

1 **DEPARTMENT OF GOVERNMENT OPERATIONS - CROSS**

2 **REFERENCE CHANGES**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Ann Millner**

6 House Sponsor: Paul Ray

7

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies cross-references in conformance with 2021 General Session S.B.
11 181.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies cross-references in conformance with 2021 General Session S.B. 181.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 This bill provides revisor instructions.

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **4-30-106**, as last amended by Laws of Utah 2020, Chapter 154

23 **4-21-106**, as last amended by Laws of Utah 2019, Chapters 370 and 456

24 **4-22-107**, as last amended by Laws of Utah 2019, Chapters 370 and 456

25 **7-1-706**, as last amended by Laws of Utah 2010, Chapter 90

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 [10-2-501](#), as last amended by Laws of Utah 2019, Chapter 255
- 32 [10-2-502.5](#), as last amended by Laws of Utah 2019, Chapter 255
- 33 [10-2-607](#), 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-405](#), as last amended by Laws of Utah 2016, Chapter 176
- 42 [10-3-301](#), as last amended by Laws of Utah 2020, Chapter 95
- 43 [10-3-818](#), as last amended by Laws of Utah 2010, Chapter 90
- 44 [10-5-107.5](#), as enacted by Laws of Utah 2017, Chapter 71
- 45 [10-5-108](#), as last amended by Laws of Utah 2017, Chapter 193
- 46 [10-6-113](#), as last amended by Laws of Utah 2017, Chapter 193
- 47 [10-6-135.5](#), as enacted by Laws of Utah 2017, Chapter 71
- 48 [10-7-19](#), as last amended by Laws of Utah 2019, Chapter 255
- 49 [10-8-2](#), as last amended by Laws of Utah 2019, Chapter 376
- 50 [10-8-15](#), as last amended by Laws of Utah 2019, Chapter 413
- 51 [10-9a-203](#), as last amended by Laws of Utah 2015, Chapter 202
- 52 [10-9a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 53 [10-9a-205](#), as last amended by Laws of Utah 2017, Chapter 84
- 54 [10-9a-208](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 55 [10-9a-603](#), as last amended by Laws of Utah 2020, Chapter 434
- 56 [10-18-203](#), as last amended by Laws of Utah 2010, Chapter 90
- 57 [10-18-302](#), as last amended by Laws of Utah 2014, Chapter 176
- 58 [11-13-204](#), as last amended by Laws of Utah 2015, Chapter 265

- 59 [11-13-509](#), as enacted by Laws of Utah 2015, Chapter 265
- 60 [11-13-531](#), as enacted by Laws of Utah 2015, Chapter 265
- 61 [11-14-202](#), as last amended by Laws of Utah 2020, Chapter 31
- 62 [11-14-318](#), as last amended by Laws of Utah 2009, First Special Session, Chapter 5
- 63 [11-36a-503](#), as enacted by Laws of Utah 2011, Chapter 47
- 64 [11-36a-504](#), as last amended by Laws of Utah 2017, Chapter 84
- 65 [11-42-202](#), as last amended by Laws of Utah 2020, Chapter 282
- 66 [11-42-402](#), as last amended by Laws of Utah 2015, Chapter 396
- 67 [11-58-502](#), as last amended by Laws of Utah 2019, Chapter 399
- 68 [11-58-503](#), as last amended by Laws of Utah 2019, Chapter 399
- 69 [11-58-801](#), as last amended by Laws of Utah 2018, Second Special Session, Chapter 1
- 70 [11-59-401](#), as enacted by Laws of Utah 2018, Chapter 388
- 71 [13-1-2](#), as last amended by Laws of Utah 2019, Chapter 174
- 72 [17-27a-203](#), as last amended by Laws of Utah 2009, Chapter 188
- 73 [17-27a-204](#), as last amended by Laws of Utah 2010, Chapter 90
- 74 [17-27a-205](#), as last amended by Laws of Utah 2017, Chapter 84
- 75 [17-27a-208](#), as last amended by Laws of Utah 2019, Chapter 384
- 76 [17-27a-306](#), as last amended by Laws of Utah 2015, Chapter 352
- 77 [17-27a-404](#), as last amended by Laws of Utah 2020, Chapter 434
- 78 [17-27a-603](#), as last amended by Laws of Utah 2020, Chapter 434
- 79 [17-36-12](#), as last amended by Laws of Utah 2017, Chapter 193
- 80 [17-36-26](#), as last amended by Laws of Utah 2017, Chapter 193
- 81 [17-41-304](#), as last amended by Laws of Utah 2019, Chapter 227
- 82 [17-41-405](#), as last amended by Laws of Utah 2019, Chapter 227
- 83 [17-50-105](#), as last amended by Laws of Utah 2009, Chapter 350
- 84 [17-50-303](#), as last amended by Laws of Utah 2019, Chapter 376
- 85 [17B-1-106](#), as last amended by Laws of Utah 2013, Chapter 445
- 86 [17B-1-211](#), as last amended by Laws of Utah 2013, Chapter 265
- 87 [17B-1-303](#), as last amended by Laws of Utah 2019, Chapters 40 and 255
- 88 [17B-1-306](#), as last amended by Laws of Utah 2020, Chapter 31
- 89 [17B-1-413](#), as last amended by Laws of Utah 2010, Chapter 90

- 90 [17B-1-417](#), as last amended by Laws of Utah 2010, Chapter 90
- 91 [17B-1-505.5](#), as enacted by Laws of Utah 2017, Chapter 404
- 92 [17B-1-609](#), as last amended by Laws of Utah 2015, Chapter 436
- 93 [17B-1-643](#), as last amended by Laws of Utah 2016, Chapter 273
- 94 [17B-1-1204](#), as last amended by Laws of Utah 2010, Chapter 90
- 95 [17B-1-1307](#), as last amended by Laws of Utah 2010, Chapter 90
- 96 [17B-2a-705](#), as last amended by Laws of Utah 2019, Chapter 255
- 97 [17B-2a-1110](#), as last amended by Laws of Utah 2016, Chapter 176
- 98 [17C-1-207](#), as last amended by Laws of Utah 2019, Chapter 376
- 99 [17C-1-601.5](#), as last amended by Laws of Utah 2018, Chapter 101
- 100 [17C-1-804](#), as last amended by Laws of Utah 2019, Chapter 376
- 101 [17C-1-806](#), as last amended by Laws of Utah 2018, Chapter 364
- 102 [17C-2-108](#), as last amended by Laws of Utah 2016, Chapter 350
- 103 [17C-2-109](#), as last amended by Laws of Utah 2016, Chapter 350
- 104 [17C-3-107](#), as last amended by Laws of Utah 2016, Chapter 350
- 105 [17C-3-108](#), as last amended by Laws of Utah 2016, Chapter 350
- 106 [17C-4-107](#), as last amended by Laws of Utah 2016, Chapter 350
- 107 [17C-4-109](#), as last amended by Laws of Utah 2016, Chapter 350
- 108 [17C-4-202](#), as last amended by Laws of Utah 2016, Chapter 350
- 109 [17C-5-110](#), as enacted by Laws of Utah 2016, Chapter 350
- 110 [17C-5-111](#), as enacted by Laws of Utah 2016, Chapter 350
- 111 [17C-5-113](#), as enacted by Laws of Utah 2016, Chapter 350
- 112 [17C-5-205](#), as last amended by Laws of Utah 2019, Chapter 376
- 113 [17D-3-305](#), as last amended by Laws of Utah 2020, Chapter 311
- 114 [19-1-202](#), as last amended by Laws of Utah 2017, Chapter 246
- 115 [19-1-308](#), as enacted by Laws of Utah 2018, Chapter 427
- 116 [19-2-109](#), as last amended by Laws of Utah 2012, Chapter 360
- 117 [20A-1-512](#), as last amended by Laws of Utah 2019, Chapter 40
- 118 [20A-3a-604](#), as renumbered and amended by Laws of Utah 2020, Chapter 31
- 119 [20A-4-104](#), as last amended by Laws of Utah 2020, Chapter 31
- 120 [20A-4-304](#), as last amended by Laws of Utah 2019, Chapters 255 and 433

- 121 [20A-5-101](#), as last amended by Laws of Utah 2019, Chapter 255
- 122 [20A-5-303](#), as last amended by Laws of Utah 2011, Chapter 335
- 123 [20A-5-403.5](#), as enacted by Laws of Utah 2020, Chapter 31
- 124 [20A-5-405](#), as last amended by Laws of Utah 2020, Chapter 31
- 125 [20A-7-204.1](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 126 [20A-7-401.5](#), as enacted by Laws of Utah 2019, Chapter 203
- 127 [20A-7-402](#), as last amended by Laws of Utah 2020, Chapters 22 and 354
- 128 [20A-9-203](#), as last amended by Laws of Utah 2020, Chapter 22
- 129 [20A-13-104](#), as last amended by Laws of Utah 2013, Chapter 383
- 130 [20A-14-101.5](#), as last amended by Laws of Utah 2013, Chapter 455
- 131 [20A-14-102.2](#), as last amended by Laws of Utah 2013, Chapter 455
- 132 [20A-14-201](#), as last amended by Laws of Utah 2011, Chapter 297
- 133 [20A-20-203](#), as enacted by Laws of Utah 2020, Chapter 288
- 134 [26-6-27](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 21
- 135 [26-6-32](#), as enacted by Laws of Utah 2020, Fifth Special Session, Chapter 21
- 136 [26-61a-111](#), as last amended by Laws of Utah 2020, Chapter 12
- 137 [26-61a-303](#), as last amended by Laws of Utah 2020, Chapter 12
- 138 [31A-2-103](#), as last amended by Laws of Utah 1994, Chapter 128
- 139 [32B-1-303](#), as last amended by Laws of Utah 2019, Chapter 145
- 140 [32B-2-206](#), as last amended by Laws of Utah 2012, Chapter 365
- 141 [32B-2-207](#), as last amended by Laws of Utah 2018, Chapter 200
- 142 [32B-3-204](#), as last amended by Laws of Utah 2020, Chapter 219
- 143 [32B-8a-302](#), as last amended by Laws of Utah 2020, Chapter 219
- 144 [34-41-101](#), as last amended by Laws of Utah 2007, Chapter 329
- 145 [34A-1-201](#), as last amended by Laws of Utah 2020, Chapter 352
- 146 [34A-1-204](#), as enacted by Laws of Utah 1997, Chapter 375
- 147 [34A-1-205](#), as last amended by Laws of Utah 2020, Chapters 156, 352, and 354
- 148 [35A-1-201](#), as last amended by Laws of Utah 2020, Chapter 352
- 149 [35A-1-204](#), as last amended by Laws of Utah 1997, Chapter 375
- 150 [36-1-101.5](#), as last amended by Laws of Utah 2013, Chapter 454
- 151 [36-1-105](#), as last amended by Laws of Utah 2013, Chapter 454

- 152 **36-1-201.5**, as last amended by Laws of Utah 2017, Chapter 243
- 153 **36-1-204**, as last amended by Laws of Utah 2013, Chapter 382
- 154 **40-2-202**, as enacted by Laws of Utah 2008, Chapter 113
- 155 **45-1-101**, as last amended by Laws of Utah 2019, Chapter 274
- 156 **46-4-501**, as last amended by Laws of Utah 2019, Chapter 254
- 157 **49-11-1102**, as enacted by Laws of Utah 2016, Chapter 281
- 158 **49-22-403**, as enacted by Laws of Utah 2011, Chapter 439
- 159 **49-23-403**, as enacted by Laws of Utah 2011, Chapter 439
- 160 **51-5-3**, as last amended by Laws of Utah 2001, Chapter 175
- 161 **51-7-12.2**, as enacted by Laws of Utah 2007, Chapter 207
- 162 **52-4-202**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 1
- 163 **52-4-203**, as last amended by Laws of Utah 2018, Chapter 425
- 164 **53-1-203**, as enacted by Laws of Utah 1993, Chapter 234
- 165 **53-1-303**, as enacted by Laws of Utah 1993, Chapter 234
- 166 **53-2a-103**, as renumbered and amended by Laws of Utah 2013, Chapter 295
- 167 **53-3-103**, as enacted by Laws of Utah 1993, Chapter 234
- 168 **53-7-103**, as last amended by Laws of Utah 2018, Chapter 415
- 169 **53-8-103**, as renumbered and amended by Laws of Utah 1993, Chapter 234
- 170 **53-10-103**, as renumbered and amended by Laws of Utah 1998, Chapter 263
- 171 **53-10-108**, as last amended by Laws of Utah 2019, Chapters 136, 192, and 404
- 172 **53-10-201**, as enacted by Laws of Utah 1998, Chapter 263
- 173 **53-10-301**, as last amended by Laws of Utah 2002, Chapter 5
- 174 **53-10-401**, as enacted by Laws of Utah 1998, Chapter 263
- 175 **53-13-114**, as last amended by Laws of Utah 2012, Chapter 196
- 176 **53B-7-101.5**, as last amended by Laws of Utah 2010, Chapter 90
- 177 **53E-4-202**, as last amended by Laws of Utah 2019, Chapters 186 and 324
- 178 **53E-8-203**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 179 **53G-3-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
- 180 **53G-4-204**, as last amended by Laws of Utah 2019, Chapter 293
- 181 **53G-4-402**, as last amended by Laws of Utah 2020, Chapter 347
- 182 **53G-5-203**, as last amended by Laws of Utah 2019, Chapter 293

- 183 [53G-5-504](#), as last amended by Laws of Utah 2020, Chapters 192 and 408
- 184 [53G-7-1105](#), as last amended by Laws of Utah 2019, Chapter 293
- 185 [54-3-28](#), as last amended by Laws of Utah 2013, Chapter 445
- 186 [54-8-10](#), as last amended by Laws of Utah 2010, Chapter 90
- 187 [54-8-16](#), as last amended by Laws of Utah 2010, Chapter 90
- 188 [57-11-11](#), as last amended by Laws of Utah 2011, Chapter 340
- 189 [59-1-206](#), as last amended by Laws of Utah 2020, Chapter 352
- 190 [59-2-919](#), as last amended by Laws of Utah 2020, Chapter 354
- 191 [59-2-919.2](#), as last amended by Laws of Utah 2010, Chapter 90
- 192 [59-12-1102](#), as last amended by Laws of Utah 2016, Chapter 364
- 193 [62A-1-109](#), as last amended by Laws of Utah 2019, Chapter 246
- 194 [62A-5-206.8](#), as enacted by Laws of Utah 2018, Chapter 404
- 195 [63A-5b-905](#), as renumbered and amended by Laws of Utah 2020, Chapter 152
- 196 [63A-14-302](#), as last amended by Laws of Utah 2018, Chapter 461
- 197 [63D-2-102](#), as last amended by Laws of Utah 2020, Chapter 365
- 198 [63E-2-109](#), as last amended by Laws of Utah 2019, Chapter 370
- 199 [63G-6a-103](#), as last amended by Laws of Utah 2020, Chapters 152, 257, 365 and last
200 amended by Coordination Clause, Laws of Utah 2020, Chapter 365
- 201 [63G-22-102](#), as enacted by Laws of Utah 2018, Chapter 200
- 202 [63H-1-403](#), as last amended by Laws of Utah 2020, Chapter 282
- 203 [63H-1-701](#), as last amended by Laws of Utah 2018, Chapter 101
- 204 [63H-2-502](#), as last amended by Laws of Utah 2018, Chapter 101
- 205 [63H-2-504](#), as last amended by Laws of Utah 2012, Chapter 347
- 206 [63H-4-108](#), as last amended by Laws of Utah 2019, Chapters 370 and 456
- 207 [63H-5-108](#), as last amended by Laws of Utah 2019, Chapters 370 and 456
- 208 [63H-6-103](#), as last amended by Laws of Utah 2020, Chapter 152
- 209 [63H-7a-104](#), as enacted by Laws of Utah 2019, Chapter 456
- 210 [63H-7a-304](#), as last amended by Laws of Utah 2020, Chapters 294 and 368
- 211 [63H-7a-803](#), as last amended by Laws of Utah 2019, Chapters 370 and 509
- 212 [63H-8-204](#), as last amended by Laws of Utah 2019, Chapter 370
- 213 [63I-1-263](#), as last amended by Laws of Utah 2020, Chapters 82, 152, 154, 199, 230,

214 303, 322, 336, 354, 360, 375, 405 and last amended by Coordination Clause, Laws of Utah
 215 2020, Chapter 360
 216 **63I-2-267**, as last amended by Laws of Utah 2020, Chapter 197
 217 **63J-4-602**, as last amended by Laws of Utah 2020, Chapter 352
 218 **63J-4-603**, as last amended by Laws of Utah 2018, Chapter 411
 219 **63M-4-402**, as enacted by Laws of Utah 2014, Chapter 294
 220 **63N-3-501**, as enacted by Laws of Utah 2018, Chapter 182
 221 **67-1-2.5**, as last amended by Laws of Utah 2020, Chapters 154, 352, and 373
 222 **67-1-14**, as last amended by Laws of Utah 2005, Chapter 169
 223 **67-1a-2.2**, as enacted by Laws of Utah 2011, Third Special Session, Chapter 9
 224 **67-1a-6.5**, as last amended by Laws of Utah 2016, Chapter 350
 225 **67-5-11**, as last amended by Laws of Utah 2007, Chapter 166
 226 **67-5-12**, as last amended by Laws of Utah 2012, Chapter 369
 227 **67-21-2**, as last amended by Laws of Utah 2013, Chapter 427
 228 **67-21-3.5**, as last amended by Laws of Utah 2018, Chapter 390
 229 **67-21-3.6**, as enacted by Laws of Utah 2013, Chapter 427
 230 **67-21-3.7**, as last amended by Laws of Utah 2018, Chapter 178
 231 **67-21-4**, as last amended by Laws of Utah 2018, Chapter 178
 232 **72-3-108**, as last amended by Laws of Utah 2010, Chapter 90
 233 **72-5-105**, as last amended by Laws of Utah 2017, First Special Session, Chapter 2
 234 **72-5-304**, as last amended by Laws of Utah 2005, Chapter 169
 235 **72-16-202**, as last amended by Laws of Utah 2020, Chapter 423
 236 **73-1-16**, as last amended by Laws of Utah 2010, Chapter 90
 237 **73-5-1**, as last amended by Laws of Utah 2017, Chapter 463
 238 **73-5-14**, as last amended by Laws of Utah 2010, Chapter 90
 239 **75-1-401**, as last amended by Laws of Utah 2010, Chapter 90

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

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

243 **4-21-106. Exemption from certain operational requirements.**

244 (1) The council is exempt from:

- 245 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 246 (b) Title 63A, Utah [~~Administrative Services~~] Government Operations Code, except as
- 247 provided in Subsection (2)(c);
- 248 (c) Title 63G, Chapter 6a, Utah Procurement Code, but the council shall adopt
- 249 procedures to ensure that the council makes purchases:
- 250 (i) in a manner that provides for fair competition between providers; and
- 251 (ii) at competitive prices;
- 252 (d) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 253 (e) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.
- 254 (2) The council is subject to:
- 255 (a) Title 51, Chapter 7, State Money Management Act;
- 256 (b) Title 52, Chapter 4, Open and Public Meetings Act;
- 257 (c) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;
- 258 (d) Title 63G, Chapter 2, Government Records Access and Management Act;
- 259 (e) other Utah Code provisions not specifically exempted under Subsection
- 260 4-21-106(1); and
- 261 (f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
- 262 legislative auditor pursuant to Section 36-12-15.
- 263 Section 2. Section **4-22-107** is amended to read:
- 264 **4-22-107. Exemption from certain operational requirements.**
- 265 (1) The commission is exempt from:
- 266 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 267 (b) Title 51, Chapter 7, State Money Management Act;
- 268 (c) except as provided in Subsection (2)(b), Title 63A, Utah [~~Administrative Services~~]
- 269 Government Operations Code;
- 270 (d) Title 63G, Chapter 6a, Utah Procurement Code, but the commission shall adopt
- 271 procedures to ensure that the commission makes purchases:
- 272 (i) in a manner that provides for fair competition between providers; and
- 273 (ii) at competitive prices;
- 274 (e) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 275 (f) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

- 276 (2) The commission is subject to:
- 277 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 278 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website; and
- 279 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

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

281 **4-30-106. Hearing on license application -- Notice of hearing.**

282 (1) Upon the filing of an application, the department shall set a time for hearing on the
283 application in the city or town nearest the proposed site of the livestock market and cause
284 notice of the time and place of the hearing together with a copy of the application to be
285 forwarded by mail, not less than 15 days before the hearing date, to the following:

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

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

- 290 (a) in a daily or weekly newspaper of general circulation within the city or town where
291 the hearing is scheduled; and
- 292 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

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

294 **7-1-706. Application to commissioner to exercise power -- Procedure.**

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

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

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

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

305 (b) The application, any additional information furnished by the applicant, and the
306 findings and recommendations of the supervisor may be inspected by any person at the office

307 of the commissioner, except those portions of the application or report that the commissioner
308 designates as confidential to prevent a clearly unwarranted invasion of privacy.

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

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

313 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
314 three weeks before the date of the hearing.

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

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

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

321 (i) the application;

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

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

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

326 (i) the applicant;

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

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

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

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

332 (b) protect its shareholders or members; and

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

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

335 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

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

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

341 (A) the area proposed for annexation; and

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

343 (ii) if there is no newspaper of general circulation in the combined area described in
344 Subsections (1)(a)(i)(A) and (B), no later than 10 days after the day on which the municipal
345 legislative body receives the notice of certification, by posting one notice, and at least one
346 additional notice per 2,000 population within the combined area, in places within the combined
347 area that are most likely to give notice to the residents within, and the owners of real property
348 located within, the combined area; or

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

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

355 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
356 three weeks, beginning no later than 10 days after the day on which the municipal legislative
357 body receives the notice of certification;

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

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

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

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

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

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

368 (d) state that the complete annexation petition is available for inspection and copying at

369 the office of the city recorder or town clerk;

370 (e) state in conspicuous and plain terms that the municipality may grant the petition
371 and annex the area described in the petition unless, within the time required under Subsection
372 10-2-407(2)(a)(i), a written protest to the annexation petition is filed with the commission and
373 a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
374 municipality;

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

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

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

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

385 (B) in the creation of which an election was not required because of Subsection
386 17B-1-214(3)(c); and

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

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

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

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

397 (B) in the creation of which an election was not required because of Subsection
398 17B-1-214(3)(c); and

399 (ii) the proposed annexing municipality is not within the boundaries of the local

400 district.

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

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

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

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

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

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

414 **10-2-407. Protest to annexation petition -- Planning advisory area planning**
415 **commission recommendation -- Petition requirements -- Disposition of petition if no**
416 **protest filed.**

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

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

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

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

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

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

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

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

429 (a) be filed:

430 (i) no later than 30 days after the municipal legislative body's receipt of the notice of

431 certification under Subsection 10-2-405(2)(c)(i); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

463 (ii) the commission; and

464 (iii) each entity that filed a protest.

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

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

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

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

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

479 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
480 seven days before the day of the public hearing;

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

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

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

486 **10-2-415. Public hearing -- Notice.**

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

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

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

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

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

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

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

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

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

510 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
511 two weeks before the day of the public hearing;

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

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

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

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

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

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

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

524 (c) describe the area proposed for annexation; and
525 (d) specify the following sources where an individual may obtain a copy of the
526 feasibility study conducted in relation to the proposed annexation:
527 (i) if the municipality has a website, the municipality's website;
528 (ii) a municipality's physical address; and
529 (iii) a mailing address and telephone number.

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

534 (5) At least 14 days before the date of a hearing described in Subsection (4), the
535 commission chair shall publish notice of the hearing:
536 (a) (i) in a newspaper of general circulation within the area proposed for annexation;
537 (ii) if there is no newspaper of general circulation within the area proposed for
538 annexation, by posting one notice, and at least one additional notice per 2,000 population
539 within the area in places within the area that are most likely to give notice of the hearing to the
540 residents within, and the owners of real property located within, the area; or
541 (iii) mailing notice to each resident within, and each owner of real property located
542 within, the area proposed for annexation;

543 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
544 14 days before the day of the hearing;

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

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

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

549 (6) Each notice described in Subsection (5) shall state the date, time, and place of the
550 hearing[;]:

551 (a) briefly summarize the nature of the protest; and
552 (b) state that a copy of the protest is on file at the commission's office.

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

555 (8) In considering protests, the commission shall consider whether the proposed
556 annexation:

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

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

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

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

568 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
569 **Hearing.**

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

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

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

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

581 (B) the majority of each island or peninsula consists of residential or commercial
582 development;

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

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

586 for more than one year;

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

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

592 (iii) the area consists of:

593 (A) an unincorporated island within or an unincorporated peninsula contiguous to the
594 municipality; and

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

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

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

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

605 (3) Notwithstanding Subsection [10-2-402\(1\)\(b\)\(iii\)](#), a municipality may annex a
606 portion of an unincorporated island or unincorporated peninsula under this section, leaving
607 unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:

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

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

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

615 (b) A county of the first class shall agree to an annexation if the majority of private
616 property owners within the area to be annexed give written consent to the annexation, in

617 accordance with Subsection (4)(d), to the recorder of the annexing municipality.

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

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

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

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

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

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

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

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

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

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

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

646 (ii) if there is no newspaper of general circulation in the combined area described in
647 Subsection (6)(a)(i), at least three weeks before the day of the public hearing, by posting one

648 notice, and at least one additional notice per 2,000 population in the combined area, in places
649 within the combined area that are most likely to give notice to the residents within, and the
650 owners of real property located within, the combined area; or

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

654 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601, for
655 three weeks before the day of the public hearing;

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

658 (d) by sending written notice to:

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

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

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

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

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

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

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

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

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

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

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

678 (C) is equal in value to at least 1/2 the value of all private real property within the

679 entire area proposed for annexation; and

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

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

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

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

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

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

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

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

709 (A) the area to be annexed can be more efficiently served by the municipality than by

710 the county;

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

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

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

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

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

719 (A) existing development in the area;

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

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

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

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

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

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

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

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

739 (b) Subsection (9)(a) does not prohibit the municipal legislative body from excluding
740 from a proposed annexation under Subsection (2)(b) the property within an unincorporated

741 island regarding which protests have been filed and proceeding under Subsection (3) to annex
742 some or all of the remaining portion of the unincorporated island.

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

744 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

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

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

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

763 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
764 three weeks before the day of the public hearing;

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

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

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

772 and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

803 17B-1-214(3)(c); and

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

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

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

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

812 (B) in the creation of which an election was not required because of Subsection
813 17B-1-214(3)(c); and

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

816 (5) The first publication of the notice described in Subsection (3)(a)(i) shall be within
817 14 days after the day on which the municipal legislative body adopts a resolution under
818 Subsection (2)(a).

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

824 (7) The municipal legislative body shall comply with the requirements of Section
825 10-2-425 as if the boundary adjustment were an annexation.

826 (8) (a) An ordinance adopted under Subsection (6) becomes effective when each
827 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
828 (6).

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

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

832 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**
833 **Requirements upon filing request.**

- 834 (1) As used in this part "petitioner" means:
- 835 (a) one or more persons who:
- 836 (i) own title to real property within the area proposed for disconnection; and
- 837 (ii) sign a request for disconnection proposing to disconnect the area proposed for
- 838 disconnection from the municipality; or
- 839 (b) the mayor of the municipality within which the area proposed for disconnection is
- 840 located who signs a request for disconnection proposing to disconnect the area proposed for
- 841 disconnection from the municipality.
- 842 (2) (a) A petitioner proposing to disconnect an area within and lying on the borders of a
- 843 municipality shall file with that municipality's legislative body a request for disconnection.
- 844 (b) Each request for disconnection shall:
- 845 (i) contain the names, addresses, and signatures of the owners of more than 50% of any
- 846 private real property in the area proposed for disconnection;
- 847 (ii) give the reasons for the proposed disconnection;
- 848 (iii) include a map or plat of the territory proposed for disconnection; and
- 849 (iv) designate between one and five persons with authority to act on the petitioner's
- 850 behalf in the proceedings.
- 851 (3) Upon filing the request for disconnection, the petitioner shall publish notice of the
- 852 request:
- 853 (a) (i) once a week for three consecutive weeks before the public hearing described in
- 854 Section [10-2-502.5](#) in a newspaper of general circulation within the municipality;
- 855 (ii) if there is no newspaper of general circulation in the municipality, at least three
- 856 weeks before the day of the public hearing described in Section [10-2-502.5](#), by posting one
- 857 notice, and at least one additional notice per 2,000 population of the municipality, in places
- 858 within the municipality that are most likely to give notice to the residents within, and the
- 859 owners of real property located within, the municipality, including the residents who live in the
- 860 area proposed for disconnection; or
- 861 (iii) at least three weeks before the day of the public hearing described in Section
- 862 [10-2-502.5](#), by mailing notice to each residence within, and each owner of real property located
- 863 within, the municipality;
- 864 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for

865 three weeks before the day of the public hearing described in Section [10-2-502.5](#);

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

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

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

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

874 Section 11. Section [10-2-502.5](#) is amended to read:

875 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
876 **legislative body -- Petition in district court.**

877 (1) No sooner than seven calendar days after, and no later than 30 calendar days after,
878 the last day on which the petitioner publishes the notice required under Subsection
879 [10-2-501\(3\)\(a\)](#), the legislative body of the municipality in which the area proposed for
880 disconnection is located shall hold a public hearing.

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

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

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

886 (ii) if there is no newspaper of general circulation within the municipality, at least
887 seven days before the hearing date, by posting one notice, and at least one additional notice per
888 2,000 population of the municipality, in places within the municipality that are most likely to
889 give notice to residents within, and the owners of real property located within, the municipality;
890 or

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

893 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
894 seven days before the hearing date;

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

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

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

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

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

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

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

906 (i) the petitioner; or

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

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

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

911 **10-2-607. Notice of election.**

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

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

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

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

924 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
925 at least four weeks before the day of the election;

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

927 election; and

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

930 Section 13. Section **10-2-708** is amended to read:

931 **10-2-708. Notice of disincorporation -- Publication and filing.**

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

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

936 (b) if there is no newspaper of general circulation in the county in which the
937 municipality is located, by posting one notice, and at least one additional notice per 2,000
938 population of the county in places within the county that are most likely to give notice to the
939 residents within, and the owners of real property located within, the county, including the
940 residents and owners within the municipality that is dissolved; or

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

943 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
944 four weeks;

945 (3) in accordance with Section [45-1-101](#), for four weeks;

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

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

948 Section 14. Section **10-2a-207** is amended to read:

949 **10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

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

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

954 (b) at least seven days apart;

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

957 (d) within or near the proposed municipality;

958 (e) to allow the feasibility consultant to present the results of the feasibility study; and
959 (f) to inform the public about the results of the feasibility study.

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

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

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

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

965 (d) allow the public to ask the feasibility consultant questions about the feasibility
966 study.

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

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

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

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

978 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
979 three weeks before the day of the first public hearing;

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

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

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

986 (5) (a) Except as provided in Subsection (5)(b), the notice described in Subsection (3)
987 shall include the feasibility study summary described in Subsection [10-2a-205](#)(3)(c) and shall
988 indicate that a full copy of the study is available on the lieutenant governor's website and for

989 inspection at the Office of the Lieutenant Governor.

990 (b) Instead of publishing the [~~feasability~~] feasibility summary under Subsection (5)(a),
991 the lieutenant governor may publish a statement that specifies the following sources where a
992 resident within, or the owner of real property located within, the proposed municipality, may
993 view or obtain a copy of the [~~feasability~~] feasibility study:

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

997 Section 15. Section **10-2a-210** is amended to read:

998 **10-2a-210. Incorporation election.**

999 (1) (a) If the lieutenant governor certifies a petition under Subsection [10-2a-209\(1\)\(b\)](#),
1000 the lieutenant governor shall schedule an incorporation election for the proposed municipality
1001 described in the petition to be held on the date of the next regular general election described in
1002 Section [20A-1-201](#), or the next municipal general election described in Section [20A-1-202](#), that
1003 is at least 65 days after the day on which the lieutenant governor certifies the petition.

1004 (b) (i) The lieutenant governor shall direct the county legislative body of the county in
1005 which the proposed municipality is located to hold the election on the date that the lieutenant
1006 governor schedules under Subsection (1)(a).

1007 (ii) The county shall hold the election as directed by the lieutenant governor under
1008 Subsection (1)(b)(i).

1009 (2) The county clerk shall publish notice of the election:

1010 (a) (i) in a newspaper of general circulation within the area proposed to be incorporated
1011 at least once a week for three successive weeks before the election;

1012 (ii) if there is no newspaper of general circulation in the area proposed to be
1013 incorporated, at least three weeks before the day of the election, by posting one notice, and at
1014 least one additional notice per 2,000 population of the area proposed to be incorporated, in
1015 places within the area proposed to be incorporated that are most likely to give notice to the
1016 voters within the area proposed to be incorporated; or

1017 (iii) at least three weeks before the day of the election, by mailing notice to each
1018 registered voter in the area proposed to be incorporated;

1019 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for

1020 three weeks before the day of the election;

1021 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;

1022 (d) if the proposed municipality has a website, on the proposed municipality's website
1023 for three weeks before the day of the election; and

1024 (e) on the county's website for three weeks before the day of the election.

1025 (3) (a) The notice required by Subsection (2) shall contain:

1026 (i) a statement of the contents of the petition;

1027 (ii) a description of the area proposed to be incorporated as a municipality;

1028 (iii) a statement of the date and time of the election and the location of polling places;

1029 and

1030 (iv) except as provided in Subsection (3)(c), the feasibility study summary described in
1031 Subsection 10-2a-205(3)(c) and a statement that a full copy of the study is available on the
1032 lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

1033 (b) The last notice required to be published under Subsection (2)(a)(i) shall be
1034 published at least one day, but no more than seven days, before the day of the election.

1035 (c) Instead of publishing the feasibility summary under Subsection (3)(a)(iv), the notice
1036 may include a statement that specifies the following sources where a registered voter in area
1037 proposed to be incorporated may view or obtain a copy the feasibility study:

1038 (i) the lieutenant governor's website;

1039 (ii) the physical address of the Office of the Lieutenant Governor; and

1040 (iii) a mailing address and telephone number.

1041 (4) An individual may not vote in an incorporation election under this section unless
1042 the individual is a registered voter who resides, as defined in Section 20A-1-102, within the
1043 boundaries of the proposed municipality.

1044 (5) If a majority of those who vote in an incorporation election held under this section
1045 cast votes in favor of incorporation, the area shall incorporate.

1046 Section 16. Section 10-2a-213 is amended to read:

1047 **10-2a-213. Determination of number of council members -- Determination of**
1048 **election districts -- Hearings and notice.**

1049 (1) If the incorporation proposal passes, the petition sponsors shall, within 60 days
1050 after the day on which the county conducts the canvass of the election under Section

1051 10-2a-212:

1052 (a) for the incorporation of a city:

1053 (i) if the voters at the incorporation election choose the council-mayor form of
1054 government, determine the number of council members that will constitute the city council of
1055 the city; and

1056 (ii) if the voters at the incorporation election vote to elect council members by district,
1057 determine the number of council members to be elected by district and draw the boundaries of
1058 those districts, which shall be substantially equal in population; and

1059 (b) for the incorporation of any municipality:

1060 (i) determine the initial terms of the mayor and members of the municipal council so
1061 that:

1062 (A) the mayor and approximately half the members of the municipal council are
1063 elected to serve an initial term, of no less than one year, that allows the mayor's and members'
1064 successors to serve a full four-year term that coincides with the schedule established in
1065 Subsection 10-3-205(1); and

1066 (B) the remaining members of the municipal council are elected to serve an initial
1067 term, of no less than one year, that allows the members' successors to serve a full four-year
1068 term that coincides with the schedule established in Subsection 10-3-205(2); and

1069 (ii) submit in writing to the county legislative body the results of the determinations
1070 made by the sponsors under Subsections (1)(a) and (b)(i).

1071 (2) A newly incorporated town shall operate under the five-member council form of
1072 government as defined in Section 10-3b-102.

1073 (3) Before making a determination under Subsection (1)(a) or (b)(i), the petition
1074 sponsors shall hold a public hearing within the future municipality on the applicable issues
1075 described in Subsections (1)(a) and (b)(i).

1076 (4) The petition sponsors shall publish notice of the public hearing described in
1077 Subsection (3):

1078 (a) (i) in a newspaper of general circulation within the future municipality at least once
1079 a week for two successive weeks before the public hearing;

1080 (ii) if there is no newspaper of general circulation in the future municipality, at least
1081 two weeks before the day of the public hearing, by posting one notice, and at least one

1082 additional notice per 2,000 population of the future municipality, in places within the future
1083 municipality that are most likely to give notice to the residents within, and the owners of real
1084 property located within, the future municipality; or

1085 (iii) at least two weeks before the day of the public hearing, by mailing notice to each
1086 residence within, and each owner of real property located within, the future municipality;

1087 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
1088 two weeks before the day of the public hearing;

1089 (c) in accordance with Section [45-1-101](#), for at least two weeks before the day of the
1090 public hearing;

1091 (d) if the future municipality has a website, for two weeks before the day of the public
1092 hearing; and

1093 (e) on the county's website for two weeks before the day of the public hearing.

1094 (5) The last notice required to be published under Subsection (4)(a)(i) shall be
1095 published at least three days before the day of the public hearing described in Subsection (3).

1096 Section 17. Section **10-2a-214** is amended to read:

1097 **10-2a-214. Notice of number of commission or council members to be elected and**
1098 **of district boundaries -- Declaration of candidacy for municipal office.**

1099 (1) Within 20 days after the day on which a county legislative body receives the
1100 petition sponsors' determination under Subsection [10-2a-213](#)(1)(b)(ii), the county clerk shall
1101 publish, in accordance with Subsection (2), notice containing:

1102 (a) the number of municipal council members to be elected for the new municipality;

1103 (b) except as provided in Subsection (3), if some or all of the municipal council
1104 members are to be elected by district, a description of the boundaries of those districts;

1105 (c) information about the deadline for an individual to file a declaration of candidacy to
1106 become a candidate for mayor or municipal council; and

1107 (d) information about the length of the initial term of each of the municipal officers.

1108 (2) The county clerk shall publish the notice described in Subsection (1):

1109 (a) (i) in a newspaper of general circulation within the future municipality at least once
1110 a week for two consecutive weeks;

1111 (ii) if there is no newspaper of general circulation in the future municipality, by posting
1112 one notice, and at least one additional notice per 2,000 population of the future municipality, in

1113 places within the future municipality that are most likely to give notice to the residents in the
1114 future municipality; or

1115 (iii) by mailing notice to each residence in the future municipality;

1116 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
1117 two weeks;

1118 (c) in accordance with Section [45-1-101](#), for two weeks;

1119 (d) if the future municipality has a website, on the future municipality's website for two
1120 weeks; and

1121 (e) on the county's website for two weeks.

1122 (3) Instead of publishing the district boundaries described in Subsection (1)(b), the
1123 notice may include a statement that specifies the following sources where a resident of the
1124 future municipality may view or obtain a copy the district:

1125 (a) the county website;

1126 (b) the physical address of the county offices; and

1127 (c) a mailing address and telephone number.

1128 (4) Notwithstanding Subsection [20A-9-203](#)(3)(a), each individual seeking to become a
1129 candidate for mayor or municipal council of a municipality incorporating under this part shall
1130 file a declaration of candidacy with the clerk of the county in which the future municipality is
1131 located and in accordance with:

1132 (a) for an incorporation held on the date of a regular general election, the deadlines for
1133 filing a declaration of candidacy under Section [20A-9-202](#); or

1134 (b) for an incorporation held on the date of a municipal general election, the deadlines
1135 for filing a declaration of candidacy under Section [20A-9-203](#).

1136 Section 18. Section **10-2a-215** is amended to read:

1137 **10-2a-215. Election of officers of new municipality -- Primary and final election**
1138 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1139 (1) For the election of municipal officers, the county legislative body shall:

1140 (a) unless a primary election is prohibited under Subsection [20A-9-404](#)(2), hold a
1141 primary election; and

1142 (b) unless the election may be cancelled in accordance with Section [20A-1-206](#), hold a
1143 final election.

- 1144 (2) Each election described in Subsection (1) shall be held:
- 1145 (a) consistent with the petition sponsors' determination of the length of each council
- 1146 member's initial term; and
- 1147 (b) for the incorporation of a city:
- 1148 (i) appropriate to the form of government chosen by the voters at the incorporation
- 1149 election;
- 1150 (ii) consistent with the voters' decision about whether to elect city council members by
- 1151 district and, if applicable, consistent with the boundaries of those districts as determined by the
- 1152 petition sponsors; and
- 1153 (iii) consistent with the sponsors' determination of the number of city council members
- 1154 to be elected.
- 1155 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),
- 1156 the primary election described in Subsection (1)(a) shall be held at the earliest of the next:
- 1157 (i) regular primary election described in Subsection 20A-1-201.5(1); or
- 1158 (ii) municipal primary election described in Section 20A-9-404.
- 1159 (b) The county shall hold the primary election, if necessary, on the next election date
- 1160 described in Subsection (3)(a) that is after the incorporation election conducted under Section
- 1161 10-2a-210.
- 1162 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election described in
- 1163 Subsection (1)(b):
- 1164 (i) on the following election date that next follows the date of the incorporation
- 1165 election held under Subsection 10-2a-210(1)(a);
- 1166 (ii) a regular general election described in Section 20A-1-201; or
- 1167 (iii) a regular municipal general election under Section 20A-1-202.
- 1168 (b) The county shall hold the final election on the earliest of the next election date that
- 1169 is listed in Subsection (4)(a)(i), (ii), or (iii):
- 1170 (i) that is after a primary election; or
- 1171 (ii) if there is no primary election, that is at least:
- 1172 (A) 75 days after the incorporation election under Section 10-2a-210; and
- 1173 (B) 65 days after the candidate filing period.
- 1174 (5) The county clerk shall publish notice of an election under this section:

1175 (a) (i) in accordance with Subsection (6), at least once a week for two consecutive
1176 weeks before the election in a newspaper of general circulation within the future municipality;

1177 (ii) if there is no newspaper of general circulation in the future municipality, at least
1178 two weeks before the day of the election, by posting one notice, and at least one additional
1179 notice per 2,000 population of the future municipality, in places within the future municipality
1180 that are most likely to give notice to the voters within the future municipality; or

1181 (iii) at least two weeks before the day of the election, by mailing notice to each
1182 registered voter within the future municipality;

1183 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
1184 two weeks before the day of the election;

1185 (c) in accordance with Section [45-1-101](#), for two weeks before the day of the election;

1186 (d) if the future municipality has a website, on the future municipality's website for two
1187 weeks before the day of the election; and

1188 (e) on the county's website for two weeks before the day of the election.

1189 (6) The last notice required to be published under Subsection (5)(a)(i) shall be
1190 published at least one day but no more than seven days before the day of the election.

1191 (7) Until the municipality is incorporated, the county clerk:

1192 (a) is the election officer for all purposes related to the election of municipal officers;

1193 (b) may, as necessary, determine appropriate deadlines, procedures, and instructions
1194 related to the election of municipal officers for a new municipality that are not otherwise
1195 contrary to law;

1196 (c) shall require and determine deadlines for municipal office candidates to file
1197 campaign financial disclosures in accordance with Section [10-3-208](#); and

1198 (d) shall ensure that the ballot for the election includes each office that is required to be
1199 included in the election for officers of the newly incorporated municipality, including the term
1200 of each office.

1201 (8) An individual who has filed as a candidate for an office described in this section
1202 shall comply with:

1203 (a) the campaign finance disclosure requirements described in Section [10-3-208](#); and

1204 (b) the requirements and deadlines established by the county clerk under this section.

1205 (9) Notwithstanding Section [10-3-201](#), the officers elected at a final election described

1206 in Subsection (4)(a) shall take office:

1207 (a) after taking the oath of office; and

1208 (b) at noon on the first Monday following the day on which the election official

1209 transmits a certificate of nomination or election under the officer's seal to each elected

1210 candidate in accordance with Subsection 20A-4-304(4)(b).

1211 Section 19. Section 10-2a-405 is amended to read:

1212 **10-2a-405. Duties of county legislative body -- Public hearing -- Notice -- Other**
1213 **election and incorporation issues -- Rural real property excluded.**

1214 (1) The legislative body of a county of the first class shall before an election described
1215 in Section 10-2a-404:

1216 (a) in accordance with Subsection (3), publish notice of the public hearing described in
1217 Subsection (1)(b);

1218 (b) hold a public hearing; and

1219 (c) at the public hearing, adopt a resolution:

1220 (i) identifying, including a map prepared by the county surveyor, all unincorporated
1221 islands within the county;

1222 (ii) identifying each eligible city that will annex each unincorporated island, including
1223 whether the unincorporated island may be annexed by one eligible city or divided and annexed
1224 by multiple eligible cities, if approved by the residents at an election under Section 10-2a-404;
1225 and

1226 (iii) identifying, including a map prepared by the county surveyor, the planning
1227 townships within the county and any changes to the boundaries of a planning township that the
1228 county legislative body proposes under Subsection (5).

1229 (2) The county legislative body shall exclude from a resolution adopted under
1230 Subsection (1)(c) rural real property unless the owner of the rural real property provides written
1231 consent to include the property in accordance with Subsection (7).

1232 (3) (a) The county clerk shall publish notice of the public hearing described in
1233 Subsection (1)(b):

1234 (i) by mailing notice to each owner of real property located in an unincorporated island
1235 or planning township no later than 15 days before the day of the public hearing;

1236 (ii) at least once a week for three successive weeks in a newspaper of general

1237 circulation within each unincorporated island, each eligible city, and each planning township;
1238 and

1239 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#),
1240 for three weeks before the day of the public hearing.

1241 (b) The last publication of notice required under Subsection (3)(a)(ii) shall be at least
1242 three days before the first public hearing required under Subsection (1)(b).

1243 (c) (i) If, under Subsection (3)(a)(ii), there is no newspaper of general circulation
1244 within an unincorporated island, an eligible city, or a planning township, the county clerk shall
1245 post at least one notice of the hearing per 1,000 population in conspicuous places within the
1246 selected unincorporated island, eligible city, or planning township, as applicable, that are most
1247 likely to give notice of the hearing to the residents of the unincorporated island, eligible city, or
1248 planning township.

1249 (ii) The clerk shall post the notices under Subsection (3)(c)(i) at least seven days before
1250 the hearing under Subsection (1)(b).

1251 (d) The notice under Subsection (3)(a) or (c) shall include:

1252 (i) (A) for a resident of an unincorporated island, a statement that the property in the
1253 unincorporated island may be, if approved at an election under Section [10-2a-404](#), annexed by
1254 an eligible city, including divided and annexed by multiple cities if applicable, and the name of
1255 the eligible city or cities; or

1256 (B) for residents of a planning township, a statement that the property in the planning
1257 township shall be, pending the results of the election held under Section [10-2a-404](#),
1258 incorporated as a city, town, or metro township;

1259 (ii) the location and time of the public hearing; and

1260 (iii) the county website where a map may be accessed showing:

1261 (A) how the unincorporated island boundaries will change if annexed by an eligible
1262 city; or

1263 (B) how the planning township area boundaries will change, if applicable under
1264 Subsection (5), when the planning township incorporates as a metro township or as a city or
1265 town.

1266 (e) The county clerk shall publish a map described in Subsection (3)(d)(iii) on the
1267 county website.

1268 (4) The county legislative body may, by ordinance or resolution adopted at a public
1269 meeting and in accordance with applicable law, resolve an issue that arises with an election
1270 held in accordance with this part or the incorporation and establishment of a metro township in
1271 accordance with this part.

1272 (5) (a) The county legislative body may, by ordinance or resolution adopted at a public
1273 meeting, change the boundaries of a planning township.

1274 (b) A change to a planning township boundary under this Subsection (5) is effective
1275 only upon the vote of the residents of the planning township at an election under Section
1276 [10-2a-404](#) to incorporate as a metro township or as a city or town and does not affect the
1277 boundaries of the planning township before the election.

1278 (c) The county legislative body:

1279 (i) may alter a planning township boundary under Subsection (5)(a) only if the
1280 alteration:

1281 (A) affects less than 5% of the residents residing within the planning advisory area; and

1282 (B) does not increase the area located within the planning township's boundaries; and

1283 (ii) may not alter the boundaries of a planning township whose boundaries are entirely
1284 surrounded by one or more municipalities.

1285 (6) After November 2, 2015, and before January 1, 2017, a person may not initiate an
1286 annexation or an incorporation process that, if approved, would change the boundaries of a
1287 planning township.

1288 (7) (a) As used in this Subsection (7), "rural real property" means an area:

1289 (i) zoned primarily for manufacturing, commercial, or agricultural purposes; and

1290 (ii) that does not include residential units with a density greater than one unit per acre.

1291 (b) Unless an owner of rural real property gives written consent to a county legislative
1292 body, rural real property described in Subsection (7)(c) may not be:

1293 (i) included in a planning township identified under Subsection (1)(c); or

1294 (ii) incorporated as part of a metro township, city, or town, in accordance with this
1295 part.

1296 (c) The following rural real property is subject to an owner's written consent under
1297 Subsection (7)(b):

1298 (i) rural real property that consists of 1,500 or more contiguous acres of real property

1299 consisting of one or more tax parcels;

1300 (ii) rural real property that is not contiguous to, but used in connection with, rural real
1301 property that consists of 1,500 or more contiguous acres of real property consisting of one or
1302 more tax parcels;

1303 (iii) rural real property that is owned, managed, or controlled by a person, company, or
1304 association, including a parent, subsidiary, or affiliate related to the owner of 1,500 or more
1305 contiguous acres of rural real property consisting of one or more tax parcels; or

1306 (iv) rural real property that is located in whole or in part in one of the following as
1307 defined in Section [17-41-101](#):

1308 (A) an agricultural protection area;

1309 (B) an industrial protection area; or

1310 (C) a mining protection area.

1311 Section 20. Section **10-3-301** is amended to read:

1312 **10-3-301. Notice -- Eligibility and residency requirements for elected municipal**
1313 **office -- Mayor and recorder limitations.**

1314 (1) As used in this section:

1315 (a) "Absent" means that an elected municipal officer fails to perform official duties,
1316 including the officer's failure to attend each regularly scheduled meeting that the officer is
1317 required to attend.

1318 (b) "Principal place of residence" means the same as that term is defined in Section
1319 [20A-2-105](#).

1320 (c) "Secondary residence" means a place where an individual resides other than the
1321 individual's principal place of residence.

1322 (2) (a) On or before May 1 in a year in which there is a municipal general election, the
1323 municipal clerk shall publish a notice that identifies:

1324 (i) the municipal offices to be voted on in the municipal general election; and

1325 (ii) the dates for filing a declaration of candidacy for the offices identified under
1326 Subsection (2)(a)(i).

1327 (b) The municipal clerk shall publish the notice described in Subsection (2)(a):

1328 (i) on the Utah Public Notice Website established by Section [~~63F-1-701~~] [63A-16-601](#);

1329 and

- 1330 (ii) in at least one of the following ways:
- 1331 (A) at the principal office of the municipality;
- 1332 (B) in a newspaper of general circulation within the municipality at least once a week
- 1333 for two successive weeks in accordance with Section 45-1-101;
- 1334 (C) in a newsletter produced by the municipality;
- 1335 (D) on a website operated by the municipality; or
- 1336 (E) with a utility enterprise fund customer's bill.

1337 (3) (a) An individual who files a declaration of candidacy for a municipal office shall
1338 comply with the requirements described in Section 20A-9-203.

1339 (b) (i) Except as provided in Subsection (3)(b)(ii), the city recorder or town clerk of
1340 each municipality shall maintain office hours 8 a.m. to 5 p.m. on the dates described in
1341 Subsections 20A-9-203(3)(a)(i) and (c)(i) unless the date occurs on a:

- 1342 (A) Saturday or Sunday; or
- 1343 (B) state holiday as listed in Section 63G-1-301.

1344 (ii) If on a regular basis a city recorder or town clerk maintains an office schedule that
1345 is less than 40 hours per week, the city recorder or town clerk may comply with Subsection
1346 (3)(b)(i) without maintaining office hours by:

- 1347 (A) posting the recorder's or clerk's contact information, including a phone number and
1348 email address, on the recorder's or clerk's office door, the main door to the municipal offices,
1349 and, if available, on the municipal website; and
- 1350 (B) being available from 8 a.m. to 5 p.m. on the dates described in Subsection (3)(b)(i),
1351 via the contact information described in Subsection (3)(b)(ii)(A).

1352 (4) An individual elected to municipal office shall be a registered voter in the
1353 municipality in which the individual is elected.

1354 (5) (a) Each elected officer of a municipality shall maintain a principal place of
1355 residence within the municipality, and within the district that the elected officer represents,
1356 during the officer's term of office.

1357 (b) Except as provided in Subsection (6), an elected municipal office is automatically
1358 vacant if the officer elected to the municipal office, during the officer's term of office:

- 1359 (i) establishes a principal place of residence outside the district that the elected officer
1360 represents;

1361 (ii) resides at a secondary residence outside the district that the elected officer
1362 represents for a continuous period of more than 60 days while still maintaining a principal
1363 place of residence within the district;

1364 (iii) is absent from the district that the elected officer represents for a continuous period
1365 of more than 60 days; or

1366 (iv) fails to respond to a request, within 30 days after the day on which the elected
1367 officer receives the request, from the county clerk or the lieutenant governor seeking
1368 information to determine the officer's residency.

1369 (6) (a) Notwithstanding Subsection (5), if an elected municipal officer obtains the
1370 consent of the municipal legislative body in accordance with Subsection (6)(b) before the
1371 expiration of the 60-day period described in Subsection (5)(b)(ii) or (iii), the officer may:

1372 (i) reside at a secondary residence outside the district that the elected officer represents
1373 while still maintaining a principal place of residence within the district for a continuous period
1374 of up to one year during the officer's term of office; or

1375 (ii) be absent from the district that the elected officer represents for a continuous period
1376 of up to one year during the officer's term of office.

1377 (b) At a public meeting, the municipal legislative body may give the consent described
1378 in Subsection (6)(a) by majority vote after taking public comment regarding:

1379 (i) whether the legislative body should give the consent; and

1380 (ii) the length of time to which the legislative body should consent.

1381 (7) (a) The mayor of a municipality may not also serve as the municipal recorder or
1382 treasurer.

1383 (b) The recorder of a municipality may not also serve as the municipal treasurer.

1384 (c) An individual who holds a county elected office may not, at the same time, hold a
1385 municipal elected office.

1386 (d) The restriction described in Subsection (7)(c) applies regardless of whether the
1387 individual is elected to the office or appointed to fill a vacancy in the office.

1388 Section 21. Section **10-3-818** is amended to read:

1389 **10-3-818. Salaries in municipalities.**

1390 (1) The elective and statutory officers of municipalities shall receive such
1391 compensation for their services as the governing body may fix by ordinance adopting

1392 compensation or compensation schedules enacted after public hearing.

1393 (2) Upon its own motion the governing body may review or consider the compensation
1394 of any officer or officers of the municipality or a salary schedule applicable to any officer or
1395 officers of the city for the purpose of determining whether or not it should be adopted, changed,
1396 or amended. In the event that the governing body decides that the compensation or
1397 compensation schedules should be adopted, changed, or amended, it shall set a time and place
1398 for a public hearing at which all interested persons shall be given an opportunity to be heard.

1399 (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least
1400 seven days before the meeting by publication:

1401 (i) at least once in a newspaper published in the county within which the municipality
1402 is situated and generally circulated in the municipality; and

1403 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

1404 (b) If there is not a newspaper as described in Subsection (3)(a)(i), then notice shall be
1405 given by posting this notice in three public places in the municipality.

1406 (4) After the conclusion of the public hearing, the governing body may enact an
1407 ordinance fixing, changing, or amending the compensation of any elective or appointive officer
1408 of the municipality or adopting a compensation schedule applicable to any officer or officers.

1409 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality
1410 establishing a salary or compensation schedule for its elective or appointive officers and any
1411 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the
1412 municipality has enacted an ordinance pursuant to the provisions of this chapter.

1413 (6) The compensation of all municipal officers shall be paid at least monthly out of the
1414 municipal treasury provided that municipalities having 1,000 or fewer population may by
1415 ordinance provide for the payment of its statutory officers less frequently. None of the
1416 provisions of this chapter shall be considered as limiting or restricting the authority to any
1417 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,
1418 Section 5, to determine the salaries of its elective and appointive officers or employees.

1419 Section 22. Section **10-5-107.5** is amended to read:

1420 **10-5-107.5. Transfer of enterprise fund money to another fund.**

1421 (1) As used in this section:

1422 (a) "Budget hearing" means a public hearing required under Section [10-5-108](#).

- 1423 (b) "Enterprise fund accounting data" means a detailed overview of the various
1424 enterprise funds of the town that includes:
- 1425 (i) a cost accounting breakdown of how money in the enterprise fund is being used to
1426 cover, as applicable:
- 1427 (A) administrative and overhead costs of the town attributable to the operation of the
1428 enterprise for which the enterprise fund was created; and
- 1429 (B) other costs not associated with the enterprise for which the enterprise fund was
1430 created; and
- 1431 (ii) specific enterprise fund information.
- 1432 (c) "Enterprise fund hearing" means the public hearing required under Subsection
1433 (3)(d).
- 1434 (d) "Specific enterprise fund information" means:
- 1435 (i) the dollar amount of transfers from an enterprise fund to another fund; and
1436 (ii) the percentage of the total enterprise fund expenditures represented by each transfer
1437 to another fund.
- 1438 (2) Subject to the requirements of this section, a town may transfer money in an
1439 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose
1440 that is not directly related to the goods or services provided by the enterprise for which the
1441 enterprise fund was created.
- 1442 (3) The governing body of a town that intends to transfer money in an enterprise fund
1443 to another fund shall:
- 1444 (a) provide notice of the intended transfer as required under Subsection (4);
1445 (b) clearly identify in a separate section or document accompanying the town's
1446 tentative budget or, if an amendment to the town's budget includes or is based on an intended
1447 transfer, in a separate section or document accompanying the amendment to the town's budget:
- 1448 (i) the enterprise fund from which money is intended to be transferred; and
1449 (ii) the specific enterprise fund information for that enterprise fund;
- 1450 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and
1451 (d) hold an enterprise fund hearing before the adoption of the town's budget or, if
1452 applicable, the amendment to the budget.
- 1453 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body

1454 shall:

1455 (i) provide the notice described in Subsection (4)(b) by:

1456 (A) mailing a copy of the notice to users of the goods or services provided by the
1457 enterprise for which the enterprise fund was created, if the town regularly mails users a
1458 periodic billing for the goods or services;

1459 (B) emailing a copy of the notice to users of the goods or services provided by the
1460 enterprise for which the enterprise fund was created, if the town regularly emails users a
1461 periodic billing for the goods or services;

1462 (C) posting the notice on the Utah Public Notice Website created in Section
1463 ~~[63F-1-701]~~ [63A-16-601](#); and

1464 (D) if the town has a website, prominently posting the notice on the town's website
1465 until the enterprise fund hearing is concluded; and

1466 (ii) if the town communicates with the public through a social media platform, publish
1467 notice of the date, time, place, and purpose of the enterprise fund hearing using the social
1468 media platform.

1469 (b) The notice required under Subsection (4)(a)(i) shall:

1470 (i) explain the intended transfer of enterprise fund money to another fund;

1471 (ii) include specific enterprise fund information for each enterprise fund from which
1472 money is intended to be transferred;

1473 (iii) provide the date, time, and place of the enterprise fund hearing; and

1474 (iv) explain the purpose of the enterprise fund hearing.

1475 (5) (a) An enterprise fund hearing shall be separate and independent from a budget
1476 hearing and any other public hearing.

1477 (b) At an enterprise fund hearing, the governing body shall:

1478 (i) explain the intended transfer of enterprise fund money to another fund;

1479 (ii) provide enterprise fund accounting data to the public; and

1480 (iii) allow members of the public in attendance at the hearing to comment on:

1481 (A) the intended transfer of enterprise fund money to another fund; and

1482 (B) the enterprise fund accounting data.

1483 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is

1484 based on a transfer of money from an enterprise fund to another fund, the governing body shall:

- 1485 (i) within 60 days after adopting the budget or budget amendment:
1486 (A) mail a notice to users of the goods or services provided by the enterprise for which
1487 the enterprise fund was created, if the town regularly mails users a periodic billing for the
1488 goods or services; and
1489 (B) email a notice to users of the goods or services provided by the enterprise for
1490 which the enterprise fund was created, if the town regularly emails users a periodic billing for
1491 the goods or services;
- 1492 (ii) within seven days after adopting the budget or budget amendment:
1493 (A) post enterprise fund accounting data on the town's website, if the town has a
1494 website;
1495 (B) using the town's social media platform, publish notice of the adoption of a budget
1496 or budget amendment that includes or is based on a transfer of money from an enterprise fund
1497 to another fund, if the town communicates with the public through a social media platform; and
1498 (iii) within 30 days after adopting the budget, submit to the state auditor the specific
1499 enterprise fund information for each enterprise fund from which money will be transferred.
- 1500 (b) A notice required under Subsection (6)(a)(i) shall:
1501 (i) announce the adoption of a budget or budget amendment that includes or is based
1502 on a transfer of money from an enterprise fund to another fund; and
1503 (ii) include the specific enterprise fund information.
- 1504 (c) The governing body shall maintain the website posting required under Subsection
1505 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).
1506 Section 23. Section **10-5-108** is amended to read:
1507 **10-5-108. Budget hearing -- Notice -- Adjustments.**
1508 (1) Prior to the adoption of the final budget or an amendment to a budget, a town
1509 council shall hold a public hearing to receive public comment.
1510 (2) The town council shall provide notice of the place, purpose, and time of the public
1511 hearing by publishing notice at least seven days before the hearing:
1512 (a) (i) at least once in a newspaper of general circulation in the town; or
1513 (ii) if there is no newspaper of general circulation, then by posting the notice in three
1514 public places at least 48 hours before the hearing;
1515 (b) on the Utah Public Notice Website created in Section [63F-1-701] [63A-16-601](#); and

1516 (c) on the home page of the website, either in full or as a link, of the town or metro
1517 township, if the town or metro township has a publicly viewable website, until the hearing
1518 takes place.

1519 (3) After the hearing, the town council, subject to Section [10-5-110](#), may adjust
1520 expenditures and revenues in conformity with this chapter.

1521 Section 24. Section **10-6-113** is amended to read:

1522 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1523 At the meeting at which each tentative budget is adopted, the governing body shall
1524 establish the time and place of a public hearing to consider its adoption and shall order that
1525 notice of the public hearing be published at least seven days prior to the hearing:

1526 (1) (a) in at least one issue of a newspaper of general circulation published in the
1527 county in which the city is located; or

1528 (b) if there is not a newspaper as described in Subsection (1)(a), in three public places
1529 within the city;

1530 (2) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#); and

1531 (3) on the home page of the website, either in full or as a link, of the city or metro
1532 township, if the city or metro township has a publicly viewable website, until the hearing takes
1533 place.

1534 Section 25. Section **10-6-135.5** is amended to read:

1535 **10-6-135.5. Transfer of enterprise fund money to another fund.**

1536 (1) As used in this section:

1537 (a) "Budget hearing" means a public hearing required under Section [10-6-114](#).

1538 (b) "Enterprise fund accounting data" means a detailed overview of the various
1539 enterprise funds of the city that includes:

1540 (i) a cost accounting breakdown of how money in the enterprise fund is being used to
1541 cover, as applicable:

1542 (A) administrative and overhead costs of the city attributable to the operation of the
1543 enterprise for which the enterprise fund was created; and

1544 (B) other costs not associated with the enterprise for which the enterprise fund was
1545 created; and

1546 (ii) specific enterprise fund information.

1547 (c) "Enterprise fund hearing" means the public hearing required under Subsection
1548 (3)(d).

1549 (d) "Specific enterprise fund information" means:

1550 (i) the dollar amount of transfers from an enterprise fund to another fund; and

1551 (ii) the percentage of the total enterprise fund expenditures represented by each transfer
1552 to another fund.

1553 (2) Subject to the requirements of this section, a city may transfer money in an
1554 enterprise fund to another fund to pay for a good, service, project, venture, or other purpose
1555 that is not directly related to the goods or services provided by the enterprise for which the
1556 enterprise fund was created.

1557 (3) The governing body of a city that intends to transfer money in an enterprise fund to
1558 another fund shall:

1559 (a) provide notice of the intended transfer as required under Subsection (4);

1560 (b) clearly identify in a separate section or document accompanying the city's tentative
1561 budget or, if an amendment to the city's budget includes or is based on an intended transfer, in
1562 a separate section or document accompanying the amendment to the city's budget:

1563 (i) the enterprise fund from which money is intended to be transferred; and

1564 (ii) the specific enterprise fund information for that enterprise fund;

1565 (c) provide notice of an enterprise fund hearing, as required in Subsection (4); and

1566 (d) hold an enterprise fund hearing before the adoption of the city's budget or, if
1567 applicable, the amendment to the budget.

1568 (4) (a) At least seven days before holding an enterprise fund hearing, a governing body
1569 shall:

1570 (i) provide the notice described in Subsection (4)(b) by:

1571 (A) mailing a copy of the notice to users of the goods or services provided by the
1572 enterprise for which the enterprise fund was created, if the city regularly mails users a periodic
1573 billing for the goods or services;

1574 (B) emailing a copy of the notice to users of the goods or services provided by the
1575 enterprise for which the enterprise fund was created, if the city regularly emails users a periodic
1576 billing for the goods or services;

1577 (C) posting the notice on the Utah Public Notice Website created in Section

1578 [~~63F-1-701~~] 63A-16-601; and

1579 (D) if the city has a website, prominently posting the notice on the city's website until
1580 the enterprise fund hearing is concluded; and

1581 (ii) if the city communicates with the public through a social media platform, publish
1582 notice of the date, time, place, and purpose of the enterprise fund hearing using the social
1583 media platform.

1584 (b) The notice required under Subsection (4)(a)(i) shall:

1585 (i) explain the intended transfer of enterprise fund money to another fund;

1586 (ii) include specific enterprise fund information for each enterprise fund from which
1587 money is intended to be transferred;

1588 (iii) provide the date, time, and place of the enterprise fund hearing; and

1589 (iv) explain the purpose of the enterprise fund hearing.

1590 (5) (a) An enterprise fund hearing shall be separate and independent from a budget
1591 hearing and any other public hearing.

1592 (b) At an enterprise fund hearing, the governing body shall:

1593 (i) explain the intended transfer of enterprise fund money to another fund;

1594 (ii) provide enterprise fund accounting data to the public; and

1595 (iii) allow members of the public in attendance at the hearing to comment on:

1596 (A) the intended transfer of enterprise fund money to another fund; and

1597 (B) the enterprise fund accounting data.

1598 (6) (a) If a governing body adopts a budget or a budget amendment that includes or is
1599 based on a transfer of money from an enterprise fund to another fund, the governing body shall:

1600 (i) within 60 days after adopting the budget or budget amendment:

1601 (A) mail a notice to users of the goods or services provided by the enterprise for which
1602 the enterprise fund was created, if the city regularly mails users a periodic billing for the goods
1603 or services; and

1604 (B) email a notice to users of the goods or services provided by the enterprise for
1605 which the enterprise fund was created, if the city regularly emails users a periodic billing for
1606 the goods or services;

1607 (ii) within seven days after adopting the budget or budget amendment:

1608 (A) post enterprise fund accounting data on the city's website, if the city has a website;

1609 (B) using the city's social media platform, publish notice of the adoption of a budget or
1610 budget amendment that includes or is based on a transfer of money from an enterprise fund to
1611 another fund, if the city communicates with the public through a social media platform; and

1612 (iii) within 30 days after adopting the budget, submit to the state auditor the specific
1613 enterprise fund information for each enterprise fund from which money will be transferred.

1614 (b) A notice required under Subsection (6)(a)(i) shall:

1615 (i) announce the adoption of a budget or budget amendment that includes or is based
1616 on a transfer of money from an enterprise fund to another fund; and

1617 (ii) include the specific enterprise fund information.

1618 (c) The governing body shall maintain the website posting required under Subsection
1619 (6)(a)(ii)(A) continuously until another posting is required under Subsection (4)(a)(i)(C).

1620 Section 26. Section **10-7-19** is amended to read:

1621 **10-7-19. Election to authorize -- Notice -- Ballots.**

1622 (1) Subject to Subsection (2), the board of commissioners or city council of any city, or
1623 the board of trustees of any incorporated town, may aid and encourage the building of railroads
1624 by granting to any railroad company, for depot or other railroad purposes, real property of the
1625 city or incorporated town, not necessary for municipal or public purposes, upon the limitations
1626 and conditions established by the board of commissioners, city council, or board of trustees.

1627 (2) A board of commissioners, city council, or board of trustees may not grant real
1628 property under Subsection (1) unless the grant is approved by the eligible voters of the city or
1629 town at the next municipal election, or at a special election called for that purpose by the board
1630 of commissioners, city council, or board of trustees.

1631 (3) If the question is submitted at a special election, the election shall be held as nearly
1632 as practicable in conformity with the general election laws of the state.

1633 (4) The board of commissioners, city council, or board of trustees shall publish notice
1634 of an election described in Subsections (2) and (3):

1635 (a) (i) in a newspaper of general circulation in the city or town once a week for four
1636 weeks before the election;

1637 (ii) if there is no newspaper of general circulation in the city or town, at least four
1638 weeks before the day of the election, by posting one notice, and at least one additional notice
1639 per 2,000 population of the city or town, in places within the city or town that are most likely to

1640 give notice to the voters in the city or town; or

1641 (iii) at least four weeks before the day of the election, by mailing notice to each
1642 registered voter in the city or town;

1643 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601, for
1644 four weeks before the day of the election;

1645 (c) in accordance with Section 45-1-101, for four weeks before the day of the election;
1646 and

1647 (d) if the municipality has a website, on the municipality's website for at least four
1648 weeks before the day of the election.

1649 (5) The board of commissioners, city council, or board of trustees shall cause ballots to
1650 be printed and provided to the eligible voters, which shall read: "For the proposed grant for
1651 depot or other railroad purposes: Yes. No."

1652 (6) If a majority of the votes are cast in favor of the grant, the board of commissioners,
1653 city council, or board of trustees shall convey the real property to the railroad company.

1654 Section 27. Section **10-8-2** is amended to read:

1655 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
1656 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1657 (1) (a) A municipal legislative body may:

1658 (i) appropriate money for corporate purposes only;

1659 (ii) provide for payment of debts and expenses of the corporation;

1660 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
1661 dispose of real and personal property for the benefit of the municipality, whether the property is
1662 within or without the municipality's corporate boundaries, if the action is in the public interest
1663 and complies with other law;

1664 (iv) improve, protect, and do any other thing in relation to this property that an
1665 individual could do; and

1666 (v) subject to Subsection (2) and after first holding a public hearing, authorize
1667 municipal services or other nonmonetary assistance to be provided to or waive fees required to
1668 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1669 (b) A municipality may:

1670 (i) furnish all necessary local public services within the municipality;

1671 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
1672 located and operating within and operated by the municipality; and

1673 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
1674 located inside or outside the corporate limits of the municipality and necessary for any of the
1675 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
1676 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1677 (c) Each municipality that intends to acquire property by eminent domain under
1678 Subsection (1)(b) shall comply with the requirements of Section 78B-6-505.

1679 (d) Subsection (1)(b) may not be construed to diminish any other authority a
1680 municipality may claim to have under the law to acquire by eminent domain property located
1681 inside or outside the municipality.

1682 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
1683 the provisions of Subsection (3).

1684 (b) The total amount of services or other nonmonetary assistance provided or fees
1685 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
1686 municipality's budget for that fiscal year.

1687 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
1688 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
1689 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
1690 subject to this Subsection (3).

1691 (a) The net value received for any money appropriated shall be measured on a
1692 project-by-project basis over the life of the project.

1693 (b) (i) A municipal legislative body shall establish the criteria for a determination
1694 under this Subsection (3).

1695 (ii) A municipal legislative body's determination of value received is presumed valid
1696 unless a person can show that the determination was arbitrary, capricious, or illegal.

1697 (c) The municipality may consider intangible benefits received by the municipality in
1698 determining net value received.

1699 (d) (i) Before the municipal legislative body makes any decision to appropriate any
1700 funds for a corporate purpose under this section, the municipal legislative body shall hold a
1701 public hearing.

1702 (ii) The municipal legislative body shall publish a notice of the hearing described in
1703 Subsection (3)(d)(i):

1704 (A) in a newspaper of general circulation at least 14 days before the date of the hearing
1705 or, if there is no newspaper of general circulation, by posting notice in at least three
1706 conspicuous places within the municipality for the same time period; and

1707 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), at
1708 least 14 days before the date of the hearing.

1709 (e) (i) Before a municipality provides notice as described in Subsection (3)(d)(ii), the
1710 municipality shall perform a study that analyzes and demonstrates the purpose for an
1711 appropriation described in this Subsection (3) in accordance with Subsection (3)(e)(iii).

1712 (ii) A municipality shall make the study described in Subsection (3)(e)(i) available at
1713 the municipality for review by interested parties at least 14 days immediately before the public
1714 hearing described in Subsection (3)(d)(i).

1715 (iii) A municipality shall consider the following factors when conducting the study
1716 described in Subsection (3)(e)(i):

1717 (A) what identified benefit the municipality will receive in return for any money or
1718 resources appropriated;

1719 (B) the municipality's purpose for the appropriation, including an analysis of the way
1720 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
1721 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1722 (C) whether the appropriation is necessary and appropriate to accomplish the
1723 reasonable goals and objectives of the municipality in the area of economic development, job
1724 creation, affordable housing, elimination of a development impediment, job preservation, the
1725 preservation of historic structures and property, and any other public purpose.

1726 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
1727 to make an appropriation.

1728 (ii) A person shall file an appeal as described in Subsection (3)(f)(i) with the district
1729 court within 30 days after the day on which the municipal legislative body makes a decision.

1730 (iii) Any appeal shall be based on the record of the proceedings before the legislative
1731 body.

1732 (iv) A decision of the municipal legislative body shall be presumed to be valid unless

1733 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1734 (g) The provisions of this Subsection (3) apply only to those appropriations made after
1735 May 6, 2002.

1736 (h) This section applies only to appropriations not otherwise approved pursuant to Title
1737 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
1738 Fiscal Procedures Act for Utah Cities.

1739 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
1740 municipality shall:

1741 (i) provide reasonable notice of the proposed disposition at least 14 days before the
1742 opportunity for public comment under Subsection (4)(a)(ii); and

1743 (ii) allow an opportunity for public comment on the proposed disposition.

1744 (b) Each municipality shall, by ordinance, define what constitutes:

1745 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1746 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1747 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
1748 real property for the purpose of expanding the municipality's infrastructure or other facilities
1749 used for providing services that the municipality offers or intends to offer shall provide written
1750 notice, as provided in this Subsection (5), of its intent to acquire the property if:

1751 (i) the property is located:

1752 (A) outside the boundaries of the municipality; and

1753 (B) in a county of the first or second class; and

1754 (ii) the intended use of the property is contrary to:

1755 (A) the anticipated use of the property under the general plan of the county in whose
1756 unincorporated area or the municipality in whose boundaries the property is located; or

1757 (B) the property's current zoning designation.

