accordance with Subsection [~~(2)(a)(ii)~~] (2)(b), file in
5554 the office of the county recorder for each county where the easement or part of the easement is
5555 located a notice of abandonment that contains the same description required by Subsection
5556 (2)(a)(i).

5557 (3) (a) Upon completion of the requirements described in Subsection (2) by the holder
5558 of a prescriptive easement for a water conveyance established under Section 57-13a-102:

5559 (i) all interest to the easement or part of the easement abandoned by the holder of the
5560 easement is extinguished; and

5561 (ii) subject to each legal right that exists as described in Subsection (3)(b), the owner of
5562 a servient estate whose land was encumbered by the easement or part of the easement
5563 abandoned may reclaim the land area occupied by the former easement or part of the easement
5564 and resume full utilization of the land without liability to the former holder of the easement.

5565 (b) Abandonment of a prescriptive easement under this section does not affect a legal
5566 right to have water delivered or discharged through the water conveyance and easement
5567 established by a person other than the holder of the easement who abandons an easement as
5568 provided in this section.

5569 Section 88. Section 59-12-402 is amended to read:

5570 **59-12-402. Additional resort communities sales and use tax -- Base -- Rate --**
5571 **Collection fees -- Resolution and voter approval requirements -- Election requirements --**
5572 **Notice requirements -- Ordinance requirements -- Prohibition of military installation**
5573 **development authority imposition of tax.**

5574 (1) (a) Subject to Subsections (2) through (6), the governing body of a municipality in

5575 which the transient room capacity as defined in Section 59-12-405 is greater than or equal to
5576 66% of the municipality's permanent census population may, in addition to the sales tax
5577 authorized under Section 59-12-401, impose an additional resort communities sales tax in an
5578 amount that is less than or equal to .5% on the transactions described in Subsection
5579 59-12-103(1) located within the municipality.

5580 (b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not
5581 impose a tax under this section on:

5582 (i) the sale of:

5583 (A) a motor vehicle;

5584 (B) an aircraft;

5585 (C) a watercraft;

5586 (D) a modular home;

5587 (E) a manufactured home; or

5588 (F) a mobile home;

5589 (ii) the sales and uses described in Section 59-12-104 to the extent the sales and uses
5590 are exempt from taxation under Section 59-12-104; and

5591 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and
5592 food ingredients.

5593 (c) For purposes of this Subsection (1), the location of a transaction shall be
5594 determined in accordance with Sections 59-12-211 through 59-12-215.

5595 (d) A municipality imposing a tax under this section shall impose the tax on the
5596 purchase price or sales price for amounts paid or charged for food and food ingredients if the
5597 food and food ingredients are sold as part of a bundled transaction attributable to food and food
5598 ingredients and tangible personal property other than food and food ingredients.

5599 (2) (a) An amount equal to the total of any costs incurred by the state in connection
5600 with the implementation of Subsection (1) which exceed, in any year, the revenues received by
5601 the state from its collection fees received in connection with the implementation of Subsection
5602 (1) shall be paid over to the state General Fund by the cities and towns which impose the tax
5603 provided for in Subsection (1).

5604 (b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among
5605 those cities and towns according to the amount of revenue the respective cities and towns

5606 generate in that year through imposition of that tax.

5607 (3) To impose an additional resort communities sales tax under this section, the
5608 governing body of the municipality shall:

5609 (a) pass a resolution approving the tax; and

5610 (b) except as provided in Subsection (6), obtain voter approval for the tax as provided
5611 in Subsection (4).

5612 (4) To obtain voter approval for an additional resort communities sales tax under
5613 Subsection (3)(b), a municipality shall:

5614 (a) hold the additional resort communities sales tax election during:

5615 (i) a regular general election; or

5616 (ii) a municipal general election; and

5617 (b) ~~[publish]~~ post notice of the election:

5618 (i) 15 days or more before the day on which the election is held; and

5619 ~~[(ii) (A) in a newspaper of general circulation in the municipality; and]~~

5620 ~~[(B) as required in Section 45-1-101.]~~

5621 (ii) on the Utah Public Notice Website created in Section 63F-1-701.

5622 (5) An ordinance approving an additional resort communities sales tax under this
5623 section shall provide an effective date for the tax as provided in Section 59-12-403.

5624 (6) (a) Except as provided in Subsection (6)(b), a municipality is not subject to the
5625 voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the
5626 municipality imposed a license fee or tax on businesses based on gross receipts pursuant to
5627 Section 10-1-203.

5628 (b) The exception from the voter approval requirements in Subsection (6)(a) does not
5629 apply to a municipality that, on or before January 1, 1996, imposed a license fee or tax on only
5630 one class of businesses based on gross receipts pursuant to Section 10-1-203.

5631 (7) A military installation development authority authorized to impose a resort
5632 communities tax under Section 59-12-401 may not impose an additional resort communities
5633 sales tax under this section.

5634 Section 89. Section 59-12-2208 is amended to read:

5635 **59-12-2208. Legislative body approval requirements -- Voter approval**
5636 **requirements.**

5637 (1) Subject to the other provisions of this section, before imposing a sales and use tax
5638 under this part, a county, city, or town legislative body shall:

5639 (a) obtain approval to impose the sales and use tax from a majority of the members of
5640 the county, city, or town legislative body; and

5641 (b) submit an opinion question to the county's, city's, or town's registered voters voting
5642 on the imposition of the sales and use tax so that each registered voter has the opportunity to
5643 express the registered voter's opinion on whether a sales and use tax should be imposed under
5644 this section.

5645 (2) The opinion question required by this section shall state:

5646 "Shall (insert the name of the county, city, or town), Utah, be authorized to impose a
5647 (insert the tax rate of the sales and use tax) sales and use tax for (list the purposes for which the
5648 revenues collected from the sales and use tax shall be expended)?"

5649 (3) (a) Subject to Subsection (3)(b), the election required by this section shall be held:

5650 (i) at a regular general election conducted in accordance with the procedures and
5651 requirements of Title 20A, Election Code, governing regular general elections; or

5652 (ii) at a municipal general election conducted in accordance with the procedures and
5653 requirements of Section [20A-1-202](#).

5654 (b) (i) Subject to Subsection (3)(b)(ii), the county clerk of the county in which the
5655 opinion question required by this section will be submitted to registered voters shall, no later
5656 than 15 days before the date of the election:

5657 [~~(A) publish a notice;~~]

5658 [~~(F) once in a newspaper published in that county; and]~~

5659 [~~(H) as required in Section [45-1-101](#); or]~~

5660 (A) post a notice on the Utah Public Notice Website created in Section [63F-1-701](#); or

5661 (B) (I) cause a copy of the notice to be posted in a conspicuous place most likely to
5662 give notice of the election to the registered voters voting on the imposition of the sales and use
5663 tax; and

5664 (II) prepare an affidavit of that posting, showing a copy of the notice and the places
5665 where the notice was posted.

5666 (ii) The notice under Subsection (3)(b)(i) shall:

5667 (A) state that an opinion question will be submitted to the county's, city's, or town's

5668 registered voters voting on the imposition of a sales and use tax under this section so that each
5669 registered voter has the opportunity to express the registered voter's opinion on whether a sales
5670 and use tax should be imposed under this section; and

5671 (B) list the purposes for which the revenues collected from the sales and use tax shall
5672 be expended.

5673 (4) A county, city, or town that submits an opinion question to registered voters under
5674 this section is subject to Section 20A-11-1203.

5675 (5) Subject to Section 59-12-2209, if a county, city, or town legislative body
5676 determines that a majority of the county's, city's, or town's registered voters voting on the
5677 imposition of a sales and use tax under this part have voted in favor of the imposition of the
5678 sales and use tax in accordance with this section, the county, city, or town legislative body shall
5679 impose the sales and use tax.

5680 (6) If, after imposing a sales and use tax under this part, a county, city, or town
5681 legislative body seeks to impose a tax rate for the sales and use tax that exceeds or is less than
5682 the tax rate stated in the opinion question described in Subsection (2) or repeals the tax rate
5683 stated in the opinion question described in Subsection (2), the county, city, or town legislative
5684 body shall:

5685 (a) obtain approval from a majority of the members of the county, city, or town
5686 legislative body to impose a tax rate for the sales and use tax that exceeds or is less than the tax
5687 rate stated in the opinion question described in Subsection (2) or repeals the tax rate stated in
5688 the opinion question described in Subsection (2); and

5689 (b) in accordance with the procedures and requirements of this section, submit an
5690 opinion question to the county's, city's, or town's registered voters voting on the tax rate so that
5691 each registered voter has the opportunity to express the registered voter's opinion on whether to
5692 impose a tax rate for the sales and use tax that exceeds or is less than the tax rate stated in the
5693 opinion question described in Subsection (2) or repeal the tax rate stated in the opinion
5694 question described in Subsection (2).