1758 (b) Each notice under Subsection (5)(a) shall:

1759 (i) indicate that the municipality intends to acquire real property;

1760 (ii) identify the real property; and

1761 (iii) be sent to:

1762 (A) each county in whose unincorporated area and each municipality in whose
1763 boundaries the property is located; and

1764 (B) each affected entity.

1765 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
1766 63G-2-305(8).

1767 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
1768 previously provided notice under Section 10-9a-203 identifying the general location within the
1769 municipality or unincorporated part of the county where the property to be acquired is located.

1770 (ii) If a municipality is not required to comply with the notice requirement of
1771 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
1772 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
1773 property.

1774 Section 28. Section 10-8-15 is amended to read:

1775 **10-8-15. Waterworks -- Construction -- Extraterritorial jurisdiction.**

1776 (1) As used in this section, "affected entity" means a:

1777 (a) county that has land use authority over land subject to an ordinance or regulation
1778 described in this section;

1779 (b) local health department, as that term is defined in Section 26A-1-102, that has
1780 jurisdiction pursuant to Section 26A-1-108 over land subject to an ordinance or regulation
1781 described in this section;

1782 (c) municipality that has enacted or has the right to enact an ordinance or regulation
1783 described in this section over the land subject to an ordinance or regulation described in this
1784 section; and

1785 (d) municipality that has land use authority over land subject to an ordinance or
1786 regulation described in this section.

1787 (2) A municipality may construct or authorize the construction of waterworks within or
1788 without the municipal limits, and for the purpose of maintaining and protecting the same from
1789 injury and the water from pollution the municipality's jurisdiction shall extend over the territory
1790 occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used
1791 in and necessary for the construction, maintenance and operation of the same, and over the
1792 stream or other source from which the water is taken, for 15 miles above the point from which
1793 it is taken and for a distance of 300 feet on each side of such stream and over highways along
1794 such stream or watercourse within said 15 miles and said 300 feet.

1795 (3) The jurisdiction of a city of the first class shall additionally be over the entire
1796 watershed within the county of origin of the city of the first class and subject to Subsection (6)
1797 provided that livestock shall be permitted to graze beyond 1,000 feet from any such stream or
1798 source; and provided further, that the city of the first class shall provide a highway in and
1799 through the city's corporate limits, and so far as the city's jurisdiction extends, which may not
1800 be closed to cattle, horses, sheep, hogs, or goats driven through the city, or through any
1801 territory adjacent thereto over which the city has jurisdiction, but the board of commissioners
1802 of the city may enact ordinances placing under police regulations the manner of driving such
1803 cattle, sheep, horses, hogs, and goats through the city, or any territory adjacent thereto over
1804 which the city has jurisdiction.

1805 (4) A municipality may enact all ordinances and regulations necessary to carry the
1806 power herein conferred into effect, and is authorized and empowered to enact ordinances
1807 preventing pollution or contamination of the streams or watercourses from which the
1808 municipality derives the municipality's water supply, in whole or in part, for domestic and
1809 culinary purposes, and may enact ordinances prohibiting or regulating the construction or
1810 maintenance of any closet, privy, outhouse or urinal within the area over which the
1811 municipality has jurisdiction, and provide for permits for the construction and maintenance of
1812 the same.

1813 (5) In granting a permit described in Subsection (4), a municipality may annex thereto
1814 such reasonable conditions and requirements for the protection of the public health as the
1815 municipality determines proper, and may, if determined advisable, require that all closets,
1816 privies and urinals along such streams shall be provided with effective septic tanks or other
1817 germ-destroying instrumentalities.

1818 (6) A city of the first class may only exercise extraterritorial jurisdiction outside of the
1819 city's county of origin, as described in Subsection (3), pursuant to a written agreement with all
1820 municipalities and counties that have jurisdiction over the area where the watershed is located.

1821 (7) (a) After July 1, 2019, a municipal legislative body that seeks to adopt an ordinance
1822 or regulation under the authority of this section shall:

1823 (i) hold a public hearing on the proposed ordinance or regulation; and

1824 (ii) give notice of the date, place, and time of the hearing, as described in Subsection

1825 (7)(b).

1826 (b) At least ten days before the day on which the public hearing described in
1827 Subsection (7)(a)(i) is to be held, the notice described in Subsection (7)(a)(ii) shall be:
1828 (i) mailed to:
1829 (A) each affected entity;
1830 (B) the director of the Division of Drinking Water; and
1831 (C) the director of the Division of Water Quality; and
1832 (ii) published:
1833 (A) in a newspaper of general circulation in the county in which the land subject to the
1834 proposed ordinance or regulation is located; and
1835 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).
1836 (c) An ordinance or regulation adopted under the authority of this section may not
1837 conflict with:
1838 (i) existing federal or state statutes; or
1839 (ii) a rule created pursuant to a federal or state statute governing drinking water or
1840 water quality.
1841 (d) A municipality that enacts an ordinance or regulation under the authority of this
1842 section shall:
1843 (i) provide a copy of the ordinance or regulation to each affected entity; and
1844 (ii) include a copy of the ordinance or regulation in the municipality's drinking water
1845 source protection plan.
1846 Section 29. Section **10-9a-203** is amended to read:
1847 **10-9a-203. Notice of intent to prepare a general plan or comprehensive general**
1848 **plan amendments in certain municipalities.**
1849 (1) Before preparing a proposed general plan or a comprehensive general plan
1850 amendment, each municipality within a county of the first or second class shall provide 10
1851 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general
1852 plan amendment:
1853 (a) to each affected entity;
1854 (b) to the Automated Geographic Reference Center created in Section [~~63F-1-506~~]
1855 [63A-16-505](#);
1856 (c) to the association of governments, established pursuant to an interlocal agreement

1857 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;
1858 and

1859 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#).

1860 (2) Each notice under Subsection (1) shall:

1861 (a) indicate that the municipality intends to prepare a general plan or a comprehensive
1862 general plan amendment, as the case may be;

1863 (b) describe or provide a map of the geographic area that will be affected by the general
1864 plan or amendment;

1865 (c) be sent by mail, e-mail, or other effective means;

1866 (d) invite the affected entities to provide information for the municipality to consider in
1867 the process of preparing, adopting, and implementing a general plan or amendment concerning:

1868 (i) impacts that the use of land proposed in the proposed general plan or amendment
1869 may have; and

1870 (ii) uses of land within the municipality that the affected entity is considering that may
1871 conflict with the proposed general plan or amendment; and

1872 (e) include the address of an Internet website, if the municipality has one, and the name
1873 and telephone number of a person where more information can be obtained concerning the
1874 municipality's proposed general plan or amendment.

1875 Section 30. Section **10-9a-204** is amended to read:

1876 **10-9a-204. Notice of public hearings and public meetings to consider general plan**
1877 **or modifications.**

1878 (1) Each municipality shall provide:

1879 (a) notice of the date, time, and place of the first public hearing to consider the original
1880 adoption or any modification of all or any portion of a general plan; and

1881 (b) notice of each public meeting on the subject.

1882 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
1883 days before the public hearing and shall be:

1884 (a) (i) published in a newspaper of general circulation in the area; and

1885 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
1886 [63A-16-601](#);

1887 (b) mailed to each affected entity; and

1888 (c) posted:
1889 (i) in at least three public locations within the municipality; or
1890 (ii) on the municipality's official website.
1891 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1892 before the meeting and shall be:

1893 (a) (i) submitted to a newspaper of general circulation in the area; and
1894 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
1895 [63A-16-601](#); and

1896 (b) posted:
1897 (i) in at least three public locations within the municipality; or
1898 (ii) on the municipality's official website.

1899 Section 31. Section **10-9a-205** is amended to read:

1900 **10-9a-205. Notice of public hearings and public meetings on adoption or**
1901 **modification of land use regulation.**

1902 (1) Each municipality shall give:

1903 (a) notice of the date, time, and place of the first public hearing to consider the
1904 adoption or any modification of a land use regulation; and
1905 (b) notice of each public meeting on the subject.

1906 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

1907 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
1908 (b) posted:
1909 (i) in at least three public locations within the municipality; or
1910 (ii) on the municipality's official website; and

1911 (c) (i) (A) published in a newspaper of general circulation in the area at least 10
1912 calendar days before the public hearing; and

1913 (B) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
1914 [63A-16-601](#), at least 10 calendar days before the public hearing; or

1915 (ii) mailed at least 10 days before the public hearing to:

1916 (A) each property owner whose land is directly affected by the land use ordinance
1917 change; and

1918 (B) each adjacent property owner within the parameters specified by municipal

1919 ordinance.

1920 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1921 before the meeting and shall be posted:

1922 (a) in at least three public locations within the municipality; or

1923 (b) on the municipality's official website.

1924 (4) (a) A municipality shall send a courtesy notice to each owner of private real
1925 property whose property is located entirely or partially within a proposed zoning map
1926 enactment or amendment at least 10 days before the scheduled day of the public hearing.

1927 (b) The notice shall:

1928 (i) identify with specificity each owner of record of real property that will be affected
1929 by the proposed zoning map or map amendments;

1930 (ii) state the current zone in which the real property is located;

1931 (iii) state the proposed new zone for the real property;

1932 (iv) provide information regarding or a reference to the proposed regulations,
1933 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
1934 amendment is adopted;

1935 (v) state that the owner of real property may no later than 10 days after the day of the
1936 first public hearing file a written objection to the inclusion of the owner's property in the
1937 proposed zoning map or map amendment;

1938 (vi) state the address where the property owner should file the protest;

1939 (vii) notify the property owner that each written objection filed with the municipality
1940 will be provided to the municipal legislative body; and

1941 (viii) state the location, date, and time of the public hearing described in Section
1942 [10-9a-502](#).

1943 (c) If a municipality mails notice to a property owner in accordance with Subsection
1944 (2)(c)(ii) for a public hearing on a zoning map or map amendment, the notice required in this
1945 Subsection (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather
1946 than sent separately.

1947 Section 32. Section **10-9a-208** is amended to read:

1948 **10-9a-208. Hearing and notice for petition to vacate a public street.**

1949 (1) For any petition to vacate some or all of a public street or municipal utility

1950 easement the legislative body shall:

1951 (a) hold a public hearing; and

1952 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
1953 (2).

1954 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
1955 body shall ensure that the notice required under Subsection (1)(b) is:

1956 (a) mailed to the record owner of each parcel that is accessed by the public street or
1957 municipal utility easement;

1958 (b) mailed to each affected entity;

1959 (c) posted on or near the public street or municipal utility easement in a manner that is
1960 calculated to alert the public; and

1961 (d) (i) published on the website of the municipality in which the land subject to the
1962 petition is located until the public hearing concludes; and

1963 (ii) published on the Utah Public Notice Website created in Section ~~[63F-1-701]~~
1964 63A-16-601.

1965 Section 33. Section **10-9a-603** is amended to read:

1966 **10-9a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
1967 **acknowledgment, surveyor certification, and underground utility facility owner**
1968 **verification of plat -- Recording plat.**

1969 (1) Unless exempt under Section 10-9a-605 or excluded from the definition of
1970 subdivision under Section 10-9a-103, whenever any land is laid out and platted, the owner of
1971 the land shall provide an accurate plat that describes or specifies:

1972 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
1973 the county recorder's office;

1974 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
1975 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
1976 intended to be used as a street or for any other public use, and whether any such area is
1977 reserved or proposed for dedication for a public purpose;

1978 (c) the lot or unit reference, block or building reference, street or site address, street
1979 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
1980 and width of the blocks and lots intended for sale; and

1981 (d) every existing right-of-way and easement grant of record for an underground
1982 facility, as defined in Section 54-8a-2, and for any other utility facility.

1983 (2) (a) Subject to Subsections (3), (5), and (6), if the plat conforms to the municipality's
1984 ordinances and this part and has been approved by the culinary water authority, the sanitary
1985 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
1986 health department and the municipality consider the local health department's approval
1987 necessary, the municipality shall approve the plat.

1988 (b) Municipalities are encouraged to receive a recommendation from the fire authority
1989 and the public safety answering point before approving a plat.

1990 (c) A municipality may not require that a plat be approved or signed by a person or
1991 entity who:

1992 (i) is not an employee or agent of the municipality; or

1993 (ii) does not:

1994 (A) have a legal or equitable interest in the property within the proposed subdivision;

1995 (B) provide a utility or other service directly to a lot within the subdivision;

1996 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
1997 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
1998 relation to the plat; or

1999 (D) provide culinary public water service whose source protection zone designated as
2000 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.

2001 (d) For a subdivision application that includes land located within a notification zone,
2002 as determined under Subsection (2)(f), the land use authority shall:

2003 (i) within 20 days after the day on which a complete subdivision application is filed,
2004 provide written notice of the application to the canal owner or associated canal operator contact
2005 described in:

2006 (A) Section 10-9a-211;

2007 (B) Subsection 73-5-7(2); or

2008 (C) Subsection (5)(c); and

2009 (ii) wait to approve or reject the subdivision application for at least 20 days after the
2010 day on which the land use authority mails the notice described in Subsection (2)(d)(i) in order
2011 to receive input from the canal owner or associated canal operator, including input regarding:

- 2012 (A) access to the canal;
- 2013 (B) maintenance of the canal;
- 2014 (C) canal protection; and
- 2015 (D) canal safety.
- 2016 (e) When applicable, the subdivision applicant shall comply with Section [73-1-15.5](#).
- 2017 (f) The land use authority shall provide the notice described in Subsection (2)(d) to a
- 2018 canal owner or associated canal operator if:
 - 2019 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
 - 2020 (ii) the centerline alignment is available to the land use authority:
 - 2021 (A) from information provided by the canal company under Section [10-9a-211](#), using
 - 2022 mapping-grade global positioning satellite units or digitized data from the most recent aerial
 - 2023 photo available to the canal owner or associated canal operator;
 - 2024 (B) using the state engineer's inventory of canals under Section [73-5-7](#); or
 - 2025 (C) from information provided by a surveyor under Subsection (5)(c).
 - 2026 (3) The municipality may withhold an otherwise valid plat approval until the owner of
 - 2027 the land provides the legislative body with a tax clearance indicating that all taxes, interest, and
 - 2028 penalties owing on the land have been paid.
 - 2029 (4) (a) Within 30 days after approving a final plat under this section, a municipality
 - 2030 shall submit to the Automated Geographic Reference Center, created in Section [~~63F-1-506~~]
 - 2031 [63A-16-505](#), for inclusion in the unified statewide 911 emergency service database described
 - 2032 in Subsection [63H-7a-304\(4\)\(b\)](#):
 - 2033 (i) an electronic copy of the approved final plat; or
 - 2034 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
 - 2035 for construction within the bounds of the approved plat.
 - 2036 (b) If requested by the Automated Geographic Reference Center, a municipality that
 - 2037 approves a final plat under this section shall:
 - 2038 (i) coordinate with the Automated Geographic Reference Center to validate the
 - 2039 information described in Subsection (4)(a); and
 - 2040 (ii) assist the Automated Geographic Reference Center in creating electronic files that
 - 2041 contain the information described in Subsection (4)(a) for inclusion in the unified statewide
 - 2042 911 emergency service database.

2043 (5) (a) A county recorder may not record a plat unless:
2044 (i) prior to recordation, the municipality has approved and signed the plat;
2045 (ii) each owner of record of land described on the plat has signed the owner's
2046 dedication as shown on the plat; and
2047 (iii) the signature of each owner described in Subsection (5)(a)(ii) is acknowledged as
2048 provided by law.
2049 (b) The surveyor making the plat shall certify that the surveyor:
2050 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
2051 Professional Land Surveyors Licensing Act;
2052 (ii) has completed a survey of the property described on the plat in accordance with
2053 Section 17-23-17 and has verified all measurements; and
2054 (iii) has placed monuments as represented on the plat.
2055 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
2056 an existing or proposed underground facility or utility facility within the proposed subdivision,
2057 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
2058 depiction of the:
2059 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
2060 public or private easement, or grants of record;
2061 (B) location of an existing underground facility and utility facility; and
2062 (C) physical restrictions governing the location of the underground facility and utility
2063 facility within the subdivision.
2064 (ii) The cooperation of an owner or operator under Subsection (5)(c)(i):
2065 (A) indicates only that the plat approximates the location of the existing underground
2066 and utility facilities but does not warrant or verify their precise location; and
2067 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
2068 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
2069 applicable to prescriptive rights, or any other provision of law.
2070 (6) (a) Except as provided in Subsection (5)(c), after the plat has been acknowledged,
2071 certified, and approved, the individual seeking to record the plat shall, within the time period
2072 and manner designated by ordinance, record the plat in the county recorder's office in the
2073 county in which the lands platted and laid out are situated.

2074 (b) A failure to record a plat within the time period designated by ordinance renders the
2075 plat voidable by the land use authority.

2076 Section 34. Section **10-18-203** is amended to read:

2077 **10-18-203. Feasibility study on providing cable television or public**
2078 **telecommunications services -- Public hearings.**

2079 (1) If a feasibility consultant is hired under Section **10-18-202**, the legislative body of
2080 the municipality shall require the feasibility consultant to:

2081 (a) complete the feasibility study in accordance with this section;

2082 (b) submit to the legislative body by no later than 180 days from the date the feasibility
2083 consultant is hired to conduct the feasibility study:

2084 (i) the full written results of the feasibility study; and

2085 (ii) a summary of the results that is no longer than one page in length; and

2086 (c) attend the public hearings described in Subsection (4) to:

2087 (i) present the feasibility study results; and

2088 (ii) respond to questions from the public.

2089 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

2090 (a) (i) if the municipality is proposing to provide cable television services to
2091 subscribers, whether the municipality providing cable television services in the manner
2092 proposed by the municipality will hinder or advance competition for cable television services
2093 in the municipality; or

2094 (ii) if the municipality is proposing to provide public telecommunications services to
2095 subscribers, whether the municipality providing public telecommunications services in the
2096 manner proposed by the municipality will hinder or advance competition for public
2097 telecommunications services in the municipality;

2098 (b) whether but for the municipality any person would provide the proposed:

2099 (i) cable television services; or

2100 (ii) public telecommunications services;

2101 (c) the fiscal impact on the municipality of:

2102 (i) the capital investment in facilities that will be used to provide the proposed:

2103 (A) cable television services; or

2104 (B) public telecommunications services; and

- 2105 (ii) the expenditure of funds for labor, financing, and administering the proposed:
- 2106 (A) cable television services; or
- 2107 (B) public telecommunications services;
- 2108 (d) the projected growth in demand in the municipality for the proposed:
- 2109 (i) cable television services; or
- 2110 (ii) public telecommunications services;
- 2111 (e) the projections at the time of the feasibility study and for the next five years, of a
- 2112 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
- 2113 facilities necessary to provide the proposed:
- 2114 (i) cable television services; or
- 2115 (ii) public telecommunications services; and
- 2116 (f) the projections at the time of the feasibility study and for the next five years of the
- 2117 revenues to be generated from the proposed:
- 2118 (i) cable television services; or
- 2119 (ii) public telecommunications services.
- 2120 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
- 2121 the feasibility consultant shall assume that the municipality will price the proposed cable
- 2122 television services or public telecommunications services consistent with Subsection
- 2123 [10-18-303\(5\)](#).
- 2124 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
- 2125 [10-18-202\(3\)](#), the legislative body, at the next regular meeting after the legislative body
- 2126 receives the results of the feasibility study, shall schedule at least two public hearings to be
- 2127 held:
- 2128 (a) within 60 days of the meeting at which the public hearings are scheduled;
- 2129 (b) at least seven days apart; and
- 2130 (c) for the purpose of allowing:
- 2131 (i) the feasibility consultant to present the results of the feasibility study; and
- 2132 (ii) the public to:
- 2133 (A) become informed about the feasibility study results; and
- 2134 (B) ask questions of the feasibility consultant about the results of the feasibility study.
- 2135 (5) (a) Except as provided in Subsection (5)(b), the municipality shall publish notice of

2136 the public hearings required under Subsection (4):

2137 (i) at least once a week for three consecutive weeks in a newspaper of general
2138 circulation in the municipality and at least three days before the first public hearing required
2139 under Subsection (4); and

2140 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2141 three weeks, at least three days before the first public hearing required under Subsection (4).

2142 (b) (i) In accordance with Subsection (5)(a)(i), if there is no newspaper of general
2143 circulation in the municipality, for each 1,000 residents, the municipality shall post at least one
2144 notice of the hearings in a conspicuous place within the municipality that is likely to give
2145 notice of the hearings to the greatest number of residents of the municipality.

2146 (ii) The municipality shall post the notices at least seven days before the first public
2147 hearing required under Subsection (4) is held.

2148 Section 35. Section **10-18-302** is amended to read:

2149 **10-18-302. Bonding authority.**

2150 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
2151 legislative body of a municipality may by resolution determine to issue one or more revenue
2152 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide
2153 to subscribers:

- 2154 (a) a cable television service; or
- 2155 (b) a public telecommunications service.

2156 (2) The resolution described in Subsection (1) shall:

- 2157 (a) describe the purpose for which the indebtedness is to be created; and
- 2158 (b) specify the dollar amount of the one or more bonds proposed to be issued.

2159 (3) (a) A revenue bond issued under this section shall be secured and paid for:

- 2160 (i) from the revenues generated by the municipality from providing:
 - 2161 (A) cable television services with respect to revenue bonds issued to finance facilities
 - 2162 for the municipality's cable television services; and
 - 2163 (B) public telecommunications services with respect to revenue bonds issued to finance
 - 2164 facilities for the municipality's public telecommunications services; and

2165 (ii) notwithstanding Subsection (3)(b) and Subsection [10-18-303\(3\)\(a\)](#), from revenues
2166 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

2167 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections
2168 (4) and (5), the revenue bond is approved by the registered voters in an election held:

2169 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
2170 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

2171 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;

2172 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
2173 revenue bond; and

2174 (C) the municipality or municipalities annually appropriate the revenues described in
2175 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

2176 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
2177 origination, financing, or other carrying costs associated with the one or more revenue bonds
2178 issued under this section from the town or city, respectively, general funds or other enterprise
2179 funds of the municipality.

2180 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
2181 pursuant to an agreement:

2182 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

2183 (ii) to which a municipality is a party.

2184 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
2185 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal
2186 entity that issues revenue bonds, if:

2187 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is
2188 a member of a municipal entity that is issuing revenue bonds has published the first notice
2189 described in Subsection (4)(b)(iii);

2190 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
2191 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
2192 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
2193 this Subsection (4)(b)(ii);

2194 (iii) the municipality that is issuing the revenue bonds or the municipality that is a
2195 member of the municipal entity that is issuing the revenue bonds has:

2196 (A) held a public hearing for which public notice was given by publication of the
2197 notice:

2198 (I) in a newspaper published in the municipality or in a newspaper of general
2199 circulation within the municipality for two consecutive weeks, with the first publication being
2200 not less than 14 days before the public hearing; and

2201 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2202 two weeks before the public hearing; and

2203 (B) the notice identifies:

2204 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding
2205 Act;

2206 (II) the purpose for the bonds to be issued;

2207 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
2208 be pledged in any fiscal year;

2209 (IV) the maximum number of years that the pledge will be in effect; and

2210 (V) the time, place, and location for the public hearing;

2211 (iv) the municipal entity that issues revenue bonds:

2212 (A) adopts a final financing plan; and

2213 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
2214 Management Act, makes available to the public at the time the municipal entity adopts the final
2215 financing plan:

2216 (I) the final financing plan; and

2217 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
2218 Chapter 2, Government Records Access and Management Act;

2219 (v) any municipality that is a member of a municipal entity described in Subsection
2220 (4)(b)(iv):

2221 (A) not less than 30 calendar days after the municipal entity complies with Subsection
2222 (4)(b)(iv)(B), holds a final public hearing;

2223 (B) provides notice, at the time the municipality schedules the final public hearing, to
2224 any person who has provided to the municipality a written request for notice; and

2225 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
2226 interested parties; and

2227 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2228 more than 50% of the average annual debt service of all revenue bonds described in this section

2229 to provide service throughout the municipality or municipal entity may be paid from the
2230 revenues described in Subsection (3)(a)(ii).

2231 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
2232 to a municipality that issues revenue bonds if:

2233 (a) the municipality that is issuing the revenue bonds has:

2234 (i) held a public hearing for which public notice was given by publication of the notice:

2235 (A) in a newspaper published in the municipality or in a newspaper of general
2236 circulation within the municipality for two consecutive weeks, with the first publication being
2237 not less than 14 days before the public hearing; and

2238 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2239 14 days before the public hearing; and

2240 (ii) the notice identifies:

2241 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
2242 Bonding Act;

2243 (B) the purpose for the bonds to be issued;

2244 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
2245 pledged in any fiscal year;

2246 (D) the maximum number of years that the pledge will be in effect; and

2247 (E) the time, place, and location for the public hearing; and

2248 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2249 more than 50% of the average annual debt service of all revenue bonds described in this section
2250 to provide service throughout the municipality or municipal entity may be paid from the
2251 revenues described in Subsection (3)(a)(ii).

2252 (6) A municipality that issues bonds pursuant to this section may not make or grant any
2253 undue or unreasonable preference or advantage to itself or to any private provider of:

2254 (a) cable television services; or

2255 (b) public telecommunications services.

2256 Section 36. Section **11-13-204** is amended to read:

2257 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
2258 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**
2259 **lieutenant governor -- Recording requirements -- Public Service Commission.**

2260 (1) (a) An interlocal entity:
2261 (i) shall adopt bylaws, policies, and procedures for the regulation of its affairs and the
2262 conduct of its business;
2263 (ii) may:
2264 (A) amend or repeal a bylaw, policy, or procedure;
2265 (B) sue and be sued;
2266 (C) have an official seal and alter that seal at will;
2267 (D) make and execute contracts and other instruments necessary or convenient for the
2268 performance of its duties and the exercise of its powers and functions;
2269 (E) acquire real or personal property, or an undivided, fractional, or other interest in
2270 real or personal property, necessary or convenient for the purposes contemplated in the
2271 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;
2272 (F) directly or by contract with another:
2273 (I) own and acquire facilities and improvements or an undivided, fractional, or other
2274 interest in facilities and improvements;
2275 (II) construct, operate, maintain, and repair facilities and improvements; and
2276 (III) provide the services contemplated in the agreement creating the interlocal entity
2277 and establish, impose, and collect rates, fees, and charges for the services provided by the
2278 interlocal entity;
2279 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
2280 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
2281 any part of the revenues and receipts from the facilities, improvements, or services that the
2282 interlocal entity provides;
2283 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
2284 other obligations issued by the interlocal entity;
2285 (I) sell or contract for the sale of the services, output, product, or other benefits
2286 provided by the interlocal entity to:
2287 (I) public agencies inside or outside the state; and
2288 (II) with respect to any excess services, output, product, or benefits, any person on
2289 terms that the interlocal entity considers to be in the best interest of the public agencies that are
2290 parties to the agreement creating the interlocal entity; and

2291 (J) create a local disaster recovery fund in the same manner and to the same extent as
2292 authorized for a local government in accordance with Section 53-2a-605; and

2293 (iii) may not levy, assess, or collect ad valorem property taxes.

2294 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(ii)(G) may, to
2295 the extent provided by the documents under which the assignment, pledge, or other conveyance
2296 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes
2297 payable to the state or its political subdivisions.

2298 (2) An energy services interlocal entity:

2299 (a) except with respect to any ownership interest it has in facilities providing additional
2300 project capacity, is not subject to:

2301 (i) Part 3, Project Entity Provisions; or

2302 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
2303 Pay Corporate Franchise or Income Tax Act; and

2304 (b) may:

2305 (i) own, acquire, and, by itself or by contract with another, construct, operate, and
2306 maintain a facility or improvement for the generation, transmission, and transportation of
2307 electric energy or related fuel supplies;

2308 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
2309 services, transmission, and transportation services, and supplies of natural gas and fuels
2310 necessary for the operation of generation facilities;

2311 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,
2312 and others, whether located in or out of the state, for the sale of wholesale services provided by
2313 the energy services interlocal entity; and

2314 (iv) adopt and implement risk management policies and strategies and enter into
2315 transactions and agreements to manage the risks associated with the purchase and sale of
2316 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,
2317 and other instruments.

2318 (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or
2319 an amendment to that agreement may provide that the agreement may continue and the
2320 interlocal entity may remain in existence until the latest to occur of:

2321 (a) 50 years after the date of the agreement or amendment;

2322 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its
2323 indebtedness;

2324 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed
2325 or transferred all of its interest in its facilities and improvements; or

2326 (d) five years after the facilities and improvements of the interlocal entity are no longer
2327 useful in providing the service, output, product, or other benefit of the facilities and
2328 improvements, as determined under the agreement governing the sale of the service, output,
2329 product, or other benefit.

2330 (4) (a) Upon execution of an agreement to approve the creation of an interlocal entity,
2331 including an electric interlocal entity and an energy services interlocal entity, the governing
2332 body of a member of the interlocal entity under Section 11-13-203 shall:

2333 (i) within 30 days after the date of the agreement, jointly file with the lieutenant
2334 governor:

2335 (A) a copy of a notice of an impending boundary action, as defined in Section
2336 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2337 (B) if less than all of the territory of any Utah public agency that is a party to the
2338 agreement is included within the interlocal entity, a copy of an approved final local entity plat,
2339 as defined in Section 67-1a-6.5; and

2340 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
2341 67-1a-6.5:

2342 (A) if the interlocal entity is located within the boundary of a single county, submit to
2343 the recorder of that county:

2344 (I) the original:

2345 (Aa) notice of an impending boundary action;

2346 (Bb) certificate of creation; and

2347 (Cc) approved final local entity plat, if an approved final local entity plat was required
2348 to be filed with the lieutenant governor under Subsection (4)(a)(i)(B); and

2349 (II) a certified copy of the agreement approving the creation of the interlocal entity; or

2350 (B) if the interlocal entity is located within the boundaries of more than a single
2351 county:

2352 (I) submit to the recorder of one of those counties:

2353 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and
2354 (Cc); and

2355 (Bb) a certified copy of the agreement approving the creation of the interlocal entity;
2356 and

2357 (II) submit to the recorder of each other county:

2358 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb),
2359 and (Cc); and

2360 (Bb) a certified copy of the agreement approving the creation of the interlocal entity.

2361 (b) Upon the lieutenant governor's issuance of a certificate of creation under Section
2362 [67-1a-6.5](#), the interlocal entity is created.

2363 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the
2364 recorder of each county in which the property is located, a newly created interlocal entity may
2365 not charge or collect a fee for service provided to property within the interlocal entity.

2366 (5) Nothing in this section may be construed as expanding the rights of any
2367 municipality or interlocal entity to sell or provide retail service.

2368 (6) Except as provided in Subsection (7):

2369 (a) nothing in this section may be construed to expand or limit the rights of a
2370 municipality to sell or provide retail electric service; and

2371 (b) an energy services interlocal entity may not provide retail electric service to
2372 customers located outside the municipal boundaries of its members.

2373 (7) (a) An energy services interlocal entity created before July 1, 2003, that is
2374 comprised solely of Utah municipalities and that, for a minimum of 50 years before July 1,
2375 2010, provided retail electric service to customers outside the municipal boundaries of its
2376 members, may provide retail electric service outside the municipal boundaries of its members
2377 if:

2378 (i) the energy services interlocal entity:

2379 (A) enters into a written agreement with each public utility holding a certificate of
2380 public convenience and necessity issued by the Public Service Commission to provide service
2381 within an agreed upon geographic area for the energy services interlocal entity to be
2382 responsible to provide electric service in the agreed upon geographic area outside the municipal
2383 boundaries of the members of the energy services interlocal entity; and

2384 (B) obtains a franchise agreement, with the legislative body of the county or other
2385 governmental entity for the geographic area in which the energy services interlocal entity
2386 provides service outside the municipal boundaries of its members; and

2387 (ii) each public utility described in Subsection (7)(a)(i)(A) applies for and obtains from
2388 the Public Service Commission approval of the agreement specified in Subsection (7)(a)(i)(A).

2389 (b) (i) The Public Service Commission shall, after a public hearing held in accordance
2390 with Title 52, Chapter 4, Open and Public Meetings Act, approve an agreement described in
2391 Subsection (7)(a)(ii) if it determines that the agreement is in the public interest in that it
2392 incorporates the customer protections described in Subsection (7)(c) and the franchise
2393 agreement described in Subsection (7)(a)(i)(B) provides a reasonable mechanism using a
2394 neutral arbiter or ombudsman for resolving potential future complaints by customers of the
2395 energy services interlocal entity.

2396 (ii) In approving an agreement, the Public Service Commission shall also amend the
2397 certificate of public convenience and necessity of any public utility described in Subsection
2398 (7)(a)(i) to delete from the geographic area specified in the certificate or certificates of the
2399 public utility the geographic area that the energy services interlocal entity has agreed to serve.

2400 (c) In providing retail electric service to customers outside of the municipal boundaries
2401 of its members, but not within the municipal boundaries of another municipality that grants a
2402 franchise agreement in accordance with Subsection (7)(a)(i)(B), an energy services interlocal
2403 entity shall comply with the following:

2404 (i) the rates and conditions of service for customers outside the municipal boundaries
2405 of the members shall be at least as favorable as the rates and conditions of service for similarly
2406 situated customers within the municipal boundaries of the members;

2407 (ii) the energy services interlocal entity shall operate as a single entity providing
2408 service both inside and outside of the municipal boundaries of its members;

2409 (iii) a general rebate, refund, or other payment made to customers located within the
2410 municipal boundaries of the members shall also be provided to similarly situated customers
2411 located outside the municipal boundaries of the members;

2412 (iv) a schedule of rates and conditions of service, or any change to the rates and
2413 conditions of service, shall be approved by the governing board of the energy services
2414 interlocal entity;

2415 (v) before implementation of any rate increase, the governing board of the energy
2416 services interlocal entity shall first hold a public meeting to take public comment on the
2417 proposed increase, after providing at least 20 days and not more than 60 days' advance written
2418 notice to its customers on the ordinary billing and on the Utah Public Notice Website, created
2419 by Section [~~63F-1-701~~] [63A-16-601](#); and

2420 (vi) the energy services interlocal entity shall file with the Public Service Commission
2421 its current schedule of rates and conditions of service.

2422 (d) The Public Service Commission shall make the schedule of rates and conditions of
2423 service of the energy services interlocal entity available for public inspection.

2424 (e) Nothing in this section:

2425 (i) gives the Public Service Commission jurisdiction over the provision of retail
2426 electric service by an energy services interlocal entity within the municipal boundaries of its
2427 members; or

2428 (ii) makes an energy services interlocal entity a public utility under Title 54, Public
2429 Utilities.

2430 (f) Nothing in this section expands or diminishes the jurisdiction of the Public Service
2431 Commission over a municipality or an association of municipalities organized under Title 11,
2432 Chapter 13, Interlocal Cooperation Act, except as specifically authorized by this section's
2433 language.

2434 (g) (i) An energy services interlocal entity described in Subsection (7)(a) retains its
2435 authority to provide electric service to the extent authorized by Sections [11-13-202](#) and
2436 [11-13-203](#) and Subsections [11-13-204](#)(1) through (5).

2437 (ii) Notwithstanding Subsection (7)(g)(i), if the Public Service Commission approves
2438 the agreement described in Subsection (7)(a)(i), the energy services interlocal entity may not
2439 provide retail electric service to customers located outside the municipal boundaries of its
2440 members, except for customers located within the geographic area described in the agreement.

2441 Section 37. Section **11-13-509** is amended to read:

2442 **11-13-509. Hearing to consider adoption -- Notice.**

2443 (1) At the meeting at which the tentative budget is adopted, the governing board shall:

2444 (a) establish the time and place of a public hearing to consider its adoption; and

2445 (b) except as provided in Subsection (2) or (5), order that notice of the hearing:

2446 (i) be published, at least seven days before the day of the hearing, in at least one issue
2447 of a newspaper of general circulation in a county in which the interlocal entity provides service
2448 to the public or in which its members are located, if such a newspaper is generally circulated in
2449 the county or counties; and

2450 (ii) be published at least seven days before the day of the hearing on the Utah Public
2451 Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

2452 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
2453 required in Subsection (1)(b):

2454 (a) may be combined with the notice required under Section [59-2-919](#); and

2455 (b) shall be published in accordance with the advertisement provisions of Section
2456 [59-2-919](#).

2457 (3) Proof that notice was given in accordance with Subsection (1)(b), (2), or (5) is
2458 prima facie evidence that notice was properly given.

2459 (4) If a notice required under Subsection (1)(b), (2), or (5) is not challenged within 30
2460 days after the day on which the hearing is held, the notice is adequate and proper.

2461 (5) A governing board of an interlocal entity with an annual operating budget of less
2462 than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

2463 (a) mailing a written notice, postage prepaid, to each voter in an interlocal entity; and

2464 (b) posting the notice in three public places within the interlocal entity's service area.

2465 Section 38. Section **11-13-531** is amended to read:

2466 **11-13-531. Imposing or increasing a fee for service provided by interlocal entity.**

2467 (1) The governing board shall fix the rate for a service or commodity provided by the
2468 interlocal entity.

2469 (2) (a) Before imposing a new fee or increasing an existing fee for a service provided
2470 by an interlocal entity, an interlocal entity governing board shall first hold a public hearing at
2471 which interested persons may speak for or against the proposal to impose a fee or to increase an
2472 existing fee.

2473 (b) Each public hearing under Subsection (2)(a) shall be held on a weekday in the
2474 evening beginning no earlier than 6 p.m.

2475 (c) A public hearing required under this Subsection (2) may be combined with a public
2476 hearing on a tentative budget required under Section [11-13-510](#).

2477 (d) Except to the extent that this section imposes more stringent notice requirements,
2478 the governing board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in
2479 holding the public hearing under Subsection (2)(a).

2480 (3) (a) An interlocal entity board shall give notice of a hearing under Subsection (2)(a):

2481 (i) as provided in Subsection (3)(b)(i) or (c); and

2482 (ii) for at least 20 days before the day of the hearing on the Utah Public Notice

2483 Website, created by Section [~~63F-1-701~~] [63A-16-601](#).

2484 (b) (i) Except as provided by Subsection (3)(c)(i), the notice required under Subsection
2485 (2)(a) shall be published:

2486 (A) in a newspaper or combination of newspapers of general circulation in the
2487 interlocal entity, if there is a newspaper or combination of newspapers of general circulation in
2488 the interlocal entity; or

2489 (B) if there is no newspaper or combination of newspapers of general circulation in the
2490 interlocal entity, the interlocal entity board shall post at least one notice per 1,000 population
2491 within the interlocal entity, at places within the interlocal entity that are most likely to provide
2492 actual notice to residents within the interlocal entity.

2493 (ii) The notice described in Subsection (3)(b)(i)(A):

2494 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
2495 point, and surrounded by a 1/4-inch border;

2496 (B) may not be placed in that portion of the newspaper where legal notices and
2497 classified advertisements appear;

2498 (C) whenever possible, shall appear in a newspaper that is published at least one day
2499 per week;

2500 (D) shall be in a newspaper or combination of newspapers of general interest and
2501 readership in the interlocal entity, and not of limited subject matter; and

2502 (E) shall be run once each week for the two weeks preceding the hearing.

2503 (iii) The notice described in Subsections (3)(a)(ii) and (3)(b)(i) shall state that the
2504 interlocal entity board intends to impose or increase a fee for a service provided by the
2505 interlocal entity and will hold a public hearing on a certain day, time, and place fixed in the
2506 notice, which shall be not less than seven days after the day the first notice is published, for the
2507 purpose of hearing comments regarding the proposed imposition or increase of a fee and to

2508 explain the reasons for the proposed imposition or increase.

2509 (c) (i) In lieu of providing notice under Subsection (3)(b)(i), the interlocal entity
2510 governing board may give the notice required under Subsection (2)(a) by mailing the notice to
2511 a person within the interlocal entity's service area who:

2512 (A) will be charged the fee for an interlocal entity's service, if the fee is being imposed
2513 for the first time; or

2514 (B) is being charged a fee, if the fee is proposed to be increased.

2515 (ii) Each notice under Subsection (3)(c)(i) shall comply with Subsection (3)(b)(iii).

2516 (iii) A notice under Subsection (3)(c)(i) may accompany an interlocal entity bill for an
2517 existing fee.

2518 (d) If the hearing required under this section is combined with the public hearing
2519 required under Section 11-13-510, the notice requirements under this Subsection (3) are
2520 satisfied if a notice that meets the requirements of Subsection (3)(b)(iii) is combined with the
2521 notice required under Section 11-13-509.

2522 (e) Proof that notice was given as provided in Subsection (3)(b) or (c) is prima facie
2523 evidence that notice was properly given.

2524 (f) If no challenge is made to the notice given of a public hearing required by
2525 Subsection (2) within 30 days after the date of the hearing, the notice is considered adequate
2526 and proper.

2527 (4) After holding a public hearing under Subsection (2)(a), a governing board may:

2528 (a) impose the new fee or increase the existing fee as proposed;

2529 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
2530 then impose the new fee or increase the existing fee as adjusted; or

2531 (c) decline to impose the new fee or increase the existing fee.

2532 (5) This section applies to each new fee imposed and each increase of an existing fee
2533 that occurs on or after May 12, 2015.

2534 (6) An interlocal entity that accepts an electronic payment may charge an electronic
2535 payment fee.

2536 Section 39. Section 11-14-202 is amended to read:

2537 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2538 (1) The governing body shall publish notice of the election:

2539 (a) (i) once per week for three consecutive weeks before the election in a newspaper of
2540 general circulation in the local political subdivision, in accordance with Section 11-14-316, the
2541 first publication occurring not less than 21, nor more than 35, days before the day of the
2542 election;

2543 (ii) if there is no newspaper of general circulation in the local political subdivision, at
2544 least 21 days before the day of the election, by posting one notice, and at least one additional
2545 notice per 2,000 population of the local political subdivision, in places within the local political
2546 subdivision that are most likely to give notice to the voters in the local political subdivision; or

2547 (iii) at least three weeks before the day of the election, by mailing notice to each
2548 registered voter in the local political subdivision;

2549 (b) on the Utah Public Notice Website created in Section ~~[63F-1-701]~~ 63A-16-601, for
2550 three weeks before the day of the election;

2551 (c) in accordance with Section 45-1-101, for three weeks before the day of the election;
2552 and

2553 (d) if the local political subdivision has a website, on the local political subdivision's
2554 website for at least three weeks before the day of the election.

2555 (2) When the debt service on the bonds to be issued will increase the property tax
2556 imposed upon the average value of a residence by an amount that is greater than or equal to \$15
2557 per year, the governing body shall prepare and mail either a voter information pamphlet or a
2558 notification described in Subsection (8):

2559 (a) at least 15 days, but not more than 45 days, before the bond election;

2560 (b) to each household containing a registered voter who is eligible to vote on the
2561 bonds; and

2562 (c) that includes the information required by Subsections (4) and (5).

2563 (3) The election officer may change the location of, or establish an additional:

2564 (a) voting precinct polling place, in accordance with Subsection (6);

2565 (b) early voting polling place, in accordance with Subsection 20A-3a-603(2); or

2566 (c) election day voting center, in accordance with Subsection 20A-3a-703(2).

2567 (4) The notice described in Subsection (1) and the voter information pamphlet
2568 described in Subsection (2):

2569 (a) shall include, in the following order:

- 2570 (i) the date of the election;
- 2571 (ii) the hours during which the polls will be open;
- 2572 (iii) the address of the Statewide Electronic Voter Information Website and, if
- 2573 available, the address of the election officer's website, with a statement indicating that the
- 2574 election officer will post on the website the location of each polling place for each voting
- 2575 precinct, each early voting polling place, and each election day voting center, including any
- 2576 changes to the location of a polling place and the location of an additional polling place;
- 2577 (iv) a phone number that a voter may call to obtain information regarding the location
- 2578 of a polling place; and
- 2579 (v) the title and text of the ballot proposition, including the property tax cost of the
- 2580 bond described in Subsection [11-14-206\(2\)\(a\)](#); and
- 2581 (b) may include the location of each polling place.
- 2582 (5) The voter information pamphlet required by this section shall include:
- 2583 (a) the information required under Subsection (4); and
- 2584 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,
- 2585 which may be based on information the governing body determines to be useful, including:
- 2586 (i) expected debt service on the bonds to be issued;
- 2587 (ii) a description of the purpose, remaining principal balance, and maturity date of any
- 2588 outstanding general obligation bonds of the issuer;
- 2589 (iii) funds other than property taxes available to pay debt service on general obligation
- 2590 bonds;
- 2591 (iv) timing of expenditures of bond proceeds;
- 2592 (v) property values; and
- 2593 (vi) any additional information that the governing body determines may be useful to
- 2594 explain the property tax impact of issuance of the bonds.
- 2595 (6) (a) Except as provided in Section [20A-1-308](#), the election officer may, after the
- 2596 deadlines described in Subsections (1) and (2):
- 2597 (i) if necessary, change the location of a voting precinct polling place; or
- 2598 (ii) if the election officer determines that the number of voting precinct polling places
- 2599 is insufficient due to the number of registered voters who are voting, designate additional
- 2600 voting precinct polling places.

2601 (b) Except as provided in Section [20A-1-308](#), if an election officer changes the
2602 location of a voting precinct polling place or designates an additional voting precinct polling
2603 place, the election officer shall, as soon as is reasonably possible, give notice of the dates,
2604 times, and location of a changed voting precinct polling place or an additional voting precinct
2605 polling place:

2606 (i) to the lieutenant governor, for posting on the Statewide Electronic Voter
2607 Information Website;

2608 (ii) by posting the information on the website of the election officer, if available; and

2609 (iii) by posting notice:

2610 (A) of a change in the location of a voting precinct polling place, at the new location
2611 and, if possible, the old location; and

2612 (B) of an additional voting precinct polling place, at the additional voting precinct
2613 polling place.

2614 (7) The governing body shall pay the costs associated with the notice required by this
2615 section.

2616 (8) (a) The governing body may mail a notice printed on a postage prepaid,
2617 preaddressed return form that a person may use to request delivery of a voter information
2618 pamphlet by mail.

2619 (b) The notice described in Subsection (8)(a) shall include:

2620 (i) the website upon which the voter information pamphlet is available; and

2621 (ii) the phone number a voter may call to request delivery of a voter information
2622 pamphlet by mail.

2623 (9) A local school board shall comply with the voter information pamphlet
2624 requirements described in Section [53G-4-603](#).

2625 Section 40. Section **11-14-318** is amended to read:

2626 **11-14-318. Public hearing required.**

2627 (1) Before issuing bonds authorized under this chapter, a local political subdivision
2628 shall:

2629 (a) in accordance with Subsection (2), provide public notice of the local political
2630 subdivision's intent to issue bonds; and

2631 (b) hold a public hearing:

- 2632 (i) if an election is required under this chapter:
- 2633 (A) no sooner than 30 days before the day on which the notice of election is published
- 2634 under Section [11-14-202](#); and
- 2635 (B) no later than five business days before the day on which the notice of election is
- 2636 published under Section [11-14-202](#); and
- 2637 (ii) to receive input from the public with respect to:
- 2638 (A) the issuance of the bonds; and
- 2639 (B) the potential economic impact that the improvement, facility, or property for which
- 2640 the bonds pay all or part of the cost will have on the private sector.
- 2641 (2) A local political subdivision shall:
- 2642 (a) publish the notice required by Subsection (1)(a):
- 2643 (i) once each week for two consecutive weeks in the official newspaper described in
- 2644 Section [11-14-316](#) with the first publication being not less than 14 days before the public
- 2645 hearing required by Subsection (1)(b); and
- 2646 (ii) on the Utah Public Notice Website, created under Section [~~63F-1-701~~]
- 2647 [63A-16-601](#), no less than 14 days before the public hearing required by Subsection (1)(b); and
- 2648 (b) ensure that the notice:
- 2649 (i) identifies:
- 2650 (A) the purpose for the issuance of the bonds;
- 2651 (B) the maximum principal amount of the bonds to be issued;
- 2652 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and
- 2653 (D) the time, place, and location of the public hearing; and
- 2654 (ii) informs the public that the public hearing will be held for the purposes described in
- 2655 Subsection (1)(b)(ii).
- 2656 Section 41. Section **11-36a-503** is amended to read:
- 2657 **11-36a-503. Notice of preparation of an impact fee analysis.**
- 2658 (1) Before preparing or contracting to prepare an impact fee analysis, each local
- 2659 political subdivision or, subject to Subsection (2), private entity shall post a public notice on
- 2660 the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#).
- 2661 (2) For a private entity required to post notice on the Utah Public Notice Website under
- 2662 Subsection (1):

2663 (a) the private entity shall give notice to the general purpose local government in which
2664 the private entity's primary business is located; and

2665 (b) the general purpose local government described in Subsection (2)(a) shall post the
2666 notice on the Utah Public Notice Website.

2667 Section 42. Section **11-36a-504** is amended to read:

2668 **11-36a-504. Notice of intent to adopt impact fee enactment -- Hearing --**

2669 **Protections.**

2670 (1) Before adopting an impact fee enactment:

2671 (a) a municipality legislative body shall:

2672 (i) comply with the notice requirements of Section [10-9a-205](#) as if the impact fee
2673 enactment were a land use regulation;

2674 (ii) hold a hearing in accordance with Section [10-9a-502](#) as if the impact fee enactment
2675 were a land use regulation; and

2676 (iii) except as provided in Subsection [11-36a-701\(3\)\(b\)\(ii\)](#), receive the protections of
2677 Section [10-9a-801](#) as if the impact fee were a land use regulation;

2678 (b) a county legislative body shall:

2679 (i) comply with the notice requirements of Section [17-27a-205](#) as if the impact fee
2680 enactment were a land use regulation;

2681 (ii) hold a hearing in accordance with Section [17-27a-502](#) as if the impact fee
2682 enactment were a land use regulation; and

2683 (iii) except as provided in Subsection [11-36a-701\(3\)\(b\)\(ii\)](#), receive the protections of
2684 Section [17-27a-801](#) as if the impact fee were a land use regulation;

2685 (c) a local district or special service district shall:

2686 (i) comply with the notice and hearing requirements of Section [17B-1-111](#); and

2687 (ii) receive the protections of Section [17B-1-111](#);

2688 (d) a local political subdivision shall at least 10 days before the day on which a public
2689 hearing is scheduled in accordance with this section:

2690 (i) make a copy of the impact fee enactment available to the public; and

2691 (ii) post notice of the local political subdivision's intent to enact or modify the impact
2692 fee, specifying the type of impact fee being enacted or modified, on the Utah Public Notice

2693 Website created under Section [~~63F-1-701~~] [63A-16-601](#); and

2694 (e) a local political subdivision shall submit a copy of the impact fee analysis and a
2695 copy of the summary of the impact fee analysis prepared in accordance with Section
2696 11-36a-303 on its website or to each public library within the local political subdivision.

2697 (2) Subsection (1)(a) or (b) may not be construed to require involvement by a planning
2698 commission in the impact fee enactment process.

2699 Section 43. Section 11-42-202 is amended to read:

2700 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
2701 **designation.**

2702 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

2703 (a) state that the local entity proposes to:

2704 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
2705 assessment area;

2706 (ii) provide an improvement to property within the proposed assessment area; and

2707 (iii) finance some or all of the cost of improvements by an assessment on benefitted
2708 property within the assessment area;

2709 (b) describe the proposed assessment area by any reasonable method that allows an
2710 owner of property in the proposed assessment area to determine that the owner's property is
2711 within the proposed assessment area;

2712 (c) describe, in a general and reasonably accurate way, the improvements to be
2713 provided to the assessment area, including:

2714 (i) the nature of the improvements; and

2715 (ii) the location of the improvements, by reference to streets or portions or extensions
2716 of streets or by any other means that the governing body chooses that reasonably describes the
2717 general location of the improvements;

2718 (d) state the estimated cost of the improvements as determined by a project engineer;

2719 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the
2720 estimated total assessment specific to the benefitted property for which the notice is mailed;

2721 (f) state that the local entity proposes to levy an assessment on benefitted property
2722 within the assessment area to pay some or all of the cost of the improvements according to the
2723 estimated benefits to the property from the improvements;

2724 (g) if applicable, state that an unassessed benefitted government property will receive

2725 improvements for which the cost will be allocated proportionately to the remaining benefitted
2726 properties within the proposed assessment area and that a description of each unassessed
2727 benefitted government property is available for public review at the location or website
2728 described in Subsection (6);

2729 (h) state the assessment method by which the governing body proposes to calculate the
2730 proposed assessment, including, if the local entity is a municipality or county, whether the
2731 assessment will be collected:

2732 (i) by directly billing a property owner; or

2733 (ii) by inclusion on a property tax notice issued in accordance with Section 59-2-1317
2734 and in compliance with Section 11-42-401;

2735 (i) state:

2736 (i) the date described in Section 11-42-203 and the location at which protests against
2737 designation of the proposed assessment area or of the proposed improvements are required to
2738 be filed;

2739 (ii) the method by which the governing body will determine the number of protests
2740 required to defeat the designation of the proposed assessment area or acquisition or
2741 construction of the proposed improvements; and

2742 (iii) in large, boldface, and conspicuous type that a property owner must protest the
2743 designation of the assessment area in writing if the owner objects to the area designation or
2744 being assessed for the proposed improvements, operation and maintenance costs, or economic
2745 promotion activities;

2746 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

2747 (k) if the governing body elects to create and fund a reserve fund under Section
2748 11-42-702, include a description of:

2749 (i) how the reserve fund will be funded and replenished; and

2750 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
2751 the bonds;

2752 (l) if the governing body intends to designate a voluntary assessment area, include a
2753 property owner consent form that:

2754 (i) estimates the total assessment to be levied against the particular parcel of property;

2755 (ii) describes any additional benefits that the governing body expects the assessed

2756 property to receive from the improvements;

2757 (iii) designates the date and time by which the fully executed consent form is required

2758 to be submitted to the governing body; and

2759 (iv) if the governing body intends to enforce an assessment lien on the property in

2760 accordance with Subsection [11-42-502.1\(2\)\(a\)\(ii\)\(C\)](#):

2761 (A) appoints a trustee that satisfies the requirements described in Section [57-1-21](#);

2762 (B) gives the trustee the power of sale;

2763 (C) is binding on the property owner and all successors; and

2764 (D) explains that if an assessment or an installment of an assessment is not paid when

2765 due, the local entity may sell the property owner's property to satisfy the amount due plus

2766 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;

2767 (m) if the local entity intends to levy an assessment to pay operation and maintenance

2768 costs or for economic promotion activities, include:

2769 (i) a description of the operation and maintenance costs or economic promotion

2770 activities to be paid by assessments and the initial estimated annual assessment to be levied;

2771 (ii) a description of how the estimated assessment will be determined;

2772 (iii) a description of how and when the governing body will adjust the assessment to

2773 reflect the costs of:

2774 (A) in accordance with Section [11-42-406](#), current economic promotion activities; or

2775 (B) current operation and maintenance costs;

2776 (iv) a description of the method of assessment if different from the method of

2777 assessment to be used for financing any improvement; and

2778 (v) a statement of the maximum number of years over which the assessment will be

2779 levied for:

2780 (A) operation and maintenance costs; or

2781 (B) economic promotion activities;

2782 (n) if the governing body intends to divide the proposed assessment area into

2783 classifications under Subsection [11-42-201\(1\)\(b\)](#), include a description of the proposed

2784 classifications;

2785 (o) if applicable, state the portion and value of the improvement that will be increased

2786 in size or capacity to serve property outside of the assessment area and how the increases will

2787 be financed; and

2788 (p) state whether the improvements will be financed with a bond and, if so, the
2789 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
2790 benefitted properties within the assessment area may be obligated.

2791 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be
2792 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
2793 subject to the market rate at the time of the issuance of the bond.

2794 (3) A notice required under Subsection [11-42-201\(2\)\(a\)](#) may contain other information
2795 that the governing body considers to be appropriate, including:

2796 (a) the amount or proportion of the cost of the improvement to be paid by the local
2797 entity or from sources other than an assessment;

2798 (b) the estimated total amount of each type of assessment for the various improvements
2799 to be financed according to the method of assessment that the governing body chooses; and

2800 (c) provisions for any improvements described in Subsection [11-42-102\(24\)\(a\)\(ii\)](#).

2801 (4) Each notice required under Subsection [11-42-201\(2\)\(a\)](#) shall:

2802 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
2803 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
2804 least five but not more than 20 days before the day of the hearing required in Section
2805 [11-42-204](#); or

2806 (B) if there is no newspaper of general circulation within the local entity's jurisdictional
2807 boundaries, be posted in at least three public places within the local entity's jurisdictional
2808 boundaries at least 20 but not more than 35 days before the day of the hearing required in
2809 Section [11-42-204](#); and

2810 (ii) be published on the Utah Public Notice Website described in Section [~~63F-1-701~~]
2811 [63A-16-601](#) for four weeks before the deadline for filing protests specified in the notice under
2812 Subsection (1)(i); and

2813 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
2814 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed
2815 assessment area at the property owner's mailing address.

2816 (5) (a) The local entity may record the version of the notice that is published or posted
2817 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description

2818 and tax identification number as identified in county records, against the property proposed to
2819 be assessed.

2820 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year
2821 after the day on which the local entity records the notice if the local entity has failed to adopt
2822 the designation ordinance or resolution under Section 11-42-201 designating the assessment
2823 area for which the notice was recorded.

2824 (6) A local entity shall make available on the local entity's website, or, if no website is
2825 available, at the local entity's place of business, the address and type of use of each unassessed
2826 benefitted government property described in Subsection (1)(g).

2827 (7) If a governing body fails to provide actual or constructive notice under this section,
2828 the local entity may not assess a levy against a benefitted property omitted from the notice
2829 unless:

2830 (a) the property owner gives written consent;

2831 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did
2832 not object to the levy of the assessment before the final hearing of the board of equalization; or

2833 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date
2834 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,
2835 Subsection 11-42-207(1)(d)(i) are met.

2836 Section 44. Section 11-42-402 is amended to read:

2837 **11-42-402. Notice of assessment and board of equalization hearing.**

2838 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

2839 (1) state:

2840 (a) that an assessment list is completed and available for examination at the offices of
2841 the local entity;

2842 (b) the total estimated or actual cost of the improvements;

2843 (c) the amount of the total estimated or actual cost of the proposed improvements to be
2844 paid by the local entity;

2845 (d) the amount of the assessment to be levied against benefitted property within the
2846 assessment area;

2847 (e) the assessment method used to calculate the proposed assessment;

2848 (f) the unit cost used to calculate the assessments shown on the assessment list, based

2849 on the assessment method used to calculate the proposed assessment; and

2850 (g) the dates, times, and place of the board of equalization hearings under Subsection
2851 [11-42-401\(2\)\(b\)\(i\)](#);

2852 (2) (a) beginning at least 20 but not more than 35 days before the day on which the first
2853 hearing of the board of equalization is held:

2854 (i) be published at least once in a newspaper of general circulation within the local
2855 entity's jurisdictional boundaries; or

2856 (ii) if there is no newspaper of general circulation within the local entity's jurisdictional
2857 boundaries, be posted in at least three public places within the local entity's jurisdictional
2858 boundaries; and

2859 (b) be published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
2860 [63A-16-601](#) for 35 days immediately before the day on which the first hearing of the board of
2861 equalization is held; and

2862 (3) be mailed, postage prepaid, within 10 days after the first publication or posting of
2863 the notice under Subsection (2) to each owner of property to be assessed within the proposed
2864 assessment area at the property owner's mailing address.

2865 Section 45. Section **11-58-502** is amended to read:

2866 **11-58-502. Public meeting to consider and discuss draft project area plan --**
2867 **Notice -- Adoption of plan.**

2868 (1) The board shall hold at least one public meeting to consider and discuss a draft
2869 project area plan.

2870 (2) At least 10 days before holding a public meeting under Subsection (1), the board
2871 shall give notice of the public meeting:

2872 (a) to each taxing entity;

2873 (b) to a municipality in which the proposed project area is located or that is located
2874 within one-half mile of the proposed project area; and

2875 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

2876 (3) Following consideration and discussion of the draft project area plan, and any
2877 modification of the project area plan under Subsection [11-58-501\(2\)\(d\)](#), the board may adopt
2878 the draft project area plan or modified draft project area plan as the project area plan.

2879 Section 46. Section **11-58-503** is amended to read:

2880 **11-58-503. Notice of project area plan adoption -- Effective date of plan -- Time**
2881 **for challenging a project area plan or project area.**

2882 (1) Upon the board's adoption of a project area plan, the board shall provide notice as
2883 provided in Subsection (2) by publishing or causing to be published legal notice:

2884 (a) in a newspaper of general circulation within or near the project area; and

2885 (b) as required by Section [45-1-101](#).

2886 (2) (a) Each notice under Subsection (1) shall include:

2887 (i) the board resolution adopting the project area plan or a summary of the resolution;

2888 and

2889 (ii) a statement that the project area plan is available for general public inspection and
2890 the hours for inspection.

2891 (b) The statement required under Subsection (2)(a)(ii) may be included within the
2892 board resolution adopting the project area plan or within the summary of the resolution.

2893 (3) The project area plan shall become effective on the date designated in the board
2894 resolution.

2895 (4) The authority shall make the adopted project area plan available to the general
2896 public at its offices during normal business hours.

2897 (5) Within 10 days after the day on which a project area plan is adopted that establishes
2898 a project area, or after an amendment to a project area plan is adopted under which the
2899 boundary of a project area is modified, the authority shall send notice of the establishment or
2900 modification of the project area and an accurate map or plat of the project area to:

2901 (a) the State Tax Commission;

2902 (b) the Automated Geographic Reference Center created in Section [~~63F-1-506~~]
2903 [63A-16-505](#); and

2904 (c) the assessor and recorder of each county where the project area is located.

2905 (6) (a) A legal action or other challenge to a project area plan or a project area
2906 described in a project area plan is barred unless brought within 30 days after the effective date
2907 of the project area plan.

2908 (b) A legal action or other challenge to a project area that consists of authority
2909 jurisdictional land is barred unless brought within 30 days after the board adopts a business
2910 plan under Subsection [11-58-202](#)(1)(a) for the authority jurisdictional land.

2911 Section 47. Section **11-58-801** is amended to read:

2912 **11-58-801. Annual port authority budget -- Fiscal year -- Public hearing required**
2913 **-- Auditor forms -- Requirement to file annual budget.**

2914 (1) The authority shall prepare and its board adopt an annual budget of revenues and
2915 expenditures for the authority for each fiscal year.

2916 (2) Each annual authority budget shall be adopted before June 22, except that the
2917 authority's initial budget shall be adopted as soon as reasonably practicable after the
2918 organization of the board and the beginning of authority operations.

2919 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2920 (4) (a) Before adopting an annual budget, the board shall hold a public hearing on the
2921 annual budget.

2922 (b) The authority shall provide notice of the public hearing on the annual budget by
2923 publishing notice:

2924 (i) at least once in a newspaper of general circulation within the state, one week before
2925 the public hearing; and

2926 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2927 at least one week immediately before the public hearing.

2928 (c) The authority shall make the annual budget available for public inspection at least
2929 three days before the date of the public hearing.

2930 (5) The state auditor shall prescribe the budget forms and the categories to be contained
2931 in each authority budget, including:

2932 (a) revenues and expenditures for the budget year;

2933 (b) legal fees; and

2934 (c) administrative costs, including rent, supplies, and other materials, and salaries of
2935 authority personnel.

2936 (6) (a) Within 30 days after adopting an annual budget, the board shall file a copy of
2937 the annual budget with the auditor of each county in which the authority jurisdictional land is
2938 located, the State Tax Commission, the state auditor, the State Board of Education, and each
2939 taxing entity that levies a tax on property from which the authority collects property tax
2940 differential.

2941 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the

2942 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
2943 the state auditor.

2944 Section 48. Section **11-59-401** is amended to read:

2945 **11-59-401. Annual authority budget -- Fiscal year -- Public hearing and notice**
2946 **required -- Auditor forms.**

2947 (1) The authority shall prepare and its board adopt an annual budget of revenues and
2948 expenditures for the authority for each fiscal year.

2949 (2) Each annual authority budget shall be adopted before June 22.

2950 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

2951 (4) (a) Before adopting an annual budget, the authority board shall hold a public
2952 hearing on the annual budget.

2953 (b) The authority shall provide notice of the public hearing on the annual budget by
2954 publishing notice:

2955 (i) at least once in a newspaper of general circulation within the state, one week before
2956 the public hearing; and

2957 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
2958 at least one week immediately before the public hearing.

2959 (c) The authority shall make the annual budget available for public inspection at least
2960 three days before the date of the public hearing.

2961 (5) The state auditor shall prescribe the budget forms and the categories to be contained
2962 in each authority budget, including:

2963 (a) revenues and expenditures for the budget year;

2964 (b) legal fees; and

2965 (c) administrative costs, including rent, supplies, and other materials, and salaries of
2966 authority personnel.

2967 Section 49. Section **13-1-2** is amended to read:

2968 **13-1-2. Creation and functions of department -- Divisions created -- Fees --**
2969 **Commerce Service Account.**

2970 (1) (a) There is created the Department of Commerce.

2971 (b) The department shall:

2972 (i) execute and administer state laws regulating business activities and occupations

2973 affecting the public interest; and

2974 (ii) ensure that any training or certification required of a public official or public
2975 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
2976 22, State Training and Certification Requirements, if the training or certification is required:

2977 (A) under this title;

2978 (B) by the department; or

2979 (C) by an agency or division within the department.

2980 (2) Within the department the following divisions are created:

2981 (a) the Division of Occupational and Professional Licensing;

2982 (b) the Division of Real Estate;

2983 (c) the Division of Securities;

2984 (d) the Division of Public Utilities;

2985 (e) the Division of Consumer Protection; and

2986 (f) the Division of Corporations and Commercial Code.

2987 (3) (a) Unless otherwise provided by statute, the department may adopt a schedule of
2988 fees assessed for services provided by the department by following the procedures and
2989 requirements of Section [63J-1-504](#).

2990 (b) The department shall submit each fee established in this manner to the Legislature
2991 for its approval as part of the department's annual appropriations request.

2992 (c) (i) There is created a restricted account within the General Fund known as the
2993 "Commerce Service Account."

2994 (ii) The restricted account created in Subsection (3)(c)(i) consists of fees collected by
2995 each division and by the department.

2996 (iii) The undesignated account balance may not exceed \$1,000,000 at the end of each
2997 fiscal year.

2998 (iv) At the end of each fiscal year, the director of the Division of Finance shall transfer
2999 into the General Fund any undesignated funds in the account that exceed the amount necessary
3000 to maintain the undesignated account balance at \$1,000,000.

3001 (d) The department may not charge or collect a fee or expend money from the
3002 restricted account without approval by the Legislature.

3003 (4) (a) As used in this Subsection (4):

3004 (i) "Business entity" means a sole proprietorship, partnership, limited partnership,
3005 limited liability company, corporation, or other entity or association used to carry on a business
3006 for profit.

3007 (ii) "Fund" means the Single Sign-On Expendable Special Revenue Fund, created in
3008 Subsection (4)(c).

3009 (iii) "Renewal fee" means a fee that the Division of Corporations and Commercial
3010 Code, established in Section [13-1a-1](#), is authorized or required to charge a business entity in
3011 connection with the business entity's periodic renewal of its status with the Division of
3012 Corporations and Commercial Code.

3013 (iv) "Single sign-on fee" means a fee described in Subsection (4)(b) to pay for the
3014 establishment and maintenance of the single sign-on business portal.

3015 (v) "Single sign-on business portal" means the same as that term is defined in Section
3016 ~~[63F-3-103]~~ [63A-16-802](#).

3017 (b) (i) The schedule of fees adopted by the department under Subsection (3) shall
3018 include a single sign-on fee, not to exceed \$5, as part of a renewal fee.

3019 (ii) The department shall deposit all single sign-on fee revenue into the fund.

3020 (c) (i) There is created the Single Sign-On Expendable Special Revenue Fund.

3021 (ii) The fund consists of:

3022 (A) money that the department collects from the single sign-on fee; and

3023 (B) money that the Legislature appropriates to the fund.

3024 (d) The department shall use the money in the fund to pay for costs:

3025 (i) to design, create, operate, and maintain the single sign-on business portal; and

3026 (ii) incurred by:

3027 (A) the Department of Technology Services, created in Section ~~[63F-1-103]~~

3028 [63A-16-103](#); or

3029 (B) a third-party vendor working under a contract with the Department of Technology
3030 Services.

3031 (e) The department shall report on fund revenues and expenditures to the Public
3032 Utilities, Energy, and Technology Interim Committee of the Legislature annually and at any
3033 other time requested by the committee.

3034 Section 50. Section **17-27a-203** is amended to read:

3035 **17-27a-203. Notice of intent to prepare a general plan or comprehensive general**
3036 **plan amendments in certain counties.**

3037 (1) Before preparing a proposed general plan or a comprehensive general plan
3038 amendment, each county of the first or second class shall provide 10 calendar days notice of its
3039 intent to prepare a proposed general plan or a comprehensive general plan amendment:

3040 (a) to each affected entity;

3041 (b) to the Automated Geographic Reference Center created in Section [~~63F-1-506~~]
3042 [63A-16-505](#);

3043 (c) to the association of governments, established pursuant to an interlocal agreement
3044 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the county is a member; and

3045 (d) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#).

3046 (2) Each notice under Subsection (1) shall:

3047 (a) indicate that the county intends to prepare a general plan or a comprehensive
3048 general plan amendment, as the case may be;

3049 (b) describe or provide a map of the geographic area that will be affected by the general
3050 plan or amendment;

3051 (c) be sent by mail, e-mail, or other effective means;

3052 (d) invite the affected entities to provide information for the county to consider in the
3053 process of preparing, adopting, and implementing a general plan or amendment concerning:

3054 (i) impacts that the use of land proposed in the proposed general plan or amendment
3055 may have; and

3056 (ii) uses of land within the county that the affected entity is considering that may
3057 conflict with the proposed general plan or amendment; and

3058 (e) include the address of an Internet website, if the county has one, and the name and
3059 telephone number of a person where more information can be obtained concerning the county's
3060 proposed general plan or amendment.

3061 Section 51. Section **17-27a-204** is amended to read:

3062 **17-27a-204. Notice of public hearings and public meetings to consider general**
3063 **plan or modifications.**

3064 (1) A county shall provide:

3065 (a) notice of the date, time, and place of the first public hearing to consider the original

3066 adoption or any modification of all or any portion of a general plan; and
3067 (b) notice of each public meeting on the subject.
3068 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least 10 calendar
3069 days before the public hearing and shall be:
3070 (a) (i) published in a newspaper of general circulation in the area; and
3071 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
3072 [63A-16-601](#);
3073 (b) mailed to each affected entity; and
3074 (c) posted:
3075 (i) in at least three public locations within the county; or
3076 (ii) on the county's official website.
3077 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
3078 before the meeting and shall be:
3079 (a) (i) submitted to a newspaper of general circulation in the area; and
3080 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
3081 [63A-16-601](#); and
3082 (b) posted:
3083 (i) in at least three public locations within the county; or
3084 (ii) on the county's official website.
3085 Section 52. Section **17-27a-205** is amended to read:
3086 **17-27a-205. Notice of public hearings and public meetings on adoption or**
3087 **modification of land use regulation.**
3088 (1) Each county shall give:
3089 (a) notice of the date, time, and place of the first public hearing to consider the
3090 adoption or modification of a land use regulation; and
3091 (b) notice of each public meeting on the subject.
3092 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
3093 (a) mailed to each affected entity at least 10 calendar days before the public hearing;
3094 (b) posted:
3095 (i) in at least three public locations within the county; or
3096 (ii) on the county's official website; and

- 3097 (c) (i) published:
- 3098 (A) in a newspaper of general circulation in the area at least 10 calendar days before
- 3099 the public hearing; and
- 3100 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), at
- 3101 least 10 calendar days before the public hearing; or
- 3102 (ii) mailed at least 10 days before the public hearing to:
- 3103 (A) each property owner whose land is directly affected by the land use ordinance
- 3104 change; and
- 3105 (B) each adjacent property owner within the parameters specified by county ordinance.
- 3106 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
- 3107 before the hearing and shall be posted:
- 3108 (a) in at least three public locations within the county; or
- 3109 (b) on the county's official website.
- 3110 (4) (a) A county shall send a courtesy notice to each owner of private real property
- 3111 whose property is located entirely or partially within the proposed zoning map enactment or
- 3112 amendment at least 10 days before the scheduled day of the public hearing.
- 3113 (b) The notice shall:
- 3114 (i) identify with specificity each owner of record of real property that will be affected
- 3115 by the proposed zoning map or map amendments;
- 3116 (ii) state the current zone in which the real property is located;
- 3117 (iii) state the proposed new zone for the real property;
- 3118 (iv) provide information regarding or a reference to the proposed regulations,
- 3119 prohibitions, and permitted uses that the property will be subject to if the zoning map or map
- 3120 amendment is adopted;
- 3121 (v) state that the owner of real property may no later than 10 days after the day of the
- 3122 first public hearing file a written objection to the inclusion of the owner's property in the
- 3123 proposed zoning map or map amendment;
- 3124 (vi) state the address where the property owner should file the protest;
- 3125 (vii) notify the property owner that each written objection filed with the county will be
- 3126 provided to the county legislative body; and
- 3127 (viii) state the location, date, and time of the public hearing described in Section

3128 [17-27a-502](#).

3129 (c) If a county mails notice to a property owner in accordance with Subsection (2)(c)(ii)
3130 for a public hearing on a zoning map or map amendment, the notice required in this Subsection
3131 (4) may be included in or part of the notice described in Subsection (2)(c)(ii) rather than sent
3132 separately.

3133 Section 53. Section **17-27a-208** is amended to read:

3134 **17-27a-208. Hearing and notice for petition to vacate a public street.**

3135 (1) For any petition to vacate some or all of a public street or county utility easement,
3136 the legislative body shall:

3137 (a) hold a public hearing; and

3138 (b) give notice of the date, place, and time of the hearing, as provided in Subsection
3139 (2).

3140 (2) At least 10 days before the public hearing under Subsection (1)(a), the legislative
3141 body shall ensure that the notice required under Subsection (1)(b) is:

3142 (a) mailed to the record owner of each parcel that is accessed by the public street or
3143 county utility easement;

3144 (b) mailed to each affected entity;

3145 (c) posted on or near the public street or county utility easement in a manner that is
3146 calculated to alert the public; and

3147 (d) (i) published on the website of the county in which the land subject to the petition is
3148 located until the public hearing concludes; and

3149 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
3150 [63A-16-601](#).

3151 Section 54. Section **17-27a-306** is amended to read:

3152 **17-27a-306. Planning advisory areas.**

3153 (1) (a) A planning advisory area may be established as provided in this Subsection (1).