5695 Section 90. Section 62A-5-202.5 is amended to read:

5696 **62A-5-202.5. Utah State Developmental Center Board -- Creation -- Membership**
5697 **-- Duties -- Powers.**

5698 (1) There is created the Utah State Developmental Center Board within the Department

5699 of Human Services.

5700 (2) The board is composed of nine members as follows:

5701 (a) the director of the division or the director's designee;

5702 (b) the superintendent of the developmental center or the superintendent's designee;

5703 (c) the executive director of the Department of Human Services or the executive
5704 director's designee;

5705 (d) a resident of the developmental center selected by the superintendent; and

5706 (e) five members appointed by the governor with the advice and consent of the Senate
5707 as follows:

5708 (i) three members of the general public; and

5709 (ii) two members who are parents or guardians of individuals who receive services at
5710 the developmental center.

5711 (3) In making appointments to the board, the governor shall ensure that:

5712 (a) no more than three members have immediate family residing at the developmental
5713 center; and

5714 (b) members represent a variety of geographic areas and economic interests of the state.

5715 (4) (a) The governor shall appoint each member described in Subsection (2)(e) for a
5716 term of four years.

5717 (b) An appointed member may not serve more than two full consecutive terms unless
5718 the governor determines that an additional term is in the best interest of the state.

5719 (c) Notwithstanding the requirements of Subsections (4)(a) and (b), the governor shall,
5720 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
5721 of appointed members are staggered so that approximately half of the appointed members are
5722 appointed every two years.

5723 (d) Appointed members shall continue in office until the expiration of their terms and
5724 until their successors are appointed, which may not exceed 120 days after the formal expiration
5725 of a term.

5726 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
5727 appointed for the unexpired term.

5728 (5) (a) The director shall serve as the chair.

5729 (b) The board shall appoint a member to serve as vice chair.

- 5730 (c) The board shall hold meetings quarterly or as needed.
- 5731 (d) Five members are necessary to constitute a quorum at any meeting, and, if a
5732 quorum exists, the action of the majority of members present shall be the action of the board.
- 5733 (e) The chair shall be a non-voting member except that the chair may vote to break a tie
5734 vote between the voting members.
- 5735 (6) An appointed member may not receive compensation or benefits for the member's
5736 service, but, at the executive director's discretion, may receive per diem and travel expenses in
5737 accordance with:
- 5738 (a) Section [63A-3-106](#);
- 5739 (b) Section [63A-3-107](#); and
- 5740 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
5741 [63A-3-107](#).
- 5742 (7) (a) The board shall adopt bylaws governing the board's activities.
- 5743 (b) Bylaws shall include procedures for removal of a member who is unable or
5744 unwilling to fulfill the requirements of the member's appointment.
- 5745 (8) The board shall:
- 5746 (a) act for the benefit of the developmental center and the division;
- 5747 (b) advise and assist the division with the division's functions, operations, and duties
5748 related to the developmental center, described in Sections [62A-5-102](#), [62A-5-103](#), [62A-5-201](#),
5749 [62A-5-203](#), and [62A-5-206](#);
- 5750 (c) administer the Utah State Developmental Center Miscellaneous Donation Fund, as
5751 described in Section [62A-5-206.5](#);
- 5752 (d) administer the Utah State Developmental Center Land Fund, as described in
5753 Section [62A-5-206.6](#);
- 5754 (e) approve the sale, lease, or other disposition of real property or water rights
5755 associated with the developmental center, as described in Subsection [62A-5-206.6\(2\)](#); and
- 5756 (f) within 21 days after the day on which the board receives the notice required under
5757 Subsection [10-2-419\(3\)\(~~d~~\)\(c\)](#), provide a written opinion regarding the proposed boundary
5758 adjustment to:
- 5759 (i) the director of the Division of Facilities and Construction Management; and
5760 (ii) the Legislative Management Committee.

5761 Section 91. Section **63A-5b-305** is amended to read:

5762 **63A-5b-305. Duties and authority of director.**

5763 (1) The director shall:

5764 (a) administer the division's duties and responsibilities;

5765 (b) report all property acquired by the state, except property acquired by an institution
5766 of higher education or the trust lands administration, to the director of the Division of Finance
5767 for inclusion in the state's financial records;

5768 (c) after receiving the notice required under Subsection [10-2-419\(3\)\(~~d~~\)\(c\)](#), file a
5769 written protest at or before the public hearing under Subsection [10-2-419\(2\)\(b\)](#), if:

5770 (i) it is in the best interest of the state to protest the boundary adjustment; or

5771 (ii) the Legislature instructs the director to protest the boundary adjustment; and

5772 (d) take all other action that the director is required to take under this chapter or other
5773 applicable statute.

5774 (2) The director may:

5775 (a) create forms and make policies necessary for the division or director to perform the
5776 division or director's duties;

5777 (b) (i) hire or otherwise procure assistance and service, professional, skilled, or
5778 otherwise, necessary to carry out the director's duties under this chapter; and

5779 (ii) expend funds provided for the purpose described in Subsection (2)(b)(i) through
5780 annual operation budget appropriations or from other nonlapsing project funds;

5781 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
5782 make rules necessary for the division or director to perform the division or director's duties;
5783 and

5784 (d) take all other action necessary for carrying out the purposes of this chapter.

5785 Section 92. Section **63F-1-701** is amended to read:

5786 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**

5787 (1) As used in this part:

5788 (a) "Division" means the Division of Archives and Records Service of the Department
5789 of Administrative Services.

5790 (b) "Executive board" means the same as that term is defined in Section [67-1-2.5](#).

5791 (c) "Public body" means the same as that term is defined in Section [52-4-103](#).

5792 (d) "Public information" means a public body's public notices, minutes, audio
5793 recordings, and other materials that are required to be posted to the website under Title 52,
5794 Chapter 4, Open and Public Meetings Act, or other statute or state agency rule.

5795 (e) "Website" means the Utah Public Notice Website created under this section.

5796 (2) There is created the Utah Public Notice Website to be administered by the Division
5797 of Archives and Records Service.

5798 (3) The website shall consist of an Internet website provided to assist the public to find
5799 posted public information.

5800 (4) The division, with the technical assistance of the Department of Technology
5801 Services, shall create the website that shall:

5802 (a) allow a public body, or other certified entity, to easily post any public information,
5803 including the contact information required under Subsections 17B-1-303(9) and
5804 17D-1-106(1)(b)(ii);

5805 (b) allow the public to easily search the public information by:

5806 (i) public body name;

5807 (ii) date of posting of the notice;

5808 (iii) date of any meeting or deadline included as part of the public information; and

5809 (iv) any other criteria approved by the division;

5810 (c) allow the public to easily search and view past, archived public information;

5811 (d) allow an individual to subscribe to receive updates and notices associated with a
5812 public body or a particular type of public information;

5813 (e) be easily accessible by the public from the State of Utah home page;

5814 (f) have a unique and simplified website address;

5815 (g) be directly accessible via a link from the main page of the official state website;

5816 [~~and~~]

5817 (h) allow a newspaper to request and automatically receive a transmission of a posting
5818 to the website as the posting occurs; and

5819 [~~(h)~~] (i) include other links, features, or functionality that will assist the public in
5820 obtaining and reviewing public information posted on the website, as may be approved by the
5821 division.

5822 (5) (a) Subject to Subsection (5)(b), the division and the governor's office shall

5823 coordinate to ensure that the website, the database described in Section 67-1-2.5, and the
5824 website described in Section 67-1-2.5 automatically share appropriate information in order to
5825 ensure that:

5826 (i) an individual who subscribes to receive information under Subsection (4)(d) for an
5827 executive board automatically receives notifications of vacancies on the executive board that
5828 will be publicly filled, including a link to information regarding how an individual may apply
5829 to fill the vacancy; and

5830 (ii) an individual who accesses an executive board's information on the website has
5831 access to the following through the website:

5832 (A) the executive board's information in the database, except an individual's physical
5833 address, e-mail address, or phone number; and

5834 (B) the portal described in Section 67-1-2.5 through which an individual may provide
5835 input on an appointee to, or member of, the executive board.

5836 (b) The division and the governor's office shall comply with Subsection (5)(a) as soon
5837 as reasonably possible within existing funds appropriated to the division and the governor's
5838 office.

5839 (6) Before August 1 of each year, the division shall:

5840 (a) identify each executive board that is a public body that did not submit to the
5841 website a notice of a public meeting during the previous fiscal year; and

5842 (b) report the name of each identified executive board to the governor's boards and
5843 commissions administrator.