3154 (b) A planning advisory area may not be established unless the area to be included
3155 within the proposed planning advisory area:

3156 (i) is unincorporated;

3157 (ii) is contiguous; and

3158 (iii) (A) contains:

- 3159 (I) at least 20% but not more than 80% of:
3160 (Aa) the total private land area in the unincorporated county; or
3161 (Bb) the total value of locally assessed taxable property in the unincorporated county;
3162 or
3163 (II) (Aa) in a county of the second or third class, at least 5% of the total population of
3164 the unincorporated county, but not less than 300 residents; or
3165 (Bb) in a county of the fourth, fifth, or sixth class, at least 25% of the total population
3166 of the unincorporated county; or
3167 (B) has been declared by the United States Census Bureau as a census designated
3168 place.
- 3169 (c) (i) The process to establish a planning advisory area is initiated by the filing of a
3170 petition with the clerk of the county in which the proposed planning advisory area is located.
3171 (ii) A petition to establish a planning advisory area may not be filed if it proposes the
3172 establishment of a planning advisory area that includes an area within a proposed planning
3173 advisory area in a petition that has previously been certified under Subsection (1)(g), until after
3174 the canvass of an election on the proposed planning advisory area under Subsection (1)(j).
- 3175 (d) A petition under Subsection (1)(c) to establish a planning advisory area shall:
3176 (i) be signed by the owners of private real property that:
3177 (A) is located within the proposed planning advisory area;
3178 (B) covers at least 10% of the total private land area within the proposed planning
3179 advisory area; and
3180 (C) is equal in value to at least 10% of the value of all private real property within the
3181 proposed planning advisory area;
3182 (ii) be accompanied by an accurate plat or map showing the boundary of the contiguous
3183 area proposed to be established as a planning advisory area;
3184 (iii) indicate the typed or printed name and current residence address of each owner
3185 signing the petition;
3186 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
3187 be designated as the contact sponsor, with the mailing address and telephone number of each
3188 petition sponsor;
3189 (v) authorize the petition sponsor or sponsors to act on behalf of all owners signing the

3190 petition for purposes of the petition; and

3191 (vi) request the county legislative body to provide notice of the petition and of a public
3192 hearing, hold a public hearing, and conduct an election on the proposal to establish a planning
3193 advisory area.

3194 (e) Subsection 10-2a-102(3) applies to a petition to establish a planning advisory area
3195 to the same extent as if it were an incorporation petition under Title 10, Chapter 2a, Municipal
3196 Incorporation.

3197 (f) (i) Within seven days after the filing of a petition under Subsection (1)(c) proposing
3198 the establishment of a planning advisory area in a county of the second class, the county clerk
3199 shall provide notice of the filing of the petition to:

3200 (A) each owner of real property owning more than 1% of the assessed value of all real
3201 property within the proposed planning advisory area; and

3202 (B) each owner of real property owning more than 850 acres of real property within the
3203 proposed planning advisory area.

3204 (ii) A property owner may exclude all or part of the property owner's property from a
3205 proposed planning advisory area in a county of the second class:

3206 (A) if:

3207 (I) (Aa) (Ii) the property owner owns more than 1% of the assessed value of all
3208 property within the proposed planning advisory area;

3209 (IIii) the property is nonurban; and

3210 (IIIiii) the property does not or will not require municipal provision of municipal-type
3211 services; or

3212 (Bb) the property owner owns more than 850 acres of real property within the proposed
3213 planning advisory area; and

3214 (II) exclusion of the property will not leave within the planning advisory area an island
3215 of property that is not part of the planning advisory area; and

3216 (B) by filing a notice of exclusion within 10 days after receiving the clerk's notice
3217 under Subsection (1)(f)(i).

3218 (iii) (A) The county legislative body shall exclude from the proposed planning advisory
3219 area the property identified in a notice of exclusion timely filed under Subsection (1)(f)(ii)(B) if
3220 the property meets the applicable requirements of Subsection (1)(f)(ii)(A).

3221 (B) If the county legislative body excludes property from a proposed planning advisory
3222 area under Subsection (1)(f)(iii), the county legislative body shall, within five days after the
3223 exclusion, send written notice of its action to the contact sponsor.

3224 (g) (i) Within 45 days after the filing of a petition under Subsection (1)(c), the county
3225 clerk shall:

3226 (A) with the assistance of other county officers from whom the clerk requests
3227 assistance, determine whether the petition complies with the requirements of Subsection (1)(d);
3228 and

3229 (B) (I) if the clerk determines that the petition complies with the requirements of
3230 Subsection (1)(d):

3231 (Aa) certify the petition and deliver the certified petition to the county legislative body;
3232 and

3233 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3234 (II) if the clerk determines that the petition fails to comply with any of the requirements
3235 of Subsection (1)(d), reject the petition and notify the contact sponsor in writing of the
3236 rejection and the reasons for the rejection.

3237 (ii) If the county clerk rejects a petition under Subsection (1)(g)(i)(B)(II), the petition
3238 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3239 county clerk.

3240 (h) (i) Within 90 days after a petition to establish a planning advisory area is certified,
3241 the county legislative body shall hold a public hearing on the proposal to establish a planning
3242 advisory area.

3243 (ii) A public hearing under Subsection (1)(h)(i) shall be:

3244 (A) within the boundary of the proposed planning advisory area; or

3245 (B) if holding a public hearing in that area is not practicable, as close to that area as
3246 practicable.

3247 (iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the
3248 county legislative body shall publish notice of the petition and the time, date, and place of the
3249 public hearing:

3250 (A) at least once in a newspaper of general circulation in the county; and

3251 (B) on the Utah Public Notice Website created in Section [\[63F-1-701\]](#) [63A-16-601](#).

3252 (i) Following the public hearing under Subsection (1)(h)(i), the county legislative body
3253 shall arrange for the proposal to establish a planning advisory area to be submitted to voters
3254 residing within the proposed planning advisory area at the next regular general election that is
3255 more than 90 days after the public hearing.

3256 (j) A planning advisory area is established at the time of the canvass of the results of an
3257 election under Subsection (1)(i) if the canvass indicates that a majority of voters voting on the
3258 proposal to establish a planning advisory area voted in favor of the proposal.

3259 (k) An area that is an established township before May 12, 2015:

3260 (i) is, as of May 12, 2015, a planning advisory area; and

3261 (ii) (A) shall change its name, if applicable, to no longer include the word "township";

3262 and

3263 (B) may use the word "planning advisory area" in its name.

3264 (2) The county legislative body may:

3265 (a) assign to the countywide planning commission the duties established in this part
3266 that would have been assumed by a planning advisory area planning commission designated
3267 under Subsection (2)(b); or

3268 (b) designate and appoint a planning commission for the planning advisory area.

3269 (3) (a) An area within the boundary of a planning advisory area may be withdrawn
3270 from the planning advisory area as provided in this Subsection (3) or in accordance with
3271 Subsection (5)(a).

3272 (b) The process to withdraw an area from a planning advisory area is initiated by the
3273 filing of a petition with the clerk of the county in which the planning advisory area is located.

3274 (c) A petition under Subsection (3)(b) shall:

3275 (i) be signed by the owners of private real property that:

3276 (A) is located within the area proposed to be withdrawn from the planning advisory
3277 area;

3278 (B) covers at least 50% of the total private land area within the area proposed to be
3279 withdrawn from the planning advisory area; and

3280 (C) is equal in value to at least 33% of the value of all private real property within the
3281 area proposed to be withdrawn from the planning advisory area;

3282 (ii) state the reason or reasons for the proposed withdrawal;

- 3283 (iii) be accompanied by an accurate plat or map showing the boundary of the
3284 contiguous area proposed to be withdrawn from the planning advisory area;
- 3285 (iv) indicate the typed or printed name and current residence address of each owner
3286 signing the petition;
- 3287 (v) designate up to five signers of the petition as petition sponsors, one of whom shall
3288 be designated as the contact sponsor, with the mailing address and telephone number of each
3289 petition sponsor;
- 3290 (vi) authorize the petition sponsor or sponsors to act on behalf of all owners signing the
3291 petition for purposes of the petition; and
- 3292 (vii) request the county legislative body to withdraw the area from the planning
3293 advisory area.
- 3294 (d) Subsection 10-2a-102(3) applies to a petition to withdraw an area from a planning
3295 advisory area to the same extent as if it were an incorporation petition under Title 10, Chapter
3296 2a, Municipal Incorporation.
- 3297 (e) (i) Within 45 days after the filing of a petition under Subsection (3)(b), the county
3298 clerk shall:
- 3299 (A) with the assistance of other county officers from whom the clerk requests
3300 assistance, determine whether the petition complies with the requirements of Subsection (3)(c);
3301 and
- 3302 (B) (I) if the clerk determines that the petition complies with the requirements of
3303 Subsection (3)(c):
- 3304 (Aa) certify the petition and deliver the certified petition to the county legislative body;
3305 and
- 3306 (Bb) mail or deliver written notification of the certification to the contact sponsor; or
3307 (II) if the clerk determines that the petition fails to comply with any of the requirements
3308 of Subsection (3)(c), reject the petition and notify the contact sponsor in writing of the rejection
3309 and the reasons for the rejection.
- 3310 (ii) If the county clerk rejects a petition under Subsection (3)(e)(i)(B)(II), the petition
3311 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3312 county clerk.
- 3313 (f) (i) Within 60 days after a petition to withdraw an area from a planning advisory area

3314 is certified, the county legislative body shall hold a public hearing on the proposal to withdraw
3315 the area from the planning advisory area.

3316 (ii) A public hearing under Subsection (3)(f)(i) shall be held:

3317 (A) within the area proposed to be withdrawn from the planning advisory area; or

3318 (B) if holding a public hearing in that area is not practicable, as close to that area as
3319 practicable.

3320 (iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
3321 body shall:

3322 (A) publish notice of the petition and the time, date, and place of the public hearing:

3323 (I) at least once a week for three consecutive weeks in a newspaper of general
3324 circulation in the planning advisory area; and

3325 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
3326 three consecutive weeks; and

3327 (B) mail a notice of the petition and the time, date, and place of the public hearing to
3328 each owner of private real property within the area proposed to be withdrawn.

3329 (g) (i) Within 45 days after the public hearing under Subsection (3)(f)(i), the county
3330 legislative body shall make a written decision on the proposal to withdraw the area from the
3331 planning advisory area.

3332 (ii) In making its decision as to whether to withdraw the area from the planning
3333 advisory area, the county legislative body shall consider:

3334 (A) whether the withdrawal would leave the remaining planning advisory area in a
3335 situation where the future incorporation of an area within the planning advisory area or the
3336 annexation of an area within the planning advisory area to an adjoining municipality would be
3337 economically or practically not feasible;

3338 (B) if the withdrawal is a precursor to the incorporation or annexation of the withdrawn
3339 area:

3340 (I) whether the proposed subsequent incorporation or withdrawal:

3341 (Aa) will leave or create an unincorporated island or peninsula; or

3342 (Bb) will leave the county with an area within its unincorporated area for which the
3343 cost, requirements, or other burdens of providing municipal services would materially increase
3344 over previous years; and

3345 (II) whether the municipality to be created or the municipality into which the
3346 withdrawn area is expected to annex would be or is capable, in a cost effective manner, of
3347 providing service to the withdrawn area that the county will no longer provide due to the
3348 incorporation or annexation;

3349 (C) the effects of a withdrawal on adjoining property owners, existing or projected
3350 county streets or other public improvements, law enforcement, and zoning and other municipal
3351 services provided by the county; and

3352 (D) whether justice and equity favor the withdrawal.

3353 (h) Upon the written decision of the county legislative body approving the withdrawal
3354 of an area from a planning advisory area, the area is withdrawn from the planning advisory area
3355 and the planning advisory area continues as a planning advisory area with a boundary that
3356 excludes the withdrawn area.

3357 (4) (a) A planning advisory area may be dissolved as provided in this Subsection (4).

3358 (b) The process to dissolve a planning advisory area is initiated by the filing of a
3359 petition with the clerk of the county in which the planning advisory area is located.

3360 (c) A petition under Subsection (4)(b) shall:

3361 (i) be signed by registered voters within the planning advisory area equal in number to
3362 at least 25% of all votes cast by voters within the planning advisory area at the last
3363 congressional election;

3364 (ii) state the reason or reasons for the proposed dissolution;

3365 (iii) indicate the typed or printed name and current residence address of each person
3366 signing the petition;

3367 (iv) designate up to five signers of the petition as petition sponsors, one of whom shall
3368 be designated as the contact sponsor, with the mailing address and telephone number of each
3369 petition sponsor;

3370 (v) authorize the petition sponsors to act on behalf of all persons signing the petition
3371 for purposes of the petition; and

3372 (vi) request the county legislative body to provide notice of the petition and of a public
3373 hearing, hold a public hearing, and conduct an election on the proposal to dissolve the planning
3374 advisory area.

3375 (d) (i) Within 45 days after the filing of a petition under Subsection (4)(b), the county

3376 clerk shall:

3377 (A) with the assistance of other county officers from whom the clerk requests
3378 assistance, determine whether the petition complies with the requirements of Subsection (4)(c);
3379 and

3380 (B) (I) if the clerk determines that the petition complies with the requirements of
3381 Subsection (4)(c):

3382 (Aa) certify the petition and deliver the certified petition to the county legislative body;
3383 and

3384 (Bb) mail or deliver written notification of the certification to the contact sponsor; or

3385 (II) if the clerk determines that the petition fails to comply with any of the requirements
3386 of Subsection (4)(c), reject the petition and notify the contact sponsor in writing of the rejection
3387 and the reasons for the rejection.

3388 (ii) If the county clerk rejects a petition under Subsection (4)(d)(i)(B)(II), the petition
3389 may be amended to correct the deficiencies for which it was rejected and then refiled with the
3390 county clerk.

3391 (e) (i) Within 60 days after a petition to dissolve the planning advisory area is certified,
3392 the county legislative body shall hold a public hearing on the proposal to dissolve the planning
3393 advisory area.

3394 (ii) A public hearing under Subsection (4)(e)(i) shall be held:

3395 (A) within the boundary of the planning advisory area; or

3396 (B) if holding a public hearing in that area is not practicable, as close to that area as
3397 practicable.

3398 (iii) Before holding a public hearing under Subsection (4)(e)(i), the county legislative
3399 body shall publish notice of the petition and the time, date, and place of the public hearing:

3400 (A) at least once a week for three consecutive weeks in a newspaper of general
3401 circulation in the planning advisory area; and

3402 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
3403 three consecutive weeks immediately before the public hearing.

3404 (f) Following the public hearing under Subsection (4)(e)(i), the county legislative body
3405 shall arrange for the proposal to dissolve the planning advisory area to be submitted to voters
3406 residing within the planning advisory area at the next regular general election that is more than

3407 90 days after the public hearing.

3408 (g) A planning advisory area is dissolved at the time of the canvass of the results of an
3409 election under Subsection (4)(f) if the canvass indicates that a majority of voters voting on the
3410 proposal to dissolve the planning advisory area voted in favor of the proposal.

3411 (5) (a) If a portion of an area located within a planning advisory area is annexed by a
3412 municipality or incorporates, that portion is withdrawn from the planning advisory area.

3413 (b) If a planning advisory area in whole is annexed by a municipality or incorporates,
3414 the planning advisory area is dissolved.

3415 Section 55. Section **17-27a-404** is amended to read:

3416 **17-27a-404. Public hearing by planning commission on proposed general plan or**
3417 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
3418 **by legislative body.**

3419 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
3420 amend the general plan, the planning commission shall schedule and hold a public hearing on
3421 the proposed plan or amendment.

3422 (b) The planning commission shall provide notice of the public hearing, as required by
3423 Section [17-27a-204](#).

3424 (c) After the public hearing, the planning commission may modify the proposed
3425 general plan or amendment.

3426 (2) The planning commission shall forward the proposed general plan or amendment to
3427 the legislative body.

3428 (3) (a) As provided by local ordinance and by Section [17-27a-204](#), the legislative body
3429 shall provide notice of its intent to consider the general plan proposal.

3430 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
3431 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
3432 regarding Subsection [17-27a-401](#)(4). The hearing procedure shall comply with this Subsection
3433 (3)(b).

3434 (ii) The hearing format shall allow adequate time for public comment at the actual
3435 public hearing, and shall also allow for public comment in writing to be submitted to the
3436 legislative body for not fewer than 90 days after the date of the public hearing.

3437 (c) (i) The legislative body shall give notice of the hearing in accordance with this

3438 Subsection (3) when the proposed plan provisions required by Subsection [17-27a-401\(4\)](#) are
3439 complete.

3440 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
3441 the state Legislature, executive director of the Department of Environmental Quality, the state
3442 planning coordinator, the Resource Development Coordinating Committee, and any other
3443 citizens or entities who specifically request notice in writing.

3444 (iii) Public notice shall be given by publication:

3445 (A) in at least one major Utah newspaper having broad general circulation in the state;

3446 (B) in at least one Utah newspaper having a general circulation focused mainly on the
3447 county where the proposed high-level nuclear waste or greater than class C radioactive waste
3448 site is to be located; and

3449 (C) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

3450 (iv) The notice shall be published to allow reasonable time for interested parties and
3451 the state to evaluate the information regarding the provisions of Subsection [17-27a-401\(4\)](#),
3452 including:

3453 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before
3454 the date of the hearing to be held under this Subsection (3); and

3455 (B) publication described in Subsection (3)(c)(iii)(B) or (C) for 180 days before the
3456 date of the hearing to be held under this Subsection (3).

3457 (4) (a) After the public hearing required under this section, the legislative body may
3458 adopt, reject, or make any revisions to the proposed general plan that it considers appropriate.

3459 (b) The legislative body shall respond in writing and in a substantive manner to all
3460 those providing comments as a result of the hearing required by Subsection (3).

3461 (c) If the county legislative body rejects the proposed general plan or amendment, it
3462 may provide suggestions to the planning commission for the planning commission's review and
3463 recommendation.

3464 (5) The legislative body shall adopt:

3465 (a) a land use element as provided in Subsection [17-27a-403\(2\)\(a\)\(i\)](#);

3466 (b) a transportation and traffic circulation element as provided in Subsection
3467 [17-27a-403\(2\)\(a\)\(ii\)](#);

3468 (c) after considering the factors included in Subsection [17-27a-403\(2\)\(b\)](#), a plan to

3469 provide a realistic opportunity to meet the need for additional moderate income housing; and

3470 (d) before August 1, 2017, a resource management plan as provided by Subsection

3471 17-27a-403(2)(a)(iv).

3472 Section 56. Section 17-27a-603 is amended to read:

3473 **17-27a-603. Plat required when land is subdivided -- Approval of plat -- Owner**
3474 **acknowledgment, surveyor certification, and underground utility facility owner**
3475 **verification of plat -- Recording plat.**

3476 (1) Unless exempt under Section 17-27a-605 or excluded from the definition of
3477 subdivision under Section 17-27a-103, whenever any land is laid out and platted, the owner of
3478 the land shall provide an accurate plat that describes or specifies:

3479 (a) a subdivision name that is distinct from any subdivision name on a plat recorded in
3480 the county recorder's office;

3481 (b) the boundaries, course, and dimensions of all of the parcels of ground divided, by
3482 their boundaries, course, and extent, whether the owner proposes that any parcel of ground is
3483 intended to be used as a street or for any other public use, and whether any such area is
3484 reserved or proposed for dedication for a public purpose;

3485 (c) the lot or unit reference, block or building reference, street or site address, street
3486 name or coordinate address, acreage or square footage for all parcels, units, or lots, and length
3487 and width of the blocks and lots intended for sale; and

3488 (d) every existing right-of-way and easement grant of record for an underground
3489 facility, as defined in Section 54-8a-2, and for any other utility facility.

3490 (2) (a) Subject to Subsections (3), (5), and (6), if the plat conforms to the county's
3491 ordinances and this part and has been approved by the culinary water authority, the sanitary
3492 sewer authority, and the local health department, as defined in Section 26A-1-102, if the local
3493 health department and the county consider the local health department's approval necessary, the
3494 county shall approve the plat.

3495 (b) Counties are encouraged to receive a recommendation from the fire authority and
3496 the public safety answering point before approving a plat.

3497 (c) A county may not require that a plat be approved or signed by a person or entity
3498 who:

3499 (i) is not an employee or agent of the county; or

- 3500 (ii) does not:
- 3501 (A) have a legal or equitable interest in the property within the proposed subdivision;
- 3502 (B) provide a utility or other service directly to a lot within the subdivision;
- 3503 (C) own an easement or right-of-way adjacent to the proposed subdivision who signs
- 3504 for the purpose of confirming the accuracy of the location of the easement or right-of-way in
- 3505 relation to the plat; or
- 3506 (D) provide culinary public water service whose source protection zone designated as
- 3507 provided in Section 19-4-113 is included, in whole or in part, within the proposed subdivision.
- 3508 (d) For a subdivision application that includes land located within a notification zone,
- 3509 as determined under Subsection (2)(f), the land use authority shall:
- 3510 (i) within 20 days after the day on which a complete subdivision application is filed,
- 3511 provide written notice of the application to the canal owner or associated canal operator contact
- 3512 described in:
- 3513 (A) Section 17-27a-211;
- 3514 (B) Subsection 73-5-7(2); or
- 3515 (C) Subsection (5)(c); and
- 3516 (ii) wait to approve or reject the subdivision application for at least 20 days after the
- 3517 day on which the land use authority mails the notice under Subsection (2)(d)(i) in order to
- 3518 receive input from the canal owner or associated canal operator, including input regarding:
- 3519 (A) access to the canal;
- 3520 (B) maintenance of the canal;
- 3521 (C) canal protection; and
- 3522 (D) canal safety.
- 3523 (e) When applicable, the subdivision applicant shall comply with Section 73-1-15.5.
- 3524 (f) The land use authority shall provide the notice described in Subsection (2)(d) to a
- 3525 canal owner or associated canal operator if:
- 3526 (i) the canal's centerline is located within 100 feet of a proposed subdivision; and
- 3527 (ii) the centerline alignment is available to the land use authority:
- 3528 (A) from information provided by the canal company under Section 17-27a-211 using
- 3529 mapping-grade global positioning satellite units or digitized data from the most recent aerial
- 3530 photo available to the canal owner or canal operator;

- 3531 (B) using the state engineer's inventory of canals under Section [73-5-7](#); or
- 3532 (C) from information provided by a surveyor under Subsection (5)(c).
- 3533 (3) The county may withhold an otherwise valid plat approval until the owner of the
- 3534 land provides the legislative body with a tax clearance indicating that all taxes, interest, and
- 3535 penalties owing on the land have been paid.
- 3536 (4) (a) Within 30 days after approving a final plat under this section, a county shall
- 3537 submit to the Automated Geographic Reference Center, created in Section [[63F-1-506](#)]
- 3538 [63A-16-505](#), for inclusion in the unified statewide 911 emergency service database described
- 3539 in Subsection [63H-7a-304](#)(4)(b):
- 3540 (i) an electronic copy of the approved final plat; or
- 3541 (ii) preliminary geospatial data that depict any new streets and situs addresses proposed
- 3542 for construction within the bounds of the approved plat.
- 3543 (b) If requested by the Automated Geographic Reference Center, a county that
- 3544 approves a final plat under this section shall:
- 3545 (i) coordinate with the Automated Geographic Reference Center to validate the
- 3546 information described in Subsection (4)(a); and
- 3547 (ii) assist the Automated Geographic Reference Center in creating electronic files that
- 3548 contain the information described in Subsection (4)(a) for inclusion in the unified statewide
- 3549 911 emergency service database.
- 3550 (5) (a) A county recorder may not record a plat unless, subject to Subsection
- 3551 [17-27a-604](#)(1):
- 3552 (i) prior to recordation, the county has approved and signed the plat;
- 3553 (ii) each owner of record of land described on the plat has signed the owner's
- 3554 dedication as shown on the plat; and
- 3555 (iii) the signature of each owner described in Subsection (5)(a)(ii) is acknowledged as
- 3556 provided by law.
- 3557 (b) The surveyor making the plat shall certify that the surveyor:
- 3558 (i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and
- 3559 Professional Land Surveyors Licensing Act;
- 3560 (ii) has completed a survey of the property described on the plat in accordance with
- 3561 Section [17-23-17](#) and has verified all measurements; and

3562 (iii) has placed monuments as represented on the plat.

3563 (c) (i) To the extent possible, the surveyor shall consult with the owner or operator of
3564 an existing or proposed underground facility or utility facility within the proposed subdivision,
3565 or a representative designated by the owner or operator, to verify the accuracy of the surveyor's
3566 depiction of the:

3567 (A) boundary, course, dimensions, and intended use of the public rights-of-way, a
3568 public or private easement, or grants of record;

3569 (B) location of an existing underground facility and utility facility; and

3570 (C) physical restrictions governing the location of the underground facility and utility
3571 facility within the subdivision.

3572 (ii) The cooperation of an owner or operator under Subsection (5)(c)(i):

3573 (A) indicates only that the plat approximates the location of the existing underground
3574 and utility facilities but does not warrant or verify their precise location; and

3575 (B) does not affect a right that the owner or operator has under Title 54, Chapter 8a,
3576 Damage to Underground Utility Facilities, a recorded easement or right-of-way, the law
3577 applicable to prescriptive rights, or any other provision of law.

3578 (6) (a) Except as provided in Subsection (5)(c), after the plat has been acknowledged,
3579 certified, and approved, the individual seeking to record the plat shall, within the time period
3580 and manner designated by ordinance, record the plat in the county recorder's office in the
3581 county in which the lands platted and laid out are situated.

3582 (b) A failure to record a plat within the time period designated by ordinance renders the
3583 plat voidable by the land use authority.

3584 Section 57. Section **17-36-12** is amended to read:

3585 **17-36-12. Notice of budget hearing.**

3586 (1) The governing body shall determine the time and place for the public hearing on the
3587 adoption of the budget.

3588 (2) Notice of such hearing shall be published:

3589 (a) (i) at least seven days before the hearing in at least one newspaper of general
3590 circulation within the county, if there is such a paper; or

3591 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in
3592 three conspicuous places within the county seven days before the hearing;

3593 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
3594 seven days before the hearing; and

3595 (c) on the home page of the county's website, either in full or as a link, if the county has
3596 a publicly viewable website, beginning at least seven days before the hearing and until the
3597 hearing takes place.

3598 Section 58. Section **17-36-26** is amended to read:

3599 **17-36-26. Increase in budgetary fund or county general fund -- Public hearing.**

3600 (1) Before the governing body may, by resolution, increase a budget appropriation of
3601 any budgetary fund, increase the budget of the county general fund, or make an amendment to a
3602 budgetary fund or the county general fund, the governing body shall hold a public hearing
3603 giving all interested parties an opportunity to be heard.

3604 (2) Notice of the public hearing described in Subsection (1) shall be published at least
3605 five days before the day of the hearing:

3606 (a) (i) in at least one issue of a newspaper generally circulated in the county; or

3607 (ii) if there is not a newspaper generally circulated in the county, the hearing may be
3608 published by posting notice in three conspicuous places within the county;

3609 (b) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#);
3610 and

3611 (c) on the home page of the county's website, either in full or as a link, if the county has
3612 a publicly viewable website, until the hearing takes place.

3613 Section 59. Section **17-41-304** is amended to read:

3614 **17-41-304. Public hearing -- Review and action on proposal.**

3615 (1) After receipt of the written reports from the advisory committee and planning
3616 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
3617 legislative body shall:

3618 (a) schedule a public hearing;

3619 (b) provide notice of the public hearing by:

3620 (i) publishing notice:

3621 (A) in a newspaper having general circulation within:

3622 (I) the same county as the land proposed for inclusion within the agriculture protection
3623 area, industrial protection area, or critical infrastructure materials protection area, if the land is

3624 within the unincorporated part of the county; or
3625 (II) the same city or town as the land proposed for inclusion within an agriculture
3626 protection area, industrial protection area, or critical infrastructure materials protection area, if
3627 the land is within a city or town; and
3628 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601;
3629 (ii) posting notice at five public places, designated by the applicable legislative body,
3630 within or near the proposed agriculture protection area, industrial protection area, or critical
3631 infrastructure materials protection area; and
3632 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed
3633 for inclusion within an agriculture protection area, industrial protection area, or critical
3634 infrastructure materials protection area; and
3635 (c) ensure that the notice includes:
3636 (i) the time, date, and place of the public hearing on the proposal;
3637 (ii) a description of the proposed agriculture protection area, industrial protection area,
3638 or critical infrastructure materials protection area;
3639 (iii) any proposed modifications to the proposed agriculture protection area, industrial
3640 protection area, or critical infrastructure materials protection area;
3641 (iv) a summary of the recommendations of the advisory committee and planning
3642 commission; and
3643 (v) a statement that interested persons may appear at the public hearing and speak in
3644 favor of or against the proposal, any proposed modifications to the proposal, or the
3645 recommendations of the advisory committee and planning commission.
3646 (2) The applicable legislative body shall:
3647 (a) convene the public hearing at the time, date, and place specified in the notice; and
3648 (b) take oral or written testimony from interested persons.
3649 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
3650 body shall approve, modify and approve, or reject the proposal.
3651 (b) The creation of an agriculture protection area, industrial protection area, or critical
3652 infrastructure materials protection area is effective at the earlier of:
3653 (i) the applicable legislative body's approval of a proposal or modified proposal; or
3654 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if

3655 the applicable legislative body has failed to approve or reject the proposal within that time.

3656 (c) Notwithstanding Subsection (3)(b), a critical infrastructure materials protection area
3657 is effective only if the applicable legislative body, at its discretion, approves a proposal or
3658 modified proposal.

3659 (4) (a) To give constructive notice of the existence of the agriculture protection area,
3660 industrial protection area, or critical infrastructure materials protection area to all persons who
3661 have, may acquire, or may seek to acquire an interest in land in or adjacent to the relevant
3662 protection area within 10 days of the creation of the relevant protection area, the applicable
3663 legislative body shall file an executed document containing a legal description of the relevant
3664 protection area with:

- 3665 (i) the county recorder of deeds; and
- 3666 (ii) the affected planning commission.

3667 (b) If the legal description of the property to be included in the relevant protection area
3668 is available through the county recorder's office, the applicable legislative body shall use that
3669 legal description in its executed document required in Subsection (4)(a).

3670 (5) Within 10 days of the recording of the agriculture protection area, the applicable
3671 legislative body shall:

3672 (a) send written notification to the commissioner of agriculture and food that the
3673 agriculture protection area has been created; and

3674 (b) include in the notification:

- 3675 (i) the number of landowners owning land within the agriculture protection area;
- 3676 (ii) the total acreage of the area;
- 3677 (iii) the date of approval of the area; and
- 3678 (iv) the date of recording.

3679 (6) The applicable legislative body's failure to record the notice required under
3680 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
3681 creation of an agriculture protection area.

3682 (7) The applicable legislative body may consider the cost of recording notice under
3683 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
3684 under Subsection 17-41-301(4)(b).

3685 Section 60. Section **17-41-405** is amended to read:

3686 **17-41-405. Eminent domain restrictions.**

3687 (1) A political subdivision having or exercising eminent domain powers may not
3688 condemn for any purpose any land within an agriculture protection area that is being used for
3689 agricultural production, land within an industrial protection area that is being put to an
3690 industrial use, or land within a critical infrastructure materials protection area, unless the
3691 political subdivision obtains approval, according to the procedures and requirements of this
3692 section, from the applicable legislative body and the advisory board.

3693 (2) Any condemnor wishing to condemn property within an agriculture protection area,
3694 industrial protection area, or critical infrastructure materials protection area shall file a notice
3695 of condemnation with the applicable legislative body and the relevant protection area's advisory
3696 board at least 30 days before filing an eminent domain complaint.

3697 (3) The applicable legislative body and the advisory board shall:

3698 (a) hold a joint public hearing on the proposed condemnation at a location within the
3699 county in which the relevant protection area is located;

3700 (b) publish notice of the time, date, place, and purpose of the public hearing:

3701 (i) in a newspaper of general circulation within the relevant protection area; and

3702 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#);

3703 and

3704 (c) post notice of the time, date, place, and purpose of the public hearing in five
3705 conspicuous public places, designated by the applicable legislative body, within or near the
3706 relevant protection area.

3707 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or
3708 liquid waste materials, the applicable legislative body and the advisory board may approve the
3709 condemnation only if there is no reasonable and prudent alternative to the use of the land
3710 within the agriculture protection area, industrial protection area, or critical infrastructure
3711 materials protection area for the project.

3712 (b) If the condemnation is for any other purpose, the applicable legislative body and the
3713 advisory board may approve the condemnation only if:

3714 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
3715 preservation and enhancement of:

3716 (A) agriculture within the agriculture protection area;

3717 (B) the industrial use within the industrial protection area; or

3718 (C) critical infrastructure materials operations within the critical infrastructure

3719 materials protection area; or

3720 (ii) there is no reasonable and prudent alternative to the use of the land within the [the]

3721 relevant protection area for the project.

3722 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable

3723 legislative body and the advisory board shall approve or reject the proposed condemnation.

3724 (b) If the applicable legislative body and the advisory board fail to act within the 60

3725 days or such further time as the applicable legislative body establishes, the condemnation shall

3726 be considered rejected.

3727 (6) The applicable legislative body or the advisory board may request the county or

3728 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of

3729 this section.

3730 Section 61. Section **17-50-105** is amended to read:

3731 **17-50-105. Disputed boundaries.**

3732 (1) As used in this section, "independent surveyor" means the surveyor whose position

3733 is established within the Automated Geographic Reference Center under Subsection

3734 [~~63F-1-506~~] [63A-16-505\(3\)](#).

3735 (2) (a) If a dispute or uncertainty arises as to the true location of a county boundary as

3736 described in the official records maintained by the office of the lieutenant governor, the

3737 surveyors of each county whose boundary is the subject of the dispute or uncertainty may

3738 determine the true location.

3739 (b) If agreement is reached under Subsection (2)(a), the county surveyors shall provide

3740 notice, accompanied by a map, to the lieutenant governor showing the true location of the

3741 county boundary.

3742 (3) (a) If the county surveyors fail to agree on or otherwise fail to establish the true

3743 location of the county boundary, the county executive of either or both of the affected counties

3744 shall engage the services of the independent surveyor.

3745 (b) After being engaged under Subsection (3)(a), the independent surveyor shall notify

3746 the surveyor of each county whose boundary is the subject of the dispute or uncertainty of the

3747 procedure the independent surveyor will use to determine the true location of the boundary.

3748 (c) With the assistance of each surveyor who chooses to participate, the independent
3749 surveyor shall determine permanently the true location of the boundary by marking surveys and
3750 erecting suitable monuments to designate the boundary.

3751 (d) Each boundary established under this Subsection (3) shall be considered permanent
3752 until superseded by legislative enactment.

3753 (e) The independent surveyor shall provide notice, accompanied by a map, to the
3754 lieutenant governor showing the true location of the county boundary.

3755 (4) Nothing in this section may be construed to give the county surveyors or
3756 independent surveyor any authority other than to erect suitable monuments to designate county
3757 boundaries as they are described in the official records maintained by the office of the
3758 lieutenant governor.

3759 Section 62. Section **17-50-303** is amended to read:

3760 **17-50-303. County may not give or lend credit -- County may borrow in**
3761 **anticipation of revenues -- Assistance to nonprofit and private entities.**

3762 (1) A county may not give or lend its credit to or in aid of any person or corporation,
3763 or, except as provided in Subsection (3), appropriate money in aid of any private enterprise.

3764 (2) (a) A county may borrow money in anticipation of the collection of taxes and other
3765 county revenues in the manner and subject to the conditions of Title 11, Chapter 14, Local
3766 Government Bonding Act.

3767 (b) A county may incur indebtedness under Subsection (2)(a) for any purpose for which
3768 funds of the county may be expended.

3769 (3) (a) A county may appropriate money to or provide nonmonetary assistance to a
3770 nonprofit entity, or waive fees required to be paid by a nonprofit entity, if, in the judgment of
3771 the county legislative body, the assistance contributes to the safety, health, prosperity, moral
3772 well-being, peace, order, comfort, or convenience of county residents.

3773 (b) A county may appropriate money to a nonprofit entity from the county's own funds
3774 or from funds the county receives from the state or any other source.

3775 (4) (a) As used in this Subsection (4):

3776 (i) "Private enterprise" means a person that engages in an activity for profit.

3777 (ii) "Project" means an activity engaged in by a private enterprise.

3778 (b) A county may appropriate money in aid of a private enterprise project if:

3779 (i) subject to Subsection (4)(c), the county receives value in return for the money
3780 appropriated; and

3781 (ii) in the judgment of the county legislative body, the private enterprise project
3782 provides for the safety, health, prosperity, moral well-being, peace, order, comfort, or
3783 convenience of the county residents.

3784 (c) The county shall measure the net value received by the county for money
3785 appropriated by the county to a private entity on a project-by-project basis over the life of the
3786 project.

3787 (d) (i) Before a county legislative body may appropriate funds in aid of a private
3788 enterprise project under this Subsection (4), the county legislative body shall:

3789 (A) adopt by ordinance criteria to determine what value, if any, the county will receive
3790 in return for money appropriated under this Subsection (4);

3791 (B) conduct a study as described in Subsection (4)(e) on the proposed appropriation
3792 and private enterprise project; and

3793 (C) post notice, subject to Subsection (4)(f), and hold a public hearing on the proposed
3794 appropriation and the private enterprise project.

3795 (ii) The county legislative body may consider an intangible benefit as a value received
3796 by the county.

3797 (e) (i) Before publishing or posting notice in accordance with Subsection (4)(f), the
3798 county shall study:

3799 (A) any value the county will receive in return for money or resources appropriated to a
3800 private entity;

3801 (B) the county's purpose for the appropriation, including an analysis of the way the
3802 appropriation will be used to enhance the safety, health, prosperity, moral well-being, peace,
3803 order, comfort, or convenience of the county residents; and

3804 (C) whether the appropriation is necessary and appropriate to accomplish the
3805 reasonable goals and objectives of the county in the area of economic development, job
3806 creation, affordable housing, elimination of a development impediment, as defined in Section
3807 [17C-1-102](#), job preservation, the preservation of historic structures, analyzing and improving
3808 county government structure or property, or any other public purpose.

3809 (ii) The county shall:

- 3810 (A) prepare a written report of the results of the study; and
- 3811 (B) make the report available to the public at least 14 days immediately prior to the
- 3812 scheduled day of the public hearing described in Subsection (4)(d)(i)(C).
- 3813 (f) The county shall publish notice of the public hearing required in Subsection
- 3814 (4)(d)(i)(C):
- 3815 (i) in a newspaper of general circulation at least 14 days before the date of the hearing
- 3816 or, if there is no newspaper of general circulation, by posting notice in at least three
- 3817 conspicuous places within the county for the same time period; and
- 3818 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), at
- 3819 least 14 days before the date of the hearing.
- 3820 (g) (i) A person may appeal the decision of the county legislative body to appropriate
- 3821 funds under this Subsection (4).
- 3822 (ii) A person shall file an appeal with the district court within 30 days after the day on
- 3823 which the legislative body adopts an ordinance or approves a budget to appropriate the funds.
- 3824 (iii) A court shall:
- 3825 (A) presume that an ordinance adopted or appropriation made under this Subsection (4)
- 3826 is valid; and
- 3827 (B) determine only whether the ordinance or appropriation is arbitrary, capricious, or
- 3828 illegal.
- 3829 (iv) A determination of illegality requires a determination that the decision or
- 3830 ordinance violates a law, statute, or ordinance in effect at the time the decision was made or the
- 3831 ordinance was adopted.
- 3832 (v) The district court's review is limited to:
- 3833 (A) a review of the criteria adopted by the county legislative body under Subsection
- 3834 (4)(d)(i)(A);
- 3835 (B) the record created by the county legislative body at the public hearing described in
- 3836 Subsection (4)(d)(i)(C); and
- 3837 (C) the record created by the county in preparation of the study and the study itself as
- 3838 described in Subsection (4)(e).
- 3839 (vi) If there is no record, the court may call witnesses and take evidence.
- 3840 (h) This section applies only to an appropriation not otherwise approved in accordance

3841 with Title 17, Chapter 36, Uniform Fiscal Procedures Act for Counties.

3842 Section 63. Section **17B-1-106** is amended to read:

3843 **17B-1-106. Notice before preparing or amending a long-range plan or acquiring**
3844 **certain property.**

3845 (1) As used in this section:

3846 (a) (i) "Affected entity" means each county, municipality, local district under this title,
3847 special service district, school district, interlocal cooperation entity established under Title 11,
3848 Chapter 13, Interlocal Cooperation Act, and specified public utility:

3849 (A) whose services or facilities are likely to require expansion or significant
3850 modification because of an intended use of land; or

3851 (B) that has filed with the local district a copy of the general or long-range plan of the
3852 county, municipality, local district, school district, interlocal cooperation entity, or specified
3853 public utility.

3854 (ii) "Affected entity" does not include the local district that is required under this
3855 section to provide notice.

3856 (b) "Specified public utility" means an electrical corporation, gas corporation, or
3857 telephone corporation, as those terms are defined in Section [54-2-1](#).

3858 (2) (a) If a local district under this title located in a county of the first or second class
3859 prepares a long-range plan regarding its facilities proposed for the future or amends an already
3860 existing long-range plan, the local district shall, before preparing a long-range plan or
3861 amendments to an existing long-range plan, provide written notice, as provided in this section,
3862 of its intent to prepare a long-range plan or to amend an existing long-range plan.

3863 (b) Each notice under Subsection (2)(a) shall:

3864 (i) indicate that the local district intends to prepare a long-range plan or to amend a
3865 long-range plan, as the case may be;

3866 (ii) describe or provide a map of the geographic area that will be affected by the
3867 long-range plan or amendments to a long-range plan;

3868 (iii) be:

3869 (A) sent to each county in whose unincorporated area and each municipality in whose
3870 boundaries is located the land on which the proposed long-range plan or amendments to a
3871 long-range plan are expected to indicate that the proposed facilities will be located;

3872 (B) sent to each affected entity;

3873 (C) sent to the Automated Geographic Reference Center created in Section

3874 [~~63F-1-506~~] [63A-16-505](#);

3875 (D) sent to each association of governments, established pursuant to an interlocal

3876 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or

3877 municipality described in Subsection (2)(b)(iii)(A) is a member; and

3878 (E) (I) placed on the Utah Public Notice Website created under Section [~~63F-1-701~~]

3879 [63A-16-601](#), if the local district:

3880 (Aa) is required under Subsection [52-4-203](#)(3) to use that website to provide public

3881 notice of a meeting; or

3882 (Bb) voluntarily chooses to place notice on that website despite not being required to

3883 do so under Subsection (2)(b)(iii)(E)(I)(Aa); or

3884 (II) the state planning coordinator appointed under Section [63J-4-202](#), if the local

3885 district does not provide notice on the Utah Public Notice Website under Subsection

3886 (2)(b)(iii)(E)(I);

3887 (iv) with respect to the notice to counties and municipalities described in Subsection

3888 (2)(b)(iii)(A) and affected entities, invite them to provide information for the local district to

3889 consider in the process of preparing, adopting, and implementing the long-range plan or

3890 amendments to a long-range plan concerning:

3891 (A) impacts that the use of land proposed in the proposed long-range plan or

3892 amendments to a long-range plan may have on the county, municipality, or affected entity; and

3893 (B) uses of land that the county, municipality, or affected entity is planning or

3894 considering that may conflict with the proposed long-range plan or amendments to a long-range

3895 plan; and

3896 (v) include the address of an Internet website, if the local district has one, and the name

3897 and telephone number of a person where more information can be obtained concerning the

3898 local district's proposed long-range plan or amendments to a long-range plan.

3899 (3) (a) Except as provided in Subsection (3)(d), each local district intending to acquire

3900 real property in a county of the first or second class for the purpose of expanding the district's

3901 infrastructure or other facilities used for providing the services that the district is authorized to

3902 provide shall provide written notice, as provided in this Subsection (3), of its intent to acquire

3903 the property if the intended use of the property is contrary to:

3904 (i) the anticipated use of the property under the county or municipality's general plan;

3905 or

3906 (ii) the property's current zoning designation.

3907 (b) Each notice under Subsection (3)(a) shall:

3908 (i) indicate that the local district intends to acquire real property;

3909 (ii) identify the real property; and

3910 (iii) be sent to:

3911 (A) each county in whose unincorporated area and each municipality in whose
3912 boundaries the property is located; and

3913 (B) each affected entity.

3914 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
3915 [63G-2-305](#)(8).

3916 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the local district
3917 previously provided notice under Subsection (2) identifying the general location within the
3918 municipality or unincorporated part of the county where the property to be acquired is located.

3919 (ii) If a local district is not required to comply with the notice requirement of
3920 Subsection (3)(a) because of application of Subsection (3)(d)(i), the local district shall provide
3921 the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of the real
3922 property.

3923 Section 64. Section **17B-1-211** is amended to read:

3924 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3925 (1) Before holding a public hearing or set of public hearings under Section [17B-1-210](#),
3926 the legislative body of each county or municipality with which a request is filed or that adopts a
3927 resolution under Subsection [17B-1-203](#)(1)(d) and the board of trustees of each local district
3928 that adopts a resolution under Subsection [17B-1-203](#)(1)(e) shall:

3929 (a) (i) (A) except as provided in Subsections (1)(a)(i)(B) and (1)(a)(ii), publish notice
3930 in a newspaper or combination of newspapers of general circulation within the applicable area
3931 in accordance with Subsection (2); or

3932 (B) if there is no newspaper or combination of newspapers of general circulation
3933 within the applicable area, post notice in accordance with Subsection (2) at least one notice per

3934 1,000 population of that area and at places within the area that are most likely to provide actual
3935 notice to residents of the area; and

3936 (ii) publish notice on the Utah Public Notice Website created in Section [~~63F-1-701~~]
3937 [63A-16-601](#), for two weeks before the hearing or the first of the set of hearings; or

3938 (b) mail a notice to each registered voter residing within and each owner of real
3939 property located within the proposed local district.

3940 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

3941 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
3942 surrounded by a 1/4-inch border;

3943 (b) if possible, appear in a newspaper that is published at least one day per week;

3944 (c) if possible, appear in a newspaper of general interest and readership in the area and
3945 not of limited subject matter;

3946 (d) be placed in a portion of the newspaper other than where legal notices and
3947 classified advertisements appear; and

3948 (e) be published once each week for four consecutive weeks, with the final publication
3949 being no fewer than five and no more than 20 days before the hearing or the first of the set of
3950 hearings.

3951 (3) Each notice required under Subsection (1) shall:

3952 (a) if the hearing or set of hearings is concerning a resolution:

3953 (i) contain the entire text or an accurate summary of the resolution; and

3954 (ii) state the deadline for filing a protest against the creation of the proposed local
3955 district;

3956 (b) clearly identify each governing body involved in the hearing or set of hearings;

3957 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
3958 the hearing or set of hearings; and

3959 (d) describe or include a map of the entire proposed local district.

3960 (4) County or municipal legislative bodies may jointly provide the notice required
3961 under this section if all the requirements of this section are met as to each notice.

3962 Section 65. Section **17B-1-303** is amended to read:

3963 **17B-1-303. Term of board of trustees members -- Oath of office -- Bond -- Notice**
3964 **of board member contact information.**

3965 (1) (a) Except as provided in Subsections (1)(b), (c), (d), and (e), the term of each
3966 member of a board of trustees begins at noon on the January 1 following the member's election
3967 or appointment.

3968 (b) The term of each member of the initial board of trustees of a newly created local
3969 district begins:

3970 (i) upon appointment, for an appointed member; and

3971 (ii) upon the member taking the oath of office after the canvass of the election at which
3972 the member is elected, for an elected member.

3973 (c) The term of each water conservancy district board member whom the governor
3974 appoints in accordance with Subsection 17B-2a-1005(2)(c):

3975 (i) begins on the later of the following:

3976 (A) the date on which the Senate consents to the appointment; or

3977 (B) the expiration date of the prior term; and

3978 (ii) ends on the February 1 that is approximately four years after the date described in
3979 Subsection (1)(c)(i)(A) or (B).

3980 (d) The term of a member of a board of trustees whom an appointing authority appoints
3981 in accordance with Subsection (5)(b) begins upon the member taking the oath of office.

3982 (e) If the member of the board of trustees fails to assume or qualify for office on
3983 January 1 for any reason, the term begins on the date the member assumes or qualifies for
3984 office.

3985 (2) (a) (i) Except as provided in Subsection (8), and subject to Subsections (2)(a)(ii)
3986 and (iii), the term of each member of a board of trustees is four years, except that
3987 approximately half the members of the initial board of trustees, chosen by lot, shall serve a
3988 two-year term so that the term of approximately half the board members expires every two
3989 years.

3990 (ii) If the terms of members of the initial board of trustees of a newly created local
3991 district do not begin on January 1 because of application of Subsection (1)(b), the terms of
3992 those members shall be adjusted as necessary, subject to Subsection (2)(a)(iii), to result in the
3993 terms of their successors complying with:

3994 (A) the requirement under Subsection (1)(a) for a term to begin on January 1 following
3995 a member's election or appointment; and

- 3996 (B) the requirement under Subsection (2)(a)(i) that terms be four years.
- 3997 (iii) If the term of a member of a board of trustees does not begin on January 1 because
- 3998 of the application of Subsection (1)(e), the term is shortened as necessary to result in the term
- 3999 complying with the requirement under Subsection (1)(a) that the successor member's term,
- 4000 regardless of whether the [~~incumbant~~] incumbent is the successor, begins at noon on January 1
- 4001 following the successor member's election or appointment.
- 4002 (iv) An adjustment under Subsection (2)(a)(ii) may not add more than a year to or
- 4003 subtract more than a year from a member's term.
- 4004 (b) Each board of trustees member shall serve until a successor is duly elected or
- 4005 appointed and qualified, unless the member earlier is removed from office or resigns or
- 4006 otherwise leaves office.
- 4007 (c) If a member of a board of trustees no longer meets the qualifications of Subsection
- 4008 [17B-1-302](#)(1), (2), or (3), or if the member's term expires without a duly elected or appointed
- 4009 successor:
- 4010 (i) the member's position is considered vacant, subject to Subsection (2)(c)(ii); and
- 4011 (ii) the member may continue to serve until a successor is duly elected or appointed
- 4012 and qualified.
- 4013 (3) (a) (i) Before entering upon the duties of office, each member of a board of trustees
- 4014 shall take the oath of office specified in Utah Constitution, Article IV, Section 10.
- 4015 (ii) A judge, county clerk, notary public, or the local district clerk may administer an
- 4016 oath of office.
- 4017 (b) The member of the board of trustees taking the oath of office shall file the oath of
- 4018 office with the clerk of the local district.
- 4019 (c) The failure of a board of trustees member to take the oath under Subsection (3)(a)
- 4020 does not invalidate any official act of that member.
- 4021 (4) A board of trustees member may serve any number of terms.
- 4022 (5) (a) Except as provided in Subsection (6), each midterm vacancy in a board of
- 4023 trustees position is filled in accordance with Section [20A-1-512](#).
- 4024 (b) When the number of members of a board of trustees increases in accordance with
- 4025 Subsection [17B-1-302](#)(6), the appointing authority may appoint an individual to fill a new
- 4026 board of trustees position in accordance with Section [17B-1-304](#) or [20A-1-512](#).

- 4027 (6) (a) For purposes of this Subsection (6):
- 4028 (i) "Appointed official" means a person who:
- 4029 (A) is appointed as a member of a local district board of trustees by a county or
- 4030 municipality that is entitled to appoint a member to the board; and
- 4031 (B) holds an elected position with the appointing county or municipality.
- 4032 (ii) "Appointing entity" means the county or municipality that appointed the appointed
- 4033 official to the board of trustees.
- 4034 (b) The board of trustees shall declare a midterm vacancy for the board position held
- 4035 by an appointed official if:
- 4036 (i) during the appointed official's term on the board of trustees, the appointed official
- 4037 ceases to hold the elected position with the appointing entity; and
- 4038 (ii) the appointing entity submits a written request to the board to declare the vacancy.
- 4039 (c) Upon the board's declaring a midterm vacancy under Subsection (6)(b), the
- 4040 appointing entity shall appoint another person to fill the remaining unexpired term on the board
- 4041 of trustees.
- 4042 (7) (a) Each member of a board of trustees shall give a bond for the faithful
- 4043 performance of the member's duties, in the amount and with the sureties that the board of
- 4044 trustees prescribes.
- 4045 (b) The local district shall pay the cost of each bond required under Subsection (7)(a).
- 4046 (8) (a) The lieutenant governor may extend the term of an elected district board
- 4047 member by one year in order to compensate for a change in the election year under Subsection
- 4048 [17B-1-306](#)(14).
- 4049 (b) When the number of members of a board of trustees increases in accordance with
- 4050 Subsection [17B-1-302](#)(6), to ensure that the term of approximately half of the board members
- 4051 expires every two years in accordance with Subsection (2)(a):
- 4052 (i) the board shall set shorter terms for approximately half of the new board members,
- 4053 chosen by lot; and
- 4054 (ii) the initial term of a new board member position may be less than two or four years.
- 4055 (9) (a) A local district shall:
- 4056 (i) post on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#)
- 4057 the name, phone number, and email address of each member of the local district's board of

4058 trustees;

4059 (ii) update the information described in Subsection (9)(a)(i) when:

4060 (A) the membership of the board of trustees changes; or

4061 (B) a member of the board of trustees' phone number or email address changes; and

4062 (iii) post any update required under Subsection (9)(a)(ii) within 30 days after the date
4063 on which the change requiring the update occurs.

4064 (b) This Subsection (9) applies regardless of whether the county or municipal
4065 legislative body also serves as the board of trustees of the local district.

4066 Section 66. Section **17B-1-306** is amended to read:

4067 **17B-1-306. Local district board -- Election procedures.**

4068 (1) Except as provided in Subsection (12), each elected board member shall be selected
4069 as provided in this section.

4070 (2) (a) Each election of a local district board member shall be held:

4071 (i) at the same time as the municipal general election or the regular general election, as
4072 applicable; and

4073 (ii) at polling places designated by the local district board in consultation with the
4074 county clerk for each county in which the local district is located, which polling places shall
4075 coincide with municipal general election or regular general election polling places, as
4076 applicable, whenever feasible.

4077 (b) The local district board, in consultation with the county clerk, may consolidate two
4078 or more polling places to enable voters from more than one district to vote at one consolidated
4079 polling place.

4080 (c) (i) Subject to Subsections (5)(h) and (i), the number of polling places under
4081 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
4082 polling place per division of the district, designated by the district board.

4083 (ii) Each polling place designated by an irrigation district board under Subsection
4084 (2)(c)(i) shall coincide with a polling place designated by the county clerk under Subsection
4085 (2)(a)(ii).

4086 (3) The clerk of each local district with a board member position to be filled at the next
4087 municipal general election or regular general election, as applicable, shall provide notice of:

4088 (a) each elective position of the local district to be filled at the next municipal general

4089 election or regular general election, as applicable;

4090 (b) the constitutional and statutory qualifications for each position; and

4091 (c) the dates and times for filing a declaration of candidacy.

4092 (4) The clerk of the local district shall publish the notice described in Subsection (3):

4093 (a) by posting the notice on the Utah Public Notice Website created in Section

4094 [~~63F-1-701~~] [63A-16-601](#), for 10 days before the first day for filing a declaration of candidacy;

4095 and

4096 (b) (i) by posting the notice in at least five public places within the local district at least

4097 10 days before the first day for filing a declaration of candidacy; or

4098 (ii) publishing the notice:

4099 (A) in a newspaper of general circulation within the local district at least three but no

4100 more than 10 days before the first day for filing a declaration of candidacy;

4101 (B) in accordance with Section [45-1-101](#), for 10 days before the first day for filing a

4102 declaration of candidacy; and

4103 (c) if the local district has a website, on the local district's website for 10 days before

4104 the first day for filing a declaration of candidacy.

4105 (5) (a) Except as provided in Subsection (5)(c), to become a candidate for an elective

4106 local district board position, an individual shall file a declaration of candidacy in person with

4107 an official designated by the local district, during office hours, within the candidate filing

4108 period for the applicable election year in which the election for the local district board is held.

4109 (b) When the candidate filing deadline falls on a Saturday, Sunday, or holiday, the

4110 filing time shall be extended until the close of normal office hours on the following regular

4111 business day.

4112 (c) Subject to Subsection (5)(f), an individual may designate an agent to file a

4113 declaration of candidacy with the official designated by the local district if:

4114 (i) the individual is located outside of the state during the entire filing period;

4115 (ii) the designated agent appears in person before the official designated by the local

4116 district; and

4117 (iii) the individual communicates with the official designated by the local district using

4118 an electronic device that allows the individual and official to see and hear each other.

4119 (d) (i) Before the filing officer may accept any declaration of candidacy from an

4120 individual, the filing officer shall:

4121 (A) read to the individual the constitutional and statutory qualification requirements for
4122 the office that the individual is seeking; and

4123 (B) require the individual to state whether the individual meets those requirements.

4124 (ii) If the individual does not meet the qualification requirements for the office, the
4125 filing officer may not accept the individual's declaration of candidacy.

4126 (iii) If it appears that the individual meets the requirements of candidacy, the filing
4127 officer shall accept the individual's declaration of candidacy.

4128 (e) The declaration of candidacy shall be in substantially the following form:

4129 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
4130 _____, City of _____, County of _____, state of Utah, (Zip
4131 Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the
4132 office of board of trustees member for _____ (state the name of the local
4133 district); that I am a candidate for that office to be voted upon at the next election; and that, if
4134 filing via a designated agent, I will be out of the state of Utah during the entire candidate filing
4135 period, and I hereby request that my name be printed upon the official ballot for that election.

4136 (Signed) _____

4137 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
4138 of _____, _____.

4139 (Signed) _____

4140 (Clerk or Notary Public)"

4141 (f) An agent designated under Subsection (5)(c) may not sign the form described in
4142 Subsection (5)(e).

4143 (g) Each individual wishing to become a valid write-in candidate for an elective local
4144 district board position is governed by Section 20A-9-601.

4145 (h) If at least one individual does not file a declaration of candidacy as required by this
4146 section, an individual shall be appointed to fill that board position in accordance with the
4147 appointment provisions of Section 20A-1-512.

4148 (i) If only one candidate files a declaration of candidacy and there is no write-in
4149 candidate who complies with Section 20A-9-601, the board, in accordance with Section
4150 20A-1-206, may:

- 4151 (i) consider the candidate to be elected to the position; and
4152 (ii) cancel the election.
- 4153 (6) (a) A primary election may be held if:
4154 (i) the election is authorized by the local district board; and
4155 (ii) the number of candidates for a particular local board position or office exceeds
4156 twice the number of persons needed to fill that position or office.
- 4157 (b) The primary election shall be conducted:
4158 (i) on the same date as the municipal primary election or the regular primary election,
4159 as applicable; and
4160 (ii) according to the procedures for primary elections provided under Title 20A,
4161 Election Code.
- 4162 (7) (a) Except as provided in Subsection (7)(c), within one business day after the
4163 deadline for filing a declaration of candidacy, the local district clerk shall certify the candidate
4164 names to the clerk of each county in which the local district is located.
- 4165 (b) (i) Except as provided in Subsection (7)(c) and in accordance with Section
4166 20A-6-305, the clerk of each county in which the local district is located and the local district
4167 clerk shall coordinate the placement of the name of each candidate for local district office in
4168 the nonpartisan section of the ballot with the appropriate election officer.
- 4169 (ii) If consolidation of the local district election ballot with the municipal general
4170 election ballot or the regular general election ballot, as applicable, is not feasible, the local
4171 district board of trustees, in consultation with the county clerk, shall provide for a separate
4172 local district election ballot to be administered by poll workers at polling locations designated
4173 under Subsection (2).
- 4174 (c) (i) Subsections (7)(a) and (b) do not apply to an election of a member of the board
4175 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
- 4176 (ii) (A) Subject to Subsection (7)(c)(ii)(B), the board of each irrigation district shall
4177 prescribe the form of the ballot for each board member election.
- 4178 (B) Each ballot for an election of an irrigation district board member shall be in a
4179 nonpartisan format.
- 4180 (C) The name of each candidate shall be placed on the ballot in the order specified
4181 under Section 20A-6-305.

4182 (8) (a) Each voter at an election for a board of trustees member of a local district shall:

4183 (i) be a registered voter within the district, except for an election of:

4184 (A) an irrigation district board of trustees member; or

4185 (B) a basic local district board of trustees member who is elected by property owners;

4186 and

4187 (ii) meet the requirements to vote established by the district.

4188 (b) Each voter may vote for as many candidates as there are offices to be filled.

4189 (c) The candidates who receive the highest number of votes are elected.

4190 (9) Except as otherwise provided by this section, the election of local district board
4191 members is governed by Title 20A, Election Code.

4192 (10) (a) Except as provided in Subsection 17B-1-303(8), a person elected to serve on a
4193 local district board shall serve a four-year term, beginning at noon on the January 1 after the
4194 person's election.

4195 (b) A person elected shall be sworn in as soon as practical after January 1.

4196 (11) (a) Except as provided in Subsection (11)(b), each local district shall reimburse
4197 the county or municipality holding an election under this section for the costs of the election
4198 attributable to that local district.

4199 (b) Each irrigation district shall bear its own costs of each election it holds under this
4200 section.

4201 (12) This section does not apply to an improvement district that provides electric or gas
4202 service.

4203 (13) Except as provided in Subsection 20A-3a-605(1)(b), the provisions of Title 20A,
4204 Chapter 3a, Part 6, Early Voting, do not apply to an election under this section.

4205 (14) (a) As used in this Subsection (14), "board" means:

4206 (i) a local district board; or

4207 (ii) the administrative control board of a special service district that has elected
4208 members on the board.

4209 (b) A board may hold elections for membership on the board at a regular general
4210 election instead of a municipal general election if the board submits an application to the
4211 lieutenant governor that:

4212 (i) requests permission to hold elections for membership on the board at a regular

4213 general election instead of a municipal general election; and

4214 (ii) indicates that holding elections at the time of the regular general election is
4215 beneficial, based on potential cost savings, a potential increase in voter turnout, or another
4216 material reason.

4217 (c) Upon receipt of an application described in Subsection (14)(b), the lieutenant
4218 governor may approve the application if the lieutenant governor concludes that holding the
4219 elections at the regular general election is beneficial based on the criteria described in
4220 Subsection (14)(b)(ii).

4221 (d) If the lieutenant governor approves a board's application described in this section:

4222 (i) all future elections for membership on the board shall be held at the time of the
4223 regular general election; and

4224 (ii) the board may not hold elections at the time of a municipal general election unless
4225 the board receives permission from the lieutenant governor to hold all future elections for
4226 membership on the board at a municipal general election instead of a regular general election,
4227 under the same procedure, and by applying the same criteria, described in this Subsection (14).

4228 Section 67. Section **17B-1-413** is amended to read:

4229 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
4230 **petitions.**

4231 (1) Section **17B-1-412** does not apply, and, except as provided in Subsection (2)(a),
4232 Sections **17B-1-409** and **17B-1-410** do not apply:

4233 (a) if the process to annex an area to a local district was initiated by:

4234 (i) a petition under Subsection **17B-1-403(1)(a)(i)**;

4235 (ii) a petition under Subsection **17B-1-403(1)(a)(ii)(A)** that was signed by the owners
4236 of private real property that:

4237 (A) is located within the area proposed to be annexed;

4238 (B) covers at least 75% of the total private land area within the entire area proposed to
4239 be annexed and within each applicable area; and

4240 (C) is equal in assessed value to at least 75% of the assessed value of all private real
4241 property within the entire area proposed to be annexed and within each applicable area; or

4242 (iii) a petition under Subsection **17B-1-403(1)(a)(ii)(B)** that was signed by registered
4243 voters residing within the entire area proposed to be annexed and within each applicable area

4244 equal in number to at least 75% of the number of votes cast within the entire area proposed to
4245 be annexed and within each applicable area, respectively, for the office of governor at the last
4246 regular general election before the filing of the petition;

4247 (b) to an annexation under Section [17B-1-415](#); or

4248 (c) to a boundary adjustment under Section [17B-1-417](#).

4249 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
4250 Section [17B-1-405](#), the local district board:

4251 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

4252 and

4253 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
4254 [17B-1-409](#) after giving notice of the public hearing as provided in Subsection (2)(b); and

4255 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
4256 hold a public hearing as provided in Section [17B-1-409](#) if a written request to do so is
4257 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to
4258 the local district board by an owner of property that is located within or a registered voter
4259 residing within the area proposed to be annexed who did not sign the annexation petition.

4260 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

4261 (i) be given:

4262 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
4263 certification; or

4264 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least 10 but not more
4265 than 30 days before the public hearing; and

4266 (B) by:

4267 (I) posting written notice at the local district's principal office and in one or more other
4268 locations within or proximate to the area proposed to be annexed as are reasonable under the
4269 circumstances, considering the number of parcels included in that area, the size of the area, the
4270 population of the area, and the contiguousness of the area; and

4271 (II) providing written notice:

4272 (Aa) to at least one newspaper of general circulation, if there is one, within the area
4273 proposed to be annexed or to a local media correspondent; and

4274 (Bb) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#);

4275 and

4276 (ii) contain a brief explanation of the proposed annexation and include the name of the
4277 local district, the service provided by the local district, a description or map of the area
4278 proposed to be annexed, a local district telephone number where additional information about
4279 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
4280 explanation of the right of a property owner or registered voter to request a public hearing as
4281 provided in Subsection (2)(a)(ii)(B).

4282 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
4283 required for a public hearing under Subsection (2)(a)(ii)(A).

4284 Section 68. Section **17B-1-417** is amended to read:

4285 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
4286 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**
4287 **Recording requirements -- Effective date.**

4288 (1) As used in this section, "affected area" means the area located within the
4289 boundaries of one local district that will be removed from that local district and included within
4290 the boundaries of another local district because of a boundary adjustment under this section.

4291 (2) The boards of trustees of two or more local districts having a common boundary
4292 and providing the same service on the same wholesale or retail basis may adjust their common
4293 boundary as provided in this section.

4294 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
4295 common with another local district shall:

4296 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4297 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
4298 after the adoption of the resolution under Subsection (3)(a)(i); and

4299 (iii) (A) publish notice:

4300 (I) (Aa) once a week for two successive weeks in a newspaper of general circulation
4301 within the local district; or

4302 (Bb) if there is no newspaper of general circulation within the local district, post notice
4303 in at least four conspicuous places within the local district; and

4304 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4305 two weeks; or

4306 (B) mail a notice to each owner of property located within the affected area and to each
4307 registered voter residing within the affected area.

4308 (b) The notice required under Subsection (3)(a)(iii) shall:

4309 (i) state that the board of trustees of the local district has adopted a resolution
4310 indicating the board's intent to adjust a boundary that the local district has in common with
4311 another local district that provides the same service as the local district;

4312 (ii) describe the affected area;

4313 (iii) state the date, time, and location of the public hearing required under Subsection
4314 (3)(a)(ii);

4315 (iv) provide a local district telephone number where additional information about the
4316 proposed boundary adjustment may be obtained;

4317 (v) explain the financial and service impacts of the boundary adjustment on property
4318 owners or residents within the affected area; and

4319 (vi) state in conspicuous and plain terms that the board of trustees may approve the
4320 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
4321 written protests to the adjustment are filed with the board by:

4322 (A) the owners of private real property that:

4323 (I) is located within the affected area;

4324 (II) covers at least 50% of the total private land area within the affected area; and

4325 (III) is equal in assessed value to at least 50% of the assessed value of all private real
4326 property within the affected area; or

4327 (B) registered voters residing within the affected area equal in number to at least 50%
4328 of the votes cast in the affected area for the office of governor at the last regular general
4329 election before the filing of the protests.

4330 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
4331 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

4332 (d) The boards of trustees of the local districts whose boundaries are being adjusted
4333 may jointly:

4334 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

4335 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4336 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees

4337 may adopt a resolution approving the adjustment of the common boundary unless, at or before
4338 the public hearing, written protests to the boundary adjustment have been filed with the board
4339 by:

4340 (a) the owners of private real property that:

4341 (i) is located within the affected area;

4342 (ii) covers at least 50% of the total private land area within the affected area; and

4343 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
4344 property within the affected area; or

4345 (b) registered voters residing within the affected area equal in number to at least 50%
4346 of the votes cast in the affected area for the office of governor at the last regular general
4347 election before the filing of the protests.

4348 (5) A resolution adopted under Subsection (4) does not take effect until the board of
4349 each local district whose boundaries are being adjusted has adopted a resolution under
4350 Subsection (4).

4351 (6) The board of the local district whose boundaries are being adjusted to include the
4352 affected area shall:

4353 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
4354 lieutenant governor:

4355 (i) a copy of a notice of an impending boundary action, as defined in Section [67-1a-6.5](#),
4356 that meets the requirements of Subsection [67-1a-6.5\(3\)](#); and

4357 (ii) a copy of an approved final local entity plat, as defined in Section [67-1a-6.5](#); and

4358 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
4359 under Section [67-1a-6.5](#):

4360 (i) if the affected area is located within the boundary of a single county, submit to the
4361 recorder of that county:

4362 (A) the original:

4363 (I) notice of an impending boundary action;

4364 (II) certificate of boundary adjustment; and

4365 (III) approved final local entity plat; and

4366 (B) a certified copy of each resolution adopted under Subsection (4); or

4367 (ii) if the affected area is located within the boundaries of more than a single county:

- 4368 (A) submit to the recorder of one of those counties:
- 4369 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and
- 4370 (II) a certified copy of each resolution adopted under Subsection (4); and
- 4371 (B) submit to the recorder of each other county:
- 4372 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);
- 4373 and
- 4374 (II) a certified copy of each resolution adopted under Subsection (4).

4375 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary adjustment
4376 under Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are
4377 being adjusted to include the affected area, and the affected area is withdrawn from the local
4378 district whose boundaries are being adjusted to exclude the affected area.

4379 (b) (i) The effective date of a boundary adjustment under this section for purposes of
4380 assessing property within the affected area is governed by Section 59-2-305.5.

4381 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
4382 recorder of the county in which the property is located, a local district in whose boundary an
4383 affected area is included because of a boundary adjustment under this section may not:

- 4384 (A) levy or collect a property tax on property within the affected area;
- 4385 (B) levy or collect an assessment on property within the affected area; or
- 4386 (C) charge or collect a fee for service provided to property within the affected area.

4387 (iii) Subsection (7)(b)(ii)(C):

4388 (A) may not be construed to limit a local district's ability before a boundary adjustment
4389 to charge and collect a fee for service provided to property that is outside the local district's
4390 boundary; and

4391 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of the
4392 local district's boundary adjustment, with respect to a fee that the local district was charging for
4393 service provided to property within the area affected by the boundary adjustment immediately
4394 before the boundary adjustment.

4395 Section 69. Section 17B-1-505.5 is amended to read:

4396 **17B-1-505.5. Feasibility study for a municipality's withdrawal from a local**
4397 **district providing fire protection, paramedic, and emergency services or law enforcement**
4398 **service.**

4399 (1) As used in this section:

4400 (a) "Feasibility consultant" means a person with expertise in:

4401 (i) the processes and economics of local government; and

4402 (ii) the economics of providing fire protection, paramedic, and emergency services or
4403 law enforcement service.

4404 (b) "Feasibility study" means a study to determine the functional and financial
4405 feasibility of a municipality's withdrawal from a first responder local district.

4406 (c) "First responder district" means a local district, other than a municipal services
4407 district, that provides:

4408 (i) fire protection, paramedic, and emergency services; or

4409 (ii) law enforcement service.

4410 (d) "Withdrawing municipality" means a municipality whose legislative body has
4411 adopted a resolution under Subsection 17B-1-505(3)(a) to initiate the process of the
4412 municipality's withdrawal from a first responder district.

4413 (2) This section applies and a feasibility study shall be conducted, as provided in this
4414 section, if:

4415 (a) the legislative body of a municipality has adopted a resolution under Subsection
4416 17B-1-505(3)(a) to initiate the process of the municipality's withdrawal from a first responder
4417 district;

4418 (b) the municipality and first responder district have not agreed in writing to the
4419 withdrawal; and

4420 (c) a feasibility study is a condition under Subsection 17B-1-505(6)(a) for an election
4421 to be held approving the withdrawal.

4422 (3) (a) As provided in this Subsection (3), the withdrawing municipality and first
4423 responder district shall choose and engage a feasibility consultant to conduct a feasibility study.

4424 (b) The withdrawing municipality and first responder district shall jointly choose and
4425 engage a feasibility consultant according to applicable municipal or local district procurement
4426 procedures.

4427 (c) (i) If the withdrawing municipality and first responder district cannot agree on and
4428 have not engaged a feasibility consultant under Subsection (3)(b) within 45 days after the
4429 legislative body of the withdrawing municipality submits written notice to the first responder

4430 district under Subsection 17B-1-505(3)(c), the withdrawing municipality and first responder
4431 district shall, as provided in this Subsection (3)(c), choose a feasibility consultant from a list of
4432 at least eight feasibility consultants provided by the Utah Association of Certified Public
4433 Accountants.

4434 (ii) A list of feasibility consultants under Subsection (3)(c)(i) may not include a
4435 feasibility consultant that has had a contract to provide services to the withdrawing
4436 municipality or first responder district at any time during the two-year period immediately
4437 preceding the date the list is provided under Subsection (3)(c)(i).

4438 (iii) (A) Beginning with the first responder district, the first responder district and
4439 withdrawing municipality shall alternately eliminate one feasibility consultant each from the
4440 list of feasibility consultants until one feasibility consultant remains.

4441 (B) Within five days after receiving the list of consultants from the Utah Association of
4442 Certified Public Accountants, the first responder district shall make the first elimination of a
4443 feasibility consultant from the list and notify the withdrawing municipality in writing of the
4444 elimination.

4445 (C) After the first elimination of a feasibility consultant from the list, the withdrawing
4446 municipality and first responder district shall each, within three days after receiving the written
4447 notification of the preceding elimination, notify the other in writing of the elimination of a
4448 feasibility consultant from the list.

4449 (d) If a withdrawing municipality and first responder district do not engage a feasibility
4450 consultant under Subsection (3)(b), the withdrawing municipality and first responder district
4451 shall engage the feasibility consultant that has not been eliminated from the list at the
4452 completion of the process described in Subsection (3)(c).

4453 (4) A feasibility consultant that conducts a feasibility study under this section shall be
4454 independent of and unaffiliated with the withdrawing municipality and first responder district.

4455 (5) In conducting a feasibility study under this section, the feasibility consultant shall
4456 consider:

4457 (a) population and population density within the withdrawing municipality;

4458 (b) current and five-year projections of demographics and economic base in the
4459 withdrawing municipality, including household size and income, commercial and industrial
4460 development, and public facilities;

- 4461 (c) projected growth in the withdrawing municipality during the next five years;
- 4462 (d) subject to Subsection (6)(a), the present and five-year projections of the cost,
4463 including overhead, of providing the same service in the withdrawing municipality as is
4464 provided by the first responder district, including:
- 4465 (i) the estimated cost if the first responder district continues to provide service; and
4466 (ii) the estimated cost if the withdrawing municipality provides service;
- 4467 (e) subject to Subsection (6)(a), the present and five-year projections of the cost,
4468 including overhead, of the first responder district providing service with:
- 4469 (i) the municipality included in the first responder district's service area; and
4470 (ii) the withdrawing municipality excluded from the first responder district's service
4471 area;
- 4472 (f) a projection of any new taxes per household that may be levied within the
4473 withdrawing municipality within five years after the withdrawal;
- 4474 (g) the fiscal impact that the withdrawing municipality's withdrawal has on other
4475 municipalities and unincorporated areas served by the first responder district, including any rate
4476 increase that may become necessary to maintain required coverage ratios for the first responder
4477 district's debt;
- 4478 (h) the physical and other assets that will be required by the withdrawing municipality
4479 to provide, without interruption or diminution of service, the same service that is being
4480 provided by the first responder district;
- 4481 (i) the physical and other assets that will no longer be required by the first responder
4482 district to continue to provide the current level of service to the remainder of the first responder
4483 district, excluding the withdrawing municipality, and could be transferred to the withdrawing
4484 municipality;
- 4485 (j) subject to Subsection (6)(b), a fair and equitable allocation of the first responder
4486 district's assets between the first responder district and the withdrawing municipality, effective
4487 upon the withdrawal of the withdrawing municipality from the first responder district;
- 4488 (k) a fair and equitable allocation of the debts, liabilities, and obligations of the first
4489 responder district and any local building authority of the first responder district, between the
4490 withdrawing municipality and the remaining first responder district, taking into consideration:
- 4491 (i) any requirement to maintain the excludability of interest from the income of the

4492 holder of the debt, liability, or obligation for federal income tax purposes; and
4493 (ii) any first responder district assets that have been purchased with the proceeds of
4494 bonds issued by the first responder district that the first responder district will retain and any of
4495 those assets that will be transferred to the withdrawing municipality;

4496 (l) the number and classification of first responder district employees who will no
4497 longer be required to serve the remaining portions of the first responder district after the
4498 withdrawing municipality withdraws from the first responder district, including the dollar
4499 amount of the wages, salaries, and benefits attributable to the employees and the estimated cost
4500 associated with termination of the employees if the withdrawing municipality does not employ
4501 the employees;

4502 (m) maintaining as a base, for a period of three years after withdrawal, the existing
4503 schedule of pay and benefits for first responder district employees who are transferred to the
4504 employment of the withdrawing municipality; and

4505 (n) any other factor that the feasibility consultant considers relevant to the question of
4506 the withdrawing municipality's withdrawal from the first responder district.