5844 (7) The division is responsible for:

5845 (a) establishing and maintaining the website, including the provision of equipment,
5846 resources, and personnel as is necessary;

5847 (b) providing a mechanism for public bodies or other certified entities to have access to
5848 the website for the purpose of posting and modifying public information; and

5849 (c) maintaining an archive of all public information posted to the website.

5850 (8) A public body is responsible for the content the public body is required to post to
5851 the website and the timing of posting of that information.

5852 Section 93. Section **63G-6a-112** is amended to read:

5853 **63G-6a-112. Required public notice.**

5854 (1) A procurement unit that issues a solicitation shall [~~publish~~] post notice of the
5855 solicitation:

5856 (a) at least seven days before the day of the deadline for submission of a solicitation
5857 response; and

5858 [~~(b) (i) in a newspaper of general circulation in the state;~~]

5859 [~~(ii) in a newspaper of local circulation in the area;~~]

5860 [~~(A) directly impacted by the procurement; or~~]

5861 [~~(B) over which the procurement unit has jurisdiction;~~]

5862 [(iii)] (b) (i) on the main website for the procurement unit; or

5863 [(iv)] (ii) on a state website that is owned, managed by, or provided under contract
5864 with, the division for posting a public procurement notice.

5865 (2) A procurement unit may reduce the seven-day period described in Subsection (1), if
5866 the procurement unit's procurement official signs a written statement that:

5867 (a) states that a shorter time is needed; and

5868 (b) determines that competition from multiple sources may be obtained within the
5869 shorter period of time.

5870 (3) (a) It is the responsibility of a person seeking information provided by a notice
5871 published under this section to seek out, find, and respond to the notice.

5872 (b) As a courtesy and in order to promote competition, a procurement unit may
5873 provide, but is not required to provide, individual notice.

5874 Section 94. Section **72-5-105** is amended to read:

5875 **72-5-105. Highways, streets, or roads once established continue until abandoned**
5876 **-- Temporary closure.**

5877 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads
5878 once established shall continue to be highways, streets, or roads until formally abandoned or
5879 vacated by written order, resolution, or ordinance resolution of a highway authority having
5880 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has
5881 been duly recorded in the office of the recorder of the county or counties where the highway,
5882 street, or road is located.

5883 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
5884 proper authority with the county recorder's office, title to the vacated or abandoned highway,

5885 street, or road shall vest to the adjoining record owners, with one-half of the width of the
5886 highway, street, or road assessed to each of the adjoining owners.

5887 (b) Provided, however, that should a description of an owner of record extend into the
5888 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
5889 highway, street, or road shall vest in the record owner, with the remainder of the highway,
5890 street, or road vested as otherwise provided in this Subsection (2).

5891 (c) Title to a highway, street, or road that a local highway authority closes to vehicular
5892 traffic under Subsection (3) or (7) remains vested in the city.

5893 (3) (a) In accordance with this section, a state or local highway authority may
5894 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,
5895 C, or D road or R.S. 2477 right-of-way.

5896 (b) (i) A temporary closure authorized under this section is not an abandonment.

5897 (ii) The erection of a barrier or sign on a highway, street, or road once established is
5898 not an abandonment.

5899 (iii) An interruption of the public's continuous use of a highway, street, or road once
5900 established is not an abandonment even if the interruption is allowed to continue unabated.

5901 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
5902 following circumstances:

5903 (i) when a federal authority, or other person, provides an alternate route to an R.S.
5904 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

5905 (A) accepted by the highway authority; and

5906 (B) formalized by a federal permit or a written agreement between the federal authority
5907 or other person and the highway authority;

5908 (ii) when a state or local highway authority determines that correction or mitigation of
5909 injury to private or public land resources is necessary on or near a class B or D road or portion
5910 of a class B or D road; or

5911 (iii) when a local highway authority makes a finding that temporary closure of all or
5912 part of a class C road is necessary to mitigate unsafe conditions.

5913 (d) (i) If a local highway authority temporarily closes all or part of a class C road under
5914 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to
5915 another public use or purpose related to the mitigation of the unsafe condition.

5916 (ii) If a local highway authority temporarily closes all or part of a class C road under
5917 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement
5918 between the local highway authority and another entity, the local highway authority may not
5919 reopen the closed portion of the road until the lease agreement terminates.

5920 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
5921 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
5922 reason.

5923 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

5924 (i) be authorized annually; and

5925 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
5926 whichever is less.

5927 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway
5928 authority shall pass an ordinance to temporarily or indefinitely close the road.

5929 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),
5930 a highway authority shall:

5931 (a) hold a hearing on the proposed temporary or indefinite closure;

5932 (b) provide notice of the hearing by mailing a notice to the Department of
5933 Transportation and all owners of property abutting the highway; and

5934 (c) except for a closure under Subsection (3)(c)(iii)[:], post the notice:

5935 [~~(i) publishing the notice:~~

5936 [~~(A) in a newspaper of general circulation in the county at least once a week for four
5937 consecutive weeks before the hearing; and]~~

5938 [~~(B)~~] (i) on the Utah Public Notice Website created in Section 63F-1-701, for four
5939 weeks before the hearing; or

5940 (ii) [~~posting the notice~~] in three public places for at least four consecutive weeks before
5941 the hearing.

5942 (6) The right-of-way and easements, if any, of a property owner and the franchise rights
5943 of any public utility may not be impaired by a temporary or indefinite closure authorized under
5944 this section.

5945 (7) (a) A local highway authority may close to vehicular travel and convert to another
5946 public use or purpose a highway, road, or street over which the local highway authority has

5947 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding
5948 that:

- 5949 (i) the closed highway, road, or street is not necessary for vehicular travel;
- 5950 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury
5951 to private or public land resources on or near the highway, road, or street; or
- 5952 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe
5953 conditions.

5954 (b) If a local highway authority indefinitely closes all or part of a highway, road, or
5955 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease
5956 agreement between the local highway authority and another entity, the local highway authority
5957 may not reopen the closed portion of the road until the lease agreement terminates.

5958 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

5959 Section 95. Section **72-6-108** is amended to read:

5960 **72-6-108. Class B and C roads -- Improvement projects -- Contracts -- Retainage.**

5961 (1) A county executive for class B roads and the municipal executive for class C roads
5962 shall cause plans, specifications, and estimates to be made prior to the construction of any
5963 improvement project, as defined in Section [72-6-109](#), on a class B or C road if the estimated
5964 cost for any one project exceeds the bid limit as defined in Section [72-6-109](#) for labor,
5965 equipment, and materials.

5966 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let
5967 to the lowest responsible bidder.

5968 (b) If the estimated cost of the improvement project exceeds the bid limit for labor,
5969 equipment, and materials, the project may not be divided to permit the construction in parts,
5970 unless each part is done by contract.

5971 (3) ~~(a)~~ The advertisement on bids shall be ~~[published]~~ posted:

5972 ~~[(i) in a newspaper of general circulation in the county in which the work is to be
5973 performed at least once a week for three consecutive weeks; and]~~

5974 ~~[(ii) in accordance with Section [45-1-101](#) for three weeks.]~~

5975 (a) on the Utah Public Notice Website, created in Section [63F-1-701](#), for three weeks;

5976 and

5977 ~~(b) [If there is no newspaper of general circulation as described in Subsection (3)(a)(i);~~

5978 ~~the notice shall be posted]~~ for at least 20 days in at least five public places in the county.

5979 (4) The county or municipal executive or their designee shall receive sealed bids and
5980 open the bids at the time and place designated in the advertisement. The county or municipal
5981 executive or their designee may then award the contract but may reject any and all bids.

5982 (5) The person, firm, or corporation that is awarded a contract under this section is
5983 subject to the provisions of Title 63G, Chapter 6a, Utah Procurement Code.

5984 (6) If any payment on a contract with a private contractor for construction or
5985 improvement of a class B or C road is retained or withheld, the payment shall be retained or
5986 withheld and released as provided in Section [13-8-5](#).

5987 Section 96. Section **76-8-809** is amended to read:

5988 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**
5989 **-- Posting of notices.**

5990 Any individual, partnership, association, corporation, municipal corporation or state or
5991 any political subdivision thereof engaged in or preparing to engage in the manufacture,
5992 transportation or storage of any product to be used in the preparation of the United States or
5993 any of the states for defense or for war or in the prosecution of war by the United States, or in
5994 the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or
5995 any of said natural or artificial persons operating any public utility who has property so used
5996 which he or it believes will be endangered if public use and travel is not restricted or prohibited
5997 on one or more highways or parts thereof upon which the property abuts, may petition the
5998 highway commissioners of any city, town, or county to close one or more of the highways or
5999 parts thereof to public use and travel or to restrict by order the use and travel upon one or more
6000 of the highways or parts thereof.