4507 (6) (a) For purposes of Subsections (5)(d) and (e):

4508 (i) the feasibility consultant shall assume a level and quality of service to be provided
4509 in the future to the withdrawing municipality that fairly and reasonably approximates the level
4510 and quality of service that the first responder district provides to the withdrawing municipality
4511 at the time of the feasibility study;

4512 (ii) in determining the present value cost of a service that the first responder district
4513 provides, the feasibility consultant shall consider:

4514 (A) the cost to the withdrawing municipality of providing the service for the first five
4515 years after the withdrawal; and

4516 (B) the first responder district's present and five-year projected cost of providing the
4517 same service within the withdrawing municipality; and

4518 (iii) the feasibility consultant shall consider inflation and anticipated growth in
4519 calculating the cost of providing service.

4520 (b) The feasibility consultant may not consider an allocation of first responder district
4521 assets or a transfer of first responder district employees to the extent that the allocation or
4522 transfer would impair the first responder district's ability to continue to provide the current

4523 level of service to the remainder of the first responder district without the withdrawing
4524 municipality, unless the first responder district consents to the allocation or transfer.

4525 (7) A feasibility consultant may retain an architect, engineer, or other professional, as
4526 the feasibility consultant considers prudent and as provided in the agreement with the
4527 withdrawing municipality and first responder district, to assist the feasibility consultant to
4528 conduct a feasibility study.

4529 (8) The withdrawing municipality and first responder district shall require the
4530 feasibility consultant to:

4531 (a) complete the feasibility study within a time established by the withdrawing
4532 municipality and first responder district;

4533 (b) prepare and submit a written report communicating the results of the feasibility
4534 study, including a one-page summary of the results; and

4535 (c) attend all public hearings relating to the feasibility study under Subsection (14).

4536 (9) A written report of the results of a feasibility study under this section shall:

4537 (a) contain a recommendation concerning whether a withdrawing municipality's
4538 withdrawal from a first responder district is functionally and financially feasible for both the
4539 first responder district and the withdrawing municipality; and

4540 (b) include any conditions the feasibility consultant determines need to be satisfied in
4541 order to make the withdrawal functionally and financially feasible, including:

4542 (i) first responder district assets and liabilities to be allocated to the withdrawing
4543 municipality; and

4544 (ii) (A) first responder district employees to become employees of the withdrawing
4545 municipality; and

4546 (B) sick leave, vacation, and other accrued benefits and obligations relating to the first
4547 responder district employees that the withdrawing municipality needs to assume.

4548 (10) The withdrawing municipality and first responder district shall equally share the
4549 feasibility consultant's fees and costs, as specified in the agreement between the withdrawing
4550 municipality and first responder district and the feasibility consultant.

4551 (11) (a) Upon completion of the feasibility study and preparation of a written report,
4552 the feasibility consultant shall deliver a copy of the report to the withdrawing municipality and
4553 first responder district.

4554 (b) (i) A withdrawing municipality or first responder district that disagrees with any
4555 aspect of a feasibility study report may, within 20 business days after receiving a copy of the
4556 report under Subsection (11)(a), submit to the feasibility consultant a written objection
4557 detailing the disagreement.

4558 (ii) (A) A withdrawing municipality that submits a written objection under Subsection
4559 (11)(b)(i) shall simultaneously deliver a copy of the objection to the first responder district.

4560 (B) A first responder district that submits a written objection under Subsection
4561 (11)(b)(i) shall simultaneously deliver a copy of the objection to the withdrawing municipality.

4562 (iii) A withdrawing municipality or first responder district may, within 10 business
4563 days after receiving an objection under Subsection (11)(b)(ii), submit to the feasibility
4564 consultant a written response to the objection.

4565 (iv) (A) A withdrawing municipality that submits a response under Subsection
4566 (11)(b)(iii) shall simultaneously deliver a copy of the response to the first responder district.

4567 (B) A first responder district that submits a response under Subsection (11)(b)(iii) shall
4568 simultaneously deliver a copy of the response to the withdrawing municipality.

4569 (v) If an objection is filed under Subsection (11)(b)(i), the feasibility consultant shall,
4570 within 20 business days after the expiration of the deadline under Subsection (11)(b)(iii) for
4571 submitting a response to an objection:

4572 (A) modify the feasibility study report or explain in writing why the feasibility
4573 consultant is not modifying the feasibility study report; and

4574 (B) deliver the modified feasibility study report or written explanation to the
4575 withdrawing municipality and first responder local district.

4576 (12) Within seven days after the expiration of the deadline under Subsection (11)(b)(i)
4577 for submitting an objection or, if an objection is submitted, within seven days after receiving a
4578 modified feasibility study report or written explanation under Subsection (11)(b)(v), but at least
4579 30 days before a public hearing under Subsection (14), the withdrawing municipality shall:

4580 (a) make a copy of the report available to the public at the primary office of the
4581 withdrawing municipality; and

4582 (b) if the withdrawing municipality has a website, post a copy of the report on the
4583 municipality's website.

4584 (13) A feasibility study report or, if a feasibility study report is modified under

4585 Subsection (11), a modified feasibility study report may not be challenged unless the basis of
4586 the challenge is that the report results from collusion or fraud.

4587 (14) (a) Following the expiration of the deadline under Subsection (11)(b)(i) for
4588 submitting an objection, or, if an objection is submitted under Subsection (11)(b)(i), following
4589 the withdrawing municipality's receipt of the modified feasibility study report or written
4590 explanation under Subsection (11)(b)(v), the legislative body of the withdrawing municipality
4591 shall, at the legislative body's next regular meeting, schedule at least one public hearing to be
4592 held:

4593 (i) within the following 60 days; and

4594 (ii) for the purpose of allowing:

4595 (A) the feasibility consultant to present the results of the feasibility study; and

4596 (B) the public to become informed about the feasibility study results, to ask the
4597 feasibility consultant questions about the feasibility study, and to express the public's views
4598 about the proposed withdrawal.

4599 (b) At a public hearing under Subsection (14)(a), the legislative body of the
4600 withdrawing municipality shall:

4601 (i) provide a copy of the feasibility study for public review; and

4602 (ii) allow the public to:

4603 (A) ask the feasibility consultant questions about the feasibility study; and

4604 (B) express the public's views about the withdrawing municipality's proposed
4605 withdrawal from the first responder district.

4606 (15) (a) The clerk or recorder of the withdrawing municipality shall publish notice of a
4607 hearing under Subsection (14):

4608 (i) at least once a week for three successive weeks in a newspaper of general
4609 circulation within the withdrawing municipality, with the last publication occurring no less
4610 than three days before the first public hearing held under Subsection (14); and

4611 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4612 three consecutive weeks immediately before the public hearing.

4613 (b) A notice under Subsection (15)(a) shall state:

4614 (i) the date, time, and location of the public hearing; and

4615 (ii) that a copy of the feasibility study report may be obtained, free of charge, at the

4616 office of the withdrawing municipality or on the withdrawing municipality's website.

4617 (16) Unless the withdrawing municipality and first responder district agree otherwise,
4618 conditions that a feasibility study report indicates are necessary to be met for a withdrawal to
4619 be functionally and financially feasible for the withdrawing municipality and first responder
4620 district are binding on the withdrawing municipality and first responder district if the
4621 withdrawal occurs.

4622 Section 70. Section **17B-1-609** is amended to read:

4623 **17B-1-609. Hearing to consider adoption -- Notice.**

4624 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

4625 (a) establish the time and place of a public hearing to consider its adoption; and

4626 (b) except as provided in Subsection (6), order that notice of the hearing:

4627 (i) (A) be published at least seven days before the hearing in at least one issue of a
4628 newspaper of general circulation in the county or counties in which the district is located; or

4629 (B) if no newspaper is circulated generally in the county or counties, be posted in three
4630 public places within the district; and

4631 (ii) be published at least seven days before the hearing on the Utah Public Notice
4632 Website created in Section [~~63F-1-701~~] 63A-16-601.

4633 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
4634 required in Subsection (1)(b):

4635 (a) may be combined with the notice required under Section 59-2-919; and

4636 (b) shall be published in accordance with the advertisement provisions of Section
4637 59-2-919.

4638 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
4639 notice required in Subsection (1)(b):

4640 (a) may be combined with the notice required under Section 17B-1-643; and

4641 (b) shall be published or mailed in accordance with the notice provisions of Section
4642 17B-1-643.

4643 (4) Proof that notice was given in accordance with Subsection (1)(b), (2), (3), or (6) is
4644 prima facie evidence that notice was properly given.

4645 (5) If a notice required under Subsection (1)(b), (2), (3), or (6) is not challenged within
4646 30 days after the day on which the hearing is held, the notice is adequate and proper.

4647 (6) A board of trustees of a local district with an annual operating budget of less than
4648 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

- 4649 (a) mailing a written notice, postage prepaid, to each voter in the local district; and
4650 (b) posting the notice in three public places within the district.

4651 Section 71. Section **17B-1-643** is amended to read:

4652 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

4653 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
4654 by a local district, each local district board of trustees shall first hold a public hearing at which:

- 4655 (i) the local district shall demonstrate its need to impose or increase the fee; and
4656 (ii) any interested person may speak for or against the proposal to impose a fee or to
4657 increase an existing fee.

4658 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
4659 no earlier than 6 p.m.

4660 (c) A public hearing required under this Subsection (1) may be combined with a public
4661 hearing on a tentative budget required under Section [17B-1-610](#).

4662 (d) Except to the extent that this section imposes more stringent notice requirements,
4663 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
4664 in holding the public hearing under Subsection (1)(a).

4665 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
4666 provided in Subsections (2)(b) and (c) or Subsection (2)(d).

4667 (b) The notice required under Subsection (2)(a) shall be published:

4668 (i) on the Utah Public Notice Website established in Section [~~63F-1-701~~] [63A-16-601](#);
4669 and

4670 (ii) (A) in a newspaper or combination of newspapers of general circulation in the local
4671 district, if there is a newspaper or combination of newspapers of general circulation in the local
4672 district; or

4673 (B) if there is no newspaper or combination of newspapers of general circulation in the
4674 local district, the local district board shall post at least one notice per 1,000 population within
4675 the local district, at places within the local district that are most likely to provide actual notice
4676 to residents within the local district.

4677 (c) (i) The notice described in Subsection (2)(b)(ii)(A):

4678 (A) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
4679 point, and surrounded by a 1/4-inch border;

4680 (B) may not be placed in that portion of the newspaper where legal notices and
4681 classified advertisements appear;

4682 (C) whenever possible, shall appear in a newspaper that is published at least one day
4683 per week;

4684 (D) shall be in a newspaper or combination of newspapers of general interest and
4685 readership in the local district, and not of limited subject matter; and

4686 (E) shall be run once each week for the two weeks preceding the hearing.

4687 (ii) The notice described in Subsection (2)(b) shall state that the local district board
4688 intends to impose or increase a fee for a service provided by the local district and will hold a
4689 public hearing on a certain day, time, and place fixed in the notice, which shall be not less than
4690 seven days after the day the first notice is published, for the purpose of hearing comments
4691 regarding the proposed imposition or increase of a fee and to explain the reasons for the
4692 proposed imposition or increase.

4693 (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
4694 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
4695 within the district who:

4696 (A) will be charged the fee for a district service, if the fee is being imposed for the first
4697 time; or

4698 (B) are being charged a fee, if the fee is proposed to be increased.

4699 (ii) Each notice under Subsection (2)(d)(i) shall comply with Subsection (2)(c)(ii).

4700 (iii) A notice under Subsection (2)(d)(i) may accompany a district bill for an existing
4701 fee.

4702 (e) If the hearing required under this section is combined with the public hearing
4703 required under Section 17B-1-610, the notice required under this Subsection (2):

4704 (i) may be combined with the notice required under Section 17B-1-609; and

4705 (ii) shall be published, posted, or mailed in accordance with the notice provisions of
4706 this section.

4707 (f) Proof that notice was given as provided in Subsection (2)(b) or (d) is prima facie
4708 evidence that notice was properly given.

4709 (g) If no challenge is made to the notice given of a hearing required by Subsection (1)
4710 within 30 days after the date of the hearing, the notice is considered adequate and proper.

4711 (3) After holding a public hearing under Subsection (1), a local district board may:

4712 (a) impose the new fee or increase the existing fee as proposed;

4713 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
4714 then impose the new fee or increase the existing fee as adjusted; or

4715 (c) decline to impose the new fee or increase the existing fee.

4716 (4) This section applies to each new fee imposed and each increase of an existing fee
4717 that occurs on or after July 1, 1998.

4718 (5) (a) This section does not apply to an impact fee.

4719 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
4720 Impact Fees Act.

4721 Section 72. Section **17B-1-1204** is amended to read:

4722 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
4723 **supplemented validation petition.**

4724 (1) Upon the entry of an order under Section [17B-1-1203](#) setting a hearing on a
4725 validation petition, the local district that filed the petition shall:

4726 (a) publish notice:

4727 (i) at least once a week for three consecutive weeks in a newspaper of general
4728 circulation in the county in which the principal office of the district is located; and

4729 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4730 three weeks immediately before the hearing; and

4731 (b) post notice in its principal office at least 21 days before the date set for the hearing.

4732 (2) Each notice under Subsection (1) shall:

4733 (a) state the date, time, and place of the hearing on the validation petition;

4734 (b) include a general description of the contents of the validation petition; and

4735 (c) if applicable, state the location where a complete copy of a contract that is the
4736 subject of the validation petition may be examined.

4737 (3) If a district amends or supplements a validation petition under Subsection

4738 [17B-1-1202](#)(3) after publishing and posting notice as required under Subsection (1), the district

4739 is not required to publish or post notice again unless required by the court.

4740 Section 73. Section **17B-1-1307** is amended to read:

4741 **17B-1-1307. Notice of public hearing and of dissolution.**

4742 (1) Before holding a public hearing required under Section **17B-1-1306**, the
4743 administrative body shall:

4744 (a) (i) publish notice of the public hearing and of the proposed dissolution:

4745 (A) in a newspaper of general circulation within the local district proposed to be
4746 dissolved; and

4747 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601, for
4748 30 days before the public hearing; and

4749 (ii) post notice of the public hearing and of the proposed dissolution in at least four
4750 conspicuous places within the local district proposed to be dissolved, no less than five and no
4751 more than 30 days before the public hearing; or

4752 (b) mail a notice to each owner of property located within the local district and to each
4753 registered voter residing within the local district.

4754 (2) Each notice required under Subsection (1) shall:

4755 (a) identify the local district proposed to be dissolved and the service it was created to
4756 provide; and

4757 (b) state the date, time, and location of the public hearing.

4758 Section 74. Section **17B-2a-705** is amended to read:

4759 **17B-2a-705. Taxation -- Additional levy -- Election.**

4760 (1) If a mosquito abatement district board of trustees determines that the funds required
4761 during the next ensuing fiscal year will exceed the maximum amount that the district is
4762 authorized to levy under Subsection **17B-1-103**(2)(g), the board of trustees may call an election
4763 on a date specified in Section **20A-1-204** and submit to district voters the question of whether
4764 the district should be authorized to impose an additional tax to raise the necessary additional
4765 funds.

4766 (2) The board shall publish notice of the election:

4767 (a) (i) in a newspaper of general circulation within the district at least once, no later
4768 than four weeks before the day of the election;

4769 (ii) if there is no newspaper of general circulation in the district, at least four weeks
4770 before the day of the election, by posting one notice, and at least one additional notice per

4771 2,000 population of the district, in places within the district that are most likely to give notice
4772 to the voters in the district; or

4773 (iii) at least four weeks before the day of the election, by mailing notice to each
4774 registered voter in the district;

4775 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4776 four weeks before the day of the election;

4777 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the election;
4778 and

4779 (d) if the district has a website, on the district's website for four weeks before the day
4780 of the election.

4781 (3) No particular form of ballot is required, and no informalities in conducting the
4782 election may invalidate the election, if it is otherwise fairly conducted.

4783 (4) At the election each ballot shall contain the words, "Shall the district be authorized
4784 to impose an additional tax to raise the additional sum of \$____?"

4785 (5) The board of trustees shall canvass the votes cast at the election, and, if a majority
4786 of the votes cast are in favor of the imposition of the tax, the district is authorized to impose an
4787 additional levy to raise the additional amount of money required.

4788 Section 75. Section **17B-2a-1110** is amended to read:

4789 **17B-2a-1110. Withdrawal from a municipal services district upon incorporation**
4790 **-- Feasibility study required for city or town withdrawal -- Public hearing -- Revenues**
4791 **transferred to municipal services district.**

4792 (1) (a) A municipality may withdraw from a municipal services district in accordance
4793 with Section [17B-1-502](#) or [17B-1-505](#), as applicable, and the requirements of this section.

4794 (b) If a municipality engages a feasibility consultant to conduct a feasibility study
4795 under Subsection (2)(a), the 180 days described in Subsection [17B-1-502](#)(3)(a)(iii)(B) is tolled
4796 from the day that the municipality engages the feasibility consultant to the day on which the
4797 municipality holds the final public hearing under Subsection (5).

4798 (2) (a) If a municipality decides to withdraw from a municipal services district, the
4799 municipal legislative body shall, before adopting a resolution under Section [17B-1-502](#) or
4800 [17B-1-505](#), as applicable, engage a feasibility consultant to conduct a feasibility study.

4801 (b) The feasibility consultant shall be chosen:

- 4802 (i) by the municipal legislative body; and
- 4803 (ii) in accordance with applicable municipal procurement procedures.
- 4804 (3) The municipal legislative body shall require the feasibility consultant to:
- 4805 (a) complete the feasibility study and submit the written results to the municipal
- 4806 legislative body before the council adopts a resolution under Section 17B-1-502;
- 4807 (b) submit with the full written results of the feasibility study a summary of the results
- 4808 no longer than one page in length; and
- 4809 (c) attend the public hearings under Subsection (5).
- 4810 (4) (a) The feasibility study shall consider:
- 4811 (i) population and population density within the withdrawing municipality;
- 4812 (ii) current and five-year projections of demographics and economic base in the
- 4813 withdrawing municipality, including household size and income, commercial and industrial
- 4814 development, and public facilities;
- 4815 (iii) projected growth in the withdrawing municipality during the next five years;
- 4816 (iv) subject to Subsection (4)(b), the present and five-year projections of the cost,
- 4817 including overhead, of municipal services in the withdrawing municipality;
- 4818 (v) assuming the same tax categories and tax rates as currently imposed by the
- 4819 municipal services district and all other current service providers, the present and five-year
- 4820 projected revenue for the withdrawing municipality;
- 4821 (vi) a projection of any new taxes per household that may be levied within the
- 4822 withdrawing municipality within five years of the withdrawal; and
- 4823 (vii) the fiscal impact on other municipalities serviced by the municipal services
- 4824 district.
- 4825 (b) (i) For purposes of Subsection (4)(a)(iv), the feasibility consultant shall assume a
- 4826 level and quality of municipal services to be provided to the withdrawing municipality in the
- 4827 future that fairly and reasonably approximates the level and quality of municipal services being
- 4828 provided to the withdrawing municipality at the time of the feasibility study.
- 4829 (ii) In determining the present cost of a municipal service, the feasibility consultant
- 4830 shall consider:
- 4831 (A) the amount it would cost the withdrawing municipality to provide municipal
- 4832 services for the first five years after withdrawing; and

4833 (B) the municipal services district's present and five-year projected cost of providing
4834 municipal services.

4835 (iii) The costs calculated under Subsection (4)(a)(iv) shall take into account inflation
4836 and anticipated growth.

4837 (5) If the results of the feasibility study meet the requirements of Subsection (4), the
4838 municipal legislative body shall, at its next regular meeting after receipt of the results of the
4839 feasibility study, schedule at least one public hearing to be held:

4840 (a) within the following 60 days; and

4841 (b) for the purpose of allowing:

4842 (i) the feasibility consultant to present the results of the study; and

4843 (ii) the public to become informed about the feasibility study results, including the
4844 requirement that if the municipality withdraws from the municipal services district, the
4845 municipality must comply with Subsection (9), and to ask questions about those results of the
4846 feasibility consultant.

4847 (6) At a public hearing described in Subsection (5), the municipal legislative body
4848 shall:

4849 (a) provide a copy of the feasibility study for public review; and

4850 (b) allow the public to express its views about the proposed withdrawal from the
4851 municipal services district.

4852 (7) (a) (i) The municipal clerk or recorder shall publish notice of the public hearings
4853 required under Subsection (5):

4854 (A) at least once a week for three successive weeks in a newspaper of general
4855 circulation within the municipality; and

4856 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
4857 three weeks.

4858 (ii) The municipal clerk or recorder shall publish the last publication of notice required
4859 under Subsection (7)(a)(i)(A) at least three days before the first public hearing required under
4860 Subsection (5).

4861 (b) (i) If, under Subsection (7)(a)(i)(A), there is no newspaper of general circulation
4862 within the proposed municipality, the municipal clerk or recorder shall post at least one notice
4863 of the hearings per 1,000 population in conspicuous places within the municipality that are

4864 most likely to give notice of the hearings to the residents.

4865 (ii) The municipal clerk or recorder shall post the notices under Subsection (7)(b)(i) at
4866 least seven days before the first hearing under Subsection (5).

4867 (c) The notice under Subsections (7)(a) and (b) shall include the feasibility study
4868 summary and shall indicate that a full copy of the study is available for inspection and copying
4869 at the office of the municipal clerk or recorder.

4870 (8) At a public meeting held after the public hearing required under Subsection (5), the
4871 municipal legislative body may adopt a resolution under Section 17B-1-502 or 17B-1-505, as
4872 applicable, if the municipality is in compliance with the other requirements of that section.

4873 (9) The municipality shall pay revenues in excess of 5% to the municipal services
4874 district for 10 years beginning on the next fiscal year immediately following the municipal
4875 legislative body adoption of a resolution or an ordinance to withdraw under Section 17B-1-502
4876 or 17B-1-505 if the results of the feasibility study show that the average annual amount of
4877 revenue under Subsection (4)(a)(v) exceed the average annual amount of cost under Subsection
4878 (4)(a)(iv) by more than 5%.

4879 Section 76. Section 17C-1-207 is amended to read:

4880 **17C-1-207. Public entities may assist with project area development.**

4881 (1) In order to assist and cooperate in the planning, undertaking, construction, or
4882 operation of project area development within an area in which the public entity is authorized to
4883 act, a public entity may:

4884 (a) (i) provide or cause to be furnished:

4885 (A) parks, playgrounds, or other recreational facilities;

4886 (B) community, educational, water, sewer, or drainage facilities; or

4887 (C) any other works which the public entity is otherwise empowered to undertake;

4888 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
4889 replan streets, roads, roadways, alleys, sidewalks, or other places;

4890 (iii) in any part of the project area:

4891 (A) (I) plan or replan any property within the project area;

4892 (II) plat or replat any property within the project area;

4893 (III) vacate a plat;

4894 (IV) amend a plat; or

4895 (V) zone or rezone any property within the project area; and
4896 (B) make any legal exceptions from building regulations and ordinances;
4897 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
4898 rights of any holder of the bonds;
4899 (v) notwithstanding any law to the contrary, enter into an agreement for a period of
4900 time with another public entity concerning action to be taken pursuant to any of the powers
4901 granted in this title;
4902 (vi) do anything necessary to aid or cooperate in the planning or implementation of the
4903 project area development;
4904 (vii) in connection with the project area plan, become obligated to the extent
4905 authorized and funds have been made available to make required improvements or construct
4906 required structures; and
4907 (viii) lend, grant, or contribute funds to an agency for project area development or
4908 proposed project area development, including assigning revenue or taxes in support of an
4909 agency bond or obligation; and
4910 (b) for less than fair market value or for no consideration, and subject to Subsection
4911 (3):
4912 (i) purchase or otherwise acquire property from an agency;
4913 (ii) lease property from an agency;
4914 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to
4915 an agency; or
4916 (iv) lease the public entity's property to an agency.
4917 (2) The following are not subject to Section [10-8-2](#), [17-50-312](#), or [17-50-303](#):
4918 (a) project area development assistance that a public entity provides under this section;
4919 or
4920 (b) a transfer of funds or property from an agency to a public entity.
4921 (3) A public entity may provide assistance described in Subsection (1)(b) no sooner
4922 than 15 days after the day on which the public entity posts notice of the assistance on:
4923 (a) the Utah Public Notice Website described in Section ~~[63F-1-701]~~ [63A-16-601](#); and
4924 (b) the public entity's public website.
4925 Section 77. Section [17C-1-601.5](#) is amended to read:

4926 **17C-1-601.5. Annual agency budget -- Fiscal year -- Public hearing required --**
4927 **Auditor forms -- Requirement to file form.**

4928 (1) Each agency shall prepare an annual budget of the agency's revenues and
4929 expenditures for each fiscal year.

4930 (2) The board shall adopt each agency budget:

4931 (a) for an agency created by a municipality, before June 30; or

4932 (b) for an agency created by a county, before December 15.

4933 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
4934 created the agency.

4935 (4) (a) Before adopting an annual budget, each board shall hold a public hearing on the
4936 annual budget.

4937 (b) Each agency shall provide notice of the public hearing on the annual budget by:

4938 (i) (A) publishing at least one notice in a newspaper of general circulation within the
4939 agency boundaries, one week before the public hearing; or

4940 (B) if there is no newspaper of general circulation within the agency boundaries,
4941 posting a notice of the public hearing in at least three public places within the agency

4942 boundaries; and

4943 (ii) publishing notice on the Utah Public Notice Website created in Section

4944 [~~63F-1-701~~] [63A-16-601](#), at least one week before the public hearing.

4945 (c) Each agency shall make the annual budget available for public inspection at least
4946 three days before the date of the public hearing.

4947 (5) The state auditor shall prescribe the budget forms and the categories to be contained
4948 in each annual budget, including:

4949 (a) revenues and expenditures for the budget year;

4950 (b) legal fees; and

4951 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4952 agency personnel.

4953 (6) (a) Within 90 days after adopting an annual budget, each board shall file a copy of
4954 the annual budget with the auditor of the county in which the agency is located, the State Tax
4955 Commission, the state auditor, the State Board of Education, and each taxing entity from which
4956 the agency receives project area funds.

4957 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4958 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
4959 state auditor.

4960 Section 78. Section **17C-1-804** is amended to read:

4961 **17C-1-804. Notice required for continued hearing.**

4962 The board shall give notice of a hearing continued under Section **17C-1-803** by
4963 announcing at the hearing:

4964 (1) the date, time, and place the hearing will be resumed; or

4965 (2) (a) that the hearing is being continued to a later time; and

4966 (b) that the board will cause a notice of the continued hearing to be published on the
4967 Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), at least seven days
4968 before the day on which the hearing is scheduled to resume.

4969 Section 79. Section **17C-1-806** is amended to read:

4970 **17C-1-806. Requirements for notice provided by agency.**

4971 (1) The notice required by Section **17C-1-805** shall be given by:

4972 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
4973 newspaper of general circulation within the county in which the project area or proposed
4974 project area is located, at least 14 days before the hearing;

4975 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
4976 before the day of the hearing in at least three conspicuous places within the county in which the
4977 project area or proposed project area is located; or

4978 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
4979 before the day on which the hearing is held on:

4980 (A) the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-16-601](#); and

4981 (B) the public website of a community located within the boundaries of the project
4982 area; and

4983 (b) at least 30 days before the hearing, mailing notice to:

4984 (i) each record owner of property located within the project area or proposed project
4985 area;

4986 (ii) the State Tax Commission;

4987 (iii) the assessor and auditor of the county in which the project area or proposed project

4988 area is located; and

4989 (iv) (A) if a project area is subject to a taxing entity committee, each member of the
4990 taxing entity committee and the State Board of Education; or

4991 (B) if a project area is not subject to a taxing entity committee, the legislative body or
4992 governing board of each taxing entity within the boundaries of the project area or proposed
4993 project area.

4994 (2) The mailing of the notice to record property owners required under Subsection
4995 (1)(b)(i) shall be conclusively considered to have been properly completed if:

4996 (a) the agency mails the notice to the property owners as shown in the records,
4997 including an electronic database, of the county recorder's office and at the addresses shown in
4998 those records; and

4999 (b) the county recorder's office records used by the agency in identifying owners to
5000 whom the notice is mailed and their addresses were obtained or accessed from the county
5001 recorder's office no earlier than 30 days before the mailing.

5002 (3) The agency shall include in each notice required under Section [17C-1-805](#):

5003 (a) (i) a boundary description of the project area or proposed project area; or

5004 (ii) (A) a mailing address or telephone number where a person may request that a copy
5005 of the boundary description be sent at no cost to the person by mail, email, or facsimile
5006 transmission; and

5007 (B) if the agency or community has an Internet website, an Internet address where a
5008 person may gain access to an electronic, printable copy of the boundary description and other
5009 related information;

5010 (b) a map of the boundaries of the project area or proposed project area;

5011 (c) an explanation of the purpose of the hearing; and

5012 (d) a statement of the date, time, and location of the hearing.

5013 (4) The agency shall include in each notice under Subsection (1)(b):

5014 (a) a statement that property tax revenue resulting from an increase in valuation of
5015 property within the project area or proposed project area will be paid to the agency for project
5016 area development rather than to the taxing entity to which the tax revenue would otherwise
5017 have been paid if:

5018 (i) (A) the taxing entity committee consents to the project area budget; or

5019 (B) one or more taxing entities agree to share property tax revenue under an interlocal
5020 agreement; and

5021 (ii) the project area plan provides for the agency to receive tax increment; and

5022 (b) an invitation to the recipient of the notice to submit to the agency comments
5023 concerning the subject matter of the hearing before the date of the hearing.

5024 (5) An agency may include in a notice under Subsection (1) any other information the
5025 agency considers necessary or advisable, including the public purpose achieved by the project
5026 area development and any future tax benefits expected to result from the project area
5027 development.

5028 Section 80. Section **17C-2-108** is amended to read:

5029 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
5030 **of plan -- Contesting the formation of the plan.**

5031 (1) (a) Upon the community legislative body's adoption of an urban renewal project
5032 area plan, or an amendment to a project area plan under Section **17C-2-110**, the community
5033 legislative body shall provide notice as provided in Subsection (1)(b) by:

5034 (i) (A) publishing or causing to be published a notice in a newspaper of general
5035 circulation within the agency's boundaries; or

5036 (B) if there is no newspaper of general circulation within the agency's boundaries,
5037 causing a notice to be posted in at least three public places within the agency's boundaries; and

5038 (ii) posting a notice on the Utah Public Notice Website described in Section

5039 [~~63F-1-701~~] [63A-16-601](#).

5040 (b) Each notice under Subsection (1)(a) shall:

5041 (i) set forth the community legislative body's ordinance adopting the project area plan
5042 or a summary of the ordinance; and

5043 (ii) include a statement that the project area plan is available for general public
5044 inspection and the hours for inspection.

5045 (2) The project area plan shall become effective on the date of:

5046 (a) if notice was published under Subsection (1)(a), publication of the notice; or

5047 (b) if notice was posted under Subsection (1)(a), posting of the notice.

5048 (3) (a) For a period of 30 days after the effective date of the project area plan under
5049 Subsection (2), any person may contest the project area plan or the procedure used to adopt the

5050 project area plan if the plan or procedure fails to comply with applicable statutory
5051 requirements.

5052 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
5053 the project area plan or procedure used to adopt the project area plan for any cause.

5054 (4) Upon adoption of the project area plan by the community legislative body, the
5055 agency may carry out the project area plan.

5056 (5) Each agency shall make the project area plan available to the general public at the
5057 agency's office during normal business hours.

5058 Section 81. Section **17C-2-109** is amended to read:

5059 **17C-2-109. Agency required to transmit and record documents after adoption of**
5060 **an urban renewal project area plan.**

5061 Within 30 days after the community legislative body adopts, under Section [17C-2-107](#),
5062 an urban renewal project area plan, the agency shall:

5063 (1) record with the recorder of the county in which the project area is located a
5064 document containing:

5065 (a) a description of the land within the project area;

5066 (b) a statement that the project area plan for the project area has been adopted; and

5067 (c) the date of adoption;

5068 (2) transmit a copy of the description of the land within the project area and an accurate
5069 map or plat indicating the boundaries of the project area to the Automated Geographic

5070 Reference Center created under Section [~~63F-1-506~~] [63A-16-505](#); and

5071 (3) for a project area plan that provides for the agency to receive tax increment,
5072 transmit a copy of the description of the land within the project area, a copy of the community

5073 legislative body ordinance adopting the project area plan, and a map or plat indicating the
5074 boundaries of the project area to:

5075 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
5076 part of the project area is located;

5077 (b) the officer or officers performing the function of auditor or assessor for each taxing
5078 entity that does not use the county assessment roll or collect the taxing entity's taxes through
5079 the county;

5080 (c) the legislative body or governing board of each taxing entity;

5081 (d) the State Tax Commission; and

5082 (e) the State Board of Education.

5083 Section 82. Section **17C-3-107** is amended to read:

5084 **17C-3-107. Notice of economic development project area plan adoption --**

5085 **Effective date of plan -- Contesting the formation of the plan.**

5086 (1) (a) Upon the community legislative body's adoption of an economic development
5087 project area plan, or an amendment to the project area plan under Section **17C-3-109** that
5088 requires notice, the legislative body shall provide notice as provided in Subsection (1)(b) by:

5089 (i) publishing or causing to be published a notice:

5090 (A) in a newspaper of general circulation within the agency's boundaries; or

5091 (B) if there is no newspaper of general circulation within the agency's boundaries,
5092 causing a notice to be posted in at least three public places within the agency's boundaries; and

5093 (ii) on the Utah Public Notice Website described in Section [~~63F-1-701~~] [63A-16-601](#).

5094 (b) Each notice under Subsection (1)(a) shall:

5095 (i) set forth the community legislative body's ordinance adopting the project area plan
5096 or a summary of the ordinance; and

5097 (ii) include a statement that the project area plan is available for public inspection and
5098 the hours for inspection.

5099 (2) The project area plan shall become effective on the date of:

5100 (a) if notice was published under Subsection (1)(a), publication of the notice; or

5101 (b) if notice was posted under Subsection (1)(a), posting of the notice.

5102 (3) (a) For a period of 30 days after the effective date of the project area plan under
5103 Subsection (2), any person may contest the project area plan or the procedure used to adopt the
5104 project area plan if the plan or procedure fails to comply with applicable statutory
5105 requirements.

5106 (b) After the 30-day period under Subsection (3)(a) expires, a person may not contest
5107 the project area plan or procedure used to adopt the project area plan for any cause.

5108 (4) Upon adoption of the economic development project area plan by the community
5109 legislative body, the agency may implement the project area plan.

5110 (5) Each agency shall make the economic development project area plan available to
5111 the general public at the agency's office during normal business hours.

5112 Section 83. Section **17C-3-108** is amended to read:

5113 **17C-3-108. Agency required to transmit and record documents after adoption of**
5114 **economic development project area plan.**

5115 Within 30 days after the community legislative body adopts, under Section **17C-3-106**,
5116 an economic development project area plan, the agency shall:

5117 (1) record with the recorder of the county in which the economic development project
5118 area is located a document containing:

5119 (a) a description of the land within the project area;

5120 (b) a statement that the project area plan for the project area has been adopted; and

5121 (c) the date of adoption;

5122 (2) transmit a copy of the description of the land within the project area and an accurate

5123 map or plat indicating the boundaries of the project area to the Automated Geographic

5124 Reference Center created under Section [~~63F-1-506~~] 63A-16-505; and

5125 (3) for a project area plan that provides for the agency to receive tax increment,

5126 transmit a copy of the description of the land within the project area, a copy of the community

5127 legislative body ordinance adopting the project area plan, and a map or plat indicating the

5128 boundaries of the project area to:

5129 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
5130 part of the project area is located;

5131 (b) the officer or officers performing the function of auditor or assessor for each taxing
5132 entity that does not use the county assessment roll or collect the taxing entity's taxes through
5133 the county;

5134 (c) the legislative body or governing board of each taxing entity;

5135 (d) the State Tax Commission; and

5136 (e) the State Board of Education.

5137 Section 84. Section **17C-4-107** is amended to read:

5138 **17C-4-107. Agency required to transmit and record documents after adoption of**
5139 **community development project area plan.**

5140 Within 30 days after the community legislative body adopts, under Section **17C-4-105**,
5141 a community development project area plan, the agency shall:

5142 (1) record with the recorder of the county in which the project area is located a

5143 document containing:

5144 (a) a description of the land within the project area;

5145 (b) a statement that the project area plan for the project area has been adopted; and

5146 (c) the date of adoption;

5147 (2) transmit a copy of the description of the land within the project area and an accurate

5148 map or plat indicating the boundaries of the project area to the Automated Geographic

5149 Reference Center created under Section [~~63F-1-506~~] [63A-16-505](#); and

5150 (3) for a project area plan that provides for the agency to receive tax increment,

5151 transmit a copy of the description of the land within the project area, a copy of the community

5152 legislative body ordinance adopting the project area plan, and a map or plat indicating the

5153 boundaries of the project area to:

5154 (a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any

5155 part of the project area is located;

5156 (b) the officer or officers performing the function of auditor or assessor for each taxing

5157 entity that does not use the county assessment roll or collect the taxing entity's taxes through

5158 the county;

5159 (c) the legislative body or governing board of each taxing entity;

5160 (d) the State Tax Commission; and

5161 (e) the State Board of Education.

5162 Section 85. Section **17C-4-109** is amended to read:

5163 **17C-4-109. Expedited community development project area plan.**

5164 (1) As used in this section, "tax increment incentive" means the portion of tax

5165 increment awarded to an industry or business.

5166 (2) A community development project area plan may be adopted or amended without

5167 complying with the notice and public hearing requirements of this part and Chapter 1, Part 8,

5168 Hearing and Notice Requirements, if the following requirements are met:

5169 (a) the agency determines by resolution adopted in an open and public meeting the

5170 need to create or amend a project area plan on an expedited basis, which resolution shall

5171 include a description of why expedited action is needed;

5172 (b) a public hearing on the amendment or adoption of the project area plan is held by

5173 the agency;

5174 (c) notice of the public hearing is published at least 14 days before the public hearing
5175 on:

5176 (i) the website of the community that created the agency; and

5177 (ii) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#);

5178 (d) written consent to the amendment or adoption of the project area plan is given by
5179 all record property owners within the existing or proposed project area;

5180 (e) each taxing entity that will be affected by the tax increment incentive enters into or
5181 amends an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation
5182 Act, and Sections [17C-4-201](#), [17C-4-203](#), and [17C-4-204](#);

5183 (f) the primary market for the goods or services that will be created by the industry or
5184 business entity that will receive a tax increment incentive from the amendment or adoption of
5185 the project area plan is outside of the state;

5186 (g) the industry or business entity that will receive a tax increment incentive from the
5187 amendment or adoption of the project area plan is not primarily engaged in retail trade; and

5188 (h) a tax increment incentive is only provided to an industry or business entity:

5189 (i) on a postperformance basis as described in Subsection (3); and

5190 (ii) on an annual basis after the tax increment is received by the agency.

5191 (3) An industry or business entity may only receive a tax increment incentive under this
5192 section after entering into an agreement with the agency that sets postperformance targets that
5193 shall be met before the industry or business entity may receive the tax increment incentive,
5194 including annual targets for:

5195 (a) capital investment in the project area;

5196 (b) the increase in the taxable value of the project area;

5197 (c) the number of new jobs created in the project area;

5198 (d) the average wages of the jobs created, which shall be at least 110% of the
5199 prevailing wage of the county where the project area is located; and

5200 (e) the amount of local vendor opportunity generated by the industry or business entity.

5201 Section 86. Section [17C-4-202](#) is amended to read:

5202 **17C-4-202. Resolution or interlocal agreement to provide project area funds for**
5203 **the community development project area plan -- Notice -- Effective date of resolution or**
5204 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**

5205 **of resolution or interlocal agreement.**

5206 (1) The approval and adoption of each resolution or interlocal agreement under
5207 Subsection [17C-4-201](#)(2) shall be in an open and public meeting.

5208 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
5209 [17C-4-201](#), the agency shall provide notice as provided in Subsection (2)(b) by:

5210 (i) (A) publishing or causing to be published a notice in a newspaper of general
5211 circulation within the agency's boundaries; or

5212 (B) if there is no newspaper of general circulation within the agency's boundaries,
5213 causing a notice to be posted in at least three public places within the agency's boundaries; and

5214 (ii) publishing or causing to be published a notice on the Utah Public Notice Website
5215 created in Section [~~63F-1-701~~] [63A-16-601](#).

5216 (b) Each notice under Subsection (2)(a) shall:

5217 (i) set forth a summary of the resolution or interlocal agreement; and

5218 (ii) include a statement that the resolution or interlocal agreement is available for
5219 public inspection and the hours of inspection.

5220 (3) The resolution or interlocal agreement shall become effective on the date of:

5221 (a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of the
5222 notice; or

5223 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

5224 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
5225 agreement under Subsection (3), any person may contest the resolution or interlocal agreement
5226 or the procedure used to adopt the resolution or interlocal agreement if the resolution or
5227 interlocal agreement or procedure fails to comply with applicable statutory requirements.

5228 (b) After the 30-day period under Subsection (4)(a) expires, a person may not contest:

5229 (i) the resolution or interlocal agreement;

5230 (ii) a distribution of tax increment to the agency under the resolution or interlocal
5231 agreement; or

5232 (iii) the agency's use of project area funds under the resolution or interlocal agreement.

5233 (5) Each agency that is to receive project area funds under a resolution or interlocal
5234 agreement under Section [17C-4-201](#) and each taxing entity that approves a resolution or enters
5235 into an interlocal agreement under Section [17C-4-201](#) shall make the resolution or interlocal

5236 agreement, as the case may be, available at the taxing entity's offices to the public for
5237 inspection and copying during normal business hours.

5238 Section 87. Section **17C-5-110** is amended to read:

5239 **17C-5-110. Notice of community reinvestment project area plan adoption --**
5240 **Effective date of plan -- Contesting the formation of the plan.**

5241 (1) (a) Upon a community legislative body's adoption of a community reinvestment
5242 project area plan in accordance with Section **17C-5-109**, or an amendment to a community
5243 reinvestment project area plan in accordance with Section **17C-5-112**, the community
5244 legislative body shall provide notice of the adoption or amendment in accordance with
5245 Subsection (1)(b) by:

5246 (i) (A) causing a notice to be published in a newspaper of general circulation within the
5247 community; or

5248 (B) if there is no newspaper of general circulation within the community, causing a
5249 notice to be posted in at least three public places within the community; and

5250 (ii) posting a notice on the Utah Public Notice Website described in Section
5251 ~~[63F-1-701]~~ 63A-16-601.

5252 (b) A notice described in Subsection (1)(a) shall include:

5253 (i) a copy of the community legislative body's ordinance, or a summary of the
5254 ordinance, that adopts the community reinvestment project area plan; and

5255 (ii) a statement that the community reinvestment project area plan is available for
5256 public inspection and the hours for inspection.

5257 (2) A community reinvestment project area plan is effective on the day on which notice
5258 of adoption is published or posted in accordance with Subsection (1)(a).

5259 (3) A community reinvestment project area is considered created the day on which the
5260 community reinvestment project area plan becomes effective as described in Subsection (2).

5261 (4) (a) Within 30 days after the day on which a community reinvestment project area
5262 plan is effective, a person may contest the community reinvestment project area plan or the
5263 procedure used to adopt the community reinvestment project area plan if the community
5264 reinvestment project area plan or the procedure fails to comply with a provision of this title.

5265 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
5266 contest the community reinvestment project area plan or the procedure used to adopt the

5267 community reinvestment project area plan.

5268 (5) Upon adoption of a community reinvestment project area plan by the community
5269 legislative body, the agency may implement the community reinvestment project area plan.

5270 (6) The agency shall make the community reinvestment project area plan available to
5271 the public at the agency's office during normal business hours.

5272 Section 88. Section **17C-5-111** is amended to read:

5273 **17C-5-111. Agency required to transmit and record documentation after**
5274 **adoption of community reinvestment project area plan.**

5275 Within 30 days after the day on which a community legislative body adopts a
5276 community reinvestment project area plan under Section **17C-5-109**, the agency shall:

5277 (1) record with the recorder of the county in which the community reinvestment project
5278 area is located a document containing:

5279 (a) the name of the community reinvestment project area;

5280 (b) a boundary description of the community reinvestment project area; and

5281 (c) (i) a statement that the community legislative body adopted the community
5282 reinvestment project area plan; and

5283 (ii) the day on which the community legislative body adopted the community
5284 reinvestment project area plan;

5285 (2) transmit a copy of a description of the land within the community reinvestment
5286 project area and an accurate map or plat indicating the boundaries of the community
5287 reinvestment project area to the Automated Geographic Reference Center created in Section
5288 [~~63F-1-506~~] 63A-16-505; and

5289 (3) for a community reinvestment project area plan that provides for the agency to
5290 receive tax increment, transmit a copy of a description of the land within the community
5291 reinvestment project area, a copy of the community legislative body ordinance adopting the
5292 community reinvestment project area plan, and an accurate map or plat indicating the
5293 boundaries of the community reinvestment project area to:

5294 (a) the auditor, recorder, county or district attorney, surveyor, and assessor of each
5295 county in which any part of the community reinvestment project area is located;

5296 (b) the officer or officers performing the function of auditor or assessor for each taxing
5297 entity that does not use the county assessment roll or collect the taxing entity's taxes through

5298 the county;

5299 (c) the legislative body or governing board of each taxing entity;

5300 (d) the State Tax Commission; and

5301 (e) the State Board of Education.

5302 Section 89. Section **17C-5-113** is amended to read:

5303 **17C-5-113. Expedited community reinvestment project area plan.**

5304 (1) As used in this section:

5305 (a) "Qualified business entity" means a business entity that:

5306 (i) has a primary market for the qualified business entity's goods or services outside of
5307 the state; and

5308 (ii) is not primarily engaged in retail sales.

5309 (b) "Tax increment incentive" means the portion of an agency's tax increment that is
5310 paid to a qualified business entity for the purpose of implementing a community reinvestment
5311 project area plan.

5312 (2) An agency and a qualified business entity may, in accordance with Subsection (3),
5313 enter into an agreement that allows the qualified business entity to receive a tax increment
5314 incentive.

5315 (3) An agreement described in Subsection (2) shall set annual postperformance targets
5316 for:

5317 (a) capital investment within the community reinvestment project area;

5318 (b) the number of new jobs created within the community reinvestment project area;

5319 (c) the average wage of the jobs described in Subsection (3)(b) that is at least 110% of
5320 the prevailing wage of the county within which the community reinvestment project area is
5321 located; and

5322 (d) the amount of local vendor opportunity generated by the qualified business entity.

5323 (4) A qualified business entity may only receive a tax increment incentive:

5324 (a) if the qualified business entity complies with the agreement described in Subsection
5325 (3);

5326 (b) on a postperformance basis; and

5327 (c) on an annual basis after the agency receives tax increment from a taxing entity.

5328 (5) An agency may create or amend a community reinvestment project area plan for the

5329 purpose of providing a tax increment incentive without complying with the requirements
5330 described in Chapter 1, Part 8, Hearing and Notice Requirements, if:

5331 (a) the agency:

5332 (i) holds a public hearing to consider the need to create or amend a community
5333 reinvestment project area plan on an expedited basis;

5334 (ii) posts notice at least 14 days before the day on which the public hearing described
5335 in Subsection (5)(a)(i) is held on:

5336 (A) the community's website; and

5337 (B) the Utah Public Notice Website as described in Section [~~63F-1-701~~] [63A-16-601](#);

5338 and

5339 (iii) at the hearing described in Subsection (5)(a)(i), adopts a resolution to create or
5340 amend the community reinvestment project area plan on an expedited basis;

5341 (b) all record property owners within the existing or proposed community reinvestment
5342 project area plan give written consent; and

5343 (c) each taxing entity affected by the tax increment incentive consents and enters into
5344 an interlocal agreement with the agency authorizing the agency to pay a tax increment incentive
5345 to the qualified business entity.

5346 Section 90. Section **17C-5-205** is amended to read:

5347 **17C-5-205. Interlocal agreement to provide project area funds for the community**
5348 **reinvestment project area subject to interlocal agreement -- Notice -- Effective date of**
5349 **interlocal agreement -- Time to contest interlocal agreement -- Availability of interlocal**
5350 **agreement.**

5351 (1) An agency shall:

5352 (a) approve and adopt an interlocal agreement described in Section [17C-5-204](#) at an
5353 open and public meeting; and

5354 (b) provide a notice of the meeting titled "Diversion of Property Tax for a Community
5355 Reinvestment Project Area."

5356 (2) (a) Upon the execution of an interlocal agreement described in Section [17C-5-204](#),
5357 the agency shall provide notice of the execution by:

5358 (i) (A) publishing or causing to be published a notice in a newspaper of general
5359 circulation within the agency's boundaries; or

5360 (B) if there is no newspaper of general circulation within the agency's boundaries,
5361 causing the notice to be posted in at least three public places within the agency's boundaries;
5362 and

5363 (ii) publishing or causing the notice to be published on the Utah Public Notice Website
5364 created in Section ~~[63F-1-701]~~ [63A-16-601](#).

5365 (b) A notice described in Subsection (2)(a) shall include:

5366 (i) a summary of the interlocal agreement; and

5367 (ii) a statement that the interlocal agreement:

5368 (A) is available for public inspection and the hours for inspection; and

5369 (B) authorizes the agency to receive all or a portion of a taxing entity's tax increment or
5370 sales and use tax revenue.

5371 (3) An interlocal agreement described in Section [17C-5-204](#) is effective the day on
5372 which the notice described in Subsection (2) is published or posted in accordance with
5373 Subsection (2)(a).

5374 (4) (a) Within 30 days after the day on which the interlocal agreement is effective, a
5375 person may contest the interlocal agreement or the procedure used to adopt the interlocal
5376 agreement if the interlocal agreement or procedure fails to comply with a provision of this title.

5377 (b) After the 30-day period described in Subsection (4)(a) expires, a person may not
5378 contest:

5379 (i) the interlocal agreement;

5380 (ii) a distribution of tax increment to the agency under the interlocal agreement; or

5381 (iii) the agency's use of project area funds under the interlocal agreement.

5382 (5) A taxing entity that enters into an interlocal agreement under Section [17C-5-204](#)
5383 shall make a copy of the interlocal agreement available to the public at the taxing entity's office
5384 for inspection and copying during normal business hours.

5385 Section 91. Section [17D-3-305](#) is amended to read:

5386 **17D-3-305. Setting the date of nomination of the board of supervisors -- Notice**
5387 **requirements.**

5388 (1) The commission shall set the date of the nomination of members of the board of
5389 supervisors of a conservation district.

5390 (2) The commission shall publish notice of the nomination day described in Subsection

5391 (1):

5392 (a) (i) in a newspaper of general circulation within the conservation district at least
5393 once, no later than four weeks before the day of the nomination; or

5394 (ii) if there is no newspaper of general circulation in the conservation district, at least
5395 four weeks before the nomination day, by posting one notice, and at least one additional notice
5396 per 2,000 population of the conservation district, in places within the conservation district that
5397 are most likely to give notice to the residents in the conservation district;

5398 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5399 four weeks before the day of the nomination;

5400 (c) in accordance with Section [45-1-101](#), for four weeks before the day of the
5401 nomination; and

5402 (d) if the conservation district has a website, on the conservation district's website for
5403 four weeks before the day of the nomination.

5404 (3) The commissioner shall appoint the board of members by no later than six weeks
5405 after the date set by the commission for the close of nominations.

5406 (4) The notice required under Subsection (2) shall state:

5407 (a) the nomination date; and

5408 (b) the number of open board member positions for the conservation district.

5409 Section 92. Section **19-1-202** is amended to read:

5410 **19-1-202. Duties and powers of the executive director.**

5411 (1) The executive director shall:

5412 (a) administer and supervise the department;

5413 (b) coordinate policies and program activities conducted through boards, divisions, and
5414 offices of the department;

5415 (c) approve the proposed budget of each board, division, and office within the
5416 department;

5417 (d) approve all applications for federal grants or assistance in support of any
5418 department program;

5419 (e) with the governor's specific, prior approval, expend funds appropriated by the
5420 Legislature necessary for participation by the state in any fund, property, or service provided by
5421 the federal government; and

- 5422 (f) in accordance with Section 19-1-301, appoint one or more administrative law
5423 judges to hear an adjudicative proceeding within the department.
- 5424 (2) The executive director may:
- 5425 (a) issue orders to enforce state laws and rules established by the department except
5426 where the enforcement power is given to a board created under Section 19-1-106, unless the
5427 executive director finds that a condition exists that creates a clear and present hazard to the
5428 public health or the environment and requires immediate action, and if the enforcement power
5429 is vested with a board created under Section 19-1-106, the executive director may with the
5430 concurrence of the governor order any person causing or contributing to the condition to
5431 reduce, mitigate, or eliminate the condition;
- 5432 (b) with the approval of the governor, participate in the distribution, disbursement, or
5433 administration of any fund or service, advanced, offered, or contributed by the federal
5434 government for purposes consistent with the powers and duties of the department;
- 5435 (c) accept and receive funds and gifts available from private and public groups for the
5436 purposes of promoting and protecting the public health and the environment and expend the
5437 funds as appropriated by the Legislature;
- 5438 (d) make policies not inconsistent with law for the internal administration and
5439 government of the department, the conduct of its employees, and the custody, use, and
5440 preservation of the records, papers, books, documents, and property of the department;
- 5441 (e) create advisory committees as necessary to assist in carrying out the provisions of
5442 this title;
- 5443 (f) appoint division directors who may be removed at the will of the executive director
5444 and who shall be compensated in an amount fixed by the executive director;
- 5445 (g) advise, consult, and cooperate with other agencies of the state, the federal
5446 government, other states and interstate agencies, affected groups, political subdivisions, and
5447 industries in carrying out the purposes of this title;
- 5448 (h) consistent with Title [67] 63A, Chapter [19] 17, Utah State Personnel Management
5449 Act, employ employees necessary to meet the requirements of this title;
- 5450 (i) authorize any employee or representative of the division to conduct inspections as
5451 permitted in this title;
- 5452 (j) encourage, participate in, or conduct any studies, investigations, research, and

5453 demonstrations relating to hazardous materials or substances releases necessary to meet the
5454 requirements of this title;

5455 (k) collect and disseminate information about hazardous materials or substances
5456 releases;

5457 (l) review plans, specifications, or other data relating to hazardous substances releases
5458 as provided in this title;

5459 (m) maintain, update not less than annually, and make available to the public a record
5460 of sites, by name and location, at which response actions for the protection of the public health
5461 and environment under Title 19, Chapter 6, Part 3, Hazardous Substances Mitigation Act, or
5462 under Title 19, Chapter 8, Voluntary Cleanup Program, have been completed in the previous
5463 calendar year, and those that the department plans to address in the upcoming year pursuant to
5464 this title, including if upon completion of the response action the site:

5465 (i) will be suitable for unrestricted use; or

5466 (ii) will be suitable only for restricted use, stating the institutional controls identified in
5467 the remedy to which use of the site is subject; and

5468 (n) for purposes of implementing environmental mitigation and response actions:

5469 (i) accept and receive environmental mitigation and response funds from private and
5470 public groups, including as a condition of a consent decree, settlement agreement, stipulated
5471 agreement, or court order; and

5472 (ii) administer the implementation of environmental mitigation and response actions in
5473 accordance with the terms and conditions in which funds were received, including:

5474 (A) disbursing funds to private or public entities, governmental units, state agencies, or
5475 Native American tribes;

5476 (B) expending funds to implement environmental mitigation and response actions; and

5477 (C) returning unused funds to the original source of the funds as a condition of receipt
5478 of the funds, if applicable.

5479 Section 93. Section **19-1-308** is amended to read:

5480 **19-1-308. Background checks for employees.**

5481 (1) As used in this section, "bureau" means the Bureau of Criminal Identification
5482 created in Section [53-10-201](#).

5483 (2) Beginning July 1, 2018, the department shall require all appointees and applicants

5484 for the following positions to submit to a fingerprint-based local, regional, and national
5485 criminal history background check and ongoing monitoring as a condition of employment:

- 5486 (a) administrative services managers;
5487 (b) financial analysts;
5488 (c) financial managers; and
5489 (d) schedule AB and AD employees, in accordance with Section [~~67-19-15~~]
5490 [63A-17-301](#), in appointed positions.

5491 (3) Each appointee or applicant for a position listed in Subsection (2) shall provide a
5492 completed fingerprint card to the department upon request.

5493 (4) The department shall require that an individual required to submit to a background
5494 check under Subsection (3) provide a signed waiver on a form provided by the department that
5495 meets the requirements of Subsection [53-10-108](#)(4).

5496 (5) For a noncriminal justice background search and registration in accordance with
5497 Subsection [53-10-108](#)(13), the department shall submit to the bureau:

- 5498 (a) the applicant's personal identifying information and fingerprints for a criminal
5499 history search of applicable local, regional, and national databases; and
5500 (b) a request for all information received as a result of the local, regional, and
5501 nationwide background check.

5502 (6) The department is responsible for the payment of all fees required by Subsection
5503 [53-10-108](#)(15) and any fees required to be submitted to the Federal Bureau of Investigation by
5504 the bureau.

5505 (7) The department may make rules in accordance with Title 63G, Chapter 3, Utah
5506 Administrative Rulemaking Act, that:

- 5507 (a) determine how the department will assess the employment status of an individual
5508 upon receipt of background information; and
5509 (b) identify the appropriate privacy risk mitigation strategy to be used in accordance
5510 with Subsection [53-10-108](#)(13)(b).

5511 Section 94. Section **19-2-109** is amended to read:

5512 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of director --**
5513 **Adoption of emission control requirements.**

5514 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public

5515 hearings.

5516 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
5517 quality standards shall specify the locations to which the proposed standards apply and the
5518 time, date, and place of the hearing.

5519 (c) The notice shall be:

5520 (i) (A) published at least twice in any newspaper of general circulation in the area
5521 affected; and

5522 (B) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
5523 [63A-16-601](#), at least 20 days before the public hearing; and

5524 (ii) mailed at least 20 days before the public hearing to the chief executive of each
5525 political subdivision of the area affected and to other persons the director has reason to believe
5526 will be affected by the standards.

5527 (d) The adoption of air quality standards or any modification or changes to air quality
5528 standards shall be by order of the director following formal action of the board with respect to
5529 the standards.

5530 (e) The order shall be published:

5531 (i) in a newspaper of general circulation in the area affected; and

5532 (ii) as required in Section [45-1-101](#).

5533 (2) (a) The board may establish emission control requirements by rule that in its
5534 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or
5535 may vary from area to area, taking into account varying local conditions.

5536 (b) In adopting these requirements, the board shall give notice and conduct public
5537 hearings in accordance with the requirements in Subsection (1).

5538 Section 95. Section **20A-1-512** is amended to read:

5539 **20A-1-512. Midterm vacancies on local district boards.**

5540 (1) (a) Whenever a vacancy occurs on any local district board for any reason, the
5541 following shall appoint a replacement to serve out the unexpired term in accordance with this
5542 section:

5543 (i) the local district board, if the person vacating the position was elected; or

5544 (ii) the appointing authority, as that term is defined in Section [17B-1-102](#), if the
5545 appointing authority appointed the person vacating the position.

5546 (b) Except as provided in Subsection (1)(c), before acting to fill the vacancy, the local
5547 district board or appointing authority shall:

5548 (i) give public notice of the vacancy at least two weeks before the local district board
5549 or appointing authority meets to fill the vacancy by:

5550 (A) if there is a newspaper of general circulation, as that term is defined in Section
5551 [45-1-201](#), within the district, publishing the notice in the newspaper of general circulation;

5552 (B) posting the notice in three public places within the local district; and

5553 (C) posting on the Utah Public Notice Website created under Section [~~63F-1-701~~]

5554 [63A-16-601](#); and

5555 (ii) identify, in the notice:

5556 (A) the date, time, and place of the meeting where the vacancy will be filled;

5557 (B) the individual to whom an individual who is interested in an appointment to fill the
5558 vacancy may submit the individual's name for consideration; and

5559 (C) any submission deadline.

5560 (c) An appointing authority is not subject to Subsection (1)(b) if:

5561 (i) the appointing authority appoints one of the appointing authority's own members;

5562 and

5563 (ii) that member meets all applicable statutory board member qualifications.

5564 (2) If the local district board fails to appoint an individual to complete an elected board
5565 member's term within 90 days, the legislative body of the county or municipality that created
5566 the local district shall fill the vacancy in accordance with the procedure for a local district
5567 described in Subsection (1)(b).

5568 Section 96. Section ~~20A-3a-604~~ is amended to read:

5569 **20A-3a-604. Notice of time and place of early voting.**

5570 (1) Except as provided in Section [20A-1-308](#) or Subsection [20A-3a-603\(2\)](#), the
5571 election officer shall, at least 19 days before the date of the election, publish notice of the dates,
5572 times, and locations of early voting:

5573 (a) (i) in one issue of a newspaper of general circulation in the county;

5574 (ii) if there is no newspaper of general circulation in the county, in addition to posting
5575 the notice described in Subsection (1)(b), by posting one notice, and at least one additional
5576 notice per 2,000 population of the county, in places within the county that are most likely to

5577 give notice to the residents in the county; or

5578 (iii) by mailing notice to each registered voter in the county;

5579 (b) by posting the notice at each early voting polling place;

5580 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for

5581 19 days before the day of the election;

5582 (d) in accordance with Section [45-1-101](#), for 19 days before the date of the election;

5583 and

5584 (e) on the county's website for 19 days before the day of the election.

5585 (2) Instead of publishing all dates, times, and locations of early voting under

5586 Subsection (1), the election officer may publish a statement that specifies the following sources

5587 where a voter may view or obtain a copy of all dates, times, and locations of early voting:

5588 (a) the county's website;

5589 (b) the physical address of the county's offices; and

5590 (c) a mailing address and telephone number.

5591 (3) The election officer shall include in the notice described in Subsection (1):

5592 (a) the address of the Statewide Electronic Voter Information Website and, if available,

5593 the address of the election officer's website, with a statement indicating that the election officer

5594 will post on the website the location of each early voting polling place, including any changes

5595 to the location of an early voting polling place and the location of additional early voting

5596 polling places; and

5597 (b) a phone number that a voter may call to obtain information regarding the location

5598 of an early voting polling place.

5599 Section 97. Section **20A-4-104** is amended to read:

5600 **20A-4-104. Counting ballots electronically.**

5601 (1) (a) Before beginning to count ballots using automatic tabulating equipment, the

5602 election officer shall test the automatic tabulating equipment to ensure that it will accurately

5603 count the votes cast for all offices and all measures.

5604 (b) The election officer shall publish public notice of the time and place of the test:

5605 (i) (A) at least 48 hours before the test in one or more daily or weekly newspapers of

5606 general circulation in the county, municipality, or jurisdiction where the equipment is used;

5607 (B) if there is no daily or weekly newspaper of general circulation in the county,

5608 municipality, or jurisdiction where the equipment is used, at least 10 days before the day of the
5609 test, by posting one notice, and at least one additional notice per 2,000 population of the
5610 county, municipality, or jurisdiction, in places within the county, municipality, or jurisdiction
5611 that are most likely to give notice to the voters in the county, municipality, or jurisdiction; or

5612 (C) at least 10 days before the day of the test, by mailing notice to each registered voter
5613 in the county, municipality, or jurisdiction where the equipment is used;

5614 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5615 four weeks before the day of the test;

5616 (iii) in accordance with Section [45-1-101](#), for at least 10 days before the day of the test;
5617 and

5618 (iv) if the county, municipality, or jurisdiction has a website, on the website for four
5619 weeks before the day of the test.

5620 (c) The election officer shall conduct the test by processing a preaudited group of
5621 ballots.

5622 (d) The election officer shall ensure that:

5623 (i) a predetermined number of valid votes for each candidate and measure are recorded
5624 on the ballots;

5625 (ii) for each office, one or more ballots have votes in excess of the number allowed by
5626 law in order to test the ability of the automatic tabulating equipment to reject those votes; and

5627 (iii) a different number of valid votes are assigned to each candidate for an office, and
5628 for and against each measure.

5629 (e) If any error is detected, the election officer shall determine the cause of the error
5630 and correct it.

5631 (f) The election officer shall ensure that:

5632 (i) the automatic tabulating equipment produces an errorless count before beginning
5633 the actual counting; and

5634 (ii) the automatic tabulating equipment passes the same test at the end of the count
5635 before the election returns are approved as official.

5636 (2) (a) The election officer or the election officer's designee shall supervise and direct
5637 all proceedings at the counting center.

5638 (b) (i) Proceedings at the counting center are public and may be observed by interested

5639 persons.

5640 (ii) Only those persons authorized to participate in the count may touch any ballot or
5641 return.

5642 (c) The election officer shall deputize and administer an oath or affirmation to all
5643 persons who are engaged in processing and counting the ballots that they will faithfully
5644 perform their assigned duties.

5645 (3) If any ballot is damaged or defective so that it cannot properly be counted by the
5646 automatic tabulating equipment, the election officer shall ensure that two counting judges
5647 jointly:

5648 (a) make a true replication of the ballot with an identifying serial number;

5649 (b) substitute the replicated ballot for the damaged or defective ballot;

5650 (c) label the replicated ballot "replicated"; and

5651 (d) record the replicated ballot's serial number on the damaged or defective ballot.

5652 (4) The election officer may:

5653 (a) conduct an unofficial count before conducting the official count in order to provide
5654 early unofficial returns to the public;

5655 (b) release unofficial returns from time to time after the polls close; and

5656 (c) report the progress of the count for each candidate during the actual counting of
5657 ballots.

5658 (5) The election officer shall review and evaluate the provisional ballot envelopes and
5659 prepare any valid provisional ballots for counting as provided in Section [20A-4-107](#).

5660 (6) (a) The election officer or the election officer's designee shall:

5661 (i) separate, count, and tabulate any ballots containing valid write-in votes; and

5662 (ii) complete the standard form provided by the clerk for recording valid write-in votes.

5663 (b) In counting the write-in votes, if, by casting a valid write-in vote, a voter has cast
5664 more votes for an office than that voter is entitled to vote for that office, the poll workers shall
5665 count the valid write-in vote as being the obvious intent of the voter.

5666 (7) (a) The election officer shall certify the return printed by the automatic tabulating
5667 equipment, to which have been added write-in and absentee votes, as the official return of each
5668 voting precinct.

5669 (b) Upon completion of the count, the election officer shall make official returns open

5670 to the public.

5671 (8) If for any reason it becomes impracticable to count all or a part of the ballots with
5672 tabulating equipment, the election officer may direct that they be counted manually according
5673 to the procedures and requirements of this part.

5674 (9) After the count is completed, the election officer shall seal and retain the programs,
5675 test materials, and ballots as provided in Section [20A-4-202](#).

5676 Section 98. Section **20A-4-304** is amended to read:

5677 **20A-4-304. Declaration of results -- Canvassers' report.**

5678 (1) Each board of canvassers shall:

5679 (a) except as provided in Part 6, Municipal Alternate Voting Methods Pilot Project,
5680 declare "elected" or "nominated" those persons who:

5681 (i) had the highest number of votes; and

5682 (ii) sought election or nomination to an office completely within the board's
5683 jurisdiction;

5684 (b) declare:

5685 (i) "approved" those ballot propositions that:

5686 (A) had more "yes" votes than "no" votes; and

5687 (B) were submitted only to the voters within the board's jurisdiction;

5688 (ii) "rejected" those ballot propositions that:

5689 (A) had more "no" votes than "yes" votes or an equal number of "no" votes and "yes"
5690 votes; and

5691 (B) were submitted only to the voters within the board's jurisdiction;

5692 (c) certify the vote totals for persons and for and against ballot propositions that were
5693 submitted to voters within and beyond the board's jurisdiction and transmit those vote totals to
5694 the lieutenant governor; and

5695 (d) if applicable, certify the results of each local district election to the local district
5696 clerk.

5697 (2) As soon as the result is declared, the election officer shall prepare a report of the
5698 result, which shall contain:

5699 (a) the total number of votes cast in the board's jurisdiction;

5700 (b) the names of each candidate whose name appeared on the ballot;

- 5701 (c) the title of each ballot proposition that appeared on the ballot;
- 5702 (d) each office that appeared on the ballot;
- 5703 (e) from each voting precinct:
- 5704 (i) the number of votes for each candidate;
- 5705 (ii) for each race conducted by instant runoff voting under Part 6, Municipal Alternate
- 5706 Voting Methods Pilot Project, the number of valid votes cast for each candidate for each
- 5707 potential ballot-counting phase and the name of the candidate excluded in each canvassing
- 5708 phase; and
- 5709 (iii) the number of votes for and against each ballot proposition;
- 5710 (f) the total number of votes given in the board's jurisdiction to each candidate, and for
- 5711 and against each ballot proposition;
- 5712 (g) the number of ballots that were rejected; and
- 5713 (h) a statement certifying that the information contained in the report is accurate.
- 5714 (3) The election officer and the board of canvassers shall:
- 5715 (a) review the report to ensure that it is correct; and
- 5716 (b) sign the report.
- 5717 (4) The election officer shall:
- 5718 (a) record or file the certified report in a book kept for that purpose;
- 5719 (b) prepare and transmit a certificate of nomination or election under the officer's seal
- 5720 to each nominated or elected candidate;
- 5721 (c) publish a copy of the certified report in accordance with Subsection (5); and
- 5722 (d) file a copy of the certified report with the lieutenant governor.
- 5723 (5) Except as provided in Subsection (6), the election officer shall, no later than seven
- 5724 days after the day on which the board of canvassers declares the election results, publish the
- 5725 certified report described in Subsection (2):
- 5726 (a) (i) at least once in a newspaper of general circulation within the jurisdiction;
- 5727 (ii) if there is no newspaper of general circulation within the jurisdiction, by posting
- 5728 one notice, and at least one additional notice per 2,000 population of the jurisdiction, in places
- 5729 within the jurisdiction that are most likely to give notice to the residents of the jurisdiction; or
- 5730 (iii) by mailing notice to each residence within the jurisdiction;

5731 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] 63A-16-601, for
5732 one week;

5733 (c) in accordance with Section 45-1-101, for one week; and

5734 (d) if the jurisdiction has a website, on the jurisdiction's website for one week.

5735 (6) Instead of publishing the entire certified report under Subsection (5), the election
5736 officer may publish a statement that:

5737 (a) includes the following: "The Board of Canvassers for [indicate name of
5738 jurisdiction] has prepared a report of the election results for the [indicate type and date of
5739 election]."; and

5740 (b) specifies the following sources where an individual may view or obtain a copy of
5741 the entire certified report:

5742 (i) if the jurisdiction has a website, the jurisdiction's website;

5743 (ii) the physical address for the jurisdiction; and

5744 (iii) a mailing address and telephone number.

5745 (7) When there has been a regular general or a statewide special election for statewide
5746 officers, for officers that appear on the ballot in more than one county, or for a statewide or two
5747 or more county ballot proposition, each board of canvassers shall:

5748 (a) prepare a separate report detailing the number of votes for each candidate and the
5749 number of votes for and against each ballot proposition; and

5750 (b) transmit the separate report by registered mail to the lieutenant governor.

5751 (8) In each county election, municipal election, school election, local district election,
5752 and local special election, the election officer shall transmit the reports to the lieutenant
5753 governor within 14 days after the date of the election.

5754 (9) In a regular primary election and in a presidential primary election, the board shall
5755 transmit to the lieutenant governor:

5756 (a) the county totals for multi-county races, to be telephoned or faxed to the lieutenant
5757 governor not later than the second Tuesday after the election; and

5758 (b) a complete tabulation showing voting totals for all primary races, precinct by
5759 precinct, to be mailed to the lieutenant governor on or before the third Friday following the
5760 primary election.

5761 Section 99. Section **20A-5-101** is amended to read:

5762 **20A-5-101. Notice of election.**

5763 (1) On or before November 15 in the year before each regular general election year, the
5764 lieutenant governor shall prepare and transmit a written notice to each county clerk that:

5765 (a) designates the offices to be filled at the next year's regular general election;

5766 (b) identifies the dates for filing a declaration of candidacy, and for submitting and
5767 certifying nomination petition signatures, as applicable, under Sections [20A-9-403](#), [20A-9-407](#),
5768 and [20A-9-408](#) for those offices; and

5769 (c) contains a description of any ballot propositions to be decided by the voters that
5770 have qualified for the ballot as of that date.

5771 (2) No later than seven business days after the day on which the lieutenant governor
5772 transmits the written notice described in Subsection (1), each county clerk shall publish notice,
5773 in accordance with Subsection (3):

5774 (a) (i) in a conspicuous place most likely to give notice of the election to the voters in
5775 each voting precinct within the county; and

5776 (ii) prepare an affidavit of the posting, showing a copy of the notice and the places
5777 where the notice was posted;

5778 (b) (i) in a newspaper of general circulation in the county;

5779 (ii) if there is no newspaper of general circulation within the county, in addition to the
5780 notice described in Subsection (2)(a), by posting one notice, and at least one additional notice
5781 per 2,000 population of the county, in places within the county that are most likely to give
5782 notice of the election to the voters in the county; or

5783 (iii) by mailing notice to each registered voter in the county;

5784 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
5785 seven days before the day of the election;

5786 (d) in accordance with Section [45-1-101](#), for seven days before the day of the election;
5787 and

5788 (e) on the county's website for seven days before the day of the election.

5789 (3) The notice described in Subsection (2) shall:

5790 (a) designate the offices to be voted on in that election; and

5791 (b) identify the dates for filing a declaration of candidacy for those offices.

5792 (4) Except as provided in Subsection (6), before each election, the election officer shall

5793 give printed notice of the following information:

5794 (a) the date of election;

5795 (b) the hours during which the polls will be open;

5796 (c) the polling places for each voting precinct, early voting polling place, and election

5797 day voting center;

5798 (d) the address of the Statewide Electronic Voter Information Website and, if available,

5799 the address of the election officer's website, with a statement indicating that the election officer

5800 will post on the website any changes to the location of a polling place and the location of any

5801 additional polling place;

5802 (e) a phone number that a voter may call to obtain information regarding the location of

5803 a polling place; and

5804 (f) the qualifications for persons to vote in the election.

5805 (5) To provide the printed notice described in Subsection (4), the election officer shall

5806 publish the notice:

5807 (a) (i) in a newspaper of general circulation in the jurisdiction to which the election

5808 pertains at least two days before the day of the election;

5809 (ii) if there is no newspaper of general circulation in the jurisdiction to which the

5810 election pertains, at least two days before the day of the election, by posting one notice, and at

5811 least one additional notice per 2,000 population of the jurisdiction, in places within the

5812 jurisdiction that are most likely to give notice of the election to the voters in the jurisdiction; or

5813 (iii) by mailing the notice to each registered voter who resides in the jurisdiction to

5814 which the election pertains at least five days before the day of the election;

5815 (b) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for

5816 two days before the day of the election;

5817 (c) in accordance with Section [45-1-101](#), for two days before the day of the election;

5818 and

5819 (d) if the jurisdiction has a website, on the jurisdiction's website for two days before

5820 the day of the election.

5821 (6) Instead of including the information described in Subsection (4) in the notice, the

5822 election officer may give printed notice that:

5823 (a) is entitled "Notice of Election";

5824 (b) includes the following: "A [indicate election type] will be held in [indicate the
5825 jurisdiction] on [indicate date of election]. Information relating to the election, including
5826 polling places, polling place hours, and qualifications of voters may be obtained from the
5827 following sources:"; and

5828 (c) specifies the following sources where an individual may view or obtain the
5829 information described in Subsection (4):

5830 (i) if the jurisdiction has a website, the jurisdiction's website;

5831 (ii) the physical address of the jurisdiction offices; and

5832 (iii) a mailing address and telephone number.

5833 Section 100. Section **20A-5-303** is amended to read:

5834 **20A-5-303. Establishing, dividing, abolishing, and changing voting precincts --**
5835 **Common polling places -- Combined voting precincts.**

5836 (1) (a) After receiving recommendations from the county clerk, the county legislative
5837 body may establish, divide, abolish, and change voting precincts.

5838 (b) Within 30 days after the establishment, division, abolition, or change of a voting
5839 precinct under this section, the county legislative body shall file with the Automated
5840 Geographic Reference Center, created under Section [~~63F-1-506~~] [63A-16-505](#), a notice
5841 describing the action taken and specifying the resulting boundaries of each voting precinct
5842 affected by the action.

5843 (2) (a) The county legislative body shall alter or divide voting precincts so that each
5844 voting precinct contains not more than 1,250 active voters.

5845 (b) The county legislative body shall:

5846 (i) identify those precincts that may reach the limit of active voters in a precinct under
5847 Subsection (2)(a) or that becomes too large to facilitate the election process; and

5848 (ii) except as provided by Subsection (3), divide those precincts on or before January 1
5849 of a general election year.

5850 (3) A county legislative body shall divide a precinct identified under Subsection
5851 (2)(b)(i) on or before January 31 of a regular general election year that immediately follows the
5852 calendar year in which the Legislature divides the state into districts in accordance with Utah
5853 Constitution, Article IX, Section 1.

5854 (4) Notwithstanding Subsection (2)(a) and except as provided by Subsection (5), the

5855 county legislative body may not:

5856 (a) establish or abolish any voting precinct after January 1 of a regular general election
5857 year;

5858 (b) alter or change the boundaries of any voting precinct after January 1 of a regular
5859 general election year; or

5860 (c) establish, divide, abolish, alter, or change a voting precinct between January 1 of a
5861 year immediately preceding the year in which an enumeration is required by the United States
5862 Constitution and the day on which the Legislature divides the state into districts in accordance
5863 with Utah Constitution, Article IX, Section 1.

5864 (5) A county legislative body may establish, divide, abolish, alter, or change a voting
5865 precinct on or before January 31 of a regular general election year that immediately follows the
5866 calendar year in which the Legislature divides the state into districts in accordance with Utah
5867 Constitution, Article IX, Section 1.

5868 (6) (a) For the purpose of voting in an election, the county legislative body may
5869 establish a common polling place for two or more whole voting precincts.

5870 (b) At least 90 days before the election, the county legislative body shall designate:

5871 (i) the voting precincts that will vote at the common polling place; and

5872 (ii) the location of the common polling place.

5873 (c) A county may use one set of election judges for the common polling place under
5874 this Subsection (6).

5875 (7) Each county shall have at least two polling places open for voting on the date of the
5876 election.

5877 (8) Each common polling place shall have at least one voting device that is accessible
5878 for individuals with disabilities in accordance with Public Law 107-252, the Help America
5879 Vote Act of 2002.

5880 Section 101. Section **20A-5-403.5** is amended to read:

5881 **20A-5-403.5. Ballot drop boxes.**

5882 (1) An election officer:

5883 (a) may designate ballot drop boxes for the election officer's jurisdiction; and

5884 (b) shall clearly mark each ballot drop box as an official ballot drop box for the
5885 election officer's jurisdiction.

5886 (2) Except as provided in Section 20A-1-308 or Subsection (5), the election officer
5887 shall, at least 19 days before the date of the election, publish notice of the location of each
5888 ballot drop box designated under Subsection (1):

5889 (a) (i) in one issue of a newspaper of general circulation in the jurisdiction holding the
5890 election;

5891 (ii) if there is no newspaper of general circulation in the jurisdiction holding the
5892 election, by posting one notice, and at least one additional notice per 2,000 population of the
5893 jurisdiction holding the election, in places within the jurisdiction that are most likely to give
5894 notice to the residents in the jurisdiction; or

5895 (iii) by mailing notice to each registered voter in the jurisdiction holding the election;

5896 (b) on the Utah Public Notice Website created in Section [63F-1-70+] 63A-16-601, for
5897 19 days before the day of the election;

5898 (c) in accordance with Section 45-1-101, for 19 days before the date of the election;
5899 and

5900 (d) on the jurisdiction's website for 19 days before the day of the election.

5901 (3) Instead of publishing the location of ballot drop boxes under Subsection (2), the
5902 election officer may publish a statement that specifies the following sources where a voter may
5903 view or obtain a copy of all ballot drop box locations:

5904 (a) the jurisdiction's website;

5905 (b) the physical address of the jurisdiction's offices; and

5906 (c) a mailing address and telephone number.

5907 (4) The election officer shall include in the notice described in Subsection (2):

5908 (a) the address of the Statewide Electronic Voter Information Website and, if available,
5909 the address of the election officer's website, with a statement indicating that the election officer
5910 will post on the website the location of each ballot drop box, including any changes to the
5911 location of a ballot drop box and the location of additional ballot drop boxes; and

5912 (b) a phone number that a voter may call to obtain information regarding the location
5913 of a ballot drop box.

5914 (5) (a) Except as provided in Section 20A-1-308, the election officer may, after the
5915 deadline described in Subsection (2):

5916 (i) if necessary, change the location of a ballot drop box; or

5917 (ii) if the election officer determines that the number of ballot drop boxes is
5918 insufficient due to the number of registered voters who are voting, designate additional ballot
5919 drop boxes.

5920 (b) Except as provided in Section 20A-1-308, if an election officer changes the
5921 location of a ballot box or designates an additional ballot drop box location, the election officer
5922 shall, as soon as is reasonably possible, give notice of the changed ballot drop box location or
5923 the additional ballot drop box location:

5924 (i) to the lieutenant governor, for posting on the Statewide Voter Information Website;

5925 (ii) by posting the information on the website of the election officer, if available; and

5926 (iii) by posting notice:

5927 (A) for a change in the location of a ballot drop box, at the new location and, if
5928 possible, the old location; and

5929 (B) for an additional ballot drop box location, at the additional ballot drop box
5930 location.

5931 (6) An election officer may, at any time, authorize two or more poll workers to remove
5932 a ballot drop box from a location, or to remove ballots from a ballot drop box for processing.

5933 Section 102. Section 20A-5-405 is amended to read:

5934 **20A-5-405. Election officer to provide ballots.**

5935 (1) An election officer shall:

5936 (a) provide ballots for every election of public officers in which the voters, or any of
5937 the voters, within the election officer's jurisdiction participate;

5938 (b) cause the name of every candidate whose nomination has been certified to or filed
5939 with the election officer in the manner provided by law to be included on each ballot;

5940 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
5941 be included on each ballot;

5942 (d) ensure that the ballots are prepared and in the possession of the election officer
5943 before commencement of voting;

5944 (e) allow candidates and their agents and the sponsors of ballot propositions that have
5945 qualified for the official ballot to inspect the ballots;

5946 (f) cause sample ballots to be printed that are in the same form as official ballots and
5947 that contain the same information as official ballots but that are printed on different colored

- 5948 paper than official ballots or are identified by a watermark;
- 5949 (g) ensure that the sample ballots are printed and in the possession of the election
5950 officer at least seven days before commencement of voting;
- 5951 (h) make the sample ballots available for public inspection by:
- 5952 (i) posting a copy of the sample ballot in the election officer's office at least seven days
5953 before commencement of voting;
- 5954 (ii) mailing a copy of the sample ballot to:
- 5955 (A) each candidate listed on the ballot; and
5956 (B) the lieutenant governor;
- 5957 (iii) publishing a copy of the sample ballot:
- 5958 (A) except as provided in Subsection (2), at least seven days before the day of the
5959 election in a newspaper of general circulation in the jurisdiction holding the election;
- 5960 (B) if there is no newspaper of general circulation in the jurisdiction holding the
5961 election, at least seven days before the day of the election, by posting one copy of the sample
5962 ballot, and at least one additional copy of the sample ballot per 2,000 population of the
5963 jurisdiction, in places within the jurisdiction that are most likely to give notice to the voters in
5964 the jurisdiction; or
- 5965 (C) at least 10 days before the day of the election, by mailing a copy of the sample
5966 ballot to each registered voter who resides in the jurisdiction holding the election;
- 5967 (iv) publishing a copy of the sample ballot on the Utah Public Notice Website created
5968 in Section [~~63F-1-701~~] [63A-16-601](#), for seven days before the day of the election;
- 5969 (v) in accordance with Section [45-1-101](#), publishing a copy of the sample ballot for at
5970 least seven days before the day of the election; and
- 5971 (vi) if the jurisdiction has a website, publishing a copy of the sample ballot for at least
5972 seven days before the day of the election;
- 5973 (i) deliver at least five copies of the sample ballot to poll workers for each polling
5974 place and direct them to post the sample ballots as required by Section [20A-5-102](#); and
- 5975 (j) print and deliver, at the expense of the jurisdiction conducting the election, enough
5976 ballots, sample ballots, and instructions to meet the voting demands of the qualified voters in
5977 each voting precinct.
- 5978 (2) Instead of publishing the entire sample ballot under Subsection (1)(h)(iii)(A), the

5979 election officer may publish a statement that:

5980 (a) is entitled, "sample ballot";

5981 (b) includes the following: "A sample ballot for [indicate name of jurisdiction] for the
5982 upcoming [indicate type and date of election] may be obtained from the following sources:";
5983 and

5984 (c) specifies the following sources where an individual may view or obtain a copy of
5985 the sample ballot:

5986 (i) if the jurisdiction has a website, the jurisdiction's website;

5987 (ii) the physical address of the jurisdiction's offices; and

5988 (iii) a mailing address and telephone number.

5989 (3) (a) Each election officer shall, without delay, correct any error discovered in any
5990 ballot, if the correction can be made without interfering with the timely distribution of the
5991 ballots.

5992 (b) (i) If the election officer discovers an error or omission in a manual ballot, and it is
5993 not possible to correct the error or omission, the election officer shall direct the poll workers to
5994 make the necessary corrections on the manual ballots before the ballots are distributed.

5995 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
5996 not possible to correct the error or omission by revising the electronic ballot, the election
5997 officer shall direct the poll workers to post notice of each error or omission with instructions on
5998 how to correct each error or omission in a prominent position at each polling booth.

5999 (c) (i) If the election officer refuses or fails to correct an error or omission in a ballot, a
6000 candidate or a candidate's agent may file a verified petition with the district court asserting that:

6001 (A) an error or omission has occurred in:

6002 (I) the publication of the name or description of a candidate;

6003 (II) the preparation or display of an electronic ballot; or

6004 (III) in the printing of sample or official manual ballots; and

6005 (B) the election officer has failed to correct or provide for the correction of the error or
6006 omission.

6007 (ii) The district court shall issue an order requiring correction of any error in a ballot or
6008 an order to show cause why the error should not be corrected if it appears to the court that the
6009 error or omission has occurred and the election officer has failed to correct or provide for the

6010 correction of the error or [~~ommission~~] omission.

6011 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
6012 Supreme Court within five days after the day on which the district court enters the decision.

6013 Section 103. Section **20A-7-204.1** is amended to read:

6014 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated --**
6015 **Changes to an initiative and initial fiscal impact estimate.**

6016 (1) (a) After issuance of the initial fiscal impact estimate by the Office of the
6017 Legislative Fiscal Analyst and before circulating initiative petitions for signature statewide,
6018 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as
6019 follows:

6020 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

6021 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
6022 County;

6023 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

6024 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
6025 County;

6026 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

6027 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

6028 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
6029 County.

6030 (b) Of the seven public hearings, the sponsors of the initiative shall hold at least two of
6031 the public hearings in a first or second class county, but not in the same county.

6032 (c) The sponsors may not hold a public hearing described in this section until the later
6033 of:

6034 (i) one day after the day on which a sponsor receives a copy of the initial fiscal impact
6035 estimate under Subsection [20A-7-202.5\(3\)\(b\)](#); or

6036 (ii) if three or more sponsors file a petition challenging the accuracy of the initial fiscal
6037 impact statement under Section [20A-7-202.5](#), the day after the day on which the action is final.

6038 (2) The sponsors shall:

6039 (a) before 5 p.m. at least three calendar days before the date of the public hearing,
6040 provide written notice of the public hearing to:

- 6041 (i) the lieutenant governor for posting on the state's website; and
6042 (ii) each state senator, state representative, and county commission or county council
6043 member who is elected in whole or in part from the region where the public hearing will be
6044 held; and
- 6045 (b) publish written notice of the public hearing, including the time, date, and location
6046 of the public hearing, in each county in the region where the public hearing will be held:
- 6047 (i) (A) at least three calendar days before the day of the public hearing, in a newspaper
6048 of general circulation in the county;
- 6049 (B) if there is no newspaper of general circulation in the county, at least three calendar
6050 days before the day of the public hearing, by posting one copy of the notice, and at least one
6051 additional copy of the notice per 2,000 population of the county, in places within the county
6052 that are most likely to give notice to the residents of the county; or
- 6053 (C) at least seven days before the day of the public hearing, by mailing notice to each
6054 residence in the county;
- 6055 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
6056 at least three calendar days before the day of the public hearing;
- 6057 (iii) in accordance with Section [45-1-101](#), for at least three calendar days before the
6058 day of the public hearing; and
- 6059 (iv) on the county's website for at least three calendar days before the day of the public
6060 hearing.
- 6061 (3) If the initiative petition proposes a tax increase, the written notice described in
6062 Subsection (2) shall include the following statement, in bold, in the same font and point size as
6063 the largest font and point size appearing in the notice:
- 6064 "This initiative petition seeks to increase the current (insert name of tax) rate by (insert
6065 the tax percentage difference) percent, resulting in a(n) (insert the tax percentage increase)
6066 percent increase in the current tax rate."
- 6067 (4) (a) During the public hearing, the sponsors shall either:
- 6068 (i) video tape or audio tape the public hearing and, when the hearing is complete,
6069 deposit the complete audio or video tape of the meeting with the lieutenant governor; or
- 6070 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
6071 each speaker and summarizing each speaker's comments.

6072 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
6073 public.

6074 (c) For each public hearing, the sponsors shall:

6075 (i) during the entire time that the public hearing is held, post a copy of the initial fiscal
6076 impact statement in a conspicuous location at the entrance to the room where the sponsors hold
6077 the public hearing; and

6078 (ii) place at least 50 copies of the initial fiscal impact statement, for distribution to
6079 public hearing attendees, in a conspicuous location at the entrance to the room where the
6080 sponsors hold the public hearing.

6081 (5) (a) Before 5 p.m. within 14 days after the day on which the sponsors conduct the
6082 seventh public hearing described in Subsection (1)(a), and before circulating an initiative
6083 petition for signatures, the sponsors of the initiative petition may change the text of the
6084 proposed law if:

6085 (i) a change to the text is:

6086 (A) germane to the text of the proposed law filed with the lieutenant governor under
6087 Section [20A-7-202](#); and

6088 (B) consistent with the requirements of Subsection [20A-7-202\(5\)](#); and

6089 (ii) each sponsor signs, attested to by a notary public, an application addendum to
6090 change the text of the proposed law.

6091 (b) (i) Within three working days after the day on which the lieutenant governor
6092 receives an application addendum to change the text of the proposed law in an initiative
6093 petition, the lieutenant governor shall submit a copy of the application addendum to the Office
6094 of the Legislative Fiscal Analyst.

6095 (ii) The Office of the Legislative Fiscal Analyst shall update the initial fiscal impact
6096 estimate by following the procedures and requirements of Section [20A-7-202.5](#) to reflect a
6097 change to the text of the proposed law.

6098 Section 104. Section [20A-7-401.5](#) is amended to read:

6099 **[20A-7-401.5. Proposition information pamphlet.](#)**

6100 (1) (a) (i) Within 15 days after the day on which an eligible voter files an application to
6101 circulate an initiative petition under Section [20A-7-502](#) or an application to circulate a
6102 referendum petition under Section [20A-7-602](#):

6103 (A) the sponsors of the proposed initiative or referendum may submit a written
6104 argument in favor of the proposed initiative or referendum to the election officer of the county
6105 or municipality to which the petition relates; and

6106 (B) the county or municipality to which the application relates may submit a written
6107 argument in favor of, or against, the proposed initiative or referendum to the county's or
6108 municipality's election officer.

6109 (ii) If a county or municipality submits more than one written argument under
6110 Subsection (1)(a)(i)(B), the election officer shall select one of the written arguments, giving
6111 preference to a written argument submitted by a member of a local legislative body if a
6112 majority of the local legislative body supports the written argument.

6113 (b) Within one business day after the day on which an election officer receives an
6114 argument under Subsection (1)(a)(i)(A), the election officer shall provide a copy of the
6115 argument to the county or municipality described in Subsection (1)(a)(i)(B) or (1)(a)(ii), as
6116 applicable.

6117 (c) Within one business day after the date on which an election officer receives an
6118 argument under Subsection (1)(a)(i)(B), the election officer shall provide a copy of the
6119 argument to the first three sponsors of the proposed initiative or referendum described in
6120 Subsection (1)(a)(i)(A).

6121 (d) The sponsors of the proposed initiative or referendum may submit a revised version
6122 of the written argument described in Subsection (1)(a)(i)(A) to the election officer of the
6123 county or municipality to which the petition relates within 20 days after the day on which the
6124 eligible voter files an application to circulate an initiative petition under Section [20A-7-502](#) or
6125 an application to circulate a referendum petition under Section [20A-7-602](#).

6126 (e) The author of a written argument described in Subsection (1)(a)(i)(B) submitted by
6127 a county or municipality may submit a revised version of the written argument to the county's
6128 or municipality's election officer within 20 days after the day on which the eligible voter files
6129 an application to circulate an initiative petition under Section [20A-7-502](#) or an application to
6130 circulate a referendum petition under Section [20A-7-602](#).

6131 (2) (a) A written argument described in Subsection (1) may not exceed 500 words.

6132 (b) Except as provided in Subsection (2)(c), a person may not modify a written
6133 argument described in Subsection (1)(d) or (e) after the written argument is submitted to the

6134 election officer.

6135 (c) The election officer and the person that submits the written argument described in
6136 Subsection (1)(d) or (e) may jointly agree to modify the written argument to:

6137 (i) correct factual, grammatical, or spelling errors; or

6138 (ii) reduce the number of words to come into compliance with Subsection (2)(a).

6139 (d) An election officer shall refuse to include a written argument in the proposition
6140 information pamphlet described in this section if the person who submits the argument:

6141 (i) fails to negotiate, in good faith, to modify the argument in accordance with

6142 Subsection (2)(c); or

6143 (ii) does not timely submit the written argument to the election officer.

6144 (e) An election officer shall make a good faith effort to negotiate a modification
6145 described in Subsection (2)(c) in an expedited manner.

6146 (3) An election officer who receives a written argument described in Subsection (1)
6147 shall prepare a proposition information pamphlet for publication that includes:

6148 (a) a copy of the application for the proposed initiative or referendum;

6149 (b) except as provided in Subsection (2)(d), immediately after the copy described in
6150 Subsection (3)(a), the argument prepared by the sponsors of the proposed initiative or
6151 referendum, if any;

6152 (c) except as provided in Subsection (2)(d), immediately after the argument described
6153 in Subsection (3)(b), the argument prepared by the county or municipality, if any; and

6154 (d) a copy of the initial fiscal impact statement and legal impact statement described in
6155 Section [20A-7-502.5](#) or [20A-7-602.5](#).

6156 (4) (a) A proposition information pamphlet is a draft for purposes of Title 63G,
6157 Chapter 2, Government Records Access and Management Act, until the earlier of when the
6158 election officer:

6159 (i) complies with Subsection (4)(b); or

6160 (ii) publishes the proposition information pamphlet under Subsection (5) or (6).

6161 (b) Within 21 days after the day on which the eligible voter files an application to
6162 circulate an initiative petition under Section [20A-7-502](#), or an application to circulate a
6163 referendum petition under Section [20A-7-602](#), the election officer shall provide a copy of the
6164 proposition information pamphlet to the sponsors of the initiative or referendum and each

6165 individual who submitted an argument included in the proposition information pamphlet.

6166 (5) An election officer for a municipality shall publish the proposition information
6167 pamphlet as follows:

6168 (a) within the later of 10 days after the day on which the municipality or a court
6169 determines that the proposed initiative or referendum is legally referable to voters, or, if the
6170 election officer modifies an argument under Subsection (2)(c), three days after the day on
6171 which the election officer and the person that submitted the argument agree on the
6172 modification:

6173 (i) by sending the proposition information pamphlet electronically to each individual in
6174 the municipality for whom the municipality has an email address, unless the individual has
6175 indicated that the municipality is prohibited from using the individual's email address for that
6176 purpose; and

6177 (ii) by posting the proposition information pamphlet on the Utah Public Notice
6178 Website, created in Section [~~63F-1-701~~] [63A-16-601](#), and the home page of the municipality's
6179 website, if the municipality has a website, until:

6180 (A) if the sponsors of the proposed initiative or referendum do not timely deliver any
6181 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under
6182 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative
6183 packets or verified referendum packets;

6184 (B) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the
6185 number of signatures necessary to qualify the proposed initiative or referendum for placement
6186 on the ballot is insufficient and the determination is not timely appealed or is upheld after
6187 appeal; or

6188 (C) the day after the date of the election at which the proposed initiative or referendum
6189 appears on the ballot; and

6190 (b) if the municipality regularly mails a newsletter, utility bill, or other material to the
6191 municipality's residents, including an Internet address, where a resident may view the
6192 proposition information pamphlet, in the next mailing, for which the municipality has not
6193 begun preparation, that falls on or after the later of:

6194 (i) 10 days after the day on which the municipality or a court determines that the
6195 proposed initiative or referendum is legally referable to voters; or

6196 (ii) if the election officer modifies an argument under Subsection (2)(c), three days
6197 after the day on which the election officer and the person that submitted the argument agree on
6198 the modification.

6199 (6) An election officer for a county shall, within the later of 10 days after the day on
6200 which the county or a court determines that the proposed initiative or referendum is legally
6201 referable to voters, or, if the election officer modifies an argument under Subsection (2)(c),
6202 three days after the day on which the election officer and the person that submitted the
6203 argument agree on the modification, publish the proposition information pamphlet as follows:

6204 (a) by sending the proposition information pamphlet electronically to each individual
6205 in the county for whom the county has an email address obtained via voter registration; and

6206 (b) by posting the proposition information pamphlet on the Utah Public Notice
6207 Website, created in Section [~~63F-1-701~~] [63A-16-601](#), and the home page of the county's
6208 website, until:

6209 (i) if the sponsors of the proposed initiative or referendum do not timely deliver any
6210 verified initiative packets under Section [20A-7-506](#) or any verified referendum packets under
6211 Section [20A-7-606](#), the day after the date of the deadline for delivery of the verified initiative
6212 packets or verified referendum packets;

6213 (ii) the local clerk determines, under Section [20A-7-507](#) or [20A-7-607](#), that the number
6214 of signatures necessary to qualify the proposed initiative or referendum for placement on the
6215 ballot is insufficient and the determination is not timely appealed or is upheld after appeal; or

6216 (iii) the day after the date of the election at which the proposed initiative or referendum
6217 appears on the ballot.

6218 Section 105. Section [20A-7-402](#) is amended to read:

6219 **[20A-7-402. Local voter information pamphlet -- Contents -- Limitations --](#)**

6220 **Preparation -- Statement on front cover.**

6221 (1) The county or municipality that is subject to a ballot proposition shall prepare a
6222 local voter information pamphlet that complies with the requirements of this part.

6223 (2) (a) Within the time requirements described in Subsection (2)(c)(i), a municipality
6224 that is subject to a special local ballot proposition shall provide a notice that complies with the
6225 requirements of Subsection (2)(c)(ii) to the municipality's residents by:

6226 (i) if the municipality regularly mails a newsletter, utility bill, or other material to the

6227 municipality's residents, including the notice with a newsletter, utility bill, or other material;

6228 (ii) posting the notice, until after the deadline described in Subsection (2)(d) has

6229 passed, on:

6230 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#); and

6231 (B) the home page of the municipality's website, if the municipality has a website; and

6232 (iii) sending the notice electronically to each individual in the municipality for whom

6233 the municipality has an email address.

6234 (b) A county that is subject to a special local ballot proposition shall:

6235 (i) send an electronic notice that complies with the requirements of Subsection

6236 (2)(c)(ii) to each individual in the county for whom the county has an email address; or

6237 (ii) until after the deadline described in Subsection (2)(d) has passed, post a notice that

6238 complies with the requirements of Subsection (2)(c)(ii) on:

6239 (A) the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#); and

6240 (B) the home page of the county's website.

6241 (c) A municipality or county that mails, sends, or posts a notice under Subsection (2)(a)

6242 or (b) shall:

6243 (i) mail, send, or post the notice:

6244 (A) not less than 90 days before the date of the election at which a special local ballot

6245 proposition will be voted upon; or

6246 (B) if the requirements of Subsection (2)(c)(i)(A) cannot be met, as soon as practicable

6247 after the special local ballot proposition is approved to be voted upon in an election; and

6248 (ii) ensure that the notice contains:

6249 (A) the ballot title for the special local ballot proposition;

6250 (B) instructions on how to file a request under Subsection (2)(d); and

6251 (C) the deadline described in Subsection (2)(d).

6252 (d) To prepare a written argument for or against a special local ballot proposition, an

6253 eligible voter shall file a request with the election officer before 5 p.m. no later than 64 days

6254 before the day of the election at which the special local ballot proposition is to be voted on.

6255 (e) If more than one eligible voter requests the opportunity to prepare a written

6256 argument for or against a special local ballot proposition, the election officer shall make the

6257 final designation in accordance with the following order of priority:

6258 (i) sponsors have priority in preparing an argument regarding a special local ballot
6259 proposition; and

6260 (ii) members of the local legislative body have priority over others if a majority of the
6261 local legislative body supports the written argument.

6262 (f) The election officer shall grant a request described in Subsection (2)(d) or (e) no
6263 later than 60 days before the day of the election at which the ballot proposition is to be voted
6264 on.

6265 (g) (i) A sponsor of a special local ballot proposition may prepare a written argument in
6266 favor of the special local ballot proposition.

6267 (ii) Subject to Subsection (2)(e), an eligible voter opposed to the special local ballot
6268 proposition who submits a request under Subsection (2)(d) may prepare a written argument
6269 against the special local ballot proposition.

6270 (h) An eligible voter who submits a written argument under this section in relation to a
6271 special local ballot proposition shall:

6272 (i) ensure that the written argument does not exceed 500 words in length, not counting
6273 the information described in Subsection (2)(h)(ii) or (iv);

6274 (ii) list, at the end of the argument, at least one, but no more than five, names as
6275 sponsors;

6276 (iii) submit the written argument to the election officer before 5 p.m. no later than 55
6277 days before the election day on which the ballot proposition will be submitted to the voters;

6278 (iv) list in the argument, immediately after the eligible voter's name, the eligible voter's
6279 residential address; and

6280 (v) submit with the written argument the eligible voter's name, residential address,
6281 postal address, email address if available, and phone number.

6282 (i) An election officer shall refuse to accept and publish an argument submitted after
6283 the deadline described in Subsection (2)(h)(iii).

6284 (3) (a) An election officer who timely receives the written arguments in favor of and
6285 against a special local ballot proposition shall, within one business day after the day on which
6286 the election office receives both written arguments, send, via mail or email:

6287 (i) a copy of the written argument in favor of the special local ballot proposition to the
6288 eligible voter who submitted the written argument against the special local ballot proposition;

6289 and

6290 (ii) a copy of the written argument against the special local ballot proposition to the
6291 eligible voter who submitted the written argument in favor of the special local ballot
6292 proposition.

6293 (b) The eligible voter who submitted a timely written argument in favor of the special
6294 local ballot proposition:

6295 (i) may submit to the election officer a written rebuttal argument of the written
6296 argument against the special local ballot proposition;

6297 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
6298 not counting the information described in Subsection (2)(h)(ii) or (iv); and

6299 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
6300 before the election day on which the special local ballot proposition will be submitted to the
6301 voters.

6302 (c) The eligible voter who submitted a timely written argument against the special local
6303 ballot proposition:

6304 (i) may submit to the election officer a written rebuttal argument of the written
6305 argument in favor of the special local ballot proposition;

6306 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length,
6307 not counting the information described in Subsection (2)(h)(ii) or (iv); and

6308 (iii) shall submit the written rebuttal argument before 5 p.m. no later than 45 days
6309 before the election day on which the special local ballot proposition will be submitted to the
6310 voters.

6311 (d) An election officer shall refuse to accept and publish a written rebuttal argument in
6312 relation to a special local ballot proposition that is submitted after the deadline described in
6313 Subsection (3)(b)(iii) or (3)(c)(iii).

6314 (4) (a) Except as provided in Subsection (4)(b), in relation to a special local ballot
6315 proposition:

6316 (i) an eligible voter may not modify a written argument or a written rebuttal argument
6317 after the eligible voter submits the written argument or written rebuttal argument to the election
6318 officer; and

6319 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not

6320 modify a written argument or a written rebuttal argument.

6321 (b) The election officer, and the eligible voter who submits a written argument or
6322 written rebuttal argument in relation to a special local ballot proposition, may jointly agree to
6323 modify a written argument or written rebuttal argument in order to:

6324 (i) correct factual, grammatical, or spelling errors; and

6325 (ii) reduce the number of words to come into compliance with the requirements of this
6326 section.

6327 (c) An election officer shall refuse to accept and publish a written argument or written
6328 rebuttal argument in relation to a special local ballot proposition if the eligible voter who
6329 submits the written argument or written rebuttal argument fails to negotiate, in good faith, to
6330 modify the written argument or written rebuttal argument in accordance with Subsection (4)(b).

6331 (5) In relation to a special local ballot proposition, an election officer may designate
6332 another eligible voter to take the place of an eligible voter described in this section if the
6333 original eligible voter is, due to injury, illness, death, or another circumstance, unable to
6334 continue to fulfill the duties of an eligible voter described in this section.

6335 (6) Sponsors whose written argument in favor of a standard local ballot proposition is
6336 included in a proposition information pamphlet under Section [20A-7-401.5](#):

6337 (a) may, if a written argument against the standard local ballot proposition is included
6338 in the proposition information pamphlet, submit a written rebuttal argument to the election
6339 officer;

6340 (b) shall ensure that the written rebuttal argument does not exceed 250 words in length;
6341 and

6342 (c) shall submit the written rebuttal argument no later than 45 days before the election
6343 day on which the standard local ballot proposition will be submitted to the voters.

6344 (7) (a) A county or municipality that submitted a written argument against a standard
6345 local ballot proposition that is included in a proposition information pamphlet under Section
6346 [20A-7-401.5](#):

6347 (i) may, if a written argument in favor of the standard local ballot proposition is
6348 included in the proposition information pamphlet, submit a written rebuttal argument to the
6349 election officer;

6350 (ii) shall ensure that the written rebuttal argument does not exceed 250 words in length;

6351 and

6352 (iii) shall submit the written rebuttal argument no later than 45 days before the election
6353 day on which the ballot proposition will be submitted to the voters.

6354 (b) If a county or municipality submits more than one written rebuttal argument under
6355 Subsection (7)(a)(i), the election officer shall select one of the written rebuttal arguments,
6356 giving preference to a written rebuttal argument submitted by a member of a local legislative
6357 body.

6358 (8) (a) An election officer shall refuse to accept and publish a written rebuttal argument
6359 that is submitted after the deadline described in Subsection (6)(c) or (7)(a)(iii).

6360 (b) Before an election officer publishes a local voter information pamphlet under this
6361 section, a written rebuttal argument is a draft for purposes of Title 63G, Chapter 2, Government
6362 Records Access and Management Act.

6363 (c) An election officer who receives a written rebuttal argument described in this
6364 section may not, before publishing the local voter information pamphlet described in this
6365 section, disclose the written rebuttal argument, or any information contained in the written
6366 rebuttal argument, to any person who may in any way be involved in preparing an opposing
6367 rebuttal argument.

6368 (9) (a) Except as provided in Subsection (9)(b), a person may not modify a written
6369 rebuttal argument after the written rebuttal argument is submitted to the election officer.

6370 (b) The election officer, and the person who submits a written rebuttal argument, may
6371 jointly agree to modify a written rebuttal argument in order to:

6372 (i) correct factual, grammatical, or spelling errors; or

6373 (ii) reduce the number of words to come into compliance with the requirements of this
6374 section.

6375 (c) An election officer shall refuse to accept and publish a written rebuttal argument if
6376 the person who submits the written rebuttal argument:

6377 (i) fails to negotiate, in good faith, to modify the written rebuttal argument in
6378 accordance with Subsection (9)(b); or

6379 (ii) does not timely submit the written rebuttal argument to the election officer.

6380 (d) An election officer shall make a good faith effort to negotiate a modification
6381 described in Subsection (9)(b) in an expedited manner.

6382 (10) An election officer may designate another person to take the place of a person who
6383 submits a written rebuttal argument in relation to a standard local ballot proposition if the
6384 person is, due to injury, illness, death, or another circumstance, unable to continue to fulfill the
6385 person's duties.

6386 (11) (a) The local voter information pamphlet shall include a copy of the initial fiscal
6387 impact estimate and the legal impact statement prepared for each initiative under Section
6388 [20A-7-502.5](#).

6389 (b) If the initiative proposes a tax increase, the local voter information pamphlet shall
6390 include the following statement in bold type:

6391 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax
6392 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent
6393 increase in the current tax rate."

6394 (12) (a) In preparing the local voter information pamphlet, the election officer shall:

6395 (i) ensure that the written arguments are printed on the same sheet of paper upon which
6396 the ballot proposition is also printed;

6397 (ii) ensure that the following statement is printed on the front cover or the heading of
6398 the first page of the printed written arguments:

6399 "The arguments for or against a ballot proposition are the opinions of the authors.";

6400 (iii) pay for the printing and binding of the local voter information pamphlet; and

6401 (iv) not less than 15 days before, but not more than 45 days before, the election at
6402 which the ballot proposition will be voted on, distribute, by mail or carrier, to each registered
6403 voter entitled to vote on the ballot proposition:

6404 (A) a voter information pamphlet; or

6405 (B) the notice described in Subsection (12)(c).

6406 (b) (i) If the language of the ballot proposition exceeds 500 words in length, the
6407 election officer may summarize the ballot proposition in 500 words or less.

6408 (ii) The summary shall state where a complete copy of the ballot proposition is
6409 available for public review.

6410 (c) (i) The election officer may distribute a notice printed on a postage prepaid,
6411 preaddressed return form that a person may use to request delivery of a voter information
6412 pamphlet by mail.

6413 (ii) The notice described in Subsection (12)(c)(i) shall include:

6414 (A) the address of the Statewide Electronic Voter Information Website authorized by
6415 Section [20A-7-801](#); and

6416 (B) the phone number a voter may call to request delivery of a voter information
6417 pamphlet by mail or carrier.

6418 Section 106. Section [20A-9-203](#) is amended to read:

6419 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

6420 (1) An individual may become a candidate for any municipal office if:

6421 (a) the individual is a registered voter; and

6422 (b) (i) the individual has resided within the municipality in which the individual seeks
6423 to hold elective office for the 12 consecutive months immediately before the date of the
6424 election; or

6425 (ii) the territory in which the individual resides was annexed into the municipality, the
6426 individual has resided within the annexed territory or the municipality the 12 consecutive
6427 months immediately before the date of the election.

6428 (2) (a) For purposes of determining whether an individual meets the residency
6429 requirement of Subsection (1)(b)(i) in a municipality that was incorporated less than 12 months
6430 before the election, the municipality is considered to have been incorporated 12 months before
6431 the date of the election.

6432 (b) In addition to the requirements of Subsection (1), each candidate for a municipal
6433 council position shall, if elected from a district, be a resident of the council district from which
6434 the candidate is elected.

6435 (c) In accordance with Utah Constitution, Article IV, Section 6, a mentally incompetent
6436 individual, an individual convicted of a felony, or an individual convicted of treason or a crime
6437 against the elective franchise may not hold office in this state until the right to hold elective
6438 office is restored under Section [20A-2-101.3](#) or [20A-2-101.5](#).

6439 (3) (a) An individual seeking to become a candidate for a municipal office shall,
6440 regardless of the nomination method by which the individual is seeking to become a candidate:

6441 (i) except as provided in Subsection (3)(b) or Title 20A, Chapter 4, Part 6, Municipal
6442 Alternate Voting Methods Pilot Project, and subject to Subsection [20A-9-404\(3\)\(e\)](#), file a
6443 declaration of candidacy, in person with the city recorder or town clerk, during the office hours

6444 described in Section 10-3-301 and not later than the close of those office hours, between June 1
6445 and June 7 of any odd-numbered year; and

6446 (ii) pay the filing fee, if one is required by municipal ordinance.

6447 (b) Subject to Subsection (5)(b), an individual may designate an agent to file a
6448 declaration of candidacy with the city recorder or town clerk if:

6449 (i) the individual is located outside of the state during the entire filing period;

6450 (ii) the designated agent appears in person before the city recorder or town clerk;

6451 (iii) the individual communicates with the city recorder or town clerk using an
6452 electronic device that allows the individual and city recorder or town clerk to see and hear each
6453 other; and

6454 (iv) the individual provides the city recorder or town clerk with an email address to
6455 which the city recorder or town clerk may send the individual the copies described in
6456 Subsection (4).

6457 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

6458 (i) except as provided in Title 20A, Chapter 4, Part 6, Municipal Alternate Voting

6459 Methods Pilot Project, filing a nomination petition with the city recorder or town clerk during

6460 the office hours described in Section 10-3-301 and not later than the close of those office

6461 hours, between June 1 and June 7 of any odd-numbered year that includes signatures in support
6462 of the nomination petition of the lesser of at least:

6463 (A) 25 registered voters who reside in the municipality; or

6464 (B) 20% of the registered voters who reside in the municipality; and

6465 (ii) paying the filing fee, if one is required by municipal ordinance.

6466 (4) (a) Before the filing officer may accept any declaration of candidacy or nomination
6467 petition, the filing officer shall:

6468 (i) read to the prospective candidate or individual filing the petition the constitutional
6469 and statutory qualification requirements for the office that the candidate is seeking;

6470 (ii) require the candidate or individual filing the petition to state whether the candidate
6471 meets the requirements described in Subsection (4)(a)(i); and

6472 (iii) inform the candidate or the individual filing the petition that an individual who
6473 holds a municipal elected office may not, at the same time, hold a county elected office.

6474 (b) If the prospective candidate does not meet the qualification requirements for the

6475 office, the filing officer may not accept the declaration of candidacy or nomination petition.

6476 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
6477 filing officer shall:

6478 (i) inform the candidate that the candidate's name will appear on the ballot as it is
6479 written on the declaration of candidacy;

6480 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
6481 for the office the candidate is seeking and inform the candidate that failure to comply will
6482 result in disqualification as a candidate and removal of the candidate's name from the ballot;

6483 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
6484 Electronic Voter Information Website Program and inform the candidate of the submission
6485 deadline under Subsection 20A-7-801(4)(a);

6486 (iv) provide the candidate with a copy of the pledge of fair campaign practices
6487 described under Section 20A-9-206 and inform the candidate that:

6488 (A) signing the pledge is voluntary; and

6489 (B) signed pledges shall be filed with the filing officer; and

6490 (v) accept the declaration of candidacy or nomination petition.

6491 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
6492 officer shall:

6493 (i) accept the candidate's pledge; and

6494 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
6495 candidate's pledge to the chair of the county or state political party of which the candidate is a
6496 member.

6497 (5) (a) The declaration of candidacy shall be in substantially the following form:

6498 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
6499 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
6500 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
6501 the legal qualifications required of candidates for this office. If filing via a designated agent, I
6502 attest that I will be out of the state of Utah during the entire candidate filing period. I will file
6503 all campaign financial disclosure reports as required by law and I understand that failure to do
6504 so will result in my disqualification as a candidate for this office and removal of my name from
6505 the ballot. I request that my name be printed upon the applicable official ballots. (Signed)

6506 _____

6507 Subscribed and sworn to (or affirmed) before me by ____ on this

6508 _____(month\day\year).

6509 (Signed) _____ (Clerk or other officer qualified to administer oath)".

6510 (b) An agent designated under Subsection (3)(b) to file a declaration of candidacy may
6511 not sign the form described in Subsection (5)(a).

6512 (c) (i) A nomination petition shall be in substantially the following form:

6513 "NOMINATION PETITION

6514 The undersigned residents of (name of municipality), being registered voters, nominate
6515 (name of nominee) for the office of (name of office) for the (length of term of office)."

6516 (ii) The remainder of the petition shall contain lines and columns for the signatures of
6517 individuals signing the petition and each individual's address and phone number.

6518 (6) If the declaration of candidacy or nomination petition fails to state whether the
6519 nomination is for the two-year or four-year term, the clerk shall consider the nomination to be
6520 for the four-year term.

6521 (7) (a) The clerk shall verify with the county clerk that all candidates are registered
6522 voters.

6523 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
6524 print the candidate's name on the ballot.

6525 (8) Immediately after expiration of the period for filing a declaration of candidacy, the
6526 clerk shall:

6527 (a) publish a list of the names of the candidates as they will appear on the ballot:

6528 (i) (A) in at least two successive publications of a newspaper of general circulation in
6529 the municipality;

6530 (B) if there is no newspaper of general circulation in the municipality, by posting one
6531 copy of the list, and at least one additional copy of the list per 2,000 population of the
6532 municipality, in places within the municipality that are most likely to give notice to the voters
6533 in the municipality; or

6534 (C) by mailing notice to each registered voter in the municipality;

6535 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
6536 seven days;

6537 (iii) in accordance with Section 45-1-101, for seven days; and
6538 (iv) if the municipality has a website, on the municipality's website for seven days; and
6539 (b) notify the lieutenant governor of the names of the candidates as they will appear on
6540 the ballot.

6541 (9) Except as provided in Subsection (10)(c), an individual may not amend a
6542 declaration of candidacy or nomination petition filed under this section after the candidate
6543 filing period ends.

6544 (10) (a) A declaration of candidacy or nomination petition that an individual files under
6545 this section is valid unless a person files a written objection with the clerk before 5 p.m. within
6546 five days after the last day for filing.

6547 (b) If a person files an objection, the clerk shall:

6548 (i) mail or personally deliver notice of the objection to the affected candidate
6549 immediately; and

6550 (ii) decide any objection within 48 hours after the objection is filed.

6551 (c) If the clerk sustains the objection, the candidate may, before 5 p.m. within three
6552 days after the day on which the clerk sustains the objection, correct the problem for which the
6553 objection is sustained by amending the candidate's declaration of candidacy or nomination
6554 petition, or by filing a new declaration of candidacy.

6555 (d) (i) The clerk's decision upon objections to form is final.

6556 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
6557 prompt application is made to the district court.

6558 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
6559 of its discretion, agrees to review the lower court decision.

6560 (11) A candidate who qualifies for the ballot under this section may withdraw as a
6561 candidate by filing a written affidavit with the municipal clerk.

6562 Section 107. Section 20A-13-104 is amended to read:

6563 **20A-13-104. Uncertain boundaries -- How resolved.**

6564 (1) As used in this section, "affected party" means:

6565 (a) a representative whose Congressional district boundary is uncertain because the
6566 boundary in the Congressional shapefile used to establish the district boundary has been
6567 removed, modified, or is unable to be identified or who is uncertain about whether or not the

6568 representative or another person resides in a particular Congressional district;

6569 (b) a candidate for Congressional representative whose Congressional district boundary
6570 is uncertain because the boundary in the Congressional shapefile used to establish the district
6571 boundary has been removed, modified, or is unable to be identified or who is uncertain about
6572 whether or not the candidate or another person resides in a particular Congressional district; or

6573 (c) a person who is uncertain about which Congressional district contains the person's
6574 residence because the boundary in the Congressional shapefile used to establish the district
6575 boundary has been removed, modified, or is unable to be identified.

6576 (2) (a) An affected party may file a written request petitioning the lieutenant governor
6577 to determine:

6578 (i) the precise location of the Congressional district boundary;

6579 (ii) the number of the Congressional district in which a person resides; or

6580 (iii) both Subsections (2)(a)(i) and (ii).

6581 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
6582 governor shall review the Congressional shapefile and obtain and review other relevant data
6583 such as aerial photographs, aerial maps, or other data about the area.

6584 (c) Within five days of receipt of the request, the lieutenant governor shall review the
6585 Congressional shapefile, obtain and review any relevant data, and make a determination.

6586 (d) When the lieutenant governor determines the location of the Congressional district
6587 boundary, the lieutenant governor shall:

6588 (i) prepare a certification identifying the appropriate boundary and attaching a map, if
6589 necessary; and

6590 (ii) send a copy of the certification to:

6591 (A) the affected party;

6592 (B) the county clerk of the affected county; and

6593 (C) the Automated Geographic Reference Center created under Section [63F-1-506]
6594 [63A-16-505](#).

6595 (e) If the lieutenant governor determines the number of the Congressional district in
6596 which a particular person resides, the lieutenant governor shall send a letter identifying that
6597 district by number to:

6598 (i) the person;

6599 (ii) the affected party who filed the petition, if different than the person whose
6600 Congressional district number was identified; and

6601 (iii) the county clerk of the affected county.

6602 Section 108. Section **20A-14-101.5** is amended to read:

6603 **20A-14-101.5. State Board of Education -- Number of members -- State Board of**
6604 **Education district boundaries.**

6605 (1) As used in this section:

6606 (a) "County boundary" means the county boundary's location in the database as of
6607 January 1, 2010.

6608 (b) "Database" means the State Geographic Information Database created in Section
6609 [~~63F-1-507~~] [63A-16-506](#).

6610 (c) "Local school district boundary" means the local school district boundary's location
6611 in the database as of January 1, 2010.

6612 (d) "Municipal boundary" means the municipal boundary's location in the database as
6613 of January 1, 2010.

6614 (2) The State Board of Education shall consist of 15 members, with one member to be
6615 elected from each State Board of Education district.

6616 (3) The Legislature adopts the official census population figures and maps of the
6617 Bureau of the Census of the United States Department of Commerce developed in connection
6618 with the taking of the 2010 national decennial census as the official data for establishing State
6619 Board of Education district boundaries.

6620 (4) (a) Notwithstanding Subsection (3), the Legislature enacts the district numbers and
6621 boundaries of the State Board of Education districts designated in the Board shapefile that is
6622 the electronic component of the bill that enacts this section.

6623 (b) That Board shapefile, and the State Board of Education district boundaries
6624 generated from that Board shapefile, may be accessed via the Utah Legislature's website.

6625 Section 109. Section **20A-14-102.2** is amended to read:

6626 **20A-14-102.2. Uncertain boundaries -- How resolved.**

6627 (1) As used in this section:

6628 (a) "Affected party" means:

6629 (i) a state school board member whose State Board of Education district boundary is

6630 uncertain because the feature used to establish the district boundary in the Board shapefile has
6631 been removed, modified, or is unable to be identified or who is uncertain about whether or not
6632 the member or another person resides in a particular State Board of Education district;

6633 (ii) a candidate for state school board whose State Board of Education district
6634 boundary is uncertain because the feature used to establish the district boundary in the Board
6635 shapefile has been removed, modified, or is unable to be identified or who is uncertain about
6636 whether or not the candidate or another person resides in a particular State Board of Education
6637 district; or

6638 (iii) a person who is uncertain about which State Board of Education district contains
6639 the person's residence because the feature used to establish the district boundary in the Board
6640 shapefile has been removed, modified, or is unable to be identified.

6641 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
6642 political subdivision boundary that is used to establish a State Board of Education district
6643 boundary.

6644 (2) (a) An affected party may file a written request petitioning the lieutenant governor
6645 to determine:

6646 (i) the precise location of the State Board of Education district boundary;
6647 (ii) the number of the State Board of Education district in which a person resides; or
6648 (iii) both Subsections (2)(a)(i) and (ii).

6649 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
6650 governor shall review:

6651 (i) the Board shapefile; and
6652 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the
6653 area.

6654 (c) Within five days of receipt of the request, the lieutenant governor shall:

6655 (i) review the Board block shapefile;
6656 (ii) review any relevant data; and
6657 (iii) make a determination.

6658 (d) If the lieutenant governor determines the precise location of the State Board of
6659 Education district boundary, the lieutenant governor shall:

6660 (i) prepare a certification identifying the appropriate State Board of Education district

6661 boundary and attaching a map, if necessary; and
6662 (ii) send a copy of the certification to:
6663 (A) the affected party;
6664 (B) the county clerk of the affected county; and
6665 (C) the Automated Geographic Reference Center created under Section [~~63F-1-506~~
6666 [63A-16-505](#)].

6667 (e) If the lieutenant governor determines the number of the State Board of Education
6668 district in which a particular person resides, the lieutenant governor shall send a letter
6669 identifying that district by number to:

6670 (i) the person;
6671 (ii) the affected party who filed the petition, if different than the person whose State
6672 Board of Education district number was identified; and
6673 (iii) the county clerk of the affected county.

6674 Section 110. Section **20A-14-201** is amended to read:

6675 **20A-14-201. Boards of education -- School board districts -- Creation --**
6676 **Reapportionment.**

6677 (1) (a) The county legislative body, for local school districts whose boundaries
6678 encompass more than a single municipality, and the municipal legislative body, for school
6679 districts contained completely within a municipality, shall divide the local school district into
6680 local school board districts as required under Subsection [20A-14-202\(1\)\(a\)](#).

6681 (b) The county and municipal legislative bodies shall divide the school district so that
6682 the local school board districts are substantially equal in population and are as contiguous and
6683 compact as practicable.

6684 (2) (a) County and municipal legislative bodies shall reapportion district boundaries to
6685 meet the population, compactness, and contiguity requirements of this section:

6686 (i) at least once every 10 years;
6687 (ii) if a new district is created:
6688 (A) within 45 days after the canvass of an election at which voters approve the creation
6689 of a new district; and
6690 (B) at least 60 days before the candidate filing deadline for a school board election;
6691 (iii) whenever districts are consolidated;

6692 (iv) whenever a district loses more than 20% of the population of the entire school
6693 district to another district;

6694 (v) whenever a district loses more than 50% of the population of a local school board
6695 district to another district;

6696 (vi) whenever a district receives new residents equal to at least 20% of the population
6697 of the district at the time of the last reapportionment because of a transfer of territory from
6698 another district; and

6699 (vii) whenever it is necessary to increase the membership of a board from five to seven
6700 members as a result of changes in student membership under Section [20A-14-202](#).

6701 (b) If a school district receives territory containing less than 20% of the population of
6702 the transferee district at the time of the last reapportionment, the local school board may assign
6703 the new territory to one or more existing school board districts.

6704 (3) (a) Reapportionment does not affect the right of any school board member to
6705 complete the term for which the member was elected.

6706 (b) (i) After reapportionment, representation in a local school board district shall be
6707 determined as provided in this Subsection (3).

6708 (ii) If only one board member whose term extends beyond reapportionment lives
6709 within a reapportioned local school board district, that board member shall represent that local
6710 school board district.

6711 (iii) (A) If two or more members whose terms extend beyond reapportionment live
6712 within a reapportioned local school board district, the members involved shall select one
6713 member by lot to represent the local school board district.

6714 (B) The other members shall serve at-large for the remainder of their terms.

6715 (C) The at-large board members shall serve in addition to the designated number of
6716 board members for the board in question for the remainder of their terms.

6717 (iv) If there is no board member living within a local school board district whose term
6718 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in
6719 this part.

6720 (4) (a) If, before an election affected by reapportionment, the county or municipal
6721 legislative body that conducted the reapportionment determines that one or more members
6722 shall be elected to terms of two years to meet this part's requirements for staggered terms, the

6723 legislative body shall determine by lot which of the reapportioned local school board districts
6724 will elect members to two-year terms and which will elect members to four-year terms.

6725 (b) All subsequent elections are for four-year terms.

6726 (5) Within 10 days after any local school board district boundary change, the county or
6727 municipal legislative body making the change shall send an accurate map or plat of the
6728 boundary change to the Automated Geographic Reference Center created under Section
6729 ~~[63F-1-506]~~ [63A-16-505](#).

6730 Section 111. Section **20A-20-203** is amended to read:

6731 **20A-20-203. Exemptions from and applicability of certain legal requirements --**
6732 **Risk management -- Code of ethics.**

6733 (1) The commission is exempt from:

6734 (a) except as provided in Subsection (3), Title 63A, Utah ~~[Administrative Services]~~

6735 Government Operations Code;

6736 (b) Title 63G, Chapter 4, Administrative Procedures Act; and

6737 (c) Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah State Personnel Management Act.

6738 (2) (a) The commission shall adopt budgetary procedures, accounting, and personnel
6739 and human resource policies substantially similar to those from which the commission is
6740 exempt under Subsection (1).

6741 (b) The commission is subject to:

6742 (i) Title 52, Chapter 4, Open and Public Meetings Act;

6743 (ii) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;

6744 (iii) Title 63G, Chapter 2, Government Records Access and Management Act;

6745 (iv) Title 63G, Chapter 6a, Utah Procurement Code; and

6746 (v) Title 63J, Chapter 1, Budgetary Procedures Act.

6747 (3) Subject to the requirements of Subsection [63E-1-304\(2\)](#), the commission may
6748 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

6749 (4) (a) The commission may, by majority vote, adopt a code of ethics.

6750 (b) The commission, and the commission's members and employees, shall comply with
6751 a code of ethics adopted under Subsection (4)(a).

6752 (c) The executive director of the commission shall report a commission member's
6753 violation of a code of ethics adopted under Subsection (4)(a) to the appointing authority of the

6754 commission member.

6755 (d) (i) A violation of a code of ethics adopted under Subsection (4)(a) constitutes cause
6756 to remove a member from the commission under Subsection 20A-20-201(3)(b).

6757 (ii) An act or omission by a member of the commission need not constitute a violation
6758 of a code of ethics adopted under Subsection (4)(a) to be grounds to remove a member of the
6759 commission for cause.

6760 Section 112. Section 26-6-27 is amended to read:

6761 **26-6-27. Information regarding communicable or reportable diseases**

6762 **confidentiality -- Exceptions.**

6763 (1) Information collected pursuant to this chapter in the possession of the department
6764 or local health departments relating to an individual who has or is suspected of having a disease
6765 designated by the department as a communicable or reportable disease under this chapter shall
6766 be held by the department and local health departments as strictly confidential. The department
6767 and local health departments may not release or make public that information upon subpoena,
6768 search warrant, discovery proceedings, or otherwise, except as provided by this section.

6769 (2) The information described in Subsection (1) may be released by the department or
6770 local health departments only in accordance with the requirements of this chapter and as
6771 follows:

6772 (a) specific medical or epidemiological information may be released with the written
6773 consent of the individual identified in that information or, if that individual is deceased, his
6774 next-of-kin;

6775 (b) specific medical or epidemiological information may be released to medical
6776 personnel or peace officers in a medical emergency, as determined by the department in
6777 accordance with guidelines it has established, only to the extent necessary to protect the health
6778 or life of the individual identified in the information, or of the attending medical personnel or
6779 law enforcement or public safety officers;

6780 (c) specific medical or epidemiological information may be released to authorized
6781 personnel within the department, local health departments, public health authorities, official
6782 health agencies in other states, the United States Public Health Service, the Centers for Disease
6783 Control and Prevention (CDC), or when necessary to continue patient services or to undertake
6784 public health efforts to interrupt the transmission of disease;

6785 (d) if the individual identified in the information is under the age of 18, the information
6786 may be released to the Division of Child and Family Services within the Department of Human
6787 Services in accordance with Section [62A-4a-403](#). If that information is required in a court
6788 proceeding involving child abuse or sexual abuse under Title 76, Chapter 5, Offenses Against
6789 the Person, the information shall be disclosed in camera and sealed by the court upon
6790 conclusion of the proceedings;

6791 (e) specific medical or epidemiological information may be released to authorized
6792 personnel in the department or in local health departments, and to the courts, to carry out the
6793 provisions of this title, and rules adopted by the department in accordance with this title;

6794 (f) specific medical or epidemiological information may be released to blood banks,
6795 organ and tissue banks, and similar institutions for the purpose of identifying individuals with
6796 communicable diseases. The department may, by rule, designate the diseases about which
6797 information may be disclosed under this subsection, and may choose to release the name of an
6798 infected individual to those organizations without disclosing the specific disease;

6799 (g) specific medical or epidemiological information may be released in such a way that
6800 no individual is identifiable;

6801 (h) specific medical or epidemiological information may be released to a "health care
6802 provider" as defined in Section [78B-3-403](#), health care personnel, and public health personnel
6803 who have a legitimate need to have access to the information in order to assist the patient, or to
6804 protect the health of others closely associated with the patient;

6805 (i) specific medical or epidemiological information regarding a health care provider, as
6806 defined in Section [78B-3-403](#), may be released to the department, the appropriate local health
6807 department, and the Division of Occupational and Professional Licensing within the
6808 Department of Commerce, if the identified health care provider is endangering the safety or life
6809 of any individual by his continued practice of health care;

6810 (j) specific medical or epidemiological information may be released in accordance with
6811 Section [26-6-31](#) if an individual is not identifiable; and

6812 (k) specific medical or epidemiological information may be released to a state agency
6813 as defined in Section [~~67-25-102~~] [63A-17-1301](#), to perform the analysis described in
6814 Subsection [26-6-32\(4\)](#) if the state agency agrees to act in accordance with the requirements in
6815 this chapter.

6816 (3) The provisions of Subsection (2)(h) do not create a duty to warn third parties, but is
6817 intended only to aid health care providers in their treatment and containment of infectious
6818 disease.

6819 Section 113. Section **26-6-32** is amended to read:

6820 **26-6-32. Testing for COVID-19 for high-risk individuals at care facilities --**
6821 **Collection and release of information regarding risk factors and comorbidities for**
6822 **COVID-19.**

6823 (1) As used in this section:

6824 (a) "Care facility" means a facility described in Subsections [26-6-6\(2\)](#) through (6).

6825 (b) "COVID-19" means the same as that term is defined in Section [78B-4-517](#).

6826 (2) (a) At the request of the department or a local health department, an individual who
6827 meets the criteria established by the department under Subsection (2)(b) shall submit to testing
6828 for COVID-19.

6829 (b) The department:

6830 (i) shall establish protocols to identify and test individuals who are present at a care
6831 facility and are at high risk for contracting COVID-19;

6832 (ii) may establish criteria to identify care facilities where individuals are at high risk for
6833 COVID-19; and

6834 (iii) may establish who is responsible for the costs of the testing.

6835 (c) (i) The protocols described in Subsection (2)(b)(i) shall:

6836 (A) notwithstanding Subsection (2)(a), permit an individual who is a resident of a care
6837 facility to refuse testing; and

6838 (B) specify criteria for when an individual's refusal to submit to testing under
6839 Subsection (2)(c)(i)(A) endangers the health or safety of other individuals at the care facility.

6840 (ii) Notwithstanding any other provision of state law, a care facility may discharge a
6841 resident who declines testing requested by the department under Subsection (2)(a) if:

6842 (A) under the criteria specified by the department under Subsection (2)(c)(i)(B), the
6843 resident's refusal to submit to testing endangers the health or safety of other individuals at the
6844 care facility; and

6845 (B) discharging the resident does not violate federal law.

6846 (3) The department may establish protocols to collect information regarding the

6847 individual's age and relevant comorbidities from an individual who receives a positive test
6848 result for COVID-19.

6849 (4) (a) The department shall publish deidentified information regarding comorbidities
6850 and other risk factors for COVID-19 in a manner that is accessible to the public.

6851 (b) The department may work with a state agency as defined in Section [~~67-25-102~~]
6852 [63A-17-1301](#), to perform the analysis or publish the information described in Subsection
6853 (4)(a).

6854 Section 114. Section **26-61a-111** is amended to read:

6855 **26-61a-111. Nondiscrimination for medical care or government employment --**
6856 **Notice to prospective and current public employees -- No effect on private employers.**

6857 (1) For purposes of medical care, including an organ or tissue transplant, a patient's
6858 use, in accordance with this chapter, of cannabis in a medicinal dosage form or a cannabis
6859 product in a medicinal dosage form:

6860 (a) is considered the equivalent of the authorized use of any other medication used at
6861 the discretion of a physician; and

6862 (b) does not constitute the use of an illicit substance or otherwise disqualify an
6863 individual from needed medical care.

6864 (2) (a) Notwithstanding any other provision of law and except as provided in
6865 Subsection (2)(b), the state or any political subdivision shall treat an employee's use of medical
6866 cannabis in accordance with this chapter or Section [58-37-3.7](#) in the same way the state or
6867 political subdivision treats employee use of any prescribed controlled substance.

6868 (b) A state or political subdivision employee who has a valid medical cannabis card is
6869 not subject to adverse action, as that term is defined in Section [67-21-2](#), for failing a drug test
6870 due to marijuana or tetrahydrocannabinol without evidence that the employee was impaired or
6871 otherwise adversely affected in the employee's job performance due to the use of medical
6872 cannabis.

6873 (c) Subsections (2)(a) and (b) do not apply where the application of Subsection (2)(a) or
6874 (b) would jeopardize federal funding, a federal security clearance, or any other federal
6875 background determination required for the employee's position, or if the employee's position is
6876 dependent on a license that is subject to federal regulations.

6877 (3) (a) (i) A state employer or a political subdivision employer shall take the action

6878 described in Subsection (3)(a)(ii) before:

6879 (A) giving to a current employee an assignment or duty that arises from or directly
6880 relates to an obligation under this chapter; or

6881 (B) hiring a prospective employee whose assignments or duties would include an
6882 assignment or duty that arises from or directly relates to an obligation under this chapter.

6883 (ii) The employer described in Subsection (3)(a)(i) shall give the employee or
6884 prospective employee described in Subsection (3)(a)(i) a written notice that notifies the
6885 employee or prospective employee:

6886 (A) that the employee's or prospective employee's job duties may require the employee
6887 or prospective employee to engage in conduct which is in violation of the criminal laws of the
6888 United States; and

6889 (B) that in accepting a job or undertaking a duty described in Subsection (3)(a)(i),
6890 although the employee or prospective employee is entitled to the protections of Title 67,
6891 Chapter 21, Utah Protection of Public Employees Act, the employee may not object or refuse to
6892 carry out an assignment or duty that may be a violation of the criminal laws of the United
6893 States with respect to the manufacture, sale, or distribution of cannabis.

6894 (b) The Department of Human Resource Management shall create, revise, and publish
6895 the form of the notice described in Subsection (3)(a).

6896 (c) Notwithstanding Subsection [67-21-3\(3\)](#), an employee who has signed the notice
6897 described in Subsection (3)(a) may not:

6898 (i) claim in good faith that the employee's actions violate or potentially violate the laws
6899 of the United States with respect to the manufacture, sale, or distribution of cannabis; or

6900 (ii) refuse to carry out a directive that the employee reasonably believes violates the
6901 criminal laws of the United States with respect to the manufacture, sale, or distribution of
6902 cannabis.

6903 (d) An employer may not take retaliatory action as defined in Section [~~67-19a-101~~
6904 [63A-17-601](#)] against a current employee who refuses to sign the notice described in Subsection
6905 (3)(a).

6906 (4) Nothing in this section requires a private employer to accommodate the use of
6907 medical cannabis or affects the ability of a private employer to have policies restricting the use
6908 of medical cannabis by applicants or employees.

6909 Section 115. Section **26-61a-303** is amended to read:

6910 **26-61a-303. Renewal.**

6911 (1) The department shall renew a license under this part every year if, at the time of
6912 renewal:

6913 (a) the licensee meets the requirements of Section [26-61a-301](#);

6914 (b) the licensee pays the department a license renewal fee in an amount that, subject to
6915 Subsection [26-61a-109](#)(5), the department sets in accordance with Section [63J-1-504](#); and

6916 (c) if the medical cannabis pharmacy changes the operating plan described in Section
6917 [26-61a-304](#) that the department approved under Subsection [26-61a-301](#)(2)(b)(iv), the
6918 department approves the new operating plan.

6919 (2) (a) If a licensed medical cannabis pharmacy abandons the medical cannabis
6920 pharmacy's license, the department shall publish notice of an available license:

6921 (i) in a newspaper of general circulation for the geographic area in which the medical
6922 cannabis pharmacy license is available; or

6923 (ii) on the Utah Public Notice Website established in Section [~~63F-1-701~~] [63A-16-601](#).

6924 (b) The department may establish criteria, in collaboration with the Division of
6925 Occupational and Professional Licensing and the Board of Pharmacy and in accordance with
6926 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to identify the medical cannabis
6927 pharmacy actions that constitute abandonment of a medical cannabis pharmacy license.

6928 Section 116. Section **31A-2-103** is amended to read:

6929 **31A-2-103. Commissioner's appointees.**

6930 (1) The commissioner may appoint up to three persons to assist the commissioner. The
6931 commissioner may designate a person appointed under this section as a "deputy,"
6932 "administrative assistant," "secretary," or any other title chosen by the commissioner.

6933 (2) Persons appointed under this section are exempt from career service status under
6934 Section [~~67-19-15~~] [63A-17-301](#) and serve at the pleasure of the commissioner.

6935 Section 117. Section **32B-1-303** is amended to read:

6936 **32B-1-303. Qualifications related to employment with the department.**

6937 (1) The department may not employ a person if that person has been convicted of:

6938 (a) within seven years before the day on which the department employs the person, a
6939 felony under a federal law or state law;

- 6940 (b) within four years before the day on which the department employs the person:
- 6941 (i) a violation of a federal law, state law, or local ordinance concerning the sale, offer
- 6942 for sale, warehousing, manufacture, distribution, transportation, or adulteration of an alcoholic
- 6943 product; or
- 6944 (ii) a crime involving moral turpitude; or
- 6945 (c) on two or more occasions within the five years before the day on which the
- 6946 department employs the person, driving under the influence of alcohol, drugs, or the combined
- 6947 influence of alcohol and drugs.
- 6948 (2) The director may terminate a department employee or take other disciplinary action
- 6949 consistent with Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act, if:
- 6950 (a) after the day on which the department employs the department employee, the
- 6951 department employee is found to have been convicted of an offense described in Subsection (1)
- 6952 before being employed by the department; or
- 6953 (b) on or after the day on which the department employs the department employee, the
- 6954 department employee:
- 6955 (i) is convicted of an offense described in Subsection (1)(a) or (b); or
- 6956 (ii) (A) is convicted of driving under the influence of alcohol, drugs, or the combined
- 6957 influence of alcohol and drugs; and
- 6958 (B) was convicted of driving under the influence of alcohol, drugs, or the combined
- 6959 influence of alcohol and drugs within five years before the day on which the person is
- 6960 convicted of the offense described in Subsection (2)(b)(ii)(A).
- 6961 (3) The director may immediately suspend a department employee for the period
- 6962 during which a criminal matter is being adjudicated if the department employee:
- 6963 (a) is arrested on a charge for an offense described in Subsection (1)(a) or (b); or
- 6964 (b) (i) is arrested on a charge for the offense of driving under the influence of alcohol,
- 6965 drugs, or the combined influence of alcohol and drugs; and
- 6966 (ii) was convicted of driving under the influence of alcohol, drugs, or the combined
- 6967 influence of alcohol and drugs within five years before the day on which the person is arrested
- 6968 on a charge described in Subsection (3)(b)(i).
- 6969 Section 118. Section **32B-2-206** is amended to read:
- 6970 **32B-2-206. Powers and duties of the director.**

6971 Subject to the powers and responsibilities of the commission under this title, the
6972 director:

6973 (1) (a) shall prepare and propose to the commission general policies, rules, and
6974 procedures governing the administrative activities of the department; and

6975 (b) may submit other recommendations to the commission as the director considers in
6976 the interest of the commission's or the department's business;

6977 (2) within the general policies, rules, and procedures of the commission, shall:

6978 (a) provide day-to-day direction, coordination, and delegation of responsibilities in the
6979 administrative activities of the department's business; and

6980 (b) make internal department policies and procedures relating to:

6981 (i) department personnel matters; and

6982 (ii) the day-to-day operation of the department;

6983 (3) subject to Section 32B-2-207, shall appoint or employ personnel as considered
6984 necessary in the administration of this title, and with regard to the personnel shall:

6985 (a) prescribe the conditions of employment;

6986 (b) define the respective duties and powers; and

6987 (c) fix the remuneration in accordance with Title [67] 63A, Chapter [19] 17, Utah State
6988 Personnel Management Act;

6989 (4) shall establish and secure adherence to a system of reports, controls, and
6990 performance in matters relating to personnel, security, department property management, and
6991 operation of:

6992 (a) a department office;

6993 (b) a warehouse;

6994 (c) a state store; and

6995 (d) a package agency;

6996 (5) within the policies, rules, and procedures approved by the commission and
6997 provisions of law, shall purchase, store, keep for sale, sell, import, and control the storage, sale,
6998 furnishing, transportation, or delivery of an alcoholic product;

6999 (6) shall prepare for commission approval:

7000 (a) recommendations regarding the location, establishment, relocation, and closure of a
7001 state store or package agency;

- 7002 (b) recommendations regarding the issuance, denial, nonrenewal, suspension, or
7003 revocation of a license, permit, or certificate of approval;
- 7004 (c) an annual budget, proposed legislation, and reports as required by law and sound
7005 business principles;
- 7006 (d) plans for reorganizing divisions of the department and the functions of the
7007 divisions;
- 7008 (e) manuals containing commission and department policies, rules, and procedures;
- 7009 (f) an inventory control system;
- 7010 (g) any other report or recommendation requested by the commission;
- 7011 (h) rules described in Subsection [32B-2-202\(1\)\(o\)](#) governing the credit terms of the
7012 sale of beer;
- 7013 (i) rules governing the calibration, maintenance, and regulation of a calibrated metered
7014 dispensing system;
- 7015 (j) rules governing the display of a list of types and brand names of liquor furnished
7016 through a calibrated metered dispensing system;
- 7017 (k) price lists issued and distributed showing the price to be paid for each class, variety,
7018 or brand of liquor kept for sale at a state store, package agency, or retail licensee;
- 7019 (l) policies or rules prescribing the books of account maintained by the department and
7020 by a state store, package agency, or retail licensee; and
- 7021 (m) a policy prescribing the manner of giving and serving a notice required by this title
7022 or rules made under this title;
- 7023 (7) shall make available through the department to any person, upon request, a copy of
7024 a policy made by the director;
- 7025 (8) shall make and maintain a current copy of a manual that contains the rules and
7026 policies of the commission and department available for public inspection;
- 7027 (9) (a) after consultation with the governor, shall determine whether an alcoholic
7028 product should not be sold, offered for sale, or otherwise furnished in an area of the state
7029 during a period of emergency that is proclaimed by the governor to exist in that area; and
- 7030 (b) shall issue a necessary public announcement or policy with respect to the
7031 determination described in Subsection (9)(a);
- 7032 (10) issue event permits in accordance with Chapter 9, Event Permit Act; and

7033 (11) shall perform any other duty required by the commission or by law.

7034 Section 119. Section **32B-2-207** is amended to read:

7035 **32B-2-207. Department employees -- Requirements.**

7036 (1) "Upper management" means the director, a deputy director, or other Schedule AD,
7037 AR, or AS employee of the department, as defined in Section [~~67-19-15~~] [63A-17-301](#), except
7038 for the director of internal audits and auditors hired by the director of internal audits under
7039 Section [32B-2-302.5](#).

7040 (2) (a) Subject to this title, including the requirements of Chapter 1, Part 3,
7041 Qualifications and Background, the director may prescribe the qualifications of a department
7042 employee.

7043 (b) The director may hire an employee who is upper management only with the
7044 approval of four commissioners voting in an open meeting.

7045 (c) Except as provided in Section [32B-1-303](#), the executive director may dismiss an
7046 employee who is upper management after consultation with the chair of the commission.

7047 (3) (a) A person who seeks employment with the department shall file with the
7048 department an application under oath or affirmation in a form prescribed by the commission.

7049 (b) Upon receiving an application, the department shall determine whether the
7050 individual is:

7051 (i) of good moral character; and

7052 (ii) qualified for the position sought.

7053 (c) The department shall select an individual for employment or advancement with the
7054 department in accordance with Title [~~67~~] [63A](#), Chapter [~~19~~] [17](#), Utah State Personnel
7055 Management Act.

7056 (4) The following are not considered a department employee:

7057 (a) a package agent;

7058 (b) a licensee;

7059 (c) a staff member of a package agent; or

7060 (d) staff of a licensee.

7061 (5) The department may not employ a minor to:

7062 (a) work in:

7063 (i) a state store; or

7064 (ii) a department warehouse; or
7065 (b) engage in an activity involving the handling of an alcoholic product.
7066 (6) The department shall ensure that any training or certification required of a public
7067 official or public employee, as those terms are defined in Section 63G-22-102, complies with
7068 Title 63G, Chapter 22, State Training and Certification Requirements, if the training or
7069 certification is required:

- 7070 (a) under this title;
- 7071 (b) by the department; or
- 7072 (c) by an agency or division within the department.

7073 Section 120. Section 32B-3-204 is amended to read:

7074 **32B-3-204. Disciplinary proceeding procedure.**

7075 (1) (a) Subject to Section 32B-3-202, the following may conduct an adjudicative
7076 proceeding to inquire into a matter necessary and proper for the administration of this title and
7077 rules adopted under this title:

- 7078 (i) the commission;
- 7079 (ii) a hearing examiner appointed by the commission to conduct a suspension,
7080 non-renewal, or revocation hearing required by law;
- 7081 (iii) the director; and
- 7082 (iv) the department.

7083 (b) Except as provided in this section or Section 32B-2-605, a person described in
7084 Subsection (1)(a) shall comply with Title 63G, Chapter 4, Administrative Procedures Act, in an
7085 adjudicative proceeding.

7086 (c) Except when otherwise provided by law, an adjudicative proceeding before the
7087 commission or a hearing examiner appointed by the commission shall be:

- 7088 (i) video or audio recorded; and
- 7089 (ii) subject to Subsection (3)(b), conducted in accordance with Title 52, Chapter 4,
7090 Open and Public Meetings Act.

7091 (d) A person listed in Subsection (1)(a) shall conduct an adjudicative proceeding
7092 concerning departmental personnel in accordance with Title [67] 63A, Chapter [19] 17, Utah
7093 State Personnel Management Act.

7094 (e) A hearing that is informational, fact gathering, and nonadversarial in nature shall be

7095 conducted in accordance with rules, policies, and procedures made by the commission,
7096 director, or department.

7097 (2) (a) Subject to Section [32B-3-202](#), a disciplinary proceeding shall be conducted
7098 under the authority of the commission, which is responsible for rendering a final decision and
7099 order on a disciplinary matter.

7100 (b) (i) The commission may appoint a necessary officer, including a hearing examiner,
7101 from within or without the department, to administer the disciplinary proceeding process.

7102 (ii) A hearing examiner appointed by the commission:

7103 (A) may conduct a disciplinary proceeding hearing on behalf of the commission; and

7104 (B) shall submit to the commission a report including:

7105 (I) findings of fact determined on the basis of a preponderance of the evidence
7106 presented at the hearing;

7107 (II) conclusions of law; and

7108 (III) recommendations.

7109 (iii) A report of a hearing examiner under this Subsection (2)(b) may not recommend a
7110 penalty more severe than that initially sought by the department in the notice of agency action.

7111 (iv) A copy of a hearing examiner report under this Subsection (2)(b) shall be served
7112 upon the respective parties.

7113 (v) Before final commission action, the commission shall give a respondent and the
7114 department reasonable opportunity to file a written objection to a hearing examiner report.

7115 (3) (a) The commission or an appointed hearing examiner shall preside over a
7116 disciplinary proceeding hearing.

7117 (b) A disciplinary proceeding hearing may be closed only after the commission or
7118 hearing examiner makes a written finding that the public interest in an open hearing is clearly
7119 outweighed by factors enumerated in the closure order.

7120 (c) (i) The commission or an appointed hearing examiner as part of a disciplinary
7121 proceeding hearing may:

7122 (A) administer an oath or affirmation;

7123 (B) take evidence, including evidence provided in relation to an order to show cause
7124 the department issued in accordance with Section [32B-3-202](#);

7125 (C) take a deposition within or without this state; and

- 7126 (D) require by subpoena from a place within this state:
- 7127 (I) the testimony of a person at a hearing; and
- 7128 (II) the production of a record or other evidence considered relevant to the inquiry.
- 7129 (ii) A person subpoenaed in accordance with this Subsection (3)(c) shall testify and
- 7130 produce a record or tangible thing as required in the subpoena.
- 7131 (iii) A witness subpoenaed, called to testify, or called to produce evidence who claims
- 7132 a privilege against self-incrimination may not be compelled to testify, but the commission or
- 7133 the hearing examiner shall file a written report with the county attorney or district attorney in
- 7134 the jurisdiction where the privilege is claimed or where the witness resides setting forth the
- 7135 circumstance of the claimed privilege.
- 7136 (iv) (A) A person is not excused from obeying a subpoena without just cause.
- 7137 (B) A district court within the judicial district in which a person alleged to be guilty of
- 7138 willful contempt of court or refusal to obey a subpoena is found or resides, upon application by
- 7139 the party issuing the subpoena, may issue an order requiring the person to:
- 7140 (I) appear before the issuing party; and
- 7141 (II) (Aa) produce documentary evidence if so ordered; or
- 7142 (Bb) give evidence regarding the matter in question.
- 7143 (C) Failure to obey an order of the court may be punished by the court as contempt.
- 7144 (d) In a case heard by the commission, the commission shall issue its final decision and
- 7145 order in accordance with Subsection (2).
- 7146 (4) (a) The commission shall:
- 7147 (i) render a final decision and order on a disciplinary action; and
- 7148 (ii) cause its final order to be prepared in writing, issued, and served on all parties.
- 7149 (b) An order of the commission is final on the date the order is issued.
- 7150 (c) The commission, after the commission renders its final decision and order, may
- 7151 require the director to prepare, issue, and cause to be served on the parties the final written
- 7152 order on behalf of the commission.
- 7153 (5) (a) If a respondent requests a disciplinary proceeding hearing, the hearing held by
- 7154 the commission or a hearing examiner appointed by the commission shall proceed formally in
- 7155 accordance with Sections [63G-4-204](#) through [63G-4-209](#) if:
- 7156 (i) the alleged violation poses, or potentially poses, a grave risk to public safety, health,

7157 and welfare;

7158 (ii) the alleged violation involves:

7159 (A) selling or furnishing an alcoholic product to a minor;

7160 (B) attire, conduct, or entertainment prohibited by Chapter 1, Part 5, Attire, Conduct,

7161 and Entertainment Act;

7162 (C) fraud, deceit, willful concealment, or misrepresentation of the facts by or on behalf

7163 of the respondent;

7164 (D) interfering or refusing to cooperate with:

7165 (I) an authorized official of the department or the state in the discharge of the official's

7166 duties in relation to the enforcement of this title; or

7167 (II) a peace officer in the discharge of the peace officer's duties in relation to the

7168 enforcement of this title;

7169 (E) an unlawful trade practice under Chapter 4, Part 7, Trade Practices Act;

7170 (F) unlawful importation of an alcoholic product; or

7171 (G) unlawful supply of liquor by a liquor industry member, as defined in Section

7172 [32B-4-702](#), to a person other than the department or a military installation, except to the extent

7173 permitted by this title; or

7174 (iii) the department determines to seek in a disciplinary proceeding hearing:

7175 (A) an administrative fine exceeding \$3,000;

7176 (B) a suspension of a license, permit, or certificate of approval of more than 10 days; or

7177 (C) a revocation of a license, permit, or certificate of approval.

7178 (b) If a respondent does not request a disciplinary proceeding hearing, a hearing shall

7179 proceed informally unless it is designated as a formal proceeding pursuant to rules adopted by

7180 the commission in accordance with Subsection (5)(c).

7181 (c) The commission shall make rules to provide a procedure to implement this

7182 Subsection (5).

7183 (6) (a) If the department recommends nonrenewal of a license, the department shall

7184 notify the licensee of the recommendation at least 15 days before the commission takes action

7185 on the nonrenewal.

7186 (b) Notwithstanding Subsection (2), the commission shall appoint a hearing examiner

7187 to conduct an adjudicative hearing in accordance with this section if the licensee files a request

7188 for a hearing within 10 days of receipt of the notice under Subsection (6)(a).

7189 Section 121. Section **32B-8a-302** is amended to read:

7190 **32B-8a-302. Application -- Approval process.**

7191 (1) To obtain the transfer of an alcohol license from an alcohol licensee, the transferee
7192 shall file a transfer application with the department that includes:

7193 (a) an application in the form provided by the department;

7194 (b) a statement as to whether the consideration, if any, to be paid to the transferor
7195 includes payment for transfer of the alcohol license;

7196 (c) a statement executed under penalty of perjury that the consideration as set forth in
7197 the escrow agreement required by Section [32B-8a-401](#) is deposited with the escrow holder; and

7198 (d) (i) an application fee of \$300; and

7199 (ii) a transfer fee determined in accordance with Section [32B-8a-303](#).

7200 (2) If the intended transfer of an alcohol license involves consideration, at least 10 days
7201 before the commission may approve the transfer, the department shall post a notice of the
7202 intended transfer on the Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#) that
7203 states the following:

7204 (a) the name of the transferor;

7205 (b) the name and address of the business currently associated with the alcohol license;

7206 (c) instructions for filing a claim with the escrow holder; and

7207 (d) the projected date that the commission may consider the transfer application.

7208 (3) (a) (i) Before the commission may approve the transfer of an alcohol license, the
7209 department shall conduct an investigation and may hold public hearings to gather information
7210 and make recommendations to the commission as to whether the transfer of the alcohol license
7211 should be approved.

7212 (ii) The department shall forward the information and recommendations described in
7213 this Subsection (3)(a) to the commission to aid in the commission's determination.

7214 (b) Before approving a transfer, the commission shall:

7215 (i) determine that the transferee filed a complete application;

7216 (ii) determine that the transferee is eligible to hold the type of alcohol license that is to
7217 be transferred at the premises to which the alcohol license would be transferred;

7218 (iii) determine that the transferee is not delinquent in the payment of an amount

7219 described in Subsection 32B-8a-201(3);
7220 (iv) determine that the transferee is not disqualified under Section 32B-1-304;
7221 (v) consider the locality within which the proposed licensed premises is located,
7222 including:
7223 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;
7224 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer
7225 retailer state license;
7226 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing
7227 license; and
7228 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit
7229 that is an industrial and manufacturing use permit;
7230 (vi) consider the transferee's ability to manage and operate the retail license to be
7231 transferred, including:
7232 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;
7233 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer
7234 retailer state license;
7235 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing
7236 license; and
7237 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit
7238 that is an industrial and manufacturing use permit;
7239 (vii) consider the nature or type of alcohol licensee operation of the transferee,
7240 including:
7241 (A) the factors listed in Section 32B-5-203 for the issuance of a retail license;
7242 (B) the factors listed in Section 32B-7-404 for the issuance of an off-premise beer
7243 retailer state license;
7244 (C) the factors listed in Section 32B-11-206 for the issuance of a manufacturing
7245 license; and
7246 (D) the factors listed in Section 32B-10-204 for the issuance of a special use permit
7247 that is an industrial and manufacturing use permit;
7248 (viii) if the transfer involves consideration, determine that the transferee and transferor
7249 have complied with Part 4, Protection of Creditors; and

7250 (ix) consider any other factor the commission considers necessary.

7251 (4) Except as otherwise provided in Section [32B-1-202](#), the commission may not
7252 approve the transfer of an alcohol license to premises that do not meet the proximity
7253 requirements of Subsection [32B-1-202\(2\)](#), Section [32B-7-201](#), or Section [32B-11-210](#), as
7254 applicable.

7255 Section 122. Section **34-41-101** is amended to read:

7256 **34-41-101. Definitions.**

7257 As used in this chapter:

7258 (1) "Drug" means any substance recognized as a drug in the United States
7259 Pharmacopeia, the National Formulary, the Homeopathic Pharmacopeia, or other drug
7260 compendia, including Title 58, Chapter 37, Utah Controlled Substances Act, or supplement to
7261 any of those compendia.

7262 (2) "Drug testing" means the scientific analysis for the presence of drugs or their
7263 metabolites in the human body in accordance with the definitions and terms of this chapter.

7264 (3) "Local governmental employee" means any person or officer in the service of a
7265 local governmental entity or state institution of higher education for compensation.

7266 (4) (a) "Local governmental entity" means any political subdivision of Utah including
7267 any county, municipality, local school district, local district, special service district, or any
7268 administrative subdivision of those entities.

7269 (b) "Local governmental entity" does not mean Utah state government or its
7270 administrative subdivisions provided for in Sections [~~67-19-33~~] [63A-17-1401](#) through
7271 [~~67-19-38~~] [63A-17-1406](#).

7272 (5) "Periodic testing" means preselected and preannounced drug testing of employees
7273 or volunteers conducted on a regular schedule.

7274 (6) "Prospective employee" means any person who has made a written or oral
7275 application to become an employee of a local governmental entity or a state institution of
7276 higher education.

7277 (7) "Random testing" means the unannounced drug testing of an employee or volunteer
7278 who was selected for testing by using a method uninfluenced by any personal characteristics
7279 other than job category.

7280 (8) "Reasonable suspicion for drug testing" means an articulated belief based on the

7281 recorded specific facts and reasonable inferences drawn from those facts that a local
7282 government employee or volunteer is in violation of the drug-free workplace policy.

7283 (9) "Rehabilitation testing" means unannounced but preselected drug testing done as
7284 part of a program of counseling, education, and treatment of an employee or volunteer in
7285 conjunction with the drug-free workplace policy.

7286 (10) "Safety sensitive position" means any local governmental or state institution of
7287 higher education position involving duties which directly affects the safety of governmental
7288 employees, the general public, or positions where there is access to controlled substances, as
7289 defined in Title 58, Chapter 37, Utah Controlled Substances Act, during the course of
7290 performing job duties.

7291 (11) "Sample" means urine, blood, breath, saliva, or hair.

7292 (12) "State institution of higher education" means the institution as defined in Section
7293 [53B-3-102](#).

7294 (13) "Volunteer" means any person who donates services as authorized by the local
7295 governmental entity or state institution of higher education without pay or other compensation
7296 except expenses actually and reasonably incurred.

7297 Section 123. Section **34A-1-201** is amended to read:

7298 **34A-1-201. Commissioner -- Appointment -- Removal -- Compensation --**
7299 **Qualifications -- Responsibilities -- Reports.**

7300 (1) (a) The chief administrative officer of the commission is the commissioner, who
7301 shall be appointed by the governor with the advice and consent of the Senate.

7302 (b) The commissioner shall serve at the pleasure of the governor.

7303 (c) The commissioner shall receive a salary established by the governor within the
7304 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

7305 (d) The commissioner shall be experienced in administration, management, and
7306 coordination of complex organizations.

7307 (2) (a) The commissioner shall serve full-time.

7308 (b) (i) Except as provided in Subsection (2)(b)(ii), the commissioner may not:

7309 (A) hold any other office of this state, another state, or the federal government except
7310 in an ex officio capacity; or

7311 (B) serve on any committee of any political party.

7312 (ii) Notwithstanding Subsection (2)(b)(i), the commissioner may:

7313 (A) hold a nominal position or title if it is required by law as a condition for the state
7314 participating in an appropriation or allotment of any money, property, or service that may be
7315 made or allotted for the commission; or

7316 (B) serve as the chief administrative officer of any division, office, or bureau that is
7317 established within the commission.

7318 (iii) If the commissioner holds a position as permitted under Subsection (2)(b)(ii), the
7319 commissioner may not be paid any additional compensation for holding the position.

7320 (3) Before beginning the duties as a commissioner, an appointed commissioner shall
7321 take and subscribe the constitutional oath of office and file the oath with the Division of
7322 Archives.

7323 (4) The commissioner shall:

7324 (a) administer and supervise the commission in compliance with Title [67] 63A,
7325 Chapter [19] 17, Utah State Personnel Management Act;

7326 (b) approve the proposed budget of each division and the Appeals Board;

7327 (c) approve all applications for federal grants or assistance in support of any
7328 commission program; and

7329 (d) fulfill such other duties as assigned by the Legislature or as assigned by the
7330 governor that are not inconsistent with this title or Title 34, Labor in General.

7331 (5) (a) The commissioner shall report annually to the Legislature and the governor
7332 concerning the operations of the commission and the programs that the commission
7333 administers.

7334 (b) If federal law requires that a report to the governor or Legislature be given
7335 concerning the commission or a program administered by the commission, the commissioner or
7336 the commissioner's designee shall make that report.

7337 Section 124. Section **34A-1-204** is amended to read:

7338 **34A-1-204. Division directors -- Appointment -- Compensation -- Qualifications.**

7339 (1) The chief officer of each division within the commission shall be a director, who
7340 shall serve as the executive and administrative head of the division.

7341 (2) A director shall be appointed by the commissioner with the concurrence of the
7342 governor and may be removed from that position at the will of the commissioner.

7343 (3) A director of a division shall receive compensation as provided by Title [67] 63A,
7344 Chapter [19] 17, Utah State Personnel Management Act.

7345 (4) (a) A director of a division shall be experienced in administration and possess such
7346 additional qualifications as determined by the commissioner.

7347 (b) In addition to the requirements imposed under Subsection (4)(a), the director of the
7348 Division of Adjudication shall be admitted to the practice of law in this state.

7349 Section 125. Section **34A-1-205** is amended to read:

7350 **34A-1-205. Appeals Board -- Chair -- Appointment -- Compensation --**

7351 **Qualifications.**

7352 (1) (a) There is created the Appeals Board within the commission consisting of three
7353 members.

7354 (b) The board may call and preside at adjudicative proceedings to review an order or
7355 decision that is subject to review by the Appeals Board under this title.

7356 (2) (a) With the advice and consent of the Senate and in accordance with this section,
7357 the governor shall appoint:

7358 (i) one member of the board to represent employers; and

7359 (ii) one member of the board to represent employees.

7360 (b) With the advice and consent of the Senate and in accordance with this section, the
7361 governor may appoint:

7362 (i) one alternate member of the board to represent employers in the event that the
7363 member representing employers is unavailable; or

7364 (ii) one alternate member of the board to represent employees in the event that the
7365 member representing employees is unavailable.

7366 (c) In making the appointments described in this subsection, the governor shall:

7367 (i) when appointing a member or alternate member to represent employers, consider
7368 nominations from employer organizations;

7369 (ii) when appointing a member or alternate member to represent employees, consider
7370 nominations from employee organizations;

7371 (iii) ensure that no more than two members belong to the same political party; and

7372 (iv) ensure that an alternate member belongs to the same political party as the member
7373 for whom the alternate stands in.

7374 (d) The governor shall, at the time of appointment or reappointment, make
7375 appointments to the board so that at least two of the members of the board are members of the
7376 Utah State Bar in good standing or resigned from the Utah State Bar in good standing.

7377 (3) (a) The term of a member and an alternate member shall be six years beginning on
7378 March 1 of the year the member or alternate member is appointed, except that the governor
7379 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the
7380 terms of members and alternate members are staggered so that one member and alternate
7381 member is appointed every two years.

7382 (b) The governor may remove a member or alternate member only for inefficiency,
7383 neglect of duty, malfeasance or misfeasance in office, or other good and sufficient cause.

7384 (c) A member or alternate member shall hold office until a successor is appointed and
7385 has qualified.

7386 (4) A member and alternate member shall be part-time and receive compensation as
7387 provided by Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

7388 (5) (a) The chief officer of the board shall be the chair, who shall serve as the executive
7389 and administrative head of the board.

7390 (b) The governor shall appoint and may remove at will the chair from the position of
7391 chair.

7392 (6) A majority of the board shall constitute a quorum to transact business.

7393 (7) (a) The commission shall provide the Appeals Board necessary staff support,
7394 except as provided in Subsection (7)(b).

7395 (b) At the request of the Appeals Board, the attorney general shall act as an impartial
7396 aid to the Appeals Board in outlining the facts and the issues.

7397 Section 126. Section **35A-1-201** is amended to read:

7398 **35A-1-201. Executive director -- Appointment -- Removal -- Compensation --**
7399 **Qualifications -- Responsibilities -- Deputy directors.**

7400 (1) (a) The chief administrative officer of the department is the executive director, who
7401 is appointed by the governor with the advice and consent of the Senate.

7402 (b) The executive director serves at the pleasure of the governor.

7403 (c) The executive director shall receive a salary established by the governor within the
7404 salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

7405 (d) The executive director shall be experienced in administration, management, and
7406 coordination of complex organizations.

7407 (2) The executive director shall:

7408 (a) administer and supervise the department in compliance with Title [67] 63A,
7409 Chapter [19] 17, Utah State Personnel Management Act;

7410 (b) supervise and coordinate between the economic service areas and directors created
7411 under Chapter 2, Economic Service Areas;

7412 (c) coordinate policies and program activities conducted through the divisions and
7413 economic service areas of the department;

7414 (d) approve the proposed budget of each division, the Workforce Appeals Board, and
7415 each economic service area within the department;

7416 (e) approve all applications for federal grants or assistance in support of any
7417 department program;

7418 (f) coordinate with the executive directors of the Governor's Office of Economic
7419 Development and the Governor's Office of Management and Budget to review data and metrics
7420 to be reported to the Legislature as described in Subsection 35A-1-109(2)(b); and

7421 (g) fulfill such other duties as assigned by the Legislature or as assigned by the
7422 governor that are not inconsistent with this title.

7423 (3) The executive director may appoint deputy or assistant directors to assist the
7424 executive director in carrying out the department's responsibilities.

7425 (4) The executive director shall at least annually provide for the sharing of information
7426 between the advisory councils established under this title.

7427 Section 127. Section **35A-1-204** is amended to read:

7428 **35A-1-204. Division directors -- Appointment -- Compensation -- Qualifications.**

7429 (1) The chief officer of each division within the department shall be a director, who
7430 shall serve as the executive and administrative head of the division.

7431 (2) A director shall be appointed by the executive director with the concurrence of the
7432 governor and may be removed from that position at the will of the executive director.

7433 (3) A director of a division shall receive compensation as provided by Title [67] 63A,
7434 Chapter [19] 17, Utah State Personnel Management Act.

7435 (4) (a) A director of a division shall be experienced in administration and possess such

7436 additional qualifications as determined by the executive director.

7437 (b) In addition to the requirements of Subsection (4)(a), the director of the Division of
7438 Adjudication shall be admitted to the practice of law in Utah.

7439 Section 128. Section **36-1-101.5** is amended to read:

7440 **36-1-101.5. Utah State Senate -- District boundaries.**

7441 (1) As used in this section:

7442 (a) "County boundary" means the county boundary's location in the database as of
7443 January 1, 2010.

7444 (b) "Database" means the State Geographic Information Database created in Section
7445 [~~63F-1-507~~] [63A-16-506](#).

7446 (c) "Local school district boundary" means the local school district boundary's location
7447 in the database as of January 1, 2010.

7448 (d) "Municipal boundary" means the municipal boundary's location in the database as
7449 of January 1, 2010.

7450 (2) The Utah State Senate shall consist of 29 members, with one member to be elected
7451 from each Utah State Senate district.

7452 (3) The Legislature adopts the official census population figures and maps of the
7453 Bureau of the Census of the United States Department of Commerce developed in connection
7454 with the taking of the 2010 national decennial census as the official data for establishing Senate
7455 district boundaries.

7456 (4) (a) Notwithstanding Subsection (3), the Legislature enacts the district numbers and
7457 boundaries of the Senate districts designated in the Senate shapefile that is the electronic
7458 component of the bill that enacts this section.

7459 (b) That Senate shapefile, and the Senate district boundaries generated from that Senate
7460 shapefile, may be accessed via the Utah Legislature's website.

7461 Section 129. Section **36-1-105** is amended to read:

7462 **36-1-105. Uncertain boundaries -- How resolved.**

7463 (1) As used in this section:

7464 (a) "Affected party" means:

7465 (i) a senator whose Utah State Senate district boundary is uncertain because the feature
7466 used to establish the district boundary in the Senate shapefile has been removed, modified, or is

7467 unable to be identified or who is uncertain about whether or not the senator or another person
7468 resides in a particular Senate district;

7469 (ii) a candidate for senator whose Senate district boundary is uncertain because the
7470 feature used to establish the district boundary in the Senate shapefile has been removed,
7471 modified, or is unable to be identified or who is uncertain about whether or not the candidate or
7472 another person resides in a particular Senate district; or

7473 (iii) a person who is uncertain about which Senate district contains the person's
7474 residence because the feature used to establish the district boundary in the Senate shapefile has
7475 been removed, modified, or is unable to be identified.

7476 (b) "Feature" means a geographic or other tangible or intangible mark such as a road or
7477 political subdivision boundary that is used to establish a Senate district boundary.

7478 (2) (a) An affected party may file a written request petitioning the lieutenant governor
7479 to determine:

7480 (i) the precise location of the Senate district boundary;

7481 (ii) the number of the Senate district in which a person resides; or

7482 (iii) both Subsections (2)(a)(i) and (ii).

7483 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
7484 governor shall review:

7485 (i) the Senate shapefile; and

7486 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the
7487 area.

7488 (c) Within five days of receipt of the request, the lieutenant governor shall:

7489 (i) review the Senate shapefile;

7490 (ii) review any relevant data; and

7491 (iii) make a determination.

7492 (d) When the lieutenant governor determines the location of the Senate district
7493 boundary, the lieutenant governor shall:

7494 (i) prepare a certification identifying the appropriate Senate district boundary and
7495 attaching a map, if necessary; and

7496 (ii) send a copy of the certification to:

7497 (A) the affected party;

7498 (B) the county clerk of the affected county; and

7499 (C) the Automated Geographic Reference Center created under Section [~~63F-1-506~~]

7500 [63A-16-505](#).

7501 (e) If the lieutenant governor determines the number of the Senate district in which a
7502 particular person resides, the lieutenant governor shall send a letter identifying that district by
7503 number to:

7504 (i) the person;

7505 (ii) the affected party who filed the petition, if different than the person whose Senate
7506 district number was identified; and

7507 (iii) the county clerk of the affected county.

7508 Section 130. Section **36-1-201.5** is amended to read:

7509 **36-1-201.5. Utah House of Representatives -- House district boundaries.**

7510 (1) As used in this section:

7511 (a) "County boundary" means the county boundary's location in the database as of
7512 January 1, 2017.

7513 (b) "Database" means the State Geographic Information Database created in Section
7514 [~~63F-1-507~~] [63A-16-506](#).

7515 (c) "Local school district boundary" means the local school district boundary's location
7516 in the database as of January 1, 2010.

7517 (d) "Municipal boundary" means the municipal boundary's location in the database as
7518 of January 1, 2010.

7519 (2) The Utah House of Representatives shall consist of 75 members, with one member
7520 to be elected from each Utah House of Representative district.

7521 (3) The Legislature adopts the official census population figures and maps of the
7522 Bureau of the Census of the United States Department of Commerce developed in connection
7523 with the taking of the 2010 national decennial census as the official data for establishing House
7524 district boundaries.

7525 (4) (a) Notwithstanding Subsection (3), and except as modified by Subsection (4)(b),
7526 the Legislature enacts the district numbers and boundaries of the House districts designated by
7527 the House shapefile that is the electronic component of 2013 General Session H.B. 366, State
7528 House Boundary Amendments.

7529 (b) The boundary between House District 1 and House District 5 in the shapefile
7530 described in Subsection (4)(a) is changed to follow the county boundary of Box Elder County
7531 and Cache County from the intersection of Cache, Box Elder, and Weber counties, north to the
7532 intersection of House District 1, House District 3, and House District 5.

7533 (c) That House shapefile, and the legislative boundaries generated from that shapefile,
7534 may be accessed via the Utah Legislature's website.

7535 Section 131. Section **36-1-204** is amended to read:

7536 **36-1-204. Uncertain boundaries -- How resolved.**

7537 (1) As used in this section:

7538 (a) "Affected party" means:

7539 (i) a representative whose Utah House of Representatives district boundary is uncertain
7540 because the feature used to establish the district boundary in the House shapefile has been
7541 removed, modified, or is unable to be identified or who is uncertain about whether or not the
7542 representative or another person resides in a particular House district;

7543 (ii) a candidate for representative whose House district boundary is uncertain because
7544 the feature used to establish the district boundary in the House shapefile has been removed,
7545 modified, or is unable to be identified or who is uncertain about whether or not the candidate or
7546 another person resides in a particular House district; or

7547 (iii) a person who is uncertain about which House district contains the person's
7548 residence because the feature used to establish the district boundary in the House shapefile has
7549 been removed, modified, or is unable to be identified.

7550 (b) "Feature" means a geographic or other identifiable tangible or intangible object
7551 such as a road or political subdivision boundary that is used to establish a House district
7552 boundary.

7553 (2) (a) An affected party may file a written request petitioning the lieutenant governor
7554 to determine:

7555 (i) the precise location of the House district boundary;

7556 (ii) the number of the House district in which a person resides; or

7557 (iii) both Subsections (2)(a)(i) and (ii).

7558 (b) In order to make the determination required by Subsection (2)(a), the lieutenant
7559 governor shall review:

- 7560 (i) the House shapefile; and
7561 (ii) other relevant data such as aerial photographs, aerial maps, or other data about the
7562 area.
- 7563 (c) Within five days of receipt of the request, the lieutenant governor shall:
7564 (i) review the House shapefile;
7565 (ii) review any relevant data; and
7566 (iii) make a determination.
- 7567 (d) When the lieutenant governor determines the location of the House district
7568 boundary, the lieutenant governor shall:
7569 (i) prepare a certification identifying the appropriate House district boundary and
7570 attaching a map, if necessary; and
7571 (ii) send a copy of the certification to:
7572 (A) the affected party;
7573 (B) the county clerk of the affected county; and
7574 (C) the Automated Geographic Reference Center created under Section [\[63F-1-506\]](#)
7575 [63A-16-505](#).
- 7576 (e) If the lieutenant governor determines the number of the House district in which a
7577 particular person resides, the lieutenant governor shall send a letter identifying that district by
7578 number to:
7579 (i) the person;
7580 (ii) the affected party who filed the petition, if different than the person whose House
7581 district number was identified; and
7582 (iii) the county clerk of the affected county.
- 7583 Section 132. Section **40-2-202** is amended to read:
7584 **40-2-202. Appointment of director.**
7585 (1) The director is the chief officer of the office and serves as the executive and
7586 administrative head of the office.
7587 (2) (a) The commissioner shall appoint the director.
7588 (b) The director may be removed from that position at the will of the commissioner.
7589 (3) The director shall receive compensation as provided by Title [\[67\] 63A](#), Chapter
7590 [\[19\] 17](#), Utah State Personnel Management Act.

7591 (4) The director shall be experienced in administration and possess such additional
7592 qualifications as determined by the commissioner.

7593 Section 133. Section **45-1-101** is amended to read:

7594 **45-1-101. Legal notice publication requirements.**

7595 (1) As used in this section:

7596 (a) "Average advertisement rate" means:

7597 (i) in determining a rate for publication on the public legal notice website or in a
7598 newspaper that primarily distributes publications in a county of the third, fourth, fifth, or sixth
7599 class, a newspaper's gross advertising revenue for the preceding calendar quarter divided by the
7600 gross column-inch space used in the newspaper for advertising for the previous calendar
7601 quarter; or

7602 (ii) in determining a rate for publication in a newspaper that primarily distributes
7603 publications in a county of the first or second class, a newspaper's average rate for all
7604 qualifying advertising segments for the preceding calendar quarter for an advertisement:

7605 (A) published in the same section of the newspaper as the legal notice; and

7606 (B) of the same column-inch space as the legal notice.

7607 (b) "Column-inch space" means a unit of space that is one standard column wide by
7608 one inch high.

7609 (c) "Gross advertising revenue" means the total revenue obtained by a newspaper from
7610 all of its qualifying advertising segments.

7611 (d) (i) "Legal notice" means:

7612 (A) a communication required to be made public by a state statute or state agency rule;

7613 or

7614 (B) a notice required for judicial proceedings or by judicial decision.

7615 (ii) "Legal notice" does not include:

7616 (A) a public notice published by a public body in accordance with the provisions of
7617 Sections [52-4-202](#) and ~~[[63F-1-701](#)]~~ [63A-16-601](#); or

7618 (B) a notice of delinquency in the payment of property taxes described in Section
7619 [59-2-1332.5](#).

7620 (e) "Local district" is as defined in Section [17B-1-102](#).

7621 (f) "Public legal notice website" means the website described in Subsection (2)(b) for

7622 the purpose of publishing a legal notice online.

7623 (g) (i) "Qualifying advertising segment" means, except as provided in Subsection
7624 (1)(g)(ii), a category of print advertising sold by a newspaper, including classified advertising,
7625 line advertising, and display advertising.

7626 (ii) "Qualifying advertising segment" does not include legal notice advertising.

7627 (h) "Special service district" is as defined in Section [17D-1-102](#).

7628 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal
7629 notice provision established by law, a person required by law to publish legal notice shall
7630 publish the notice:

7631 (a) (i) as required by the statute establishing the legal notice requirement; or

7632 (ii) by serving legal notice, by certified mail or in person, directly on all parties for
7633 whom the statute establishing the legal notice requirement requires legal notice, if:

7634 (A) the direct service of legal notice does not replace publication in a newspaper that
7635 primarily distributes publications in a county of the third, fourth, fifth, or sixth class;

7636 (B) the statute clearly identifies the parties;

7637 (C) the person can prove that the person has identified all parties for whom notice is
7638 required; and

7639 (D) the person keeps a record of the service for at least two years; and

7640 (b) on a public legal notice website established by the combined efforts of Utah's
7641 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in
7642 the state.

7643 (3) The public legal notice website shall:

7644 (a) be available for viewing and searching by the general public, free of charge; and

7645 (b) accept legal notice posting from any newspaper in the state.

7646 (4) A person that publishes legal notice as required under Subsection (2) is not relieved
7647 from complying with an otherwise applicable requirement under Title 52, Chapter 4, Open and
7648 Public Meetings Act.

7649 (5) If legal notice is required by law and one option for complying with the
7650 requirement is publication in a newspaper, or if a local district or a special service district
7651 publishes legal notice in a newspaper, the newspaper:

7652 (a) may not charge more for publication than the newspaper's average advertisement

7653 rate; and

7654 (b) shall publish the legal notice on the public legal notice website at no additional
7655 cost.

7656 (6) If legal notice is not required by law, if legal notice is required by law and the
7657 person providing legal notice, in accordance with the requirements of law, chooses not to
7658 publish the legal notice in a newspaper, or if a local district or a special service district with an
7659 annual operating budget of less than \$250,000 chooses to publish a legal notice on the public
7660 notice website without publishing the complete notice in the newspaper, a newspaper:

7661 (a) may not charge more than an amount equal to 15% of the newspaper's average
7662 advertisement rate for publishing five column lines in the newspaper to publish legal notice on
7663 the public legal notice website;

7664 (b) may not require that the legal notice be published in the newspaper; and

7665 (c) at the request of the person publishing on the legal notice website, shall publish in
7666 the newspaper up to five column lines, at no additional charge, that briefly describe the legal
7667 notice and provide the web address where the full public legal notice can be found.

7668 (7) If a newspaper offers to publish the type of legal notice described in Subsection (5),
7669 it may not refuse to publish the type of legal notice described in Subsection (6).

7670 (8) Notwithstanding the requirements of a statute that requires the publication of legal
7671 notice, if legal notice is required by law to be published by a local district or a special service
7672 district with an annual operating budget of \$250,000 or more, the local district or special
7673 service district shall satisfy its legal notice publishing requirements by:

7674 (a) mailing a written notice, postage prepaid:

7675 (i) to each voter in the local district or special service district; and

7676 (ii) that contains the information required by the statute that requires the publication of
7677 legal notice; or

7678 (b) publishing the legal notice in a newspaper and on the legal public notice website as
7679 described in Subsection (5).

7680 (9) Notwithstanding the requirements of a statute that requires the publication of legal
7681 notice, if legal notice is required by law to be published by a local district or a special service
7682 district with an annual operating budget of less than \$250,000, the local district or special
7683 service district shall satisfy its legal notice publishing requirements by:

- 7684 (a) mailing a written notice, postage prepaid:
- 7685 (i) to each voter in the local district or special service district; and
- 7686 (ii) that contains the information required by the statute that requires the publication of
- 7687 legal notice; or
- 7688 (b) publishing the legal notice in a newspaper and on the public legal notice website as
- 7689 described in Subsection (5); or
- 7690 (c) publishing the legal notice on the public legal notice website as described in
- 7691 Subsection (6).

7692 Section 134. Section **46-4-501** is amended to read:

7693 **46-4-501. Creation and retention of electronic records and conversion of written**

7694 **records by governmental agencies.**

7695 (1) A state governmental agency may, by following the procedures and requirements of

7696 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that:

7697 (a) identify specific transactions that the agency is willing to conduct by electronic

7698 means;

7699 (b) identify specific transactions that the agency will never conduct by electronic

7700 means;

7701 (c) specify the manner and format in which electronic records must be created,

7702 generated, sent, communicated, received, and stored, and the systems established for those

7703 purposes;

7704 (d) if law or rule requires that the electronic records must be signed by electronic

7705 means, specify the type of electronic signature required, the manner and format in which the

7706 electronic signature must be affixed to the electronic record, and the identity of, or criteria that

7707 must be met, by any third party used by a person filing a document to facilitate the process;

7708 (e) specify control processes and procedures as appropriate to ensure adequate

7709 preservation, disposition, integrity, security, confidentiality, and auditability of electronic

7710 records; and

7711 (f) identify any other required attributes for electronic records that are specified for

7712 corresponding nonelectronic records or that are reasonably necessary under the circumstances.

7713 (2) A state governmental agency that makes rules under this section shall submit copies

7714 of those rules, and any amendments to those rules, to the chief information officer established

7715 by Section [~~63F-1-201~~] [63A-16-201](#).

7716 (3) (a) The chief information officer may prepare model rules and standards relating to
7717 electronic transactions that encourage and promote consistency and interoperability with
7718 similar requirements adopted by other Utah government agencies, other states, the federal
7719 government, and nongovernmental persons interacting with Utah governmental agencies.

7720 (b) In preparing those model rules and standards, the chief information officer may
7721 specify different levels of standards from which governmental agencies may choose in order to
7722 implement the most appropriate standard for a particular application.

7723 (c) Nothing in this Subsection (3) requires a state agency to use the model rules and
7724 standards prepared by the chief information officer when making rules under this section.

7725 (4) Except as provided in Subsection [46-4-301\(6\)](#), nothing in this chapter requires any
7726 state governmental agency to:

7727 (a) conduct transactions by electronic means; or

7728 (b) use or permit the use of electronic records or electronic signatures.

7729 (5) Each state governmental agency shall:

7730 (a) establish record retention schedules for any electronic records created or received in
7731 an electronic transaction according to the standards developed by the Division of Archives
7732 under Subsection [63A-12-101\(2\)\(e\)](#); and

7733 (b) obtain approval of those schedules from the Records Management Committee as
7734 required by Subsection [63A-12-113\(1\)\(b\)](#).

7735 Section 135. Section **49-11-1102** is amended to read:

7736 **49-11-1102. Public notice of administrative board meetings -- Posting on Utah**
7737 **Public Notice Website.**

7738 (1) The office shall provide advance public notice of meetings and agendas on the Utah
7739 Public Notice Website established in Section [~~63F-1-701~~] [63A-16-601](#) for administrative board
7740 meetings.

7741 (2) The office may post other public materials, as directed by the board, on the Utah
7742 Public Notice Website.

7743 Section 136. Section **49-22-403** is amended to read:

7744 **49-22-403. Eligibility to receive a retirement allowance for a benefit tied to a**
7745 **retirement date for defined contribution members.**

7746 (1) As used in this section, "eligible to receive a retirement allowance" means the date
7747 selected by the member who is a participant under this part on which the member has ceased
7748 employment and would be qualified to receive an allowance under Section 49-22-304 if the
7749 member had been under the Tier II Hybrid Retirement System for the same period of
7750 employment.

7751 (2) The office and a participating employer shall make an accounting of years of
7752 service credit accrued for a member who is a participant under this part in order to calculate
7753 when a member would be eligible to receive a retirement allowance for purposes of
7754 establishing when a member may be eligible for a benefit tied to a retirement date that may be
7755 provided under Section [~~67-19-14.4~~] [63A-17-508](#), this title, another state statute, or by a
7756 participating employer.

7757 Section 137. Section 49-23-403 is amended to read:

7758 **49-23-403. Eligibility to receive a retirement allowance for a benefit tied to a**
7759 **retirement date for defined contribution members.**

7760 (1) As used in this section, "eligible to receive a retirement allowance" means the date
7761 selected by the member who is a participant under this part on which the member has ceased
7762 employment and would be qualified to receive an allowance under Section 49-23-303 if the
7763 member had been under the Tier II Hybrid Retirement System for the same period of
7764 employment.

7765 (2) The office and a participating employer shall make an accounting of years of
7766 service credit accrued for a member who is a participant under this part in order to calculate
7767 when a member would be eligible to receive a retirement allowance for purposes of
7768 establishing when a member may be eligible for a benefit tied to a retirement date that may be
7769 provided under Section [~~67-19-14.4~~] [63A-17-508](#), this title, another state statute, or by a
7770 participating employer.

7771 Section 138. Section 51-5-3 is amended to read:

7772 **51-5-3. Definitions.**

7773 As used in this chapter:

7774 (1) "Account groups" means a self-balancing set of accounts used to establish
7775 accounting control and accountability for the state's general fixed assets and general long-term
7776 obligations.

7777 (2) "Accrual basis" means the basis of accounting under which revenues are recorded
7778 when earned and expenditures are recorded when they result in liabilities for benefits received,
7779 even though the receipt of the revenue or payment of the expenditures may take place, in whole
7780 or in part, in another accounting period.

7781 (3) "Activity" means a specific and distinguishable line of work performed by one or
7782 more organizational components of a governmental unit to accomplish a function for which the
7783 governmental unit is responsible.

7784 (4) "Appropriation" means a legislative authorization to make expenditures and to
7785 incur obligations for specific purposes.

7786 (5) "Budgetary accounts" means those accounts necessary to reflect budgetary
7787 operations and conditions, such as estimated revenues, appropriations, and encumbrances.

7788 (6) "Cash basis" means the basis of accounting under which revenues are recorded
7789 when received in cash and expenditures are recorded when paid.

7790 (7) "Dedicated credit" means:

7791 (a) revenue that is required by law or by the contractual terms under which the revenue
7792 is accepted, to be expended for specified activities; and

7793 (b) revenue that is appropriated by provisions of law to the department, institution, or
7794 agency that assessed the revenue, to be expended for the specified activities.

7795 (8) "Encumbrances" means obligations in the form of purchase orders, contracts, or
7796 salary commitments that are chargeable to an appropriation and for which a part of the
7797 appropriation is reserved. Encumbrances cease when paid or when the actual liability is set up.

7798 (9) (a) "Expenditures" means decreases in net financial resources from other than
7799 interfund transfers, refundings of general long-term capital debt, and other items indicated by
7800 GASB.

7801 (b) "Expenditures" may include current operating expenses, debt service, capital
7802 outlays, employee benefits, earned entitlements, and shared revenues.

7803 (10) (a) "Financial resources" means assets that are obtained or controlled as a result of
7804 past transactions or events that in the normal course of operations will become cash.

7805 (b) "Financial resources" includes cash, claims to cash such as taxes receivable, and
7806 claims to goods or services such as prepaids.

7807 (11) "Fiscal period" means any period at the end of which a governmental unit

7808 determines its financial position and the results of its operations.

7809 (12) "Function" means a group of related activities aimed at accomplishing a major
7810 service or regulatory program for which a governmental unit is responsible.

7811 (13) "Fund" means an independent fiscal and accounting entity with a self-balancing
7812 set of accounts, composed of financial resources and other assets, all related liabilities and
7813 residual equities or balances and changes in those resources, assets, liabilities, and equities that,
7814 when recorded, are segregated for the purpose of carrying on specific activities or attaining
7815 certain objectives, according to special regulations, restrictions, or limitations.

7816 (14) "Fund accounts" means all accounts necessary to set forth the financial operations
7817 and financial position of a fund.

7818 (15) "GASB" means the Governmental Accounting Standards Board that is responsible
7819 for accounting standards used by public entities.

7820 (16) (a) "Governmental fund" means funds used to account for the acquisition, use, and
7821 balances of expendable financial resources and related liabilities using a measurement focus
7822 that emphasizes the flow of financial resources.

7823 (b) "Governmental fund" includes the following types: General Fund, special revenue
7824 funds, debt service funds, capital projects funds, and permanent funds.

7825 (17) "Lapse," as applied to appropriations, means the automatic termination of an
7826 unexpended appropriation.

7827 (18) "Liabilities" are the probable future sacrifices of economic benefits, arising from
7828 present obligations of a particular entity to transfer assets or provide services to other entities in
7829 the future.

7830 (19) "Net financial resources" means:

7831 (a) the difference between the amount of a governmental fund's financial resources and
7832 liabilities; and

7833 (b) the fund balance of a governmental fund.

7834 (20) "Postemployment" means that period of time following:

7835 (a) the last day worked by an employee as a result of his long-term disability; or

7836 (b) the date that an employee identifies as the date on which the employee intends to
7837 retire or terminate from state employment.

7838 (21) "Postemployment benefits" means benefits earned by employees that will not be

7839 paid until postemployment, including unused vacation leave, unused converted sick leave, sick
7840 leave payments, and health and life insurance benefits as provided in Section [~~67-19-14~~]
7841 [63A-17-501](#).

7842 (22) "Proprietary funds" means those funds or subfunds that show actual financial
7843 position and the results of operations, such as actual assets, liabilities, reserves, fund balances,
7844 revenues, and expenses.

7845 (23) "Restricted revenue" means revenue that is required by law to be expended only:

7846 (a) for specified activities; and

7847 (b) to the amount of the legislative appropriation.

7848 (24) "Revenue" means the increase in ownership equity during a designated period of
7849 time that is recognized as earned.

7850 (25) "Subfund" means a restricted account, established within an independent fund,
7851 that has a self-balancing set of accounts to restrict revenues, expenditures, or the fund balance.

7852 (26) "Surplus" means the excess of the assets of a fund over its liabilities and restricted
7853 fund equity.

7854 (27) "Unappropriated surplus" means that portion of the surplus of a given fund that is
7855 not segregated for specific purposes.

7856 (28) "Unrestricted revenue" means revenue of a fund that may be expended by
7857 legislative appropriation for functions authorized in the provisions of law that establish each
7858 fund.

7859 Section 139. Section **51-7-12.2** is amended to read:

7860 **51-7-12.2. Definitions -- Local government other post-employment benefits trust**
7861 **fund -- Investments -- State treasurer duties.**

7862 (1) As used in this section:

7863 (a) "Local Government OPEB Trust Fund" or "Local Government Other
7864 Post-Employment Benefits Trust Fund" means money set aside by a local government to fund
7865 future payments of benefits, other than pensions, to a former employee who is qualified for the
7866 benefits.

7867 (b) "Local Government OPEB Trust Fund" does not include money for deposit in the
7868 Utah State Retirement Investment Fund created under Section [49-11-301](#), or money for deposit
7869 in the Post-Retirement Benefits Trust Fund created under Section [~~67-19d-201~~] [63A-17-1102](#).

7870 (2) All local government OPEB trust fund money in the custody of a local government
7871 treasurer shall be established in a separate trust fund in accordance with standards established
7872 by the Governmental Accounting Standards Board.

7873 (3) Money in a local government OPEB trust fund may be deposited or invested only in
7874 the following assets that meet the criteria of Section 51-7-17:

7875 (a) a deposit or investment authorized under Section 51-7-11;

7876 (b) indexed funds of an open-end diversified management investment company
7877 established under the Investment Companies Act of 1940; or

7878 (c) indexed funds that are administered by the state treasurer in accordance with
7879 Subsection (4).

7880 (4) The state treasurer may:

7881 (a) develop and offer a variety of asset allocation options for money in a local
7882 government OPEB trust fund;

7883 (b) review for efficiency, the asset allocation options offered under Subsection (4)(a) as
7884 needed; and

7885 (c) charge an administrative fee of not more than .005 percent per month of the assets
7886 managed for cost incurred in the management of funds within an asset allocation option.

7887 Section 140. Section 52-4-202 is amended to read:

7888 **52-4-202. Public notice of meetings -- Emergency meetings.**

7889 (1) (a) (i) A public body shall give not less than 24 hours' public notice of each
7890 meeting.

7891 (ii) A specified body shall give not less than 24 hours' public notice of each meeting
7892 that the specified body holds on the capitol hill complex.

7893 (b) The public notice required under Subsection (1)(a) shall include the meeting:

7894 (i) agenda;

7895 (ii) date;

7896 (iii) time; and

7897 (iv) place.

7898 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
7899 regular meetings that are scheduled in advance over the course of a year shall give public
7900 notice at least once each year of its annual meeting schedule as provided in this section.

7901 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
7902 the scheduled meetings.

7903 (3) (a) A public body or specified body satisfies a requirement for public notice by:

7904 (i) posting written notice:

7905 (A) except for an electronic meeting held without an anchor location under Subsection
7906 [52-4-207](#)(4), at the principal office of the public body or specified body, or if no principal
7907 office exists, at the building where the meeting is to be held; and

7908 (B) on the Utah Public Notice Website created under Section [~~63F-1-701~~] [63A-16-601](#);
7909 and

7910 (ii) providing notice to:

7911 (A) at least one newspaper of general circulation within the geographic jurisdiction of
7912 the public body; or

7913 (B) a local media correspondent.

7914 (b) A public body or specified body is in compliance with the provisions of Subsection
7915 (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions
7916 of Subsection [~~63F-1-701~~] [63A-16-601](#)(4)(d).

7917 (c) A public body whose limited resources make compliance with Subsection
7918 (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in
7919 Section [63A-12-101](#), to provide technical assistance to help the public body in its effort to
7920 comply.

7921 (4) A public body and a specified body are encouraged to develop and use additional
7922 electronic means to provide notice of their meetings under Subsection (3).

7923 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

7924 (i) because of unforeseen circumstances it is necessary for a public body or specified
7925 body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

7926 (ii) the public body or specified body gives the best notice practicable of:

7927 (A) the time and place of the emergency meeting; and

7928 (B) the topics to be considered at the emergency meeting.

7929 (b) An emergency meeting of a public body may not be held unless:

7930 (i) an attempt has been made to notify all the members of the public body; and

7931 (ii) a majority of the members of the public body approve the meeting.

7932 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
7933 provide reasonable specificity to notify the public as to the topics to be considered at the
7934 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

7935 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
7936 member of the public body, a topic raised by the public may be discussed during an open
7937 meeting, even if the topic raised by the public was not included in the agenda or advance public
7938 notice for the meeting.

7939 (c) Except as provided in Subsection (5), relating to emergency meetings, a public
7940 body may not take final action on a topic in an open meeting unless the topic is:

7941 (i) listed under an agenda item as required by Subsection (6)(a); and

7942 (ii) included with the advance public notice required by this section.

7943 (7) Except as provided in this section, this chapter does not apply to a specified body.

7944 Section 141. Section **52-4-203** is amended to read:

7945 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**
7946 **meetings.**

7947 (1) Except as provided under Subsection (7), written minutes and a recording shall be
7948 kept of all open meetings.

7949 (2) (a) Written minutes of an open meeting shall include:

7950 (i) the date, time, and place of the meeting;

7951 (ii) the names of members present and absent;

7952 (iii) the substance of all matters proposed, discussed, or decided by the public body
7953 which may include a summary of comments made by members of the public body;

7954 (iv) a record, by individual member, of each vote taken by the public body;

7955 (v) the name of each person who:

7956 (A) is not a member of the public body; and

7957 (B) after being recognized by the presiding member of the public body, provided
7958 testimony or comments to the public body;

7959 (vi) the substance, in brief, of the testimony or comments provided by the public under
7960 Subsection (2)(a)(v); and

7961 (vii) any other information that is a record of the proceedings of the meeting that any
7962 member requests be entered in the minutes or recording.

7963 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that
7964 minutes include the substance of matters proposed, discussed, or decided or the substance of
7965 testimony or comments by maintaining a publicly available online version of the minutes that
7966 provides a link to the meeting recording at the place in the recording where the matter is
7967 proposed, discussed, or decided or the testimony or comments provided.

7968 (3) A recording of an open meeting shall:

7969 (a) be a complete and unedited record of all open portions of the meeting from the
7970 commencement of the meeting through adjournment of the meeting; and

7971 (b) be properly labeled or identified with the date, time, and place of the meeting.

7972 (4) (a) As used in this Subsection (4):

7973 (i) "Approved minutes" means written minutes:

7974 (A) of an open meeting; and

7975 (B) that have been approved by the public body that held the open meeting.

7976 (ii) "Electronic information" means information presented or provided in an electronic
7977 format.

7978 (iii) "Pending minutes" means written minutes:

7979 (A) of an open meeting; and

7980 (B) that have been prepared in draft form and are subject to change before being
7981 approved by the public body that held the open meeting.

7982 (iv) "Specified local public body" means a legislative body of a county, city, town, or
7983 metro township.

7984 (v) "State public body" means a public body that is an administrative, advisory,
7985 executive, or legislative body of the state.

7986 (vi) "State website" means the Utah Public Notice Website created under Section
7987 ~~[63F-1-701]~~ [63A-16-601](#).

7988 (b) Pending minutes, approved minutes, and a recording of a public meeting are public
7989 records under Title 63G, Chapter 2, Government Records Access and Management Act.

7990 (c) Pending minutes shall contain a clear indication that the public body has not yet
7991 approved the minutes or that the minutes are subject to change until the public body approves
7992 them.

7993 (d) A state public body and a specified local public body shall require an individual

7994 who, at an open meeting of the public body, publicly presents or provides electronic
7995 information, relating to an item on the public body's meeting agenda, to provide the public
7996 body, at the time of the meeting, an electronic or hard copy of the electronic information for
7997 inclusion in the public record.

7998 (e) A state public body shall:

7999 (i) make pending minutes available to the public within 30 days after holding the open
8000 meeting that is the subject of the pending minutes;

8001 (ii) within three business days after approving written minutes of an open meeting:

8002 (A) post to the state website a copy of the approved minutes and any public materials
8003 distributed at the meeting;

8004 (B) make the approved minutes and public materials available to the public at the
8005 public body's primary office; and

8006 (C) if the public body provides online minutes under Subsection (2)(b), post approved
8007 minutes that comply with Subsection (2)(b) and the public materials on the public body's
8008 website; and

8009 (iii) within three business days after holding an open meeting, post on the state website
8010 an audio recording of the open meeting, or a link to the recording.

8011 (f) A specified local public body shall:

8012 (i) make pending minutes available to the public within 30 days after holding the open
8013 meeting that is the subject of the pending minutes;

8014 (ii) within three business days after approving written minutes of an open meeting, post
8015 and make available a copy of the approved minutes and any public materials distributed at the
8016 meeting, as provided in Subsection (4)(e)(ii); and

8017 (iii) within three business days after holding an open meeting, make an audio recording
8018 of the open meeting available to the public for listening.

8019 (g) A public body that is not a state public body or a specified local public body shall:

8020 (i) make pending minutes available to the public within a reasonable time after holding
8021 the open meeting that is the subject of the pending minutes;

8022 (ii) within three business days after approving written minutes, make the approved
8023 minutes available to the public; and

8024 (iii) within three business days after holding an open meeting, make an audio recording

8025 of the open meeting available to the public for listening.

8026 (h) A public body shall establish and implement procedures for the public body's
8027 approval of the written minutes of each meeting.

8028 (i) Approved minutes of an open meeting are the official record of the meeting.

8029 (5) All or any part of an open meeting may be independently recorded by any person in
8030 attendance if the recording does not interfere with the conduct of the meeting.

8031 (6) The written minutes or recording of an open meeting that are required to be
8032 retained permanently shall be maintained in or converted to a format that meets long-term
8033 records storage requirements.

8034 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

8035 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
8036 by the public body; or

8037 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
8038 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,
8039 Special Service District Act, if the district's annual budgeted expenditures for all funds,
8040 excluding capital expenditures and debt service, are \$50,000 or less.

8041 Section 142. Section **53-1-203** is amended to read:

8042 **53-1-203. Creation of Administrative Services Division -- Appointment of**
8043 **director -- Qualifications -- Term -- Compensation.**

8044 (1) There is created within the department the Administrative Services Division.

8045 (2) The division shall be administered by a director appointed by the commissioner
8046 with the approval of the governor.

8047 (3) The director is the executive and administrative head of the division and shall be
8048 experienced in administration and possess additional qualifications as determined by the
8049 commissioner and as provided by law.

8050 (4) The director acts under the supervision and control of the commissioner and may be
8051 removed from his position at the will of the commissioner.

8052 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
8053 [49] 17, Utah State Personnel Management Act.

8054 Section 143. Section **53-1-303** is amended to read:

8055 **53-1-303. Creation of Management Information Services Division -- Appointment**

8056 **of director -- Qualifications -- Term -- Compensation.**

8057 (1) There is created within the department the Management Information Services
8058 Division.

8059 (2) The division shall be administered by a director appointed by the commissioner
8060 with the approval of the governor.

8061 (3) The director is the executive and administrative head of the division and shall be
8062 experienced in administration and possess additional qualifications as determined by the
8063 commissioner and as provided by law.

8064 (4) The director acts under the supervision and control of the commissioner and may be
8065 removed from his position at the will of the commissioner.

8066 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
8067 [+9] 17, Utah State Personnel Management Act.

8068 Section 144. Section **53-2a-103** is amended to read:

8069 **53-2a-103. Division of Emergency Management -- Creation -- Director --**
8070 **Appointment -- Term -- Compensation.**

8071 (1) There is created within the Department of Public Safety the Division of Emergency
8072 Management.

8073 (2) The division shall be administered by a director appointed by the commissioner
8074 with the approval of the governor.

8075 (3) The director is the executive and administrative head of the division and shall be
8076 experienced in administration and possess additional qualifications as determined by the
8077 commissioner and as provided by law.

8078 (4) The director acts under the supervision and control of the commissioner and may be
8079 removed from the position at the will of the commissioner.

8080 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
8081 [+9] 17, Utah State Personnel Management Act.

8082 Section 145. Section **53-3-103** is amended to read:

8083 **53-3-103. Driver License Division -- Creation -- Director -- Appointment -- Term**
8084 **-- Compensation.**

8085 (1) There is created within the department the Driver License Division.

8086 (2) The division shall be administered by a director appointed by the commissioner

8087 with the approval of the governor.

8088 (3) The director is the executive and administrative head of the division and shall be
8089 experienced in administration and possess additional qualifications as determined by the
8090 commissioner and as provided by law.

8091 (4) The director acts under the supervision and control of the commissioner and may be
8092 removed from his position at the will of the commissioner.

8093 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
8094 [+9] 17, Utah State Personnel Management Act.

8095 Section 146. Section **53-7-103** is amended to read:

8096 **53-7-103. State Fire Marshal Division -- Creation -- State fire marshal --**
8097 **Appointment, qualifications, duties, and compensation.**

8098 (1) There is created within the department the State Fire Marshal Division.

8099 (2) (a) The director of the division is the state fire marshal, who shall be appointed by
8100 the commissioner upon the recommendation of the Utah Fire Prevention Board created in
8101 Section 53-7-203 and with the approval of the governor.

8102 (b) The state fire marshal is the executive and administrative head of the division, and
8103 shall be qualified by experience and education to:

8104 (i) enforce the state fire code;

8105 (ii) enforce rules made under this chapter; and

8106 (iii) perform the duties prescribed by the commissioner.

8107 (3) The state fire marshal acts under the supervision and control of the commissioner
8108 and may be removed from the position at the will of the commissioner.

8109 (4) The state fire marshal shall:

8110 (a) enforce the state fire code and rules made under this chapter in accordance with
8111 Section 53-7-104;

8112 (b) complete the duties assigned by the commissioner;

8113 (c) examine plans and specifications for school buildings, as required by Section
8114 53E-3-706;

8115 (d) approve criteria established by the state superintendent for building inspectors;

8116 (e) promote and support injury prevention public education programs; and

8117 (f) perform all other duties provided in this chapter.

8118 (5) The state fire marshal shall receive compensation as provided by Title [67] 63A,
8119 Chapter [19] 17, Utah State Personnel Management Act.

8120 Section 147. Section **53-8-103** is amended to read:

8121 **53-8-103. Utah Highway Patrol Division -- Creation -- Appointment of**
8122 **superintendent -- Powers -- Qualifications -- Term -- Compensation.**

8123 (1) There is created the Utah Highway Patrol Division.

8124 (2) The director of the division shall be the superintendent appointed by the
8125 commissioner with the approval of the governor.

8126 (3) The superintendent is the executive and administrative head of the division and
8127 shall be experienced in administration and possess additional qualifications as determined by
8128 the commissioner.

8129 (4) The superintendent acts under the supervision and control of the commissioner and
8130 may be removed from his position at the will of the commissioner.

8131 (5) The superintendent shall receive compensation as provided by Title [67] 63A,
8132 Chapter [19] 17, Utah State Personnel Management Act.

8133 Section 148. Section **53-10-103** is amended to read:

8134 **53-10-103. Division -- Creation -- Director appointment and qualifications.**

8135 (1) There is created within the department the Criminal Investigations and Technical
8136 Services Division.

8137 (2) The division shall be administered by a director appointed by the commissioner
8138 with the approval of the governor.

8139 (3) The director is the executive and administrative head of the division and shall be
8140 experienced in administration and possess additional qualifications as determined by the
8141 commissioner and as provided by law.

8142 (4) The director acts under the supervision and control of the commissioner and may be
8143 removed from his position at the will of the commissioner.

8144 (5) The director shall receive compensation as provided by Title [67] 63A, Chapter
8145 [19] 17, Utah State Personnel Management Act.

8146 Section 149. Section **53-10-108** is amended to read:

8147 **53-10-108. Restrictions on access, use, and contents of division records -- Limited**
8148 **use of records for employment purposes -- Challenging accuracy of records -- Usage fees**

8149 -- **Missing children records -- Penalty for misuse of records.**

8150 (1) As used in this section:

8151 (a) "FBI Rap Back System" means the rap back system maintained by the Federal
8152 Bureau of Investigation.

8153 (b) "Rap back system" means a system that enables authorized entities to receive
8154 ongoing status notifications of any criminal history reported on individuals whose fingerprints
8155 are registered in the system.

8156 (c) "WIN Database" means the Western Identification Network Database that consists
8157 of eight western states sharing one electronic fingerprint database.

8158 (2) Dissemination of information from a criminal history record, including information
8159 obtained from a fingerprint background check, name check, warrant of arrest information, or
8160 information from division files, is limited to:

8161 (a) criminal justice agencies for purposes of administration of criminal justice and for
8162 employment screening by criminal justice agencies;

8163 (b) (i) agencies or individuals pursuant to a specific agreement with a criminal justice
8164 agency to provide services required for the administration of criminal justice;

8165 (ii) the agreement shall specifically authorize access to data, limit the use of the data to
8166 purposes for which given, and ensure the security and confidentiality of the data;

8167 (c) a qualifying entity for employment background checks for their own employees and
8168 persons who have applied for employment with the qualifying entity;

8169 (d) noncriminal justice agencies or individuals for any purpose authorized by statute,
8170 executive order, court rule, court order, or local ordinance;

8171 (e) agencies or individuals for the purpose of obtaining required clearances connected
8172 with foreign travel or obtaining citizenship;

8173 (f) agencies or individuals for the purpose of a preplacement adoptive study, in
8174 accordance with the requirements of Sections [78B-6-128](#) and [78B-6-130](#);

8175 (g) private security agencies through guidelines established by the commissioner for
8176 employment background checks for their own employees and prospective employees;

8177 (h) state agencies for the purpose of conducting a background check for the following
8178 individuals:

8179 (i) employees;

- 8180 (ii) applicants for employment;
- 8181 (iii) volunteers; and
- 8182 (iv) contract employees;
- 8183 (i) governor's office for the purpose of conducting a background check on the
- 8184 following individuals:
- 8185 (i) cabinet members;
- 8186 (ii) judicial applicants; and
- 8187 (iii) members of boards, committees, and commissions appointed by the governor;
- 8188 (j) the office of the lieutenant governor for the purpose of conducting a background
- 8189 check on an individual applying to be a notary public under Section 46-1-3.
- 8190 (k) agencies and individuals as the commissioner authorizes for the express purpose of
- 8191 research, evaluative, or statistical activities pursuant to an agreement with a criminal justice
- 8192 agency; and
- 8193 (l) other agencies and individuals as the commissioner authorizes and finds necessary
- 8194 for protection of life and property and for offender identification, apprehension, and
- 8195 prosecution pursuant to an agreement.
- 8196 (3) An agreement under Subsection (2)(k) shall specifically authorize access to data,
- 8197 limit the use of data to research, evaluative, or statistical purposes, preserve the anonymity of
- 8198 individuals to whom the information relates, and ensure the confidentiality and security of the
- 8199 data.
- 8200 (4) (a) Before requesting information, a qualifying entity under Subsection (2)(c), state
- 8201 agency, or other agency or individual described in Subsections (2)(d) through (j) shall obtain a
- 8202 signed waiver from the person whose information is requested.
- 8203 (b) The waiver shall notify the signee:
- 8204 (i) that a criminal history background check will be conducted;
- 8205 (ii) who will see the information; and
- 8206 (iii) how the information will be used.
- 8207 (c) A qualifying entity under Subsection (2)(c), state agency, or other agency or
- 8208 individual described in Subsections (2)(d) through (g) that submits a request for a noncriminal
- 8209 justice name based background check of local databases to the bureau shall provide to the
- 8210 bureau:

8211 (i) personal identifying information for the subject of the background check; and
8212 (ii) the fee required by Subsection (15).

8213 (d) A qualifying entity under Subsection (2)(c), state agency, or other agency or
8214 individual described in Subsections (2)(d) through (g) that submits a request for a WIN
8215 database check and a nationwide background check shall provide to the bureau:

8216 (i) personal identifying information for the subject of the background check;
8217 (ii) a fingerprint card for the subject of the background check; and
8218 (iii) the fee required by Subsection (15).

8219 (e) Information received by a qualifying entity under Subsection (2)(c), state agency, or
8220 other agency or individual described in Subsections (2)(d) through (j) may only be:

8221 (i) available to individuals involved in the hiring or background investigation of the job
8222 applicant, employee, or notary applicant;

8223 (ii) used for the purpose of assisting in making an employment appointment, selection,
8224 or promotion decision or for considering a notary applicant under Section 46-1-3; and

8225 (iii) used for the purposes disclosed in the waiver signed in accordance with Subsection
8226 (4)(b).

8227 (f) An individual who disseminates or uses information obtained from the division
8228 under Subsections (2)(c) through (j) for purposes other than those specified under Subsection
8229 (4)(e), in addition to any penalties provided under this section, is subject to civil liability.

8230 (g) A qualifying entity under Subsection (2)(c), state agency, or other agency or
8231 individual described in Subsections (2)(d) through (j) that obtains background check
8232 information shall provide the subject of the background check an opportunity to:

8233 (i) review the information received as provided under Subsection (9); and
8234 (ii) respond to any information received.

8235 (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8236 division may make rules to implement this Subsection (4).

8237 (i) The division or its employees are not liable for defamation, invasion of privacy,
8238 negligence, or any other claim in connection with the contents of information disseminated
8239 under Subsections (2)(c) through (j).

8240 (5) (a) Any criminal history record information obtained from division files may be
8241 used only for the purposes for which it was provided and may not be further disseminated,

8242 except under Subsection (5)(b), (c), or (d).

8243 (b) A criminal history provided to an agency pursuant to Subsection (2)(f) may be
8244 provided by the agency to the individual who is the subject of the history, another licensed
8245 child-placing agency, or the attorney for the adoptive parents for the purpose of facilitating an
8246 adoption.

8247 (c) A criminal history of a defendant provided to a criminal justice agency under
8248 Subsection (2)(a) may also be provided by the prosecutor to a defendant's defense counsel,
8249 upon request during the discovery process, for the purpose of establishing a defense in a
8250 criminal case.

8251 (d) A public transit district, as described in Title 17B, Chapter 2a, Part 8, Public
8252 Transit District Act, that is under contract with a state agency to provide services may, for the
8253 purposes of complying with Subsection [62A-5-103.5\(5\)](#), provide a criminal history record to
8254 the state agency or the agency's designee.

8255 (6) The division may not disseminate criminal history record information to qualifying
8256 entities under Subsection (2)(c) regarding employment background checks if the information is
8257 related to charges:

8258 (a) that have been declined for prosecution;

8259 (b) that have been dismissed; or

8260 (c) regarding which a person has been acquitted.

8261 (7) (a) This section does not preclude the use of the division's central computing
8262 facilities for the storage and retrieval of criminal history record information.

8263 (b) This information shall be stored so it cannot be modified, destroyed, or accessed by
8264 unauthorized agencies or individuals.

8265 (8) Direct access through remote computer terminals to criminal history record
8266 information in the division's files is limited to those agencies authorized by the commissioner
8267 under procedures designed to prevent unauthorized access to this information.

8268 (9) (a) The commissioner shall establish procedures to allow an individual right of
8269 access to review and receive a copy of the individual's criminal history report.

8270 (b) A processing fee for the right of access service, including obtaining a copy of the
8271 individual's criminal history report under Subsection (9)(a) shall be set in accordance with
8272 Section [63J-1-504](#).

8273 (c) (i) The commissioner shall establish procedures for an individual to challenge the
8274 completeness and accuracy of criminal history record information contained in the division's
8275 computerized criminal history files regarding that individual.

8276 (ii) These procedures shall include provisions for amending any information found to
8277 be inaccurate or incomplete.

8278 (10) The private security agencies as provided in Subsection (2)(g):

8279 (a) shall be charged for access; and

8280 (b) shall be registered with the division according to rules made by the division under
8281 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

8282 (11) Before providing information requested under this section, the division shall give
8283 priority to criminal justice agencies needs.

8284 (12) (a) It is a class B misdemeanor for a person to knowingly or intentionally access,
8285 use, disclose, or disseminate a record created, maintained, or to which access is granted by the
8286 division or any information contained in a record created, maintained, or to which access is
8287 granted by the division for a purpose prohibited or not permitted by statute, rule, regulation, or
8288 policy of a governmental entity.

8289 (b) A person who discovers or becomes aware of any unauthorized use of records
8290 created or maintained, or to which access is granted by the division shall inform the
8291 commissioner and the director of the Utah Bureau of Criminal Identification of the
8292 unauthorized use.

8293 (13) (a) Subject to Subsection (13)(b), a qualifying entity or an entity described in
8294 Subsection (2) may request that the division register fingerprints taken for the purpose of
8295 conducting current and future criminal background checks under this section with:

8296 (i) the WIN Database rap back system, or any successor system;

8297 (ii) the FBI Rap Back System; or

8298 (iii) a system maintained by the division.

8299 (b) A qualifying entity or an entity described in Subsection (2) may only make a
8300 request under Subsection (13)(a) if the entity:

8301 (i) has the authority through state or federal statute or federal executive order;

8302 (ii) obtains a signed waiver from the individual whose fingerprints are being registered;

8303 and

8304 (iii) establishes a privacy risk mitigation strategy to ensure that the entity only receives
8305 notifications for individuals with whom the entity maintains an authorizing relationship.

8306 (14) The division is authorized to submit fingerprints to the FBI Rap Back System to
8307 be retained in the FBI Rap Back System for the purpose of being searched by future
8308 submissions to the FBI Rap Back System, including latent fingerprint searches.

8309 (15) (a) The division shall impose fees set in accordance with Section [63J-1-504](#) for
8310 the applicant fingerprint card, name check, and to register fingerprints under Subsection
8311 (13)(a).

8312 (b) Funds generated under this Subsection (15) shall be deposited into the General
8313 Fund as a dedicated credit by the department to cover the costs incurred in providing the
8314 information.

8315 (c) The division may collect fees charged by an outside agency for services required
8316 under this section.

8317 (16) For the purposes of conducting a criminal background check authorized under
8318 Subsection (2)(h),(i), or (j), the Department of Human Resource Management, in accordance
8319 with Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah State Personnel Management Act, and the
8320 governor's office shall have direct access to criminal background information maintained under
8321 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

8322 Section 150. Section **53-10-201** is amended to read:

8323 **53-10-201. Bureau of Criminal Identification -- Creation -- Bureau Chief**
8324 **appointment, qualifications, and compensation.**

8325 (1) There is created within the division the Bureau of Criminal Identification.

8326 (2) The bureau shall be administered by a bureau chief appointed by the division
8327 director with the approval of the commissioner.

8328 (3) The bureau chief shall be experienced in administration and possess additional
8329 qualifications as determined by the commissioner or division director and as provided by law.

8330 (4) The bureau chief acts under the supervision and control of the division director and
8331 may be removed from his position at the will of the commissioner.

8332 (5) The bureau chief shall receive compensation as provided by Title ~~[67]~~ [63A](#),
8333 Chapter ~~[19]~~ [17](#), Utah State Personnel Management Act.

8334 Section 151. Section **53-10-301** is amended to read:

8335 **53-10-301. State Bureau of Investigation -- Creation -- Bureau chief appointment,**
8336 **qualifications, and compensation.**

8337 (1) There is created within the division the State Bureau of Investigation.

8338 (2) The bureau shall be administered by a bureau chief appointed by the division
8339 director with the approval of the commissioner.

8340 (3) The bureau chief shall be experienced in administration and possess additional
8341 qualifications as determined by the division director and as provided by law.

8342 (4) The bureau chief acts under the supervision and control of the division director and
8343 may be removed from his position at the will of the commissioner.

8344 (5) The bureau chief shall receive compensation as provided by Title [67] 63A,
8345 Chapter [19] 17, Utah State Personnel Management Act.

8346 Section 152. Section **53-10-401** is amended to read:

8347 **53-10-401. Bureau of Forensic Services -- Creation -- Bureau Chief appointment,**
8348 **qualifications, and compensation.**

8349 (1) There is created within the division the Bureau of Forensic Services.

8350 (2) The bureau shall be administered by a bureau chief appointed by the division
8351 director with the approval of the commissioner.

8352 (3) The bureau chief shall be experienced in administration of criminal justice and
8353 possess additional qualifications as determined by the commissioner or division director and as
8354 provided by law.

8355 (4) The bureau chief acts under the supervision and control of the division director and
8356 may be removed from his position at the will of the commissioner.

8357 (5) The bureau chief shall receive compensation as provided by [~~Title 67, Chapter 19~~]
8358 Title 63A, Chapter 17, Utah State Personnel Management Act.

8359 Section 153. Section **53-13-114** is amended to read:

8360 **53-13-114. Off-duty peace officer working as a security officer.**

8361 A peace officer may engage in off-duty employment as a security officer under Section
8362 58-63-304 only if:

8363 (1) the law enforcement agency employing the peace officer:

8364 (a) has a written policy regarding peace officer employees working while off-duty as
8365 security officers; and

8366 (b) the policy under Subsection (1)(a) is:
8367 (i) posted and publicly available on the appropriate city, county, or state website; or
8368 (ii) posted on the Utah Public Notice Website created in Section [~~63F-1-701~~
8369 [63A-16-601](#) if the law enforcement agency does not have access to a website under Subsection
8370 (1)(b)(i).

8371 (2) the agency's chief administrative officer, or that officer's designee, provides written
8372 authorization for an off-duty peace officer to work as a security officer; and

8373 (3) the business or entity employing the off-duty peace officer to work as a security
8374 officer complies with state and federal income reporting and withholding requirements
8375 regarding the off-duty officer's wages.

8376 Section 154. Section **53B-7-101.5** is amended to read:

8377 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

8378 (1) If an institution within the State System of Higher Education listed in Section
8379 [53B-1-102](#) considers increasing tuition rates for undergraduate students in the process of
8380 preparing or implementing its budget, it shall hold a meeting to receive public input and
8381 response on the issue.

8382 (2) The institution shall advertise the hearing required under Subsection (1) using the
8383 following procedure:

8384 (a) The institution shall advertise its intent to consider an increase in student tuition
8385 rates:

8386 (i) in the institution's student newspaper twice during a period of 10 days prior to the
8387 meeting; and

8388 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
8389 10 days immediately before the meeting.

8390 (b) The advertisement shall state that the institution will meet on a certain day, time,
8391 and place fixed in the advertisement, which shall not be less than seven days after the day the
8392 second advertisement is published, for the purpose of hearing comments regarding the
8393 proposed increase and to explain the reasons for the proposed increase.

8394 (3) The form and content of the notice shall be substantially as follows:

8395 "NOTICE OF PROPOSED TUITION INCREASE

8396 The (name of the higher education institution) is proposing to increase student tuition

8397 rates. This would be an increase of _____ %, which is an increase of \$_____ per semester
8398 for a full-time resident undergraduate student. All concerned students and citizens are invited
8399 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

8400 (4) (a) The institution shall provide the following information to those in attendance at
8401 the meeting required under Subsection (1):

8402 (i) the current year's student enrollment for:

8403 (A) the State System of Higher Education, if a systemwide increase is being
8404 considered; or

8405 (B) the institution, if an increase is being considered for just a single institution;

8406 (ii) total tuition revenues for the current school year;

8407 (iii) projected student enrollment growth for the next school year and projected tuition
8408 revenue increases from that anticipated growth; and

8409 (iv) a detailed accounting of how and where the increased tuition revenues would be
8410 spent.

8411 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
8412 down into majors or departments if the proposed tuition increases are department or major
8413 specific.

8414 (5) If the institution does not make a final decision on the proposed tuition increase at
8415 the meeting, it shall announce the date, time, and place of the meeting where that determination
8416 shall be made.

8417 Section 155. Section **53E-4-202** is amended to read:

8418 **53E-4-202. Core standards for Utah public schools.**

8419 (1) (a) In establishing minimum standards related to curriculum and instruction
8420 requirements under Section **53E-3-501**, the state board shall, in consultation with local school
8421 boards, school superintendents, teachers, employers, and parents implement core standards for
8422 Utah public schools that will enable students to, among other objectives:

8423 (i) communicate effectively, both verbally and through written communication;

8424 (ii) apply mathematics; and

8425 (iii) access, analyze, and apply information.

8426 (b) Except as provided in this public education code, the state board may recommend
8427 but may not require a local school board or charter school governing board to use:

- 8428 (i) a particular curriculum or instructional material; or
8429 (ii) a model curriculum or instructional material.
- 8430 (2) The state board shall, in establishing the core standards for Utah public schools:
- 8431 (a) identify the basic knowledge, skills, and competencies each student is expected to
8432 acquire or master as the student advances through the public education system; and
8433 (b) align with each other the core standards for Utah public schools and the
8434 assessments described in Section [53E-4-303](#).
- 8435 (3) The basic knowledge, skills, and competencies identified pursuant to Subsection
8436 (2)(a) shall increase in depth and complexity from year to year and focus on consistent and
8437 continual progress within and between grade levels and courses in the basic academic areas of:
- 8438 (a) English, including explicit phonics, spelling, grammar, reading, writing,
8439 vocabulary, speech, and listening; and
8440 (b) mathematics, including basic computational skills.
- 8441 (4) Before adopting core standards for Utah public schools, the state board shall:
- 8442 (a) publicize draft core standards for Utah public schools on the state board's website
8443 and the Utah Public Notice website created under Section [~~63F-1-701~~] [63A-16-601](#);
8444 (b) invite public comment on the draft core standards for Utah public schools for a
8445 period of not less than 90 days; and
8446 (c) conduct three public hearings that are held in different regions of the state on the
8447 draft core standards for Utah public schools.
- 8448 (5) LEA governing boards shall design their school programs, that are supported by
8449 generally accepted scientific standards of evidence, to focus on the core standards for Utah
8450 public schools with the expectation that each program will enhance or help achieve mastery of
8451 the core standards for Utah public schools.
- 8452 (6) Except as provided in Section [53G-10-402](#), each school may select instructional
8453 materials and methods of teaching, that are supported by generally accepted scientific standards
8454 of evidence, that the school considers most appropriate to meet the core standards for Utah
8455 public schools.
- 8456 (7) The state may exit any agreement, contract, memorandum of understanding, or
8457 consortium that cedes control of the core standards for Utah public schools to any other entity,
8458 including a federal agency or consortium, for any reason, including:

- 8459 (a) the cost of developing or implementing the core standards for Utah public schools;
- 8460 (b) the proposed core standards for Utah public schools are inconsistent with
- 8461 community values; or
- 8462 (c) the agreement, contract, memorandum of understanding, or consortium:
- 8463 (i) was entered into in violation of Chapter 3, Part 8, Implementing Federal or National
- 8464 Education Programs, or Title 63J, Chapter 5, Federal Funds Procedures Act;
- 8465 (ii) conflicts with Utah law;
- 8466 (iii) requires Utah student data to be included in a national or multi-state database;
- 8467 (iv) requires records of teacher performance to be included in a national or multi-state
- 8468 database; or
- 8469 (v) imposes curriculum, assessment, or data tracking requirements on home school or
- 8470 private school students.

8471 (8) The state board shall submit a report in accordance with Section [53E-1-203](#) on the
8472 development and implementation of the core standards for Utah public schools, including the
8473 time line established for the review of the core standards for Utah public schools by a standards
8474 review committee and the recommendations of a standards review committee established under
8475 Section [53E-4-203](#).

8476 Section 156. Section **53E-8-203** is amended to read:

8477 **53E-8-203. Applicability of statutes to the Utah Schools for the Deaf and the**
8478 **Blind.**

8479 (1) The Utah Schools for the Deaf and the Blind is subject to this public education
8480 code and other state laws applicable to public schools, except as otherwise provided by this
8481 chapter.

8482 (2) The following provisions of this public education code do not apply to the Utah
8483 Schools for the Deaf and the Blind:

8484 (a) provisions governing the budgets, funding, or finances of school districts or charter
8485 schools; and

8486 (b) provisions governing school construction.

8487 (3) Except as provided in this chapter, the Utah Schools for the Deaf and the Blind is
8488 subject to state laws governing state agencies, including:

8489 (a) Title 51, Chapter 5, Funds Consolidation Act;

- 8490 (b) Title 51, Chapter 7, State Money Management Act;
 8491 (c) Title 52, Chapter 4, Open and Public Meetings Act;
 8492 (d) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;
 8493 (e) Title 63G, Chapter 2, Government Records Access and Management Act;
 8494 (f) Title 63G, Chapter 4, Administrative Procedures Act;
 8495 (g) Title 63G, Chapter 6a, Utah Procurement Code;
 8496 (h) Title 63J, Chapter 1, Budgetary Procedures Act;
 8497 (i) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
 8498 (j) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

8499 Section 157. Section **53G-3-204** is amended to read:

8500 **53G-3-204. Notice before preparing or amending a long-range plan or acquiring**
 8501 **certain property.**

8502 (1) As used in this section:

8503 (a) "Affected entity" means each county, municipality, local district under Title 17B,
 8504 Limited Purpose Local Government Entities - Local Districts, special service district under
 8505 Title 17D, Chapter 1, Special Service District Act, interlocal cooperation entity established
 8506 under Title 11, Chapter 13, Interlocal Cooperation Act, and specified public utility:

8507 (i) whose services or facilities are likely to require expansion or significant
 8508 modification because of an intended use of land; or

8509 (ii) that has filed with the school district a copy of the general or long-range plan of the
 8510 county, municipality, local district, special service district, school district, interlocal
 8511 cooperation entity, or specified public utility.

8512 (b) "Specified public utility" means an electrical corporation, gas corporation, or
 8513 telephone corporation, as those terms are defined in Section [54-2-1](#).

8514 (2) (a) If a school district located in a county of the first or second class prepares a
 8515 long-range plan regarding its facilities proposed for the future or amends an already existing
 8516 long-range plan, the school district shall, before preparing a long-range plan or amendments to
 8517 an existing long-range plan, provide written notice, as provided in this section, of its intent to
 8518 prepare a long-range plan or to amend an existing long-range plan.

8519 (b) Each notice under Subsection (2)(a) shall:

8520 (i) indicate that the school district intends to prepare a long-range plan or to amend a

8521 long-range plan, as the case may be;

8522 (ii) describe or provide a map of the geographic area that will be affected by the
8523 long-range plan or amendments to a long-range plan;

8524 (iii) be:

8525 (A) sent to each county in whose unincorporated area and each municipality in whose
8526 boundaries is located the land on which the proposed long-range plan or amendments to a
8527 long-range plan are expected to indicate that the proposed facilities will be located;

8528 (B) sent to each affected entity;

8529 (C) sent to the Automated Geographic Reference Center created in Section
8530 ~~[63F-1-506]~~ [63A-16-505](#);

8531 (D) sent to each association of governments, established pursuant to an interlocal
8532 agreement under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or
8533 municipality described in Subsection (2)(b)(iii)(A) is a member; and

8534 (E) placed on the Utah Public Notice Website created under Section ~~[63F-1-701]~~
8535 [63A-16-601](#);

8536 (iv) with respect to the notice to counties and municipalities described in Subsection
8537 (2)(b)(iii)(A) and affected entities, invite them to provide information for the school district to
8538 consider in the process of preparing, adopting, and implementing the long-range plan or
8539 amendments to a long-range plan concerning:

8540 (A) impacts that the use of land proposed in the proposed long-range plan or
8541 amendments to a long-range plan may have on the county, municipality, or affected entity; and

8542 (B) uses of land that the county, municipality, or affected entity is planning or
8543 considering that may conflict with the proposed long-range plan or amendments to a long-range
8544 plan; and

8545 (v) include the address of an Internet website, if the school district has one, and the
8546 name and telephone number of a person where more information can be obtained concerning
8547 the school district's proposed long-range plan or amendments to a long-range plan.

8548 (3) (a) Except as provided in Subsection (3)(d), each school district intending to
8549 acquire real property in a county of the first or second class for the purpose of expanding the
8550 district's infrastructure or other facilities shall provide written notice, as provided in this
8551 Subsection (3), of its intent to acquire the property if the intended use of the property is

8552 contrary to:

8553 (i) the anticipated use of the property under the county or municipality's general plan;

8554 or

8555 (ii) the property's current zoning designation.

8556 (b) Each notice under Subsection (3)(a) shall:

8557 (i) indicate that the school district intends to acquire real property;

8558 (ii) identify the real property; and

8559 (iii) be sent to:

8560 (A) each county in whose unincorporated area and each municipality in whose
8561 boundaries the property is located; and

8562 (B) each affected entity.

8563 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
8564 [63G-2-305](#)(8).

8565 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the school district
8566 previously provided notice under Subsection (2) identifying the general location within the
8567 municipality or unincorporated part of the county where the property to be acquired is located.

8568 (ii) If a school district is not required to comply with the notice requirement of
8569 Subsection (3)(a) because of application of Subsection (3)(d)(i), the school district shall
8570 provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition of
8571 the real property.

8572 Section 158. Section **53G-4-204** is amended to read:

8573 **53G-4-204. Compensation for services -- Additional per diem -- Approval of**
8574 **expenses.**

8575 (1) Each member of a local school board, except the student member, shall receive
8576 compensation for services and for necessary expenses in accordance with compensation
8577 schedules adopted by the local school board in accordance with the provisions of this section.

8578 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
8579 compensation schedules, the local school board shall set a time and place for a public hearing
8580 at which all interested persons shall be given an opportunity to be heard.

8581 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
8582 seven days prior to the meeting by:

8583 (a) (i) publication at least once in a newspaper published in the county where the
8584 school district is situated and generally circulated within the school district; and
8585 (ii) publication on the Utah Public Notice Website created in Section [~~63F-1-701~~]
8586 [63A-16-601](#); and
8587 (b) posting a notice:
8588 (i) at each school within the school district;
8589 (ii) in at least three other public places within the school district; and
8590 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.
8591 (4) After the conclusion of the public hearing, the local school board may adopt or
8592 amend its compensation schedules.

8593 (5) Each member shall submit an itemized account of necessary travel expenses for
8594 local school board approval.

8595 (6) A local school board may, without following the procedures described in
8596 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
8597 July 1, 2007, until, at the discretion of the local school board, the compensation schedule is
8598 amended or a new compensation schedule is adopted.

8599 Section 159. Section **53G-4-402** is amended to read:

8600 **53G-4-402. Powers and duties generally.**

8601 (1) A local school board shall:

8602 (a) implement the core standards for Utah public schools using instructional materials
8603 that best correlate to the core standards for Utah public schools and graduation requirements;

8604 (b) administer tests, required by the state board, which measure the progress of each
8605 student, and coordinate with the state superintendent and state board to assess results and create
8606 plans to improve the student's progress, which shall be submitted to the state board for
8607 approval;

8608 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
8609 students that need remediation and determine the type and amount of federal, state, and local
8610 resources to implement remediation;

8611 (d) develop early warning systems for students or classes failing to make progress;

8612 (e) work with the state board to establish a library of documented best practices,
8613 consistent with state and federal regulations, for use by the local districts;

- 8614 (f) implement training programs for school administrators, including basic
8615 management training, best practices in instructional methods, budget training, staff
8616 management, managing for learning results and continuous improvement, and how to help
8617 every child achieve optimal learning in basic academic subjects; and
- 8618 (g) ensure that the local school board meets the data collection and reporting standards
8619 described in Section [53E-3-501](#).
- 8620 (2) Local school boards shall spend Minimum School Program funds for programs and
8621 activities for which the state board has established minimum standards or rules under Section
8622 [53E-3-501](#).
- 8623 (3) (a) A local school board may purchase, sell, and make improvements on school
8624 sites, buildings, and equipment and construct, erect, and furnish school buildings.
- 8625 (b) School sites or buildings may only be conveyed or sold on local school board
8626 resolution affirmed by at least two-thirds of the members.
- 8627 (4) (a) A local school board may participate in the joint construction or operation of a
8628 school attended by children residing within the district and children residing in other districts
8629 either within or outside the state.
- 8630 (b) Any agreement for the joint operation or construction of a school shall:
- 8631 (i) be signed by the president of the local school board of each participating district;
8632 (ii) include a mutually agreed upon pro rata cost; and
8633 (iii) be filed with the state board.
- 8634 (5) A local school board may establish, locate, and maintain elementary, secondary,
8635 and applied technology schools.
- 8636 (6) Except as provided in Section [53E-3-905](#), a local school board may enroll children
8637 in school who are at least five years of age before September 2 of the year in which admission
8638 is sought.
- 8639 (7) A local school board may establish and support school libraries.
- 8640 (8) A local school board may collect damages for the loss, injury, or destruction of
8641 school property.
- 8642 (9) A local school board may authorize guidance and counseling services for children
8643 and their parents before, during, or following enrollment of the children in schools.
- 8644 (10) (a) A local school board shall administer and implement federal educational

8645 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National
8646 Education Programs.

8647 (b) Federal funds are not considered funds within the school district budget under
8648 Chapter 7, Part 3, Budgets.

8649 (11) (a) A local school board may organize school safety patrols and adopt policies
8650 under which the patrols promote student safety.

8651 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
8652 parental consent for the appointment.

8653 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
8654 of a highway intended for vehicular traffic use.

8655 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
8656 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
8657 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

8658 (12) (a) A local school board may on its own behalf, or on behalf of an educational
8659 institution for which the local school board is the direct governing body, accept private grants,
8660 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

8661 (b) These contributions are not subject to appropriation by the Legislature.

8662 (13) (a) A local school board may appoint and fix the compensation of a compliance
8663 officer to issue citations for violations of Subsection 76-10-105(2)(b).

8664 (b) A person may not be appointed to serve as a compliance officer without the
8665 person's consent.

8666 (c) A teacher or student may not be appointed as a compliance officer.

8667 (14) A local school board shall adopt bylaws and policies for the local school board's
8668 own procedures.

8669 (15) (a) A local school board shall make and enforce policies necessary for the control
8670 and management of the district schools.

8671 (b) Local school board policies shall be in writing, filed, and referenced for public
8672 access.

8673 (16) A local school board may hold school on legal holidays other than Sundays.

8674 (17) (a) A local school board shall establish for each school year a school traffic safety
8675 committee to implement this Subsection (17).

- 8676 (b) The committee shall be composed of one representative of:
- 8677 (i) the schools within the district;
- 8678 (ii) the Parent Teachers' Association of the schools within the district;
- 8679 (iii) the municipality or county;
- 8680 (iv) state or local law enforcement; and
- 8681 (v) state or local traffic safety engineering.
- 8682 (c) The committee shall:
- 8683 (i) receive suggestions from school community councils, parents, teachers, and others
- 8684 and recommend school traffic safety improvements, boundary changes to enhance safety, and
- 8685 school traffic safety program measures;
- 8686 (ii) review and submit annually to the Department of Transportation and affected
- 8687 municipalities and counties a child access routing plan for each elementary, middle, and junior
- 8688 high school within the district;
- 8689 (iii) consult the Utah Safety Council and the Division of Family Health Services and
- 8690 provide training to all school children in kindergarten through grade 6, within the district, on
- 8691 school crossing safety and use; and
- 8692 (iv) help ensure the district's compliance with rules made by the Department of
- 8693 Transportation under Section [41-6a-303](#).
- 8694 (d) The committee may establish subcommittees as needed to assist in accomplishing
- 8695 its duties under Subsection (17)(c).
- 8696 (18) (a) A local school board shall adopt and implement a comprehensive emergency
- 8697 response plan to prevent and combat violence in the local school board's public schools, on
- 8698 school grounds, on its school vehicles, and in connection with school-related activities or
- 8699 events.
- 8700 (b) The plan shall:
- 8701 (i) include prevention, intervention, and response components;
- 8702 (ii) be consistent with the student conduct and discipline policies required for school
- 8703 districts under Chapter 11, Part 2, Miscellaneous Requirements;
- 8704 (iii) require professional learning for all district and school building staff on what their
- 8705 roles are in the emergency response plan;
- 8706 (iv) provide for coordination with local law enforcement and other public safety

8707 representatives in preventing, intervening, and responding to violence in the areas and activities
8708 referred to in Subsection (18)(a); and

8709 (v) include procedures to notify a student, to the extent practicable, who is off campus
8710 at the time of a school violence emergency because the student is:

8711 (A) participating in a school-related activity; or

8712 (B) excused from school for a period of time during the regular school day to
8713 participate in religious instruction at the request of the student's parent.

8714 (c) The state board, through the state superintendent, shall develop comprehensive
8715 emergency response plan models that local school boards may use, where appropriate, to
8716 comply with Subsection (18)(a).

8717 (d) A local school board shall, by July 1 of each year, certify to the state board that its
8718 plan has been practiced at the school level and presented to and reviewed by its teachers,
8719 administrators, students, and their parents and local law enforcement and public safety
8720 representatives.

8721 (19) (a) A local school board may adopt an emergency response plan for the treatment
8722 of sports-related injuries that occur during school sports practices and events.

8723 (b) The plan may be implemented by each secondary school in the district that has a
8724 sports program for students.

8725 (c) The plan may:

8726 (i) include emergency personnel, emergency communication, and emergency
8727 equipment components;

8728 (ii) require professional learning on the emergency response plan for school personnel
8729 who are involved in sports programs in the district's secondary schools; and

8730 (iii) provide for coordination with individuals and agency representatives who:

8731 (A) are not employees of the school district; and

8732 (B) would be involved in providing emergency services to students injured while
8733 participating in sports events.

8734 (d) The local school board, in collaboration with the schools referred to in Subsection
8735 (19)(b), may review the plan each year and make revisions when required to improve or
8736 enhance the plan.

8737 (e) The state board, through the state superintendent, shall provide local school boards

8738 with an emergency plan response model that local school boards may use to comply with the
8739 requirements of this Subsection (19).

8740 (20) A local school board shall do all other things necessary for the maintenance,
8741 prosperity, and success of the schools and the promotion of education.

8742 (21) (a) Before closing a school or changing the boundaries of a school, a local school
8743 board shall:

8744 (i) at least 120 days before approving the school closure or school boundary change,
8745 provide notice to the following that the local school board is considering the closure or
8746 boundary change:

8747 (A) parents of students enrolled in the school, using the same form of communication
8748 the local school board regularly uses to communicate with parents;

8749 (B) parents of students enrolled in other schools within the school district that may be
8750 affected by the closure or boundary change, using the same form of communication the local
8751 school board regularly uses to communicate with parents; and

8752 (C) the governing council and the mayor of the municipality in which the school is
8753 located;

8754 (ii) provide an opportunity for public comment on the proposed school closure or
8755 school boundary change during at least two public local school board meetings; and

8756 (iii) hold a public hearing as defined in Section [10-9a-103](#) and provide public notice of
8757 the public hearing as described in Subsection (21)(b).

8758 (b) The notice of a public hearing required under Subsection (21)(a)(iii) shall:

8759 (i) indicate the:

8760 (A) school or schools under consideration for closure or boundary change; and

8761 (B) the date, time, and location of the public hearing;

8762 (ii) at least 10 days before the public hearing, be:

8763 (A) published:

8764 (I) in a newspaper of general circulation in the area; and

8765 (II) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#); and

8766 (B) posted in at least three public locations within the municipality in which the school
8767 is located on the school district's official website, and prominently at the school; and

8768 (iii) at least 30 days before the public hearing described in Subsection (21)(a)(iii), be

8769 provided as described in Subsections (21)(a)(i)(A), (B), and (C).

8770 (22) A local school board may implement a facility energy efficiency program
8771 established under Title 11, Chapter 44, Performance Efficiency Act.

8772 (23) A local school board may establish or partner with a certified youth court
8773 program, in accordance with Section 78A-6-1203, or establish or partner with a comparable
8774 restorative justice program, in coordination with schools in that district. A school may refer a
8775 student to youth court or a comparable restorative justice program in accordance with Section
8776 53G-8-211.

8777 Section 160. Section 53G-5-203 is amended to read:

8778 **53G-5-203. State Charter School Board -- Staff director -- Facilities.**

8779 (1) (a) The State Charter School Board, with the consent of the state superintendent,
8780 shall appoint a staff director for the State Charter School Board.

8781 (b) The State Charter School Board shall have authority to remove the staff director
8782 with the consent of the state superintendent.

8783 (c) The position of staff director is exempt from the career service provisions of Title
8784 [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

8785 (2) The state superintendent shall provide space for staff of the State Charter School
8786 Board in facilities occupied by the state board or the state board's employees, with costs
8787 charged for the facilities equal to those charged other sections and divisions under the state
8788 board.

8789 Section 161. Section 53G-5-504 is amended to read:

8790 **53G-5-504. Charter school closure.**

8791 (1) As used in this section, "receiving charter school" means a charter school that an
8792 authorizer permits under Subsection (13)(a), to accept enrollment applications from students of
8793 a closing charter school.

8794 (2) If a charter school is closed for any reason, including the termination of a charter
8795 agreement in accordance with Section 53G-5-503 or the conversion of a charter school to a
8796 private school, the provisions of this section apply.

8797 (3) A decision to close a charter school is made:

8798 (a) when a charter school authorizer approves a motion to terminate described in
8799 Subsection 53G-5-503(2)(c);

8800 (b) when the state board takes final action described in Subsection [53G-5-503](#)(2)(d)(ii);

8801 or

8802 (c) when a charter school provides notice to the charter school's authorizer that the
8803 charter school is relinquishing the charter school's charter.

8804 (4) (a) No later than 10 days after the day on which a decision to close a charter school
8805 is made, the charter school shall:

8806 (i) provide notice to the following, in writing, of the decision:

8807 (A) if the charter school made the decision to close, the charter school's authorizer;

8808 (B) the State Charter School Board;

8809 (C) if the state board did not make the decision to close, the state board;

8810 (D) parents of students enrolled at the charter school;

8811 (E) the charter school's creditors;

8812 (F) the charter school's lease holders;

8813 (G) the charter school's bond issuers;

8814 (H) other entities that may have a claim to the charter school's assets;

8815 (I) the school district in which the charter school is located and other charter schools
8816 located in that school district; and

8817 (J) any other person that the charter school determines to be appropriate; and

8818 (ii) post notice of the decision on the Utah Public Notice Website, created in Section
8819 [~~63F-1-701~~] [63A-16-601](#).

8820 (b) The notice described in Subsection (4)(a) shall include:

8821 (i) the proposed date of the charter school closure;

8822 (ii) the charter school's plans to help students identify and transition into a new school;

8823 and

8824 (iii) contact information for the charter school during the transition.

8825 (5) No later than 10 days after the day on which a decision to close a charter school is
8826 made, the closing charter school shall:

8827 (a) designate a custodian for the protection of student files and school business records;

8828 (b) designate a base of operation that will be maintained throughout the charter school
8829 closing, including:

8830 (i) an office;

- 8831 (ii) hours of operation;
- 8832 (iii) operational telephone service with voice messaging stating the hours of operation;
- 8833 and
- 8834 (iv) a designated individual to respond to questions or requests during the hours of
- 8835 operation;
- 8836 (c) assure that the charter school will maintain private insurance coverage or risk
- 8837 management coverage for covered claims that arise before closure, throughout the transition to
- 8838 closure and for a period following closure of the charter school as specified by the charter
- 8839 school's authorizer;
- 8840 (d) assure that the charter school will complete by the set deadlines for all fiscal years
- 8841 in which funds are received or expended by the charter school a financial audit and any other
- 8842 procedure required by state board rule;
- 8843 (e) inventory all assets of the charter school; and
- 8844 (f) list all creditors of the charter school and specifically identify secured creditors and
- 8845 assets that are security interests.
- 8846 (6) The closing charter school's authorizer shall oversee the closing charter school's
- 8847 compliance with Subsection (5).
- 8848 (7) (a) A closing charter school shall return any assets remaining, after all liabilities
- 8849 and obligations of the closing charter school are paid or discharged, to the closing charter
- 8850 school's authorizer.
- 8851 (b) The closing charter school's authorizer shall liquidate assets at fair market value or
- 8852 assign the assets to another public school.
- 8853 (8) The closing charter school's authorizer shall oversee liquidation of assets and
- 8854 payment of debt in accordance with state board rule.
- 8855 (9) The closing charter school shall:
- 8856 (a) comply with all state and federal reporting requirements; and
- 8857 (b) submit all documentation and complete all state and federal reports required by the
- 8858 closing charter school's authorizer or the state board, including documents to verify the closing
- 8859 charter school's compliance with procedural requirements and satisfaction of all financial
- 8860 issues.
- 8861 (10) When the closing charter school's financial affairs are closed out and dissolution is

8862 complete, the authorizer shall ensure that a final audit of the charter school is completed.

8863 (11) On or before January 1, 2017, the state board shall, in accordance with Title 63G,
8864 Chapter 3, Utah Administrative Rulemaking Act, and after considering suggestions from
8865 charter school authorizers, make rules that:

- 8866 (a) provide additional closure procedures for charter schools; and
- 8867 (b) establish a charter school closure process.

8868 (12) (a) Upon termination of the charter school's charter agreement:

8869 (i) notwithstanding provisions to the contrary in Title 16, Chapter 6a, Part 14,
8870 Dissolution, the nonprofit corporation under which the charter school is organized and
8871 managed may be unilaterally dissolved by the authorizer; and

8872 (ii) the net assets of the charter school shall revert to the authorizer as described in
8873 Subsection (7).

8874 (b) The charter school and the authorizer shall mutually agree in writing on the
8875 effective date and time of the dissolution described in Subsection (12)(a).

8876 (c) The effective date and time of dissolution described in Subsection (12)(b) may not
8877 exceed five years after the date of the termination of the charter agreement.

8878 (13) Notwithstanding the provisions of Chapter 6, Part 5, Charter School Enrollment:

8879 (a) an authorizer may permit a specified number of students from a closing charter
8880 school to be enrolled in another charter school, if the receiving charter school:

- 8881 (i) (A) is authorized by the same authorizer as the closing charter school; or
- 8882 (B) is authorized by a different authorizer and the authorizer of the receiving charter
8883 school approves the increase in enrollment; and

8884 (ii) agrees to accept enrollment applications from students of the closing charter
8885 school;

8886 (b) a receiving charter school shall give new enrollment preference to applications
8887 from students of the closing charter school in the first school year in which the closing charter
8888 school is not operational; and

8889 (c) a receiving charter school's enrollment capacity is increased by the number of
8890 students enrolled in the receiving charter school from the closing charter school under this
8891 Subsection (13).

8892 (14) A member of the governing board or staff of the receiving charter school that is

8893 also a member of the governing board of the receiving charter school's authorizer, shall recuse
8894 himself or herself from a decision regarding the enrollment of students from a closing charter
8895 school as described in Subsection (13).

8896 Section 162. Section **53G-7-1105** is amended to read:

8897 **53G-7-1105. Association budgets.**

8898 (1) An association shall:

8899 (a) adopt a budget in accordance with this section; and

8900 (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall
8901 be in accordance with generally accepted accounting principles or auditing standards.

8902 (2) An association budget officer or executive director shall annually prepare a
8903 tentative budget, with supporting documentation, to be submitted to the governing body.

8904 (3) The tentative budget and supporting documents shall include the following items:

8905 (a) the revenues and expenditures of the preceding fiscal year;

8906 (b) the estimated revenues and expenditures of the current fiscal year;

8907 (c) a detailed estimate of the essential expenditures for all purposes for the next
8908 succeeding fiscal year; and

8909 (d) the estimated financial condition of the association by funds at the close of the
8910 current fiscal year.

8911 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,
8912 before the date of the tentative budget's proposed adoption by the governing body.

8913 (5) The governing body shall adopt a budget.

8914 (6) Before the adoption or amendment of a budget, the governing body shall hold a
8915 public hearing on the proposed budget or budget amendment.

8916 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings
8917 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the
8918 public hearing, a governing body shall:

8919 (i) publish a notice of the public hearing electronically in accordance with Section
8920 ~~[63F-1-701]~~ [63A-16-601](#); and

8921 (ii) post the proposed budget on the association's Internet website.

8922 (b) A notice of a public hearing on an association's proposed budget shall include
8923 information on how the public may access the proposed budget as provided in Subsection

8924 (7)(a).

8925 (8) No later than September 30 of each year, the governing body shall file a copy of the
8926 adopted budget with the state auditor and the state board.

8927 Section 163. Section **54-3-28** is amended to read:

8928 **54-3-28. Notice required of certain public utilities before preparing or amending**
8929 **a long-range plan or acquiring certain property.**

8930 (1) As used in this section:

8931 (a) (i) "Affected entity" means each county, municipality, local district under Title 17B,
8932 Limited Purpose Local Government Entities - Local Districts, special service district, school
8933 district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal
8934 Cooperation Act, and specified public utility:

8935 (A) whose services or facilities are likely to require expansion or significant
8936 modification because of expected uses of land under a proposed long-range plan or under
8937 proposed amendments to a long-range plan; or

8938 (B) that has filed with the specified public utility a copy of the general or long-range
8939 plan of the county, municipality, local district, special service district, school district, interlocal
8940 cooperation entity, or specified public utility.

8941 (ii) "Affected entity" does not include the specified public utility that is required under
8942 Subsection (2) to provide notice.

8943 (b) "Specified public utility" means an electrical corporation, gas corporation, or
8944 telephone corporation, as those terms are defined in Section [54-2-1](#).

8945 (2) (a) If a specified public utility prepares a long-range plan regarding its facilities
8946 proposed for the future in a county of the first or second class or amends an already existing
8947 long-range plan, the specified public utility shall, before preparing a long-range plan or
8948 amendments to an existing long-range plan, provide written notice, as provided in this section,
8949 of its intent to prepare a long-range plan or to amend an existing long-range plan.

8950 (b) Each notice under Subsection (2) shall:

8951 (i) indicate that the specified public utility intends to prepare a long-range plan or to
8952 amend a long-range plan, as the case may be;

8953 (ii) describe or provide a map of the geographic area that will be affected by the
8954 long-range plan or amendments to a long-range plan;

8955 (iii) be sent to:

8956 (A) each county in whose unincorporated area and each municipality in whose
8957 boundaries is located the land on which the proposed long-range plan or amendments to a
8958 long-range plan are expected to indicate that the proposed facilities will be located;

8959 (B) each affected entity;

8960 (C) the Automated Geographic Reference Center created in Section [\[63F-1-506\]](#)
8961 [63A-16-505](#);

8962 (D) each association of governments, established pursuant to an interlocal agreement
8963 under Title 11, Chapter 13, Interlocal Cooperation Act, of which a county or municipality
8964 described in Subsection (2)(b)(iii)(A) is a member; and

8965 (E) the state planning coordinator appointed under Section [63J-4-202](#);

8966 (iv) with respect to the notice to counties and municipalities described in Subsection
8967 (2)(b)(iii)(A) and affected entities, invite them to provide information for the specified public
8968 utility to consider in the process of preparing, adopting, and implementing the long-range plan
8969 or amendments to a long-range plan concerning:

8970 (A) impacts that the use of land proposed in the proposed long-range plan or
8971 amendments to a long-range plan may have on the county, municipality, or affected entity; and

8972 (B) uses of land that the county, municipality, or affected entity is planning or
8973 considering that may conflict with the proposed long-range plan or amendments to a long-range
8974 plan; and

8975 (v) include the address of an Internet website, if the specified public utility has one, and
8976 the name and telephone number of a person where more information can be obtained
8977 concerning the specified public utility's proposed long-range plan or amendments to a
8978 long-range plan.

8979 (3) (a) Except as provided in Subsection (3)(d), each specified public utility intending
8980 to acquire real property in a county of the first or second class for the purpose of expanding its
8981 infrastructure or other facilities used for providing the services that the specified public utility
8982 is authorized to provide shall provide written notice, as provided in this Subsection (3), of its
8983 intent to acquire the property if the intended use of the property is contrary to:

8984 (i) the anticipated use of the property under the county or municipality's general plan;
8985 or

- 8986 (ii) the property's current zoning designation.
- 8987 (b) Each notice under Subsection (3)(a) shall:
- 8988 (i) indicate that the specified public utility intends to acquire real property;
- 8989 (ii) identify the real property; and
- 8990 (iii) be sent to:
- 8991 (A) each county in whose unincorporated area and each municipality in whose
- 8992 boundaries the property is located; and
- 8993 (B) each affected entity.
- 8994 (c) A notice under this Subsection (3) is a protected record as provided in Subsection
- 8995 [63G-2-305](#)(8).
- 8996 (d) (i) The notice requirement of Subsection (3)(a) does not apply if the specified
- 8997 public utility previously provided notice under Subsection (2) identifying the general location
- 8998 within the municipality or unincorporated part of the county where the property to be acquired
- 8999 is located.
- 9000 (ii) If a specified public utility is not required to comply with the notice requirement of
- 9001 Subsection (3)(a) because of application of Subsection (3)(d)(i), the specified public utility
- 9002 shall provide the notice specified in Subsection (3)(a) as soon as practicable after its acquisition
- 9003 of the real property.
- 9004 Section 164. Section **54-8-10** is amended to read:
- 9005 **54-8-10. Public hearing -- Notice -- Publication.**
- 9006 (1) Such notice shall be:
- 9007 (a) (i) published:
- 9008 (A) in full one time in a newspaper of general circulation in the district; or
- 9009 (B) if there be no such newspaper, in a newspaper of general circulation in the county,
- 9010 city, or town in which the district is located; and
- 9011 (ii) published on the Utah Public Notice Website created in Section [~~63F-1-701~~]
- 9012 [63A-16-601](#); and
- 9013 (b) posted in not less than three public places in the district.
- 9014 (2) A copy of the notice shall be mailed by certified mail to the last known address of
- 9015 each owner of land within the proposed district whose property will be assessed for the cost of
- 9016 the improvement.

9017 (3) The address to be used for that purpose shall be that last appearing on the real
9018 property assessment rolls of the county in which the property is located.

9019 (4) In addition, a copy of the notice shall be addressed to "Owner" and shall be so
9020 mailed addressed to the street number of each piece of improved property to be affected by the
9021 assessment.

9022 (5) Mailed notices and the published notice shall state where a copy of the resolution
9023 creating the district will be available for inspection by any interested parties.

9024 Section 165. Section **54-8-16** is amended to read:

9025 **54-8-16. Notice of assessment -- Publication.**

9026 (1) After the preparation of a resolution under Section [54-8-14](#), notice of a public
9027 hearing on the proposed assessments shall be given.

9028 (2) The notice described in Subsection (1) shall be:

9029 (a) published:

9030 (i) one time in a newspaper in which the first notice of hearing was published at least
9031 20 days before the date fixed for the hearing; and

9032 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
9033 at least 20 days before the date fixed for the hearing; and

9034 (b) mailed by certified mail not less than 15 days prior to the date fixed for such
9035 hearing to each owner of real property whose property will be assessed for part of the cost of
9036 the improvement at the last known address of such owner using for such purpose the names
9037 and addresses appearing on the last completed real property assessment rolls of the county
9038 wherein said affected property is located.

9039 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
9040 mailed addressed to the street number of each piece of improved property to be affected by
9041 such assessment.

9042 (4) Each notice shall state that at the specified time and place, the governing body will
9043 hold a public hearing upon the proposed assessments and shall state that any owner of any
9044 property to be assessed pursuant to the resolution will be heard on the question of whether his
9045 property will be benefited by the proposed improvement to the amount of the proposed
9046 assessment against his property and whether the amount assessed against his property
9047 constitutes more than his proper proportional share of the total cost of the improvement.

9048 (5) The notice shall further state where a copy of the resolution proposed to be adopted
9049 levying the assessments against all real property in the district will be on file for public
9050 inspection, and that subject to such changes and corrections therein as may be made by the
9051 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

9052 (6) A published notice shall describe the boundaries or area of the district with
9053 sufficient particularity to permit each owner of real property therein to ascertain that his
9054 property lies in the district.

9055 (7) The mailed notice may refer to the district by name and date of creation and shall
9056 state the amount of the assessment proposed to be levied against the real property of the person
9057 to whom the notice is mailed.

9058 Section 166. Section **57-11-11** is amended to read:

9059 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**

9060 **Intervention by division in suits -- General powers of division.**

9061 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,
9062 or repealed only after a public hearing.

9063 (b) The division shall:

9064 (i) publish notice of the public hearing described in Subsection (1)(a):

9065 (A) once in a newspaper or newspapers with statewide circulation and at least 20 days
9066 before the hearing; and

9067 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
9068 at least 20 days before the hearing; and

9069 (ii) send a notice to a nonprofit organization which files a written request for notice
9070 with the division at least 20 days prior to the hearing.

9071 (2) The rules shall include but need not be limited to:

9072 (a) provisions for advertising standards to assure full and fair disclosure; and

9073 (b) provisions for escrow or trust agreements, performance bonds, or other means

9074 reasonably necessary to assure that all improvements referred to in the application for

9075 registration and advertising will be completed and that purchasers will receive the interest in

9076 land contracted for.

9077 (3) These provisions, however, shall not be required if the city or county in which the
9078 subdivision is located requires similar means of assurance of a nature and in an amount no less

9079 adequate than is required under said rules:

9080 (a) provisions for operating procedures;

9081 (b) provisions for a shortened form of registration in cases where the division
9082 determines that the purposes of this act do not require a subdivision to be registered pursuant to
9083 an application containing all the information required by Section 57-11-6 or do not require that
9084 the public offering statement contain all the information required by Section 57-11-7; and

9085 (c) other rules necessary and proper to accomplish the purpose of this chapter.

9086 (4) The division by rule or order, after reasonable notice, may require the filing of
9087 advertising material relating to subdivided lands prior to its distribution, provided that the
9088 division must approve or reject any advertising material within 15 days from the receipt thereof
9089 or the material shall be considered approved.

9090 (5) If it appears that a person has engaged or is about to engage in an act or practice
9091 constituting a violation of a provision of this chapter or a rule or order hereunder, the agency,
9092 with or without prior administrative proceedings, may bring an action in the district court of the
9093 district where said person maintains his residence or a place of business or where said act or
9094 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce
9095 compliance with this chapter or any rule or order hereunder. Upon proper showing, injunctive
9096 relief or temporary restraining orders shall be granted, and a receiver or conservator may be
9097 appointed. The division shall not be required to post a bond in any court proceedings.

9098 (6) The division shall be allowed to intervene in a suit involving subdivided lands,
9099 either as a party or as an amicus curiae, where it appears that the interpretation or
9100 constitutionality of any provision of law will be called into question. In any suit by or against a
9101 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice
9102 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,
9103 constitute grounds for the division withholding any approval required by this chapter.

9104 (7) The division may:

9105 (a) accept registrations filed in other states or with the federal government;

9106 (b) contract with public agencies or qualified private persons in this state or other
9107 jurisdictions to perform investigative functions; and

9108 (c) accept grants-in-aid from any source.

9109 (8) The division shall cooperate with similar agencies in other jurisdictions to establish

9110 uniform filing procedures and forms, uniform public offering statements, advertising standards,
9111 rules, and common administrative practices.

9112 Section 167. Section **59-1-206** is amended to read:

9113 **59-1-206. Appointment of staff -- Executive director -- Compensation --**
9114 **Administrative secretary -- Internal audit unit -- Appeals office staff -- Division directors**
9115 **-- Criminal tax investigators.**

9116 (1) The commission shall appoint the following persons who are qualified,
9117 knowledgeable, and experienced in matters relating to their respective positions, exempt under
9118 Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act, to serve at the
9119 pleasure of, and who are directly accountable to, the commission:

9120 (a) in consultation with the governor and with the advice and consent of the Senate, an
9121 executive director;

9122 (b) an administrative secretary;

9123 (c) an internal audit unit; and

9124 (d) an appeals staff.

9125 (2) The governor shall establish the executive director's salary within the salary range
9126 fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation.

9127 (3) Division directors shall be appointed by the executive director subject to the
9128 approval of the commission. The division directors are exempt employees under Title [67]
9129 63A, Chapter [19] 17, Utah State Personnel Management Act.

9130 (4) (a) The executive director may with the approval of the commission employ
9131 additional staff necessary to perform the duties and responsibilities of the commission. These
9132 employees are subject to Title [67] 63A, Chapter [19] 17, Utah State Personnel Management
9133 Act.

9134 (b) (i) The executive director may under Subsection (4)(a) employ criminal tax
9135 investigators to help the commission carry out its duties and responsibilities regarding criminal
9136 provisions of the state tax laws. The executive director may not employ more than eight
9137 criminal tax investigators at one time.

9138 (ii) The executive director may designate investigators hired under this Subsection
9139 (4)(b) as special function officers, as defined in Section 53-13-105, to enforce the criminal
9140 provisions of the state tax laws.

9141 (iii) Notwithstanding Section 49-15-201, any special function officer designated under
9142 this Subsection (4)(b) may not become or be designated as a member of the Public Safety
9143 Retirement Systems.

9144 (5) The internal audit unit shall provide the following:

9145 (a) an examination to determine the honesty and integrity of fiscal affairs, the accuracy
9146 and reliability of financial statements and reports, and the adequacy and effectiveness of
9147 financial controls to properly record and safeguard the acquisition, custody, and use of public
9148 funds;

9149 (b) an examination to determine whether commission administrators have faithfully
9150 adhered to commission policies and legislative intent;

9151 (c) an examination to determine whether the operations of the divisions and other units
9152 of the commission have been conducted in an efficient and effective manner;

9153 (d) an examination to determine whether the programs administered by the divisions
9154 and other units of the commission have been effective in accomplishing intended objectives;
9155 and

9156 (e) an examination to determine whether management control and information systems
9157 are adequate and effective in assuring that commission programs are administered faithfully,
9158 efficiently, and effectively.

9159 (6) The appeals office shall receive and hear appeals to the commission and shall
9160 conduct the hearings in compliance with formal written rules approved by the commission.

9161 The commission has final review authority over the appeals.

9162 Section 168. Section 59-2-919 is amended to read:

9163 **59-2-919. Notice and public hearing requirements for certain tax increases --**
9164 **Exceptions.**

9165 (1) As used in this section:

9166 (a) "Additional ad valorem tax revenue" means ad valorem property tax revenue
9167 generated by the portion of the tax rate that exceeds the taxing entity's certified tax rate.

9168 (b) "Ad valorem tax revenue" means ad valorem property tax revenue not including
9169 revenue from:

9170 (i) eligible new growth as defined in Section 59-2-924; or

9171 (ii) personal property that is:

9172 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

9173 (B) semiconductor manufacturing equipment.

9174 (c) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
9175 that begins on January 1 and ends on December 31.

9176 (d) "County executive calendar year taxing entity" means a calendar year taxing entity
9177 that operates under the county executive-council form of government described in Section
9178 [17-52a-203](#).

9179 (e) "Current calendar year" means the calendar year immediately preceding the
9180 calendar year for which a calendar year taxing entity seeks to levy a tax rate that exceeds the
9181 calendar year taxing entity's certified tax rate.

9182 (f) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that
9183 begins on July 1 and ends on June 30.

9184 (g) "Last year's property tax budgeted revenue" does not include revenue received by a
9185 taxing entity from a debt service levy voted on by the public.

9186 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
9187 rate unless the taxing entity meets:

9188 (a) the requirements of this section that apply to the taxing entity; and

9189 (b) all other requirements as may be required by law.

9190 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar
9191 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's certified tax
9192 rate if the calendar year taxing entity:

9193 (i) 14 or more days before the date of the regular general election or municipal general
9194 election held in the current calendar year, states at a public meeting:

9195 (A) that the calendar year taxing entity intends to levy a tax rate that exceeds the
9196 calendar year taxing entity's certified tax rate;

9197 (B) the dollar amount of and purpose for additional ad valorem tax revenue that would
9198 be generated by the proposed increase in the certified tax rate; and

9199 (C) the approximate percentage increase in ad valorem tax revenue for the taxing entity
9200 based on the proposed increase described in Subsection (3)(a)(i)(B);

9201 (ii) provides notice for the public meeting described in Subsection (3)(a)(i) in
9202 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including providing a

- 9203 separate item on the meeting agenda that notifies the public that the calendar year taxing entity
9204 intends to make the statement described in Subsection (3)(a)(i);
- 9205 (iii) meets the advertisement requirements of Subsections (6) and (7) before the
9206 calendar year taxing entity conducts the public hearing required by Subsection (3)(a)(v);
9207 (iv) provides notice by mail:
- 9208 (A) seven or more days before the regular general election or municipal general
9209 election held in the current calendar year; and
- 9210 (B) as provided in Subsection (3)(c); and
- 9211 (v) conducts a public hearing that is held:
- 9212 (A) in accordance with Subsections (8) and (9); and
9213 (B) in conjunction with the public hearing required by Section [17-36-13](#) or [17B-1-610](#).
- 9214 (b) (i) For a county executive calendar year taxing entity, the statement described in
9215 Subsection (3)(a)(i) shall be made by the:
- 9216 (A) county council;
9217 (B) county executive; or
9218 (C) both the county council and county executive.
- 9219 (ii) If the county council makes the statement described in Subsection (3)(a)(i) or the
9220 county council states a dollar amount of additional ad valorem tax revenue that is greater than
9221 the amount of additional ad valorem tax revenue previously stated by the county executive in
9222 accordance with Subsection (3)(a)(i), the county executive calendar year taxing entity shall:
- 9223 (A) make the statement described in Subsection (3)(a)(i) 14 or more days before the
9224 county executive calendar year taxing entity conducts the public hearing under Subsection
9225 (3)(a)(v); and
- 9226 (B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before the
9227 county executive calendar year taxing entity conducts the public hearing required by
9228 Subsection (3)(a)(v).
- 9229 (c) The notice described in Subsection (3)(a)(iv):
- 9230 (i) shall be mailed to each owner of property:
- 9231 (A) within the calendar year taxing entity; and
9232 (B) listed on the assessment roll;
- 9233 (ii) shall be printed on a separate form that:

- 9234 (A) is developed by the commission;
- 9235 (B) states at the top of the form, in bold upper-case type no smaller than 18 point
- 9236 "NOTICE OF PROPOSED TAX INCREASE"; and
- 9237 (C) may be mailed with the notice required by Section 59-2-1317;
- 9238 (iii) shall contain for each property described in Subsection (3)(c)(i):
- 9239 (A) the value of the property for the current calendar year;
- 9240 (B) the tax on the property for the current calendar year; and
- 9241 (C) subject to Subsection (3)(d), for the calendar year for which the calendar year
- 9242 taxing entity seeks to levy a tax rate that exceeds the calendar year taxing entity's certified tax
- 9243 rate, the estimated tax on the property;
- 9244 (iv) shall contain the following statement:
- 9245 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
- 9246 year]. This notice contains estimates of the tax on your property and the proposed tax increase
- 9247 on your property as a result of this tax increase. These estimates are calculated on the basis of
- 9248 [insert previous applicable calendar year] data. The actual tax on your property and proposed
- 9249 tax increase on your property may vary from this estimate.";
- 9250 (v) shall state the date, time, and place of the public hearing described in Subsection
- 9251 (3)(a)(v); and
- 9252 (vi) may contain other property tax information approved by the commission.
- 9253 (d) For purposes of Subsection (3)(c)(iii)(C), a calendar year taxing entity shall
- 9254 calculate the estimated tax on property on the basis of:
- 9255 (i) data for the current calendar year; and
- 9256 (ii) the amount of additional ad valorem tax revenue stated in accordance with this
- 9257 section.
- 9258 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
- 9259 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:
- 9260 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
- 9261 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
- 9262 taxing entity's annual budget is adopted; and
- 9263 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
- 9264 fiscal year taxing entity's annual budget is adopted.

9265 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements
9266 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from complying with
9267 the requirements of this section.

9268 (b) A taxing entity is not required to meet the notice requirements of Subsection (3) or
9269 (4) if:

9270 (i) Section [53F-8-301](#) allows the taxing entity to levy a tax rate that exceeds that
9271 certified tax rate without having to comply with the notice provisions of this section; or

9272 (ii) the taxing entity:

9273 (A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal year;
9274 and

9275 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
9276 revenue.

9277 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
9278 section shall be published:

9279 (i) subject to Section [45-1-101](#), in a newspaper or combination of newspapers of
9280 general circulation in the taxing entity;

9281 (ii) electronically in accordance with Section [45-1-101](#); and

9282 (iii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).

9283 (b) The advertisement described in Subsection (6)(a)(i) shall:

9284 (i) be no less than 1/4 page in size;

9285 (ii) use type no smaller than 18 point; and

9286 (iii) be surrounded by a 1/4-inch border.

9287 (c) The advertisement described in Subsection (6)(a)(i) may not be placed in that
9288 portion of the newspaper where legal notices and classified advertisements appear.

9289 (d) It is the intent of the Legislature that:

9290 (i) whenever possible, the advertisement described in Subsection (6)(a)(i) appear in a
9291 newspaper that is published at least one day per week; and

9292 (ii) the newspaper or combination of newspapers selected:

9293 (A) be of general interest and readership in the taxing entity; and

9294 (B) not be of limited subject matter.

9295 (e) (i) The advertisement described in Subsection (6)(a)(i) shall:

9296 (A) except as provided in Subsection (6)(f), be run once each week for the two weeks
9297 before a taxing entity conducts a public hearing described under Subsection (3)(a)(v) or (4)(b);
9298 and

9299 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
9300 advertisement, which shall be seven or more days after the day the first advertisement is
9301 published, for the purpose of hearing comments regarding any proposed increase and to explain
9302 the reasons for the proposed increase.

9303 (ii) The advertisement described in Subsection (6)(a)(ii) shall:

9304 (A) be published two weeks before a taxing entity conducts a public hearing described
9305 in Subsection (3)(a)(v) or (4)(b); and

9306 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
9307 advertisement, which shall be seven or more days after the day the first advertisement is
9308 published, for the purpose of hearing comments regarding any proposed increase and to explain
9309 the reasons for the proposed increase.

9310 (f) If a fiscal year taxing entity's public hearing information is published by the county
9311 auditor in accordance with Section 59-2-919.2, the fiscal year taxing entity is not subject to the
9312 requirement to run the advertisement twice, as required by Subsection (6)(e)(i), but shall run
9313 the advertisement once during the week before the fiscal year taxing entity conducts a public
9314 hearing at which the taxing entity's annual budget is discussed.

9315 (g) For purposes of Subsection (3)(a)(iii) or (4)(a), the form and content of an
9316 advertisement shall be substantially as follows:

9317 "NOTICE OF PROPOSED TAX INCREASE

9318 (NAME OF TAXING ENTITY)

9319 The (name of the taxing entity) is proposing to increase its property tax revenue.

9320 ● The (name of the taxing entity) tax on a (insert the average value of a residence
9321 in the taxing entity rounded to the nearest thousand dollars) residence would
9322 increase from \$_____ to \$_____, which is \$_____ per year.

9323 ● The (name of the taxing entity) tax on a (insert the value of a business having
9324 the same value as the average value of a residence in the taxing entity) business
9325 would increase from \$_____ to \$_____, which is \$_____ per year.

9326 ● If the proposed budget is approved, (name of the taxing entity) would increase

9327 its property tax budgeted revenue by ___% above last year's property tax budgeted revenue
9328 excluding eligible new growth.

9329 All concerned citizens are invited to a public hearing on the tax increase.

9330 PUBLIC HEARING

9331 Date/Time: (date) (time)

9332 Location: (name of meeting place and address of meeting place)

9333 To obtain more information regarding the tax increase, citizens may contact the (name
9334 of the taxing entity) at (phone number of taxing entity)."

9335 (7) The commission:

9336 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
9337 Rulemaking Act, governing the joint use of one advertisement described in Subsection (6) by
9338 two or more taxing entities; and

9339 (b) subject to Section 45-1-101, may authorize:

9340 (i) the use of a weekly newspaper:

9341 (A) in a county having both daily and weekly newspapers if the weekly newspaper
9342 would provide equal or greater notice to the taxpayer; and

9343 (B) if the county petitions the commission for the use of the weekly newspaper; or

9344 (ii) the use by a taxing entity of a commission approved direct notice to each taxpayer
9345 if:

9346 (A) the cost of the advertisement would cause undue hardship;

9347 (B) the direct notice is different and separate from that provided for in Section
9348 59-2-919.1; and

9349 (C) the taxing entity petitions the commission for the use of a commission approved
9350 direct notice.

9351 (8) (a) (i) (A) A fiscal year taxing entity shall, on or before March 1, notify the county
9352 legislative body in which the fiscal year taxing entity is located of the date, time, and place of
9353 the first public hearing at which the fiscal year taxing entity's annual budget will be discussed.

9354 (B) A county that receives notice from a fiscal year taxing entity under Subsection
9355 (8)(a)(i)(A) shall include on the notice required by Section 59-2-919.1 the date, time, and place
9356 of the public hearing described in Subsection (8)(a)(i)(A).

9357 (ii) A calendar year taxing entity shall, on or before October 1 of the current calendar

9358 year, notify the county legislative body in which the calendar year taxing entity is located of the
9359 date, time, and place of the first public hearing at which the calendar year taxing entity's annual
9360 budget will be discussed.

9361 (b) (i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:

9362 (A) open to the public; and

9363 (B) held at a meeting of the taxing entity with no items on the agenda other than
9364 discussion and action on the taxing entity's intent to levy a tax rate that exceeds the taxing
9365 entity's certified tax rate, the taxing entity's budget, a local district's or special service district's
9366 fee implementation or increase, or a combination of these items.

9367 (ii) The governing body of a taxing entity conducting a public hearing described in
9368 Subsection (3)(a)(v) or (4)(b) shall provide an interested party desiring to be heard an
9369 opportunity to present oral testimony:

9370 (A) within reasonable time limits; and

9371 (B) without unreasonable restriction on the number of individuals allowed to make
9372 public comment.

9373 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
9374 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the public hearing
9375 of another overlapping taxing entity in the same county.

9376 (ii) The taxing entities in which the power to set tax levies is vested in the same
9377 governing board or authority may consolidate the public hearings described in Subsection
9378 (3)(a)(v) or (4)(b) into one public hearing.

9379 (d) A county legislative body shall resolve any conflict in public hearing dates and
9380 times after consultation with each affected taxing entity.

9381 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
9382 (4)(b) beginning at or after 6 p.m.

9383 (ii) If a taxing entity holds a public meeting for the purpose of addressing general
9384 business of the taxing entity on the same date as a public hearing described in Subsection
9385 (3)(a)(v) or (4)(b), the public meeting addressing general business items shall conclude before
9386 the beginning of the public hearing described in Subsection (3)(a)(v) or (4)(b).

9387 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the
9388 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as another public

9389 hearing of the taxing entity.

9390 (ii) A taxing entity may hold the following hearings on the same date as a public
9391 hearing described in Subsection (3)(a)(v) or (4)(b):

9392 (A) a budget hearing;

9393 (B) if the taxing entity is a local district or a special service district, a fee hearing
9394 described in Section 17B-1-643;

9395 (C) if the taxing entity is a town, an enterprise fund hearing described in Section
9396 10-5-107.5; or

9397 (D) if the taxing entity is a city, an enterprise fund hearing described in Section
9398 10-6-135.5.

9399 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
9400 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b), the taxing
9401 entity shall:

9402 (i) announce at that public hearing the scheduled time and place of the next public
9403 meeting at which the taxing entity will consider budgeting the additional ad valorem tax
9404 revenue; and

9405 (ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting described
9406 in Subsection (9)(a)(i) before September 1.

9407 (b) A calendar year taxing entity may not adopt a final budget that budgets an amount
9408 of additional ad valorem tax revenue that exceeds the largest amount of additional ad valorem
9409 tax revenue stated at a public meeting under Subsection (3)(a)(i).

9410 (c) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's
9411 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's proposed
9412 annual budget.

9413 Section 169. Section 59-2-919.2 is amended to read:

9414 **59-2-919.2. Consolidated advertisement of public hearings.**

9415 (1) (a) Except as provided in Subsection (1)(b), on the same day on which a taxing
9416 entity provides the notice to the county required under Subsection 59-2-919(8)(a)(i), the taxing
9417 entity shall provide to the county auditor the information required by Subsection
9418 59-2-919(8)(a)(i).

9419 (b) A taxing entity is not required to notify the county auditor of the taxing entity's

9420 public hearing in accordance with Subsection (1)(a) if the taxing entity is exempt from the
9421 notice requirements of Section 59-2-919.

9422 (2) If as of July 22, two or more taxing entities notify the county auditor under
9423 Subsection (1), the county auditor shall by no later than July 22 of each year:

9424 (a) compile a list of the taxing entities that notify the county auditor under Subsection
9425 (1);

9426 (b) include on the list described in Subsection (2)(a), the following information for
9427 each taxing entity on the list:

9428 (i) the name of the taxing entity;

9429 (ii) the date, time, and location of the public hearing described in Subsection
9430 59-2-919(8)(a)(i);

9431 (iii) the average dollar increase on a residence in the taxing entity that the proposed tax
9432 increase would generate; and

9433 (iv) the average dollar increase on a business in the taxing entity that the proposed tax
9434 increase would generate;

9435 (c) provide a copy of the list described in Subsection (2)(a) to each taxing entity that
9436 notifies the county auditor under Subsection (1); and

9437 (d) in addition to the requirements of Subsection (3), if the county has a webpage,
9438 publish a copy of the list described in Subsection (2)(a) on the county's webpage until
9439 December 31.

9440 (3) (a) At least two weeks before any public hearing included in the list under
9441 Subsection (2) is held, the county auditor shall publish:

9442 (i) the list compiled under Subsection (2); and

9443 (ii) a statement that:

9444 (A) the list is for informational purposes only;

9445 (B) the list should not be relied on to determine a person's tax liability under this
9446 chapter; and

9447 (C) for specific information related to the tax liability of a taxpayer, the taxpayer
9448 should review the taxpayer's tax notice received under Section 59-2-919.1.

9449 (b) Except as provided in Subsection (3)(d)(ii), the information described in Subsection
9450 (3)(a) shall be published:

- 9451 (i) in no less than 1/4 page in size;
- 9452 (ii) in type no smaller than 18 point; and
- 9453 (iii) surrounded by a 1/4-inch border.
- 9454 (c) The published information described in Subsection (3)(a) and published in
- 9455 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a
- 9456 legal notice or classified advertisement appears.
- 9457 (d) A county auditor shall publish the information described in Subsection (3)(a):
- 9458 (i) (A) in a newspaper or combination of newspapers that are:
- 9459 (I) published at least one day per week;
- 9460 (II) of general interest and readership in the county; and
- 9461 (III) not of limited subject matter; and
- 9462 (B) once each week for the two weeks preceding the first hearing included in the list
- 9463 compiled under Subsection (2); and
- 9464 (ii) for two weeks preceding the first hearing included in the list compiled under
- 9465 Subsection (2):
- 9466 (A) as required in Section [45-1-101](#); and
- 9467 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#).
- 9468 (4) A taxing entity that notifies the county auditor under Subsection (1) shall provide
- 9469 the list described in Subsection (2)(c) to a person:
- 9470 (a) who attends the public hearing described in Subsection [59-2-919\(8\)\(a\)\(i\)](#) of the
- 9471 taxing entity; or
- 9472 (b) who requests a copy of the list.
- 9473 (5) (a) A county auditor shall by no later than 30 days from the day on which the last
- 9474 publication of the information required by Subsection (3)(a) is made:
- 9475 (i) determine the costs of compiling and publishing the list; and
- 9476 (ii) charge each taxing entity included on the list an amount calculated by dividing the
- 9477 amount determined under Subsection (5)(a) by the number of taxing entities on the list.
- 9478 (b) A taxing entity shall pay the county auditor the amount charged under Subsection
- 9479 (5)(a).
- 9480 (6) The publication of the list under this section does not remove or change the notice
- 9481 requirements of Section [59-2-919](#) for a taxing entity.

9482 (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9483 commission may make rules:

9484 (a) relating to the publication of a consolidated advertisement which includes the
9485 information described in Subsection (2) for a taxing entity that overlaps two or more counties;

9486 (b) relating to the payment required in Subsection (5)(b); and

9487 (c) to oversee the administration of this section and provide for uniform
9488 implementation.

9489 Section 170. Section **59-12-1102** is amended to read:

9490 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**
9491 **Administration -- Administrative charge -- Commission requirement to retain an amount**
9492 **to be deposited into the Qualified Emergency Food Agencies Fund -- Enactment or repeal**
9493 **of tax -- Effective date -- Notice requirements.**

9494 (1) (a) (i) Subject to Subsections (2) through (6), and in addition to any other tax
9495 authorized by this chapter, a county may impose by ordinance a county option sales and use tax
9496 of .25% upon the transactions described in Subsection [59-12-103](#)(1).

9497 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
9498 section on the sales and uses described in Section [59-12-104](#) to the extent the sales and uses are
9499 exempt from taxation under Section [59-12-104](#).

9500 (b) For purposes of this Subsection (1), the location of a transaction shall be
9501 determined in accordance with Sections [59-12-211](#) through [59-12-215](#).

9502 (c) The county option sales and use tax under this section shall be imposed:

9503 (i) upon transactions that are located within the county, including transactions that are
9504 located within municipalities in the county; and

9505 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
9506 January:

9507 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
9508 ordinance is adopted on or before May 25; or

9509 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
9510 ordinance is adopted after May 25.

9511 (d) The county option sales and use tax under this section shall be imposed:

9512 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before

9513 September 4, 1997; or
9514 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997
9515 but after September 4, 1997.

9516 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
9517 county shall hold two public hearings on separate days in geographically diverse locations in
9518 the county.

9519 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
9520 time of no earlier than 6 p.m.

9521 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven
9522 days after the day the first advertisement required by Subsection (2)(c) is published.

9523 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county
9524 shall advertise:

9525 (A) its intent to adopt a county option sales and use tax;

9526 (B) the date, time, and location of each public hearing; and

9527 (C) a statement that the purpose of each public hearing is to obtain public comments
9528 regarding the proposed tax.

9529 (ii) The advertisement shall be published:

9530 (A) in a newspaper of general circulation in the county once each week for the two
9531 weeks preceding the earlier of the two public hearings; and

9532 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
9533 two weeks preceding the earlier of the two public hearings.

9534 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8
9535 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
9536 border.

9537 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
9538 portion of the newspaper where legal notices and classified advertisements appear.

9539 (v) In accordance with Subsection (2)(c)(ii)(A), whenever possible:

9540 (A) the advertisement shall appear in a newspaper that is published at least five days a
9541 week, unless the only newspaper in the county is published less than five days a week; and

9542 (B) the newspaper selected shall be one of general interest and readership in the
9543 community, and not one of limited subject matter.

9544 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
9545 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
9546 6, Local Referenda - Procedures.

9547 (3) (a) Subject to Subsection (5), if the aggregate population of the counties imposing a
9548 county option sales and use tax under Subsection (1) is less than 75% of the state population,
9549 the tax levied under Subsection (1) shall be distributed to the county in which the tax was
9550 collected.

9551 (b) Subject to Subsection (5), if the aggregate population of the counties imposing a
9552 county option sales and use tax under Subsection (1) is greater than or equal to 75% of the state
9553 population:

9554 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
9555 the county in which the tax was collected; and

9556 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
9557 (1) in each county shall be distributed proportionately among all counties imposing the tax,
9558 based on the total population of each county.

9559 (c) Except as provided in Subsection (5), the amount to be distributed annually to a
9560 county under Subsection (3)(b)(ii), when combined with the amount distributed to the county
9561 under Subsection (3)(b)(i), does not equal at least \$75,000, then:

9562 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall
9563 be increased so that, when combined with the amount distributed to the county under
9564 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

9565 (ii) the amount to be distributed annually to all other counties under Subsection
9566 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
9567 Subsection (3)(c)(i).

9568 (d) The commission shall establish rules to implement the distribution of the tax under
9569 Subsections (3)(a), (b), and (c).

9570 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
9571 shall be administered, collected, and enforced in accordance with:

9572 (i) the same procedures used to administer, collect, and enforce the tax under:

9573 (A) Part 1, Tax Collection; or

9574 (B) Part 2, Local Sales and Use Tax Act; and

9575 (ii) Chapter 1, General Taxation Policies.

9576 (b) A tax under this part is not subject to Subsections 59-12-205(2) through (6).

9577 (c) (i) Subject to Subsection (4)(c)(ii), the commission shall retain and deposit an
9578 administrative charge in accordance with Section 59-1-306 from the revenue the commission
9579 collects from a tax under this part.

9580 (ii) Notwithstanding Section 59-1-306, the administrative charge described in
9581 Subsection (4)(c)(i) shall be calculated by taking a percentage described in Section 59-1-306 of
9582 the distribution amounts resulting after:

9583 (A) the applicable distribution calculations under Subsection (3) have been made; and

9584 (B) the commission retains the amount required by Subsection (5).

9585 (5) (a) Beginning on July 1, 2009, the commission shall calculate and retain a portion
9586 of the sales and use tax collected under this part as provided in this Subsection (5).

9587 (b) For a county that imposes a tax under this part, the commission shall calculate a
9588 percentage each month by dividing the sales and use tax collected under this part for that
9589 month within the boundaries of that county by the total sales and use tax collected under this
9590 part for that month within the boundaries of all of the counties that impose a tax under this part.

9591 (c) For a county that imposes a tax under this part, the commission shall retain each
9592 month an amount equal to the product of:

9593 (i) the percentage the commission determines for the month under Subsection (5)(b)
9594 for the county; and

9595 (ii) \$6,354.

9596 (d) The commission shall deposit an amount the commission retains in accordance
9597 with this Subsection (5) into the Qualified Emergency Food Agencies Fund created by Section
9598 35A-8-1009.

9599 (e) An amount the commission deposits into the Qualified Emergency Food Agencies
9600 Fund shall be expended as provided in Section 35A-8-1009.

9601 (6) (a) For purposes of this Subsection (6):

9602 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2, County
9603 Consolidations and Annexations.

9604 (ii) "Annexing area" means an area that is annexed into a county.

9605 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after July 1, 2004, a

9606 county enacts or repeals a tax under this part:

9607 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

9608 (II) the repeal shall take effect on the first day of a calendar quarter; and

9609 (B) after a 90-day period beginning on the date the commission receives notice meeting

9610 the requirements of Subsection (6)(b)(ii) from the county.

9611 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

9612 (A) that the county will enact or repeal a tax under this part;

9613 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

9614 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

9615 (D) if the county enacts the tax described in Subsection (6)(b)(ii)(A), the rate of the

9616 tax.

9617 (c) (i) If the billing period for a transaction begins before the effective date of the

9618 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day

9619 of the first billing period that begins on or after the effective date of the enactment of the tax.

9620 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing

9621 period is produced on or after the effective date of the repeal of the tax imposed under

9622 Subsection (1).

9623 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of

9624 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in

9625 Subsection (6)(b)(i) takes effect:

9626 (A) on the first day of a calendar quarter; and

9627 (B) beginning 60 days after the effective date of the enactment or repeal under

9628 Subsection (6)(b)(i).

9629 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

9630 commission may by rule define the term "catalogue sale."

9631 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs

9632 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this

9633 part for an annexing area, the enactment or repeal shall take effect:

9634 (A) on the first day of a calendar quarter; and

9635 (B) after a 90-day period beginning on the date the commission receives notice meeting

9636 the requirements of Subsection (6)(e)(ii) from the county that annexes the annexing area.

- 9637 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:
- 9638 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
9639 repeal of a tax under this part for the annexing area;
- 9640 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
- 9641 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and
- 9642 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).
- 9643 (f) (i) If the billing period for a transaction begins before the effective date of the
9644 enactment of the tax under Subsection (1), the enactment of the tax takes effect on the first day
9645 of the first billing period that begins on or after the effective date of the enactment of the tax.
- 9646 (ii) The repeal of a tax applies to a billing period if the billing statement for the billing
9647 period is produced on or after the effective date of the repeal of the tax imposed under
9648 Subsection (1).
- 9649 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
9650 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
9651 Subsection (6)(e)(i) takes effect:
- 9652 (A) on the first day of a calendar quarter; and
- 9653 (B) beginning 60 days after the effective date of the enactment or repeal under
9654 Subsection (6)(e)(i).
- 9655 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
9656 commission may by rule define the term "catalogue sale."
- 9657 Section 171. Section **62A-1-109** is amended to read:
- 9658 **62A-1-109. Division directors -- Appointment -- Compensation -- Qualifications.**
- 9659 (1) The chief officer of each division and office enumerated in Section **62A-1-105** shall
9660 be a director who shall serve as the executive and administrative head of the division or office.
- 9661 (2) Each division director shall be appointed by the executive director with the
9662 concurrence of the division's board, if the division has a board.
- 9663 (3) The director of any division may be removed from that position at the will of the
9664 executive director after consultation with that division's board, if the division has a board.
- 9665 (4) Each office director shall be appointed by the executive director.
- 9666 (5) Directors of divisions and offices shall receive compensation as provided by Title
9667 [67] 63A, Chapter [49] 17, Utah State Personnel Management Act.

9668 (6) The director of each division and office shall be experienced in administration and
9669 possess such additional qualifications as determined by the executive director, and as provided
9670 by law.

9671 Section 172. Section **62A-5-206.8** is amended to read:

9672 **62A-5-206.8. Management of the Utah State Developmental Center Sustainability**
9673 **Fund.**

9674 (1) The state treasurer shall invest the assets of the sustainability fund with the primary
9675 goal of providing for the stability, income, and growth of the principal.

9676 (2) Nothing in this section requires a specific outcome in investing.

9677 (3) The state treasurer may deduct any administrative costs incurred in managing
9678 sustainability fund assets from earnings before depositing earnings into the sustainability fund.

9679 (4) (a) The state treasurer may employ professional asset managers to assist in the
9680 investment of assets of the sustainability fund.

9681 (b) The state treasurer may only provide compensation to asset managers from earnings
9682 generated by the sustainability fund's investments.

9683 (5) The state treasurer shall invest and manage the sustainability fund assets as a
9684 prudent investor would under Section [~~67-19d-302~~] [63A-17-1106](#).

9685 Section 173. Section **63A-5b-905** is amended to read:

9686 **63A-5b-905. Notice required before division may convey division-owned**
9687 **property.**

9688 (1) Before the division may convey vacant division-owned property, the division shall
9689 give notice as provided in Subsection (2).

9690 (2) A notice required under Subsection (1) shall:

9691 (a) identify and describe the vacant division-owned property;

9692 (b) indicate the availability of the vacant division-owned property;

9693 (c) invite persons interested in the vacant division-owned property to submit a written
9694 proposal to the division;

9695 (d) indicate the deadline for submitting a written proposal;

9696 (e) be posted on the division's website for at least 60 consecutive days before the
9697 deadline for submitting a written proposal, in a location specifically designated for notices
9698 dealing with vacant division-owned property;

9699 (f) be posted on the Utah Public Notice Website created in Section [~~63F-1-701~~
9700 [63A-16-601](#) for at least 60 consecutive days before the deadline for submitting a written
9701 proposal; and

9702 (g) be sent by email to each person who has previously submitted to the division a
9703 written request to receive notices under this section.

9704 Section 174. Section **63A-14-302** is amended to read:

9705 **63A-14-302. Authority to review complaint -- Grounds for complaint --**
9706 **Limitations on filings.**

9707 (1) Subject to the requirements of this chapter, the commission may review an ethics
9708 complaint against an executive branch elected official if the complaint alleges that the
9709 executive branch elected official has committed a violation.

9710 (2) The commission may not review an ethics complaint filed against an executive
9711 branch elected official unless the complaint alleges conduct that, if true, would constitute
9712 grounds for impeachment under the Utah Constitution.

9713 (3) A complaint against an executive branch elected official may not allege a violation
9714 by the executive branch elected official for an act by an individual under the authority of the
9715 executive branch elected official, unless the complaint evidences that the executive branch
9716 elected official:

9717 (a) encouraged, condoned, or ordered the act;

9718 (b) (i) before the individual engaged in the act, knew or should have known that the
9719 individual was likely to engage in the act; and

9720 (ii) failed to take appropriate action to prevent the act;

9721 (c) (i) while the individual engaged in the act, knew or should have known that the
9722 individual was engaging in the act; and

9723 (ii) failed to take appropriate action to stop the act; or

9724 (d) (i) after the individual engaged in the act, knew or should have known that the
9725 individual engaged in the act; and

9726 (ii) failed to take appropriate action in response to the act.

9727 (4) A complaint against an executive branch elected official may not allege a violation
9728 by the executive branch elected official for an individual under the authority of the executive
9729 branch elected official failing to act, unless the complaint evidences that the executive branch

9730 elected official:

9731 (a) encouraged, condoned, or ordered the failure to act;

9732 (b) (i) before the individual failed to act, knew or should have known that the
9733 individual was likely to fail to act; and

9734 (ii) failed to take appropriate action to prevent the failure to act;

9735 (c) (i) while the individual was failing to act, knew or should have known that the
9736 individual was failing to act; and

9737 (ii) failed to take appropriate action to prevent the failure to act; or

9738 (d) (i) after the individual failed to act, knew or should have known that the individual
9739 failed to act; and

9740 (ii) failed to take appropriate action in response to the failure to act.

9741 (5) Individuals who file a complaint for an alleged violation shall file the complaint
9742 within two years after the later of:

9743 (a) the day on which the action or omission that forms the basis for the alleged
9744 violation occurs or would have been discovered by a reasonable person; or

9745 (b) the day on which a plea or conviction that forms the basis for the allegation is
9746 entered.

9747 (6) (a) A complaint may not contain an allegation that was previously reviewed by the
9748 commission, unless:

9749 (i) the allegation is accompanied by material facts or circumstances supporting the
9750 allegation that were not raised or pled to the commission when the allegation was previously
9751 reviewed; and

9752 (ii) the allegation and the general facts and circumstances supporting the allegation
9753 were only reviewed by the commission on one previous occasion.

9754 (b) If an allegation in a complaint does not comply with the requirements of Subsection
9755 (6)(a), the commission or the chair shall dismiss the allegation with prejudice.

9756 (7) (a) An individual may not file a complaint under this chapter that alleges the same
9757 conduct alleged in a grievance filed under [~~Title 67, Chapter 19a, Grievance Procedures~~] Title
9758 63A, Chapter 17, Part 6, Complaints and Grievances, unless the individual files the complaint
9759 within seven days before or after the day on which the individual files the grievance under
9760 [~~Title 67, Chapter 19a, Grievance Procedures~~] Title 63A, Chapter 17, Part 6, Complaints and

9761 Grievances.

9762 (b) If an allegation in a complaint does not comply with the requirements of Subsection
9763 (7)(a), the commission or the chair shall dismiss the allegation with prejudice.

9764 (c) If an individual files a complaint under this chapter, in accordance with the time
9765 requirement described in Subsection (7)(a), that alleges the same conduct alleged in a grievance
9766 filed under [~~Title 67, Chapter 19a, Grievance Procedures~~] Title 63A, Chapter 17, Part 6,

9767 Complaints and Grievances:

9768 (i) the commission may stay proceedings before the commission in relation to the
9769 allegation, pending resolution of the grievance filed under [~~Title 67, Chapter 19a, Grievance~~
9770 ~~Procedures~~] Title 63A, Chapter 17, Part 6, Complaints and Grievances; and

9771 (ii) the Career Service Review Office, created in Section 67-19a-201, shall, upon
9772 request of the commission, inform the commission of the progress and final disposition of the
9773 grievance proceeding.

9774 (8) If the commission stays proceedings under Subsection (7)(c), the matter shall
9775 proceed as follows after the grievance under [~~Title 67, Chapter 19a, Grievance Procedures~~]
9776 Title 63A, Chapter 17, Part 6, Complaints and Grievances, is resolved:

9777 (a) if the individual who filed the complaint under this chapter desires to proceed with
9778 the complaint:

9779 (i) the individual shall, within 15 days after the day on which a final decision is
9780 rendered under [~~Title 67, Chapter 19a, Grievance Procedures~~] Title 63A, Chapter 17, Part 6,
9781 Complaints and Grievances, file a written document with the commission:

9782 (A) describing the final decision; and

9783 (B) stating that the individual desires to proceed with the complaint;

9784 (ii) the Career Service Review Office, created in Section 67-19a-201, shall, upon
9785 request of the commission, provide copies of all records relating to the grievance described in
9786 Subsection (7)(c)(i), in accordance with Section 63G-2-206; and

9787 (iii) the commission shall:

9788 (A) review the records described in Subsection (8)(a)(ii);

9789 (B) consider any additional evidence that the commission determines necessary;

9790 (C) in the discretion of the commission, hear closing arguments from the parties; and

9791 (D) comply with Section 63A-14-604; or

9792 (b) if the individual who filed the complaint under this chapter does not desire to
9793 proceed with the complaint, the individual shall, within 15 days after the day on which a final
9794 decision is rendered under [~~Title 67, Chapter 19a, Grievance Procedures~~] Title 63A, Chapter
9795 17, Part 6, Complaints and Grievances, file a written document with the commission stating
9796 that the individual does not desire to proceed with the complaint.

9797 (9) The commission shall dismiss a complaint for which the commission stayed
9798 proceedings under Subsection (7)(c) if the individual who filed the complaint:

9799 (a) fails to timely comply with Subsection (8)(a)(i); or

9800 (b) files the document described in Subsection (8)(b).

9801 Section 175. Section **63D-2-102** is amended to read:

9802 **63D-2-102. Definitions.**

9803 As used in this chapter:

9804 (1) (a) "Collect" means the gathering of personally identifiable information:

9805 (i) from a user of a governmental website; or

9806 (ii) about a user of the governmental website.

9807 (b) "Collect" includes use of any identifying code linked to a user of a governmental
9808 website.

9809 (2) "Court website" means a website on the Internet that is operated by or on behalf of
9810 any court created in Title 78A, Chapter 1, Judiciary.

9811 (3) "Governmental entity" means:

9812 (a) an executive branch agency as defined in Section [~~63F-1-102~~] [63A-16-102](#);

9813 (b) the legislative branch;

9814 (c) the judicial branch;

9815 (d) the State Board of Education;

9816 (e) the Utah Board of Higher Education;

9817 (f) an institution of higher education; and

9818 (g) a political subdivision of the state:

9819 (i) as defined in Section [17B-1-102](#); and

9820 (ii) including a school district.

9821 (4) (a) "Governmental website" means a website on the Internet that is operated by or
9822 on behalf of a governmental entity.

- 9823 (b) "Governmental website" includes a court website.
- 9824 (5) "Governmental website operator" means a governmental entity or person acting on
9825 behalf of the governmental entity that:
- 9826 (a) operates a governmental website; and
- 9827 (b) collects or maintains personally identifiable information from or about a user of
9828 that website.
- 9829 (6) "Personally identifiable information" means information that identifies:
- 9830 (a) a user by:
- 9831 (i) name;
- 9832 (ii) account number;
- 9833 (iii) physical address;
- 9834 (iv) email address;
- 9835 (v) telephone number;
- 9836 (vi) Social Security number;
- 9837 (vii) credit card information; or
- 9838 (viii) bank account information;
- 9839 (b) a user as having requested or obtained specific materials or services from a
9840 governmental website;
- 9841 (c) Internet sites visited by a user; or
- 9842 (d) any of the contents of a user's data-storage device.
- 9843 (7) "User" means a person who accesses a governmental website.
- 9844 Section 176. Section **63E-2-109** is amended to read:
- 9845 **63E-2-109. State statutes.**
- 9846 (1) Except as specifically modified in its authorizing statute, each independent
9847 corporation shall be exempt from the statutes governing state agencies, including:
- 9848 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 9849 (b) Title 51, Chapter 7, State Money Management Act;
- 9850 (c) except as provided in Subsection (2), Title 63A, Utah [~~Administrative Services~~]
9851 Government Operations Code;
- 9852 (d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 9853 (e) Title 63G, Chapter 4, Administrative Procedures Act;

- 9854 (f) Title 63G, Chapter 6a, Utah Procurement Code;
- 9855 (g) Title 63J, Chapter 1, Budgetary Procedures Act;
- 9856 (h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
- 9857 (i) Title ~~[67]~~ 63A, Chapter ~~[19]~~ 17, Utah State Personnel Management Act.
- 9858 (2) Except as specifically modified in its authorizing statute, each independent
- 9859 corporation shall be subject to:
- 9860 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 9861 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website; and
- 9862 (c) Title 63G, Chapter 2, Government Records Access and Management Act.
- 9863 (3) Each independent corporation board may adopt its own policies and procedures
- 9864 governing its:
- 9865 (a) funds management;
- 9866 (b) audits; and
- 9867 (c) personnel.
- 9868 Section 177. Section **63G-6a-103** is amended to read:
- 9869 **63G-6a-103. Definitions.**
- 9870 As used in this chapter:
- 9871 (1) "Approved vendor" means a person who has been approved for inclusion on an
- 9872 approved vendor list through the approved vendor list process.
- 9873 (2) "Approved vendor list" means a list of approved vendors established under Section
- 9874 [63G-6a-507](#).
- 9875 (3) "Approved vendor list process" means the procurement process described in
- 9876 Section [63G-6a-507](#).
- 9877 (4) "Bidder" means a person who submits a bid or price quote in response to an
- 9878 invitation for bids.
- 9879 (5) "Bidding process" means the procurement process described in Part 6, Bidding.
- 9880 (6) "Board" means the Utah State Procurement Policy Board, created in Section
- 9881 [63G-6a-202](#).
- 9882 (7) "Building board" means the State Building Board, created in Section [63A-5b-201](#).
- 9883 (8) "Change directive" means a written order signed by the procurement officer that
- 9884 directs the contractor to suspend work or make changes, as authorized by contract, without the

9885 consent of the contractor.

9886 (9) "Change order" means a written alteration in specifications, delivery point, rate of
9887 delivery, period of performance, price, quantity, or other provisions of a contract, upon mutual
9888 agreement of the parties to the contract.

9889 (10) "Chief procurement officer" means the individual appointed under Subsection
9890 [63G-6a-302\(1\)](#).

9891 (11) "Conducting procurement unit" means a procurement unit that conducts all
9892 aspects of a procurement:

9893 (a) except:

9894 (i) reviewing a solicitation to verify that it is in proper form; and

9895 (ii) causing the publication of a notice of a solicitation; and

9896 (b) including:

9897 (i) preparing any solicitation document;

9898 (ii) appointing an evaluation committee;

9899 (iii) conducting the evaluation process, except the process relating to scores calculated
9900 for costs of proposals;

9901 (iv) selecting and recommending the person to be awarded a contract;

9902 (v) negotiating the terms and conditions of a contract, subject to the issuing
9903 procurement unit's approval; and

9904 (vi) contract administration.

9905 (12) "Conservation district" means the same as that term is defined in Section
9906 [17D-3-102](#).

9907 (13) "Construction project":

9908 (a) means a project for the construction, renovation, alteration, improvement, or repair
9909 of a public facility on real property, including all services, labor, supplies, and materials for the
9910 project; and

9911 (b) does not include services and supplies for the routine, day-to-day operation, repair,
9912 or maintenance of an existing public facility.

9913 (14) "Construction manager/general contractor":

9914 (a) means a contractor who enters into a contract:

9915 (i) for the management of a construction project; and

9916 (ii) that allows the contractor to subcontract for additional labor and materials that are
9917 not included in the contractor's cost proposal submitted at the time of the procurement of the
9918 contractor's services; and

9919 (b) does not include a contractor whose only subcontract work not included in the
9920 contractor's cost proposal submitted as part of the procurement of the contractor's services is to
9921 meet subcontracted portions of change orders approved within the scope of the project.

9922 (15) "Construction subcontractor":

9923 (a) means a person under contract with a contractor or another subcontractor to provide
9924 services or labor for the design or construction of a construction project;

9925 (b) includes a general contractor or specialty contractor licensed or exempt from
9926 licensing under Title 58, Chapter 55, Utah Construction Trades Licensing Act; and

9927 (c) does not include a supplier who provides only materials, equipment, or supplies to a
9928 contractor or subcontractor for a construction project.

9929 (16) "Contract" means an agreement for a procurement.

9930 (17) "Contract administration" means all functions, duties, and responsibilities
9931 associated with managing, overseeing, and carrying out a contract between a procurement unit
9932 and a contractor, including:

9933 (a) implementing the contract;

9934 (b) ensuring compliance with the contract terms and conditions by the conducting
9935 procurement unit and the contractor;

9936 (c) executing change orders;

9937 (d) processing contract amendments;

9938 (e) resolving, to the extent practicable, contract disputes;

9939 (f) curing contract errors and deficiencies;

9940 (g) terminating a contract;

9941 (h) measuring or evaluating completed work and contractor performance;

9942 (i) computing payments under the contract; and

9943 (j) closing out a contract.

9944 (18) "Contractor" means a person who is awarded a contract with a procurement unit.

9945 (19) "Cooperative procurement" means procurement conducted by, or on behalf of:

9946 (a) more than one procurement unit; or

- 9947 (b) a procurement unit and a cooperative purchasing organization.
- 9948 (20) "Cooperative purchasing organization" means an organization, association, or
9949 alliance of purchasers established to combine purchasing power in order to obtain the best
9950 value for the purchasers by engaging in procurements in accordance with Section [63G-6a-2105](#).
- 9951 (21) "Cost-plus-a-percentage-of-cost contract" means a contract under which the
9952 contractor is paid a percentage of the total actual expenses or costs in addition to the
9953 contractor's actual expenses or costs.
- 9954 (22) "Cost-reimbursement contract" means a contract under which a contractor is
9955 reimbursed for costs which are allowed and allocated in accordance with the contract terms and
9956 the provisions of this chapter, and a fee, if any.
- 9957 (23) "Days" means calendar days, unless expressly provided otherwise.
- 9958 (24) "Definite quantity contract" means a fixed price contract that provides for a
9959 specified amount of supplies over a specified period, with deliveries scheduled according to a
9960 specified schedule.
- 9961 (25) "Design professional" means:
- 9962 (a) an individual licensed as an architect under Title 58, Chapter 3a, Architects
9963 Licensing Act;
- 9964 (b) an individual licensed as a professional engineer or professional land surveyor
9965 under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
9966 Act; or
- 9967 (c) an individual certified as a commercial interior designer under Title 58, Chapter 86,
9968 State Certification of Commercial Interior Designers Act.
- 9969 (26) "Design professional procurement process" means the procurement process
9970 described in Part 15, Design Professional Services.
- 9971 (27) "Design professional services" means:
- 9972 (a) professional services within the scope of the practice of architecture as defined in
9973 Section [58-3a-102](#);
- 9974 (b) professional engineering as defined in Section [58-22-102](#);
- 9975 (c) master planning and programming services; or
- 9976 (d) services within the scope of the practice of commercial interior design, as defined
9977 in Section [58-86-102](#).

9978 (28) "Design-build" means the procurement of design professional services and
9979 construction by the use of a single contract.

9980 (29) "Division" means the Division of Purchasing and General Services, created in
9981 Section [63A-2-101](#).

9982 (30) "Educational procurement unit" means:

9983 (a) a school district;

9984 (b) a public school, including a local school board or a charter school;

9985 (c) the Utah Schools for the Deaf and the Blind;

9986 (d) the Utah Education and Telehealth Network;

9987 (e) an institution of higher education of the state described in Section [53B-1-102](#); or

9988 (f) the State Board of Education.

9989 (31) "Established catalogue price" means the price included in a catalogue, price list,
9990 schedule, or other form that:

9991 (a) is regularly maintained by a manufacturer or contractor;

9992 (b) is published or otherwise available for inspection by customers; and

9993 (c) states prices at which sales are currently or were last made to a significant number
9994 of any category of buyers or buyers constituting the general buying public for the supplies or
9995 services involved.

9996 (32) "Executive branch procurement unit" means a department, division, office,
9997 bureau, agency, or other organization within the state executive branch.

9998 (33) "Facilities division" means the Division of Facilities Construction and
9999 Management, created in Section [63A-5b-301](#).

10000 (34) "Fixed price contract" means a contract that provides a price, for each
10001 procurement item obtained under the contract, that is not subject to adjustment except to the
10002 extent that:

10003 (a) the contract provides, under circumstances specified in the contract, for an
10004 adjustment in price that is not based on cost to the contractor; or

10005 (b) an adjustment is required by law.

10006 (35) "Fixed price contract with price adjustment" means a fixed price contract that
10007 provides for an upward or downward revision of price, precisely described in the contract, that:

10008 (a) is based on the consumer price index or another commercially acceptable index,

- 10009 source, or formula; and
- 10010 (b) is not based on a percentage of the cost to the contractor.
- 10011 (36) "Grant" means an expenditure of public funds or other assistance, or an agreement
- 10012 to expend public funds or other assistance, for a public purpose authorized by law, without
- 10013 acquiring a procurement item in exchange.
- 10014 (37) "Immaterial error":
- 10015 (a) means an irregularity or abnormality that is:
- 10016 (i) a matter of form that does not affect substance; or
- 10017 (ii) an inconsequential variation from a requirement of a solicitation that has no, little,
- 10018 or a trivial effect on the procurement process and that is not prejudicial to other vendors; and
- 10019 (b) includes:
- 10020 (i) a missing signature, missing acknowledgment of an addendum, or missing copy of a
- 10021 professional license, bond, or insurance certificate;
- 10022 (ii) a typographical error;
- 10023 (iii) an error resulting from an inaccuracy or omission in the solicitation; and
- 10024 (iv) any other error that the procurement official reasonably considers to be immaterial.
- 10025 (38) "Indefinite quantity contract" means a fixed price contract that:
- 10026 (a) is for an indefinite amount of procurement items to be supplied as ordered by a
- 10027 procurement unit; and
- 10028 (b) (i) does not require a minimum purchase amount; or
- 10029 (ii) provides a maximum purchase limit.
- 10030 (39) "Independent procurement unit" means:
- 10031 (a) (i) a legislative procurement unit;
- 10032 (ii) a judicial branch procurement unit;
- 10033 (iii) an educational procurement unit;
- 10034 (iv) a local government procurement unit;
- 10035 (v) a conservation district;
- 10036 (vi) a local building authority;
- 10037 (vii) a local district;
- 10038 (viii) a public corporation;
- 10039 (ix) a special service district; or

- 10040 (x) the Utah Communications Authority, established in Section 63H-7a-201;
- 10041 (b) the building board or the facilities division, but only to the extent of the
- 10042 procurement authority provided under Title 63A, Chapter 5b, Administration of State
- 10043 Facilities;
- 10044 (c) the attorney general, but only to the extent of the procurement authority provided
- 10045 under Title 67, Chapter 5, Attorney General;
- 10046 (d) the Department of Transportation, but only to the extent of the procurement
- 10047 authority provided under Title 72, Transportation Code; or
- 10048 (e) any other executive branch department, division, office, or entity that has statutory
- 10049 procurement authority outside this chapter, but only to the extent of that statutory procurement
- 10050 authority.
- 10051 (40) "Invitation for bids":
- 10052 (a) means a document used to solicit:
- 10053 (i) bids to provide a procurement item to a procurement unit; or
- 10054 (ii) quotes for a price of a procurement item to be provided to a procurement unit; and
- 10055 (b) includes all documents attached to or incorporated by reference in a document
- 10056 described in Subsection (40)(a).
- 10057 (41) "Issuing procurement unit" means a procurement unit that:
- 10058 (a) reviews a solicitation to verify that it is in proper form;
- 10059 (b) causes the notice of a solicitation to be published; and
- 10060 (c) negotiates and approves the terms and conditions of a contract.
- 10061 (42) "Judicial procurement unit" means:
- 10062 (a) the Utah Supreme Court;
- 10063 (b) the Utah Court of Appeals;
- 10064 (c) the Judicial Council;
- 10065 (d) a state judicial district; or
- 10066 (e) an office, committee, subcommittee, or other organization within the state judicial
- 10067 branch.
- 10068 (43) "Labor hour contract" is a contract under which:
- 10069 (a) the supplies and materials are not provided by, or through, the contractor; and
- 10070 (b) the contractor is paid a fixed rate that includes the cost of labor, overhead, and

10071 profit for a specified number of labor hours or days.

10072 (44) "Legislative procurement unit" means:

10073 (a) the Legislature;

10074 (b) the Senate;

10075 (c) the House of Representatives;

10076 (d) a staff office of the Legislature, the Senate, or the House of Representatives; or

10077 (e) a committee, subcommittee, commission, or other organization:

10078 (i) within the state legislative branch; or

10079 (ii) (A) that is created by statute to advise or make recommendations to the Legislature;

10080 (B) the membership of which includes legislators; and

10081 (C) for which the Office of Legislative Research and General Counsel provides staff
10082 support.

10083 (45) "Local building authority" means the same as that term is defined in Section
10084 [17D-2-102](#).

10085 (46) "Local district" means the same as that term is defined in Section [17B-1-102](#).

10086 (47) "Local government procurement unit" means:

10087 (a) a county or municipality, and each office or agency of the county or municipality,
10088 unless the county or municipality adopts its own procurement code by ordinance;

10089 (b) a county or municipality that has adopted this entire chapter by ordinance, and each
10090 office or agency of that county or municipality; or

10091 (c) a county or municipality that has adopted a portion of this chapter by ordinance, to
10092 the extent that a term in the ordinance is used in the adopted portion of this chapter, and each
10093 office or agency of that county or municipality.

10094 (48) "Multiple award contracts" means the award of a contract for an indefinite
10095 quantity of a procurement item to more than one person.

10096 (49) "Multiyear contract" means a contract that extends beyond a one-year period,
10097 including a contract that permits renewal of the contract, without competition, beyond the first
10098 year of the contract.

10099 (50) "Municipality" means a city, town, or metro township.

10100 (51) "Nonadopting local government procurement unit" means:

10101 (a) a county or municipality that has not adopted Part 16, Protests, Part 17,

10102 Procurement Appeals Board, Part 18, Appeals to Court and Court Proceedings, and Part 19,
10103 General Provisions Related to Protest or Appeal; and
10104 (b) each office or agency of a county or municipality described in Subsection (51)(a).
10105 (52) "Offeror" means a person who submits a proposal in response to a request for
10106 proposals.
10107 (53) "Preferred bidder" means a bidder that is entitled to receive a reciprocal preference
10108 under the requirements of this chapter.
10109 (54) "Procure" means to acquire a procurement item through a procurement.
10110 (55) "Procurement" means the acquisition of a procurement item through an
10111 expenditure of public funds, or an agreement to expend public funds, including an acquisition
10112 through a public-private partnership.
10113 (56) "Procurement item" means an item of personal property, a technology, a service,
10114 or a construction project.
10115 (57) "Procurement official" means:
10116 (a) for a procurement unit other than an independent procurement unit, the chief
10117 procurement officer;
10118 (b) for a legislative procurement unit, the individual, individuals, or body designated in
10119 a policy adopted by the Legislative Management Committee;
10120 (c) for a judicial procurement unit, the Judicial Council or an individual or body
10121 designated by the Judicial Council by rule;
10122 (d) for a local government procurement unit:
10123 (i) the legislative body of the local government procurement unit; or
10124 (ii) an individual or body designated by the local government procurement unit;
10125 (e) for a local district, the board of trustees of the local district or the board of trustees'
10126 designee;
10127 (f) for a special service district, the governing body of the special service district or the
10128 governing body's designee;
10129 (g) for a local building authority, the board of directors of the local building authority
10130 or the board of directors' designee;
10131 (h) for a conservation district, the board of supervisors of the conservation district or
10132 the board of supervisors' designee;

10133 (i) for a public corporation, the board of directors of the public corporation or the board
10134 of directors' designee;

10135 (j) for a school district or any school or entity within a school district, the board of the
10136 school district or the board's designee;

10137 (k) for a charter school, the individual or body with executive authority over the charter
10138 school or the designee of the individual or body;

10139 (l) for an institution of higher education described in Section [53B-2-101](#), the president
10140 of the institution of higher education or the president's designee;

10141 (m) for the State Board of Education, the State Board of Education or the State Board
10142 of Education's designee;

10143 (n) for the Utah Board of Higher Education, the Commissioner of Higher Education or
10144 the designee of the Commissioner of Higher Education;

10145 (o) for the Utah Communications Authority, established in Section [63H-7a-201](#), the
10146 executive director of the Utah Communications Authority or the executive director's designee;
10147 or

10148 (p) (i) for the building board, and only to the extent of procurement activities of the
10149 building board as an independent procurement unit under the procurement authority provided
10150 under Title 63A, Chapter 5b, Administration of State Facilities, the director of the building
10151 board or the director's designee;

10152 (ii) for the facilities division, and only to the extent of procurement activities of the
10153 facilities division as an independent procurement unit under the procurement authority
10154 provided under Title 63A, Chapter 5b, Administration of State Facilities, the director of the
10155 facilities division or the director's designee;

10156 (iii) for the attorney general, and only to the extent of procurement activities of the
10157 attorney general as an independent procurement unit under the procurement authority provided
10158 under Title 67, Chapter 5, Attorney General, the attorney general or the attorney general's
10159 designee;

10160 (iv) for the Department of Transportation created in Section [72-1-201](#), and only to the
10161 extent of procurement activities of the Department of Transportation as an independent
10162 procurement unit under the procurement authority provided under Title 72, Transportation
10163 Code, the executive director of the Department of Transportation or the executive director's

10164 designee; or

10165 (v) for any other executive branch department, division, office, or entity that has
10166 statutory procurement authority outside this chapter, and only to the extent of the procurement
10167 activities of the department, division, office, or entity as an independent procurement unit
10168 under the procurement authority provided outside this chapter for the department, division,
10169 office, or entity, the chief executive officer of the department, division, office, or entity or the
10170 chief executive officer's designee.

10171 (58) "Procurement unit":

10172 (a) means:

10173 (i) a legislative procurement unit;

10174 (ii) an executive branch procurement unit;

10175 (iii) a judicial procurement unit;

10176 (iv) an educational procurement unit;

10177 (v) the Utah Communications Authority, established in Section [63H-7a-201](#);

10178 (vi) a local government procurement unit;

10179 (vii) a local district;

10180 (viii) a special service district;

10181 (ix) a local building authority;

10182 (x) a conservation district;

10183 (xi) a public corporation; and

10184 (b) does not include a political subdivision created under Title 11, Chapter 13,
10185 Interlocal Cooperation Act.

10186 (59) "Professional service" means labor, effort, or work that requires specialized
10187 knowledge, expertise, and discretion, including labor, effort, or work in the field of:

10188 (a) accounting;

10189 (b) administrative law judge service;

10190 (c) architecture;

10191 (d) construction design and management;

10192 (e) engineering;

10193 (f) financial services;

10194 (g) information technology;

- 10195 (h) the law;
- 10196 (i) medicine;
- 10197 (j) psychiatry; or
- 10198 (k) underwriting.
- 10199 (60) "Protest officer" means:
- 10200 (a) for the division or an independent procurement unit:
- 10201 (i) the procurement official;
- 10202 (ii) the procurement official's designee who is an employee of the procurement unit; or
- 10203 (iii) a person designated by rule made by the rulemaking authority; or
- 10204 (b) for a procurement unit other than an independent procurement unit, the chief
- 10205 procurement officer or the chief procurement officer's designee who is an employee of the
- 10206 division.
- 10207 (61) "Public corporation" means the same as that term is defined in Section [63E-1-102](#).
- 10208 (62) "Public entity" means the state or any other government entity within the state that
- 10209 expends public funds.
- 10210 (63) "Public facility" means a building, structure, infrastructure, improvement, or other
- 10211 facility of a public entity.
- 10212 (64) "Public funds" means money, regardless of its source, including from the federal
- 10213 government, that is owned or held by a procurement unit.
- 10214 (65) "Public transit district" means a public transit district organized under Title 17B,
- 10215 Chapter 2a, Part 8, Public Transit District Act.
- 10216 (66) "Public-private partnership" means an arrangement or agreement, occurring on or
- 10217 after January 1, 2017, between a procurement unit and one or more contractors to provide for a
- 10218 public need through the development or operation of a project in which the contractor or
- 10219 contractors share with the procurement unit the responsibility or risk of developing, owning,
- 10220 maintaining, financing, or operating the project.
- 10221 (67) "Qualified vendor" means a vendor who:
- 10222 (a) is responsible; and
- 10223 (b) submits a responsive statement of qualifications under Section [63G-6a-410](#) that
- 10224 meets the minimum mandatory requirements, evaluation criteria, and any applicable score
- 10225 thresholds set forth in the request for statement of qualifications.

10226 (68) "Real property" means land and any building, fixture, improvement, appurtenance,
10227 structure, or other development that is permanently affixed to land.

10228 (69) "Request for information" means a nonbinding process through which a
10229 procurement unit requests information relating to a procurement item.

10230 (70) "Request for proposals" means a document used to solicit proposals to provide a
10231 procurement item to a procurement unit, including all other documents that are attached to that
10232 document or incorporated in that document by reference.

10233 (71) "Request for proposals process" means the procurement process described in Part
10234 7, Request for Proposals.

10235 (72) "Request for statement of qualifications" means a document used to solicit
10236 information about the qualifications of a person interested in responding to a potential
10237 procurement, including all other documents attached to that document or incorporated in that
10238 document by reference.

10239 (73) "Requirements contract" means a contract:

10240 (a) under which a contractor agrees to provide a procurement unit's entire requirements
10241 for certain procurement items at prices specified in the contract during the contract period; and

10242 (b) that:

10243 (i) does not require a minimum purchase amount; or

10244 (ii) provides a maximum purchase limit.

10245 (74) "Responsible" means being capable, in all respects, of:

10246 (a) meeting all the requirements of a solicitation; and

10247 (b) fully performing all the requirements of the contract resulting from the solicitation,
10248 including being financially solvent with sufficient financial resources to perform the contract.

10249 (75) "Responsive" means conforming in all material respects to the requirements of a
10250 solicitation.

10251 (76) "Rule" includes a policy or regulation adopted by the rulemaking authority, if
10252 adopting a policy or regulation is the method the rulemaking authority uses to adopt provisions
10253 that govern the applicable procurement unit.

10254 (77) "Rulemaking authority" means:

10255 (a) for a legislative procurement unit, the Legislative Management Committee;

10256 (b) for a judicial procurement unit, the Judicial Council;

- 10257 (c) (i) only to the extent of the procurement authority expressly granted to the
10258 procurement unit by statute:
- 10259 (A) for the building board or the facilities division, the building board;
10260 (B) for the Office of the Attorney General, the attorney general;
10261 (C) for the Department of Transportation created in Section 72-1-201, the executive
10262 director of the Department of Transportation; and
10263 (D) for any other executive branch department, division, office, or entity that has
10264 statutory procurement authority outside this chapter, the governing authority of the department,
10265 division, office, or entity; and
- 10266 (ii) for each other executive branch procurement unit, the board;
- 10267 (d) for a local government procurement unit:
- 10268 (i) the governing body of the local government unit; or
10269 (ii) an individual or body designated by the local government procurement unit;
- 10270 (e) for a school district or a public school, the board, except to the extent of a school
10271 district's own nonadministrative rules that do not conflict with the provisions of this chapter;
- 10272 (f) for a state institution of higher education, the Utah Board of Higher Education;
10273 (g) for the State Board of Education or the Utah Schools for the Deaf and the Blind, the
10274 State Board of Education;
- 10275 (h) for a public transit district, the chief executive of the public transit district;
- 10276 (i) for a local district other than a public transit district or for a special service district,
10277 the board, except to the extent that the board of trustees of the local district or the governing
10278 body of the special service district makes its own rules:
- 10279 (i) with respect to a subject addressed by board rules; or
10280 (ii) that are in addition to board rules;
- 10281 (j) for the Utah Educational Savings Plan, created in Section 53B-8a-103, the Utah
10282 Board of Higher Education;
- 10283 (k) for the School and Institutional Trust Lands Administration, created in Section
10284 53C-1-201, the School and Institutional Trust Lands Board of Trustees;
- 10285 (l) for the School and Institutional Trust Fund Office, created in Section 53D-1-201,
10286 the School and Institutional Trust Fund Board of Trustees;
- 10287 (m) for the Utah Communications Authority, established in Section 63H-7a-201, the

- 10288 Utah Communications Authority board, created in Section [63H-7a-203](#); or
- 10289 (n) for any other procurement unit, the board.
- 10290 (78) "Service":
- 10291 (a) means labor, effort, or work to produce a result that is beneficial to a procurement
- 10292 unit;
- 10293 (b) includes a professional service; and
- 10294 (c) does not include labor, effort, or work provided under an employment agreement or
- 10295 a collective bargaining agreement.
- 10296 (79) "Small purchase process" means the procurement process described in Section
- 10297 [63G-6a-506](#).
- 10298 (80) "Sole source contract" means a contract resulting from a sole source procurement.
- 10299 (81) "Sole source procurement" means a procurement without competition pursuant to
- 10300 a determination under Subsection [63G-6a-802\(1\)\(a\)](#) that there is only one source for the
- 10301 procurement item.
- 10302 (82) "Solicitation" means an invitation for bids, request for proposals, or request for
- 10303 statement of qualifications.
- 10304 (83) "Solicitation response" means:
- 10305 (a) a bid submitted in response to an invitation for bids;
- 10306 (b) a proposal submitted in response to a request for proposals; or
- 10307 (c) a statement of qualifications submitted in response to a request for statement of
- 10308 qualifications.
- 10309 (84) "Special service district" means the same as that term is defined in Section
- 10310 [17D-1-102](#).
- 10311 (85) "Specification" means any description of the physical or functional characteristics
- 10312 or of the nature of a procurement item included in an invitation for bids or a request for
- 10313 proposals, or otherwise specified or agreed to by a procurement unit, including a description of:
- 10314 (a) a requirement for inspecting or testing a procurement item; or
- 10315 (b) preparing a procurement item for delivery.
- 10316 (86) "Standard procurement process" means:
- 10317 (a) the bidding process;
- 10318 (b) the request for proposals process;

- 10319 (c) the approved vendor list process;
- 10320 (d) the small purchase process; or
- 10321 (e) the design professional procurement process.
- 10322 (87) "State cooperative contract" means a contract awarded by the division for and in
- 10323 behalf of all public entities.
- 10324 (88) "Statement of qualifications" means a written statement submitted to a
- 10325 procurement unit in response to a request for statement of qualifications.
- 10326 (89) "Subcontractor":
- 10327 (a) means a person under contract to perform part of a contractual obligation under the
- 10328 control of the contractor, whether the person's contract is with the contractor directly or with
- 10329 another person who is under contract to perform part of a contractual obligation under the
- 10330 control of the contractor; and
- 10331 (b) includes a supplier, distributor, or other vendor that furnishes supplies or services
- 10332 to a contractor.
- 10333 (90) "Technology" means the same as "information technology," as defined in Section
- 10334 ~~[63F-1-102]~~ [63A-16-102](#).
- 10335 (91) "Tie bid" means that the lowest responsive bids of responsible bidders are
- 10336 identical in price.
- 10337 (92) "Time and materials contract" means a contract under which the contractor is paid:
- 10338 (a) the actual cost of direct labor at specified hourly rates;
- 10339 (b) the actual cost of materials and equipment usage; and
- 10340 (c) an additional amount, expressly described in the contract, to cover overhead and
- 10341 profit, that is not based on a percentage of the cost to the contractor.
- 10342 (93) "Transitional costs":
- 10343 (a) means the costs of changing:
- 10344 (i) from an existing provider of a procurement item to another provider of that
- 10345 procurement item; or
- 10346 (ii) from an existing type of procurement item to another type;
- 10347 (b) includes:
- 10348 (i) training costs;
- 10349 (ii) conversion costs;

- 10350 (iii) compatibility costs;
- 10351 (iv) costs associated with system downtime;
- 10352 (v) disruption of service costs;
- 10353 (vi) staff time necessary to implement the change;
- 10354 (vii) installation costs; and
- 10355 (viii) ancillary software, hardware, equipment, or construction costs; and
- 10356 (c) does not include:
- 10357 (i) the costs of preparing for or engaging in a procurement process; or
- 10358 (ii) contract negotiation or drafting costs.
- 10359 (94) "Vendor":
- 10360 (a) means a person who is seeking to enter into a contract with a procurement unit to
- 10361 provide a procurement item; and
- 10362 (b) includes:
- 10363 (i) a bidder;
- 10364 (ii) an offeror;
- 10365 (iii) an approved vendor;
- 10366 (iv) a design professional; and
- 10367 (v) a person who submits an unsolicited proposal under Section [63G-6a-712](#).
- 10368 Section 178. Section **63G-22-102** is amended to read:
- 10369 **63G-22-102. Definitions.**
- 10370 As used in this chapter:
- 10371 (1) "Political subdivision" means:
- 10372 (a) a county;
- 10373 (b) a municipality, as defined in Section [10-1-104](#);
- 10374 (c) a local district;
- 10375 (d) a special service district;
- 10376 (e) an interlocal entity, as defined in Section [11-13-103](#);
- 10377 (f) a community reinvestment agency;
- 10378 (g) a local building authority; or
- 10379 (h) a conservation district.
- 10380 (2) (a) "Public employee" means any individual employed by or volunteering for a state

10381 agency or a political subdivision who is not a public official.

10382 (b) "Public employee" does not include an individual employed by or volunteering for
10383 a taxed interlocal entity.

10384 (3) (a) "Public official" means:

10385 (i) an appointed official or an elected official as those terms are defined in Section
10386 ~~[67-19-6.7]~~ [63A-17-502](#); or

10387 (ii) an individual elected or appointed to a county office, municipal office, school
10388 board or school district office, local district office, or special service district office.

10389 (b) "Public official" does not include an appointed or elected official of a taxed
10390 interlocal entity.

10391 (4) "State agency" means a department, division, board, council, committee, institution,
10392 office, bureau, or other similar administrative unit of the executive branch of state government.

10393 (5) "Taxed interlocal entity" means the same as that term is defined in Section
10394 [11-13-602](#).

10395 Section 179. Section **63H-1-403** is amended to read:

10396 **63H-1-403. Notice of project area plan adoption -- Effective date of plan --**

10397 **Contesting the formation of the plan.**

10398 (1) Upon the board's adoption of a project area plan, the board shall provide notice as
10399 provided in Subsection (1)(b) by publishing or causing to be published legal notice:

10400 (a) in a newspaper of general circulation within or near the project area; and

10401 (b) as required by Section [45-1-101](#).

10402 (2) (a) Each notice under Subsection (1) shall include:

10403 (i) the board resolution adopting the project area plan or a summary of the resolution;
10404 and

10405 (ii) a statement that the project area plan is available for general public inspection and
10406 the hours for inspection.

10407 (b) The statement required under Subsection (2)(a)(ii) may be included in the board
10408 resolution or summary described in Subsection (2)(a)(i).

10409 (3) The project area plan becomes effective on the date designated in the board
10410 resolution adopting the project area plan.

10411 (4) The authority shall make the adopted project area plan available to the general

10412 public at its offices during normal business hours.

10413 (5) Within 10 days after the day on which a project area plan is adopted that establishes
10414 a project area, or after an amendment to a project area plan is adopted under which the
10415 boundary of a project area is modified, the authority shall send notice of the establishment or
10416 modification of the project area and an accurate map or plat of the project area to:

10417 (a) the State Tax Commission;

10418 (b) the Automated Geographic Reference Center created in Section [~~63F-1-506~~]
10419 [63A-16-505](#); and

10420 (c) the assessor and recorder of each county where the project area is located.

10421 (6) (a) A legal action or other challenge to a project area plan or a project area
10422 described in a project area plan is barred unless brought within 30 days after the effective date
10423 of the project area plan.

10424 (b) For a project area created before December 1, 2018, a legal action or other
10425 challenge is barred.

10426 (c) For a project area created after December 1, 2018, and before May 14, 2019, a legal
10427 action or other challenge is barred after July 1, 2019.

10428 Section 180. Section ~~63H-1-701~~ is amended to read:

10429 **~~63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --~~**
10430 **~~Auditor forms -- Requirement to file form.~~**

10431 (1) The authority shall prepare and its board adopt an annual budget of revenues and
10432 expenditures for the authority for each fiscal year.

10433 (2) Each annual authority budget shall be adopted before June 30.

10434 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

10435 (4) (a) Before adopting an annual budget, the authority board shall hold a public
10436 hearing on the annual budget.

10437 (b) The authority shall provide notice of the public hearing on the annual budget by
10438 publishing notice:

10439 (i) at least once in a newspaper of general circulation within the state, one week before
10440 the public hearing; and

10441 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
10442 at least one week immediately before the public hearing.

10443 (c) The authority shall make the annual budget available for public inspection at least
10444 three days before the date of the public hearing.

10445 (5) The state auditor shall prescribe the budget forms and the categories to be contained
10446 in each authority budget, including:

10447 (a) revenues and expenditures for the budget year;

10448 (b) legal fees; and

10449 (c) administrative costs, including rent, supplies, and other materials, and salaries of
10450 authority personnel.

10451 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a
10452 copy of the annual budget with the auditor of each county in which a project area of the
10453 authority is located, the State Tax Commission, the state auditor, the State Board of Education,
10454 and each taxing entity that levies a tax on property from which the authority collects property
10455 tax allocation.

10456 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
10457 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
10458 the state auditor.

10459 Section 181. Section **63H-2-502** is amended to read:

10460 **63H-2-502. Annual authority budget -- Auditor forms -- Requirement to file**
10461 **form.**

10462 (1) (a) The authority shall prepare an annual budget of revenues and expenditures for
10463 the authority for each fiscal year.

10464 (b) Before June 30 of each year and subject to the other provisions of this section, the
10465 board shall adopt an annual budget of revenues and expenditures of the authority for the
10466 immediately following fiscal year.

10467 (2) (a) Before adopting an annual budget, the board shall hold a public hearing on the
10468 annual budget.

10469 (b) Before holding the public hearing required by this Subsection (2), the board shall
10470 post notice of the public hearing on the Utah Public Notice Website created under Section
10471 [~~63F-1-701~~] 63A-16-601 no less than 14 days before the day on which the public hearing is to
10472 be held.

10473 (3) The state auditor shall prescribe the budget forms and the categories to be contained

- 10474 in each annual budget of the authority, including:
- 10475 (a) revenues and expenditures for the budget year;
- 10476 (b) the outstanding bonds and related expenses;
- 10477 (c) legal fees; and
- 10478 (d) administrative costs, including:
- 10479 (i) rent;
- 10480 (ii) supplies;
- 10481 (iii) other materials; and
- 10482 (iv) salaries of authority personnel.
- 10483 (4) Within 30 days after adopting an annual budget, the board shall file a copy of the
- 10484 annual budget with:
- 10485 (a) the State Tax Commission; and
- 10486 (b) the state auditor.
- 10487 (5) (a) Subject to Subsection (5)(b), the board may by resolution amend an annual
- 10488 budget of the authority.
- 10489 (b) The board may make an amendment of an annual budget that would increase total
- 10490 expenditures of the authority only after:
- 10491 (i) holding a public hearing; and
- 10492 (ii) before holding the public hearing required by this Subsection (5)(b), posting notice
- 10493 of the public hearing on the Utah Public Notice Website created under Section [~~63F-1-701~~]
- 10494 [63A-16-601](#) no less than 14 days before the day on which the public hearing is to be held.
- 10495 (6) The authority may not make expenditures in excess of the total expenditures
- 10496 established in the annual budget as it is adopted or amended.
- 10497 Section 182. Section **63H-2-504** is amended to read:
- 10498 **63H-2-504. Relation to other state statutes.**
- 10499 (1) The authority is subject to review by the Retirement and Independent Entities
- 10500 Committee in accordance with Title 63E, Chapter 1, Independent Entities Act.
- 10501 (2) The authority is subject to:
- 10502 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 10503 (b) Title 51, Chapter 7, State Money Management Act;
- 10504 (c) Title 52, Chapter 4, Open and Public Meetings Act;

- 10505 (d) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;
- 10506 (e) Title 63G, Chapter 2, Government Records Access and Management Act;
- 10507 (f) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 10508 (g) Title 63G, Chapter 4, Administrative Procedures Act;
- 10509 (h) Title 63G, Chapter 6a, Utah Procurement Code;
- 10510 (i) Title 63J, Chapter 1, Budgetary Procedures Act;
- 10511 (j) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
- 10512 (k) Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

10513 Section 183. Section **63H-4-108** is amended to read:

10514 **63H-4-108. Relation to certain acts -- Participation in Risk Management Fund.**

10515 (1) The authority is exempt from:

- 10516 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 10517 (b) except as provided in Subsection (2)(b), Title 63A, Utah [~~Administrative Services~~]
- 10518 Government Operations Code;

10519 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and

10520 (d) Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.

10521 (2) The authority is subject to:

- 10522 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 10523 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;
- 10524 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 10525 (d) Title 63G, Chapter 6a, Utah Procurement Code.

10526 (3) The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3,
10527 Auditor, and by the legislative auditor general pursuant to Section 36-12-15.

10528 (4) Subject to the requirements of Subsection 63E-1-304(2), the authority may
10529 participate in coverage under the Risk Management Fund created by Section 63A-4-201.

10530 Section 184. Section **63H-5-108** is amended to read:

10531 **63H-5-108. Relation to certain acts.**

10532 (1) The authority is exempt from:

- 10533 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 10534 (b) except as provided in Subsection (2)(b), Title 63A, Utah [~~Administrative Services~~]
- 10535 Government Operations Code;

- 10536 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and
10537 (d) Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.
10538 (2) The authority is subject to:
10539 (a) Title 52, Chapter 4, Open and Public Meetings Act;
10540 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;
10541 (c) Title 63G, Chapter 2, Government Records Access and Management Act;
10542 (d) Title 63G, Chapter 6a, Utah Procurement Code; and
10543 (e) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the
10544 legislative auditor general pursuant to Section 36-12-15.
10545 Section 185. Section **63H-6-103** is amended to read:
10546 **63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.**
10547 (1) There is created an independent public nonprofit corporation known as the "Utah
10548 State Fair Corporation."
10549 (2) The board shall file articles of incorporation for the corporation with the Division
10550 of Corporations and Commercial Code.
10551 (3) The corporation, subject to this chapter, has all powers and authority permitted
10552 nonprofit corporations by law.
10553 (4) The corporation shall:
10554 (a) manage, supervise, and control:
10555 (i) all activities relating to the annual exhibition described in Subsection (4)(j); and
10556 (ii) except as otherwise provided by statute, all state expositions, including setting the
10557 time, place, and purpose of any state exposition;
10558 (b) for public entertainment, displays, and exhibits or similar events:
10559 (i) provide, sponsor, or arrange the events;
10560 (ii) publicize and promote the events; and
10561 (iii) secure funds to cover the cost of the exhibits from:
10562 (A) private contributions;
10563 (B) public appropriations;
10564 (C) admission charges; and
10565 (D) other lawful means;
10566 (c) acquire and designate exposition sites;

10567 (d) use generally accepted accounting principles in accounting for the corporation's
10568 assets, liabilities, and operations;

10569 (e) seek corporate sponsorships for the state fair park or for individual buildings or
10570 facilities within the fair park;

10571 (f) work with county and municipal governments, the Salt Lake Convention and
10572 Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote
10573 expositions and the use of the state fair park;

10574 (g) develop and maintain a marketing program to promote expositions and the use of
10575 the state fair park;

10576 (h) in accordance with provisions of this part, operate and maintain the state fair park,
10577 including the physical appearance and structural integrity of the state fair park and the
10578 buildings located at the state fair park;

10579 (i) prepare an economic development plan for the state fair park;

10580 (j) hold an annual exhibition that:

10581 (i) is called the state fair or a similar name;

10582 (ii) promotes and highlights agriculture throughout the state;

10583 (iii) includes expositions of livestock, poultry, agricultural, domestic science,
10584 horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic
10585 animals that, in the corporation's opinion will best stimulate agricultural, industrial, artistic, and
10586 educational pursuits and the sharing of talents among the people of Utah;

10587 (iv) includes the award of premiums for the best specimens of the exhibited articles
10588 and animals;

10589 (v) permits competition by livestock exhibited by citizens of other states and territories
10590 of the United States; and

10591 (vi) is arranged according to plans approved by the board;

10592 (k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j);

10593 and

10594 (l) publish a list of premiums that will be awarded at the annual exhibition described in
10595 Subsection (4)(j) for the best specimens of exhibited articles and animals.

10596 (5) In addition to the annual exhibition described in Subsection (4)(j), the corporation
10597 may hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural,

10598 floricultural, mineral and industrial products, manufactured articles, and domestic animals that,
10599 in the corporation's opinion, will best stimulate agricultural, industrial, artistic, and educational
10600 pursuits and the sharing of talents among the people of Utah.

10601 (6) The corporation may:

10602 (a) employ advisers, consultants, and agents, including financial experts and
10603 independent legal counsel, and fix their compensation;

10604 (b) (i) participate in the state's Risk Management Fund created under Section
10605 [63A-4-201](#); or

10606 (ii) procure insurance against any loss in connection with the corporation's property
10607 and other assets, including mortgage loans;

10608 (c) receive and accept aid or contributions of money, property, labor, or other things of
10609 value from any source, including any grants or appropriations from any department, agency, or
10610 instrumentality of the United States or Utah;

10611 (d) hold, use, loan, grant, and apply that aid and those contributions to carry out the
10612 purposes of the corporation, subject to the conditions, if any, upon which the aid and
10613 contributions were made;

10614 (e) enter into management agreements with any person or entity for the performance of
10615 the corporation's functions or powers;

10616 (f) establish whatever accounts and procedures as necessary to budget, receive, and
10617 disburse, account for, and audit all funds received, appropriated, or generated;

10618 (g) subject to Subsection (8), lease any of the facilities at the state fair park;

10619 (h) sponsor events as approved by the board; and

10620 (i) enter into one or more agreements to develop the state fair park.

10621 (7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the
10622 corporation is exempt from:

10623 (i) Title 51, Chapter 5, Funds Consolidation Act;

10624 (ii) Title 51, Chapter 7, State Money Management Act;

10625 (iii) Title 63A, Utah [~~Administrative Services~~] Government Operations Code;

10626 (iv) Title 63J, Chapter 1, Budgetary Procedures Act; and

10627 (v) Title [~~67~~] 63A, Chapter [~~19~~] 17, Utah State Personnel Management Act.

10628 (b) The board shall adopt policies parallel to and consistent with:

- 10629 (i) Title 51, Chapter 5, Funds Consolidation Act;
- 10630 (ii) Title 51, Chapter 7, State Money Management Act;
- 10631 (iii) Title 63A, Utah [~~Administrative Services~~] Government Operations Code; and
- 10632 (iv) Title 63J, Chapter 1, Budgetary Procedures Act.
- 10633 (c) The corporation shall comply with:
- 10634 (i) Title 52, Chapter 4, Open and Public Meetings Act;
- 10635 (ii) Title 63G, Chapter 2, Government Records Access and Management Act;
- 10636 (iii) the provisions of Title 63A, Chapter 1, Part 2, Utah Public Finance Website;
- 10637 (iv) Title 63G, Chapter 6a, Utah Procurement Code, except for a procurement for:
- 10638 (A) entertainment provided at the state fair park;
- 10639 (B) judges for competitive exhibits; or
- 10640 (C) sponsorship of an event at the state fair park; and
- 10641 (v) the legislative approval requirements for new facilities established in Section
- 10642 [63A-5b-404](#).
- 10643 (8) (a) Before the corporation executes a lease described in Subsection (6)(g) with a
- 10644 term of 10 or more years, the corporation shall:
- 10645 (i) submit the proposed lease to the State Building Board for the State Building Board's
- 10646 approval or rejection; and
- 10647 (ii) if the State Building Board approves the proposed lease, submit the proposed lease
- 10648 to the Executive Appropriations Committee for the Executive Appropriation Committee's
- 10649 review and recommendation in accordance with Subsection (8)(b).
- 10650 (b) The Executive Appropriations Committee shall review a proposed lease submitted
- 10651 in accordance with Subsection (8)(a) and recommend to the corporation that the corporation:
- 10652 (i) execute the proposed sublease; or
- 10653 (ii) reject the proposed sublease.
- 10654 Section 186. Section ~~63H-7a-104~~ is amended to read:
- 10655 **63H-7a-104. Relation to certain acts.**
- 10656 (1) The authority is exempt from:
- 10657 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 10658 (b) except as provided in Subsection (2)(b), Title 63A, Utah [~~Administrative Services~~]
- 10659 Government Operations Code;

- 10660 (c) Title 63J, Chapter 1, Budgetary Procedures Act; and
- 10661 (d) Title [67] 63A, Chapter [19] 17, Utah State Personnel Management Act.
- 10662 (2) The authority is subject to:
- 10663 (a) Title 52, Chapter 4, Open and Public Meetings Act;
- 10664 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website;
- 10665 (c) Title 63G, Chapter 2, Government Records Access and Management Act; and
- 10666 (d) Title 63G, Chapter 6a, Utah Procurement Code.
- 10667 Section 187. Section **63H-7a-304** is amended to read:
- 10668 **63H-7a-304. Unified Statewide 911 Emergency Service Account -- Creation --**
- 10669 **Administration -- Permitted uses.**
- 10670 (1) There is created a restricted account within the General Fund known as the "Unified
- 10671 Statewide 911 Emergency Service Account," consisting of:
- 10672 (a) proceeds from the fee imposed in Section 69-2-403;
- 10673 (b) money appropriated or otherwise made available by the Legislature; and
- 10674 (c) contributions of money, property, or equipment from federal agencies, political
- 10675 subdivisions of the state, persons, or corporations.
- 10676 (2) (a) Except as provided in Subsection (4) and subject to Subsection (3) and
- 10677 appropriations by the Legislature, the authority shall disburse funds in the 911 account for the
- 10678 purpose of enhancing and maintaining the statewide public safety communications network and
- 10679 911 call processing equipment in order to rapidly, efficiently, effectively, and with greater
- 10680 interoperability deliver 911 services in the state.
- 10681 (b) In expending funds in the 911 account, the authority shall give a higher priority to
- 10682 an expenditure that:
- 10683 (i) best promotes statewide public safety;
- 10684 (ii) best promotes interoperability;
- 10685 (iii) impacts the largest service territory;
- 10686 (iv) impacts a densely populated area; or
- 10687 (v) impacts an underserved area.
- 10688 (c) The authority shall expend funds in the 911 account in accordance with the
- 10689 authority strategic plan described in Section 63H-7a-206.
- 10690 (d) The authority may not expend funds from the 911 account collected through the

10691 911 emergency service charge imposed in Section [69-2-403](#) on behalf of a PSAP that chooses
10692 not to participate in the:

10693 (i) public safety communications network; and

10694 (ii) the 911 emergency service defined in Section [69-2-102](#).

10695 (e) The authority may not expend funds from the 911 account collected through the
10696 prepaid wireless 911 service charge revenue distributed in Subsection [69-2-405](#)(9)(c) on behalf
10697 of a PSAP that chooses not to participate in the:

10698 (i) public safety communications network; and

10699 (ii) 911 emergency service defined in Section [69-2-102](#).

10700 (f) The executive director shall recommend to the board expenditures for the authority
10701 to make from the 911 account in accordance with this Subsection (2).

10702 (3) Subject to an appropriation by the Legislature and approval by the board, the
10703 Administrative Services Division may use funds in the 911 account to cover the Administrative
10704 Services Division's administrative costs related to the 911 account.

10705 (4) (a) The authority shall reimburse from the 911 account to the Automated
10706 Geographic Reference Center created in Section [~~63F-1-506~~] [63A-16-505](#) an amount equal to
10707 up to 1 cent of each unified statewide 911 emergency service charge deposited into the 911
10708 account under Section [69-2-403](#).

10709 (b) The Automated Geographic Reference Center shall use the funds reimbursed to the
10710 Automated Geographic Reference Center under Subsection (4)(a) to:

10711 (i) enhance and upgrade digital mapping standards; and

10712 (ii) maintain a statewide geospatial database for unified statewide 911 emergency
10713 service.

10714 Section 188. Section **63H-7a-803** is amended to read:

10715 **63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.**

10716 (1) The Utah Communications Authority is exempt from:

10717 (a) except as provided in Subsection (3), Title 63A, Utah [~~Administrative Services~~]
10718 Government Operations Code;

10719 (b) Title 63G, Chapter 4, Administrative Procedures Act; and

10720 (c) Title [~~67~~] [63A](#), Chapter [~~19~~] [17](#), Utah State Personnel Management Act.

10721 (2) (a) The board shall adopt budgetary procedures, accounting, and personnel and

10722 human resource policies substantially similar to those from which they have been exempted in
 10723 Subsection (1).

10724 (b) The authority, the board, and the committee members are subject to Title 67,
 10725 Chapter 16, Utah Public Officers' and Employees' Ethics Act.

10726 (c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

10727 (d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.

10728 (e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act, only
 10729 with respect to money appropriated to the authority by the Legislature.

10730 (3) (a) Subject to the requirements of Subsection [63E-1-304](#)(2), the administration may
 10731 participate in coverage under the Risk Management Fund created by Section [63A-4-201](#).

10732 (b) The authority is subject to Title 63A, Chapter 1, Part 2, Utah Public Finance
 10733 Website.

10734 Section 189. Section **63H-8-204** is amended to read:

10735 **63H-8-204. Relation to certain acts.**

10736 (1) The corporation is exempt from:

10737 (a) Title 51, Chapter 5, Funds Consolidation Act;

10738 (b) Title 51, Chapter 7, State Money Management Act;

10739 (c) except as provided in Subsection (2), Title 63A, Utah [~~Administrative Services~~]

10740 Government Operations Code;

10741 (d) Title 63G, Chapter 6a, Utah Procurement Code;

10742 (e) Title 63J, Chapter 1, Budgetary Procedures Act;

10743 (f) Title 63J, Chapter 2, Revenue Procedures and Control Act; and

10744 (g) Title ~~[67]~~ [63A](#), Chapter ~~[19]~~ [17](#), Utah State Personnel Management Act.

10745 (2) The corporation shall comply with:

10746 (a) Title 52, Chapter 4, Open and Public Meetings Act;

10747 (b) Title 63A, Chapter 1, Part 2, Utah Public Finance Website; and

10748 (c) Title 63G, Chapter 2, Government Records Access and Management Act.

10749 Section 190. Section **63I-1-263** is amended to read:

10750 **63I-1-263. Repeal dates, Titles 63A to 63N.**

10751 (1) In relation to the Utah Transparency Advisory Board, on January 1, 2025:

10752 (a) Subsection [63A-1-201](#)(1) is repealed;

- 10753 (b) Subsection [63A-1-202](#)(2)(c), the language "using criteria established by the board"
10754 is repealed;
- 10755 (c) Section [63A-1-203](#) is repealed;
- 10756 (d) Subsections [63A-1-204](#)(1) and (2), the language "After consultation with the board,
10757 and" is repealed; and
- 10758 (e) Subsection [63A-1-204](#)(1)(b), the language "using the standards provided in
10759 Subsection [63A-1-203](#)(3)(c)" is repealed.
- 10760 (2) Subsection [63A-5b-405](#)(5), relating to prioritizing and allocating capital
10761 improvement funding, is repealed July 1, 2024.
- 10762 (3) Section [63A-5b-1003](#), State Facility Energy Efficiency Fund, is repealed July 1,
10763 2023.
- 10764 (4) Sections [63A-9-301](#) and [63A-9-302](#), related to the Motor Vehicle Review
10765 Committee, are repealed July 1, 2023.
- 10766 (5) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July
10767 1, 2028.
- 10768 (6) Title 63C, Chapter 6, Utah Seismic Safety Commission, is repealed January 1,
10769 2025.
- 10770 (7) Title 63C, Chapter 12, Snake Valley Aquifer Advisory Council, is repealed July 1,
10771 2024.
- 10772 (8) Title 63C, Chapter 17, Point of the Mountain Development Commission Act, is
10773 repealed July 1, 2021.
- 10774 (9) Title 63C, Chapter 18, Behavioral Health Crisis Response Commission, is repealed
10775 July 1, 2023.
- 10776 (10) Title 63C, Chapter 21, Outdoor Adventure Commission, is repealed July 1, 2025.
- 10777 (11) Title [~~63F, Chapter 2~~] [63A, Chapter 16, Part 7](#), Data Security Management
10778 Council, is repealed July 1, 2025.
- 10779 (12) Section [63G-6a-805](#), which creates the Purchasing from Persons with Disabilities
10780 Advisory Board, is repealed July 1, 2026.
- 10781 (13) Title 63G, Chapter 21, Agreements to Provide State Services, is repealed July 1,
10782 2025.
- 10783 (14) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,

- 10784 2024.
- 10785 (15) Title 63H, Chapter 8, Utah Housing Corporation Act, is repealed July 1, 2026.
- 10786 (16) Subsection 63J-1-602.1(14), Nurse Home Visiting Restricted Account is repealed
- 10787 July 1, 2026.
- 10788 (17) (a) Subsection 63J-1-602.1(58), relating to the Utah Statewide Radio System
- 10789 Restricted Account, is repealed July 1, 2022.
- 10790 (b) When repealing Subsection 63J-1-602.1(58), the Office of Legislative Research and
- 10791 General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make
- 10792 necessary changes to subsection numbering and cross references.
- 10793 (18) Subsection 63J-1-602.2(4), referring to dedicated credits to the Utah Marriage
- 10794 Commission, is repealed July 1, 2023.
- 10795 (19) Subsection 63J-1-602.2(5), referring to the Trip Reduction Program, is repealed
- 10796 July 1, 2022.
- 10797 (20) Subsection 63J-1-602.2(25), related to the Utah Seismic Safety Commission, is
- 10798 repealed January 1, 2025.
- 10799 (21) Title 63J, Chapter 4, Part 5, Resource Development Coordinating Committee, is
- 10800 repealed July 1, 2027.
- 10801 (22) Subsection 63J-4-608(3), which creates the Federal Land Application Advisory
- 10802 Committee, is repealed on July 1, 2021.
- 10803 (23) In relation to the Utah Substance Use and Mental Health Advisory Council, on
- 10804 January 1, 2023:
- 10805 (a) Sections 63M-7-301, 63M-7-302, 63M-7-303, 63M-7-304, and 63M-7-306 are
- 10806 repealed;
- 10807 (b) Section 63M-7-305, the language that states "council" is replaced with
- 10808 "commission";
- 10809 (c) Subsection 63M-7-305(1) is repealed and replaced with:
- 10810 "(1) "Commission" means the Commission on Criminal and Juvenile Justice."; and
- 10811 (d) Subsection 63M-7-305(2) is repealed and replaced with:
- 10812 "(2) The commission shall:
- 10813 (a) provide ongoing oversight of the implementation, functions, and evaluation of the
- 10814 Drug-Related Offenses Reform Act; and

- 10815 (b) coordinate the implementation of Section 77-18-1.1 and related provisions in
10816 Subsections 77-18-1(5)(b)(iii) and (iv).".
- 10817 (24) The Crime Victim Reparations and Assistance Board, created in Section
10818 63M-7-504, is repealed July 1, 2027.
- 10819 (25) Title 63M, Chapter 7, Part 6, Utah Council on Victims of Crime, is repealed July
10820 1, 2022.
- 10821 (26) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1, 2021.
- 10822 (27) Subsection 63N-1-301(4)(c), related to the Talent Ready Utah Board, is repealed
10823 January 1, 2023.
- 10824 (28) Title 63N, Chapter 1, Part 5, Governor's Economic Development Coordinating
10825 Council, is repealed July 1, 2024.
- 10826 (29) Title 63N, Chapter 2, Part 2, Enterprise Zone Act, is repealed July 1, 2028.
- 10827 (30) Section 63N-2-512 is repealed July 1, 2021.
- 10828 (31) (a) Title 63N, Chapter 2, Part 6, Utah Small Business Jobs Act, is repealed
10829 January 1, 2021.
- 10830 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for
10831 calendar years beginning on or after January 1, 2021.
- 10832 (c) Notwithstanding Subsection (31)(b), an entity may carry forward a tax credit in
10833 accordance with Section 59-9-107 if:
- 10834 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December
10835 31, 2020; and
- 10836 (ii) the qualified equity investment that is the basis of the tax credit is certified under
10837 Section 63N-2-603 on or before December 31, 2023.
- 10838 (32) Subsections 63N-3-109(2)(e) and 63N-3-109(2)(f)(i) are repealed July 1, 2023.
- 10839 (33) Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program, is repealed
10840 July 1, 2023.
- 10841 (34) Title 63N, Chapter 7, Part 1, Board of Tourism Development, is repealed July 1,
10842 2025.
- 10843 (35) Title 63N, Chapter 9, Part 2, Outdoor Recreational Infrastructure Grant Program,
10844 is repealed January 1, 2023.
- 10845 (36) Title 63N, Chapter 12, Part 5, Talent Ready Utah Center, is repealed January 1,

10846 2023.

10847 Section 191. Section **63I-2-267** is amended to read:

10848 **63I-2-267. Repeal dates -- Title 67.**

10849 Section [~~67-19-45~~] [63A-17-1006](#) is repealed June 30, 2023.

10850 Section 192. Section **63J-4-602** is amended to read:

10851 **63J-4-602. Public Lands Policy Coordinating Office -- Coordinator --**
10852 **Appointment -- Qualifications -- Compensation.**

10853 (1) There is created within state government the Public Lands Policy Coordinating
10854 Office. The office shall be administered by a public lands policy coordinator.

10855 (2) The coordinator shall be appointed by the governor with the advice and consent of
10856 the Senate and shall serve at the pleasure of the governor.

10857 (3) The coordinator shall have demonstrated the necessary administrative and
10858 professional ability through education and experience to efficiently and effectively manage the
10859 office's affairs.

10860 (4) The coordinator and employees of the office shall receive compensation as
10861 provided in Title [~~67~~] [63A](#), Chapter [~~19~~] [17](#), Utah State Personnel Management Act.

10862 Section 193. Section **63J-4-603** is amended to read:

10863 **63J-4-603. Powers and duties of coordinator and office.**

10864 (1) The coordinator and the office shall:

10865 (a) make a report to the Constitutional Defense Council created under Section
10866 [63C-4a-202](#) concerning R.S. 2477 rights and other public lands issues under Title 63C, Chapter
10867 4a, Constitutional and Federalism Defense Act;

10868 (b) provide staff assistance to the Constitutional Defense Council created under Section
10869 [63C-4a-202](#) for meetings of the council;

10870 (c) (i) prepare and submit a constitutional defense plan under Section [63C-4a-403](#); and

10871 (ii) execute any action assigned in a constitutional defense plan;

10872 (d) under the direction of the state planning coordinator, assist in fulfilling the state
10873 planning coordinator's duties outlined in Section [63J-4-401](#) as those duties relate to the
10874 development of public lands policies by:

10875 (i) developing cooperative contracts and agreements between the state, political
10876 subdivisions, and agencies of the federal government for involvement in the development of

- 10877 public lands policies;
- 10878 (ii) producing research, documents, maps, studies, analysis, or other information that
10879 supports the state's participation in the development of public lands policy;
- 10880 (iii) preparing comments to ensure that the positions of the state and political
10881 subdivisions are considered in the development of public lands policy;
- 10882 (iv) partnering with state agencies and political subdivisions in an effort to:
- 10883 (A) prepare coordinated public lands policies;
- 10884 (B) develop consistency reviews and responses to public lands policies;
- 10885 (C) develop management plans that relate to public lands policies; and
- 10886 (D) develop and maintain a statewide land use plan that is based on cooperation and in
10887 conjunction with political subdivisions; and
- 10888 (v) providing other information or services related to public lands policies as requested
10889 by the state planning coordinator;
- 10890 (e) facilitate and coordinate the exchange of information, comments, and
10891 recommendations on public lands policies between and among:
- 10892 (i) state agencies;
- 10893 (ii) political subdivisions;
- 10894 (iii) the Office of Rural Development created under Section [63N-4-102](#);
- 10895 (iv) the Resource Development Coordinating Committee created under Section
10896 [63J-4-501](#);
- 10897 (v) School and Institutional Trust Lands Administration created under Section
10898 [53C-1-201](#);
- 10899 (vi) the committee created under Section [~~[63F-1-508](#)~~] [63A-16-507](#) to award grants to
10900 counties to inventory and map R.S. 2477 rights-of-way, associated structures, and other
10901 features; and
- 10902 (vii) the Constitutional Defense Council created under Section [63C-4a-202](#);
- 10903 (f) perform the duties established in Title 9, Chapter 8, Part 3, Antiquities, and Title 9,
10904 Chapter 8, Part 4, Historic Sites;
- 10905 (g) consistent with other statutory duties, encourage agencies to responsibly preserve
10906 archaeological resources;
- 10907 (h) maintain information concerning grants made under Subsection (1)(j), if available;

- 10908 (i) report annually, or more often if necessary or requested, concerning the office's
10909 activities and expenditures to:
- 10910 (i) the Constitutional Defense Council; and
10911 (ii) the Legislature's Natural Resources, Agriculture, and Environment Interim
10912 Committee jointly with the Constitutional Defense Council;
- 10913 (j) make grants of up to 16% of the office's total annual appropriations from the
10914 Constitutional Defense Restricted Account to a county or statewide association of counties to
10915 be used by the county or association of counties for public lands matters if the coordinator,
10916 with the advice of the Constitutional Defense Council, determines that the action provides a
10917 state benefit;
- 10918 (k) provide staff services to the Snake Valley Aquifer Advisory Council created in
10919 Section [63C-12-103](#);
- 10920 (l) coordinate and direct the Snake Valley Aquifer Research Team created in Section
10921 [63C-12-107](#);
- 10922 (m) conduct the public lands transfer study and economic analysis required by Section
10923 [63J-4-606](#); and
- 10924 (n) fulfill the duties described in Section [63L-10-103](#).
- 10925 (2) The coordinator and office shall comply with Subsection [63C-4a-203](#)(8) before
10926 submitting a comment to a federal agency, if the governor would be subject to Subsection
10927 [63C-4a-203](#)(8) if the governor were submitting the material.
- 10928 (3) The office may enter into a contract or other agreement with another state agency to
10929 provide information and services related to:
- 10930 (a) the duties authorized by Title 72, Chapter 3, Highway Jurisdiction and
10931 Classification Act;
- 10932 (b) legal actions concerning Title 72, Chapter 3, Highway Jurisdiction and
10933 Classification Act, or R.S. 2477 matters; or
- 10934 (c) any other matter within the office's responsibility.
- 10935 Section 194. Section **63M-4-402** is amended to read:
- 10936 **63M-4-402. In-state generator need -- Merchant electric transmission line.**
- 10937 (1) As used in this section:
- 10938 (a) "Capacity allocation process" means the process outlined by the Federal Energy

10939 Regulatory Commission in its final policy statement dated January 17, 2013, "Allocation of
10940 Capacity on New Merchant Transmission Projects and New Cost-Based, Participant-Funded
10941 Transmission Projects, Priority Rights to New Participant-Funded Transmission," 142 F.E.R.C.
10942 P61,038 (2013).

10943 (b) "Certificate of in-state need" means a certificate issued by the office in accordance
10944 with this section identifying an in-state generator that meets the requirements and qualifications
10945 of this section.

10946 (c) "Expression of need" means a document prepared and submitted to the office by an
10947 in-state merchant generator that describes or otherwise documents the transmission needs of
10948 the in-state merchant generator in conformance with the requirements of this section.

10949 (d) "In-state merchant generator" means an electric power provider that generates
10950 power in Utah and does not provide service to retail customers within the boundaries of Utah.

10951 (e) "Merchant electric transmission line" means a transmission line that does not
10952 provide electricity to retail customers within the boundaries of Utah.

10953 (f) "Office" means the Office of Energy Development established in Section
10954 [63M-4-401](#).

10955 (g) "Open solicitation notice" means a document prepared and submitted to the office
10956 by a merchant electric transmission line regarding the commencement of the line's open
10957 solicitation in compliance with 142 F.E.R.C. P61,038 (2013).

10958 (2) As part of the capacity allocation process, a merchant electric transmission line
10959 shall file an open solicitation notice with the office containing a description of the merchant
10960 electric transmission line, including:

10961 (a) the proposed capacity;

10962 (b) the location of potential interconnection for in-state merchant generators;

10963 (c) the planned date for commencement of construction; and

10964 (d) the planned commercial operations date.

10965 (3) Upon receipt of the open solicitation notice, the office shall:

10966 (a) publish the notice on the Utah Public Notice Website created under Section

10967 [~~63F-1-701~~] [63A-16-601](#);

10968 (b) include in the notice contact information; and

10969 (c) provide the deadline date for submission of an expression of need.

10970 (4) (a) In response to the open solicitation notice published by the office, and no later
10971 than 30 days after publication of the notice, an in-state merchant generator may submit an
10972 expression of need to the office.

10973 (b) An expression of need submitted under Subsection (4)(a) shall include:

10974 (i) a description of the in-state merchant generator; and

10975 (ii) a schedule of transmission capacity requirement provided in megawatts, by point of
10976 receipt and point of delivery and by operating year.

10977 (5) No later than 60 days after notice is published under Subsection (3), the office shall
10978 prepare a certificate of in-state need identifying the in-state merchant generators.

10979 (6) Within five days of preparing the certificate of in-state need, the office shall:

10980 (a) publish the certificate on the Utah Public Notice Website created under Section
10981 ~~[63F-1-701]~~ [63A-16-601](#); and

10982 (b) provide the certificate to the merchant electric transmission line for consideration in
10983 the capacity allocation process.

10984 (7) The merchant electric transmission line shall:

10985 (a) provide the Federal Energy Regulatory Commission with a copy of the certificate of
10986 in-state need; and

10987 (b) certify that the certificate is being provided to the Federal Energy Regulatory
10988 Commission in accordance with the requirements of this section, including a citation to this
10989 section.

10990 (8) At the conclusion of the capacity allocation process, and unless prohibited by a
10991 contractual obligation of confidentiality, the merchant electric transmission line shall report to
10992 the office whether a merchant in-state generator reflected on the certificate of in-state need has
10993 entered into a transmission service agreement with the merchant electric transmission line.

10994 (9) This section may not be interpreted to:

10995 (a) create an obligation of a merchant electric transmission line to pay for, or construct
10996 any portion of, the transmission line on behalf of an in-state merchant generator; or

10997 (b) preempt, supersede, or otherwise conflict with Federal Energy Regulatory
10998 Commission rules and regulations applicable to a commercial transmission agreement,
10999 including agreements, or terms of agreements, as to cost, terms, transmission capacity, or key
11000 rates.

11001 (10) Subsections (2) through (9) do not apply to a project entity as defined in Section
11002 11-13-103.

11003 Section 195. Section **63N-3-501** is amended to read:

11004 **63N-3-501. Infrastructure and broadband coordination.**

11005 (1) The office shall partner with the Automated Geographic Reference Center created
11006 in Section [~~63F-1-506~~] 63A-16-505 to collect and maintain a database and interactive map that
11007 displays economic development data statewide, including:

11008 (a) voluntarily submitted broadband availability, speeds, and other broadband data;

11009 (b) voluntarily submitted public utility data;

11010 (c) workforce data, including information regarding:

11011 (i) enterprise zones designated under Section 63N-2-206;

11012 (ii) business resource centers;

11013 (iii) public institutions of higher education; and

11014 (iv) procurement technical assistance centers;

11015 (d) transportation data, which may include information regarding railway routes,
11016 commuter rail routes, airport locations, and major highways;

11017 (e) lifestyle data, which may include information regarding state parks, national parks
11018 and monuments, United States Forest Service boundaries, ski areas, golf courses, and hospitals;
11019 and

11020 (f) other relevant economic development data as determined by the office, including
11021 data provided by partner organizations.

11022 (2) The office may:

11023 (a) make recommendations to state and federal agencies, local governments, the
11024 governor, and the Legislature regarding policies and initiatives that promote the development
11025 of broadband-related infrastructure in the state and help implement those policies and
11026 initiatives;

11027 (b) facilitate coordination between broadband providers and public and private entities;

11028 (c) collect and analyze data on broadband availability and usage in the state, including
11029 Internet speed, capacity, the number of unique visitors, and the availability of broadband
11030 infrastructure throughout the state;

11031 (d) create a voluntary broadband advisory committee, which shall include broadband

11032 providers and other public and private stakeholders, to solicit input on broadband-related policy
11033 guidance, best practices, and adoption strategies;

11034 (e) work with broadband providers, state and local governments, and other public and
11035 private stakeholders to facilitate and encourage the expansion and maintenance of broadband
11036 infrastructure throughout the state; and

11037 (f) in accordance with the requirements of Title 63J, Chapter 5, Federal Funds
11038 Procedures Act, and in accordance with federal requirements:

11039 (i) apply for federal grants;

11040 (ii) participate in federal programs; and

11041 (iii) administer federally funded broadband-related programs.

11042 Section 196. Section **67-1-2.5** is amended to read:

11043 **67-1-2.5. Executive boards -- Database -- Governor's review of new boards.**

11044 (1) As used in this section:

11045 (a) "Administrator" means the boards and commissions administrator designated under
11046 Subsection (3).

11047 (b) "Executive board" means an executive branch board, commission, council,
11048 committee, working group, task force, study group, advisory group, or other body:

11049 (i) with a defined limited membership;

11050 (ii) that is created by the constitution, by statute, by executive order, by the governor,
11051 lieutenant governor, attorney general, state auditor, or state treasurer or by the head of a
11052 department, division, or other administrative subunit of the executive branch of state
11053 government; and

11054 (iii) that is created to operate for more than six months.

11055 (2) (a) Except as provided in Subsection (2)(c), before August 1 of the calendar year
11056 following the year in which a new executive board is created in statute, the governor shall:

11057 (i) review the executive board to evaluate