6001 Upon receipt of the petition, the highway commissioners shall set a day for hearing and
6002 give notice [~~thereof by publication in a newspaper having general circulation in the city, town,~~
6003 ~~or county in which the property is located and as required in Section [45-1-101](#), the publication~~
6004 ~~shall be made]~~ of the hearing by posting a notice on the Utah Public Notice Website, created in
6005 Section [63F-1-701](#), at least seven days prior to the date set for hearing. If, after hearing, the
6006 highway commissioners determine that the public safety and the safety of the property of the
6007 petitioner so require, they shall by suitable order close to public use and travel or reasonably
6008 restrict the use of and travel upon one or more of the highways or parts thereof; provided the

6009 highway commissioners may issue written permits to travel over the highway so closed or
6010 restricted to responsible and reputable persons for a term, under conditions and in a form as the
6011 commissioners may prescribe. Appropriate notices in letters at least three inches high shall be
6012 posted conspicuously at each end of any highway so closed or restricted by an order. The
6013 highway commissioners may at any time revoke or modify any order so made.

6014 Section 97. Section **78A-7-202** is amended to read:

6015 **78A-7-202. Justice court judges to be appointed -- Procedure.**

6016 (1) As used in this section:

6017 (a) "Local government executive" means:

6018 (i) for a county:

6019 (A) the chair of the county commission in a county operating under the county
6020 commission or expanded county commission form of county government;

6021 (B) the county executive in a county operating under the county executive-council form
6022 of county government; and

6023 (C) the county manager in a county operating under the council-manager form of
6024 county government;

6025 (ii) for a city or town:

6026 (A) the mayor of the city or town; or

6027 (B) the city manager, in the council-manager form of government described in
6028 Subsection **10-3b-103(7)**; and

6029 (iii) for a metro township, the chair of the metro township council.

6030 (b) "Local legislative body" means:

6031 (i) for a county, the county commission or county council; and

6032 (ii) for a city or town, the council of the city or town.

6033 (2) There is created in each county a county justice court nominating commission to
6034 review applicants and make recommendations to the appointing authority for a justice court
6035 position. The commission shall be convened when a new justice court judge position is created
6036 or when a vacancy in an existing court occurs for a justice court located within the county.

6037 (a) Membership of the justice court nominating commission shall be as follows:

6038 (i) one member appointed by:

6039 (A) the county commission if the county has a county commission form of

6040 government; or

6041 (B) the county executive if the county has an executive-council form of government;

6042 (ii) one member appointed by the municipalities in the counties as follows:

6043 (A) if the county has only one municipality, appointment shall be made by the

6044 governing authority of that municipality; or

6045 (B) if the county has more than one municipality, appointment shall be made by a

6046 municipal selection committee composed of the mayors of each municipality and the chairs of

6047 each metro township in the county;

6048 (iii) one member appointed by the county bar association; and

6049 (iv) two members appointed by the governing authority of the jurisdiction where the

6050 judicial office is located.

6051 (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be

6052 appointed by the regional bar association. If no regional bar association exists, the state bar

6053 association shall make the appointment.

6054 (c) Members appointed under Subsections (2)(a)(i) and (ii) may not be the appointing

6055 authority or an elected official of a county or municipality.

6056 (d) The nominating commission shall submit at least three names to the appointing

6057 authority of the jurisdiction expected to be served by the judge. The local government

6058 executive shall appoint a judge from the list submitted and the appointment ratified by the local

6059 legislative body.

6060 (e) The state court administrator shall provide staff to the commission. The Judicial

6061 Council shall establish rules and procedures for the conduct of the commission.

6062 (3) Judicial vacancies shall be advertised in a newspaper of general circulation, through

6063 the Utah State Bar, on the Utah Public Notice Website, created in Section 63F-1-701, and

6064 through other appropriate means.

6065 (4) Selection of candidates shall be based on compliance with the requirements for

6066 office and competence to serve as a judge.

6067 (5) Once selected, every prospective justice court judge shall attend an orientation

6068 seminar conducted under the direction of the Judicial Council. Upon completion of the

6069 orientation program, the Judicial Council shall certify the justice court judge as qualified to

6070 hold office.

6071 (6) The selection of a person to fill the office of justice court judge is effective upon
6072 certification of the judge by the Judicial Council. A justice court judge may not perform
6073 judicial duties until certified by the Judicial Council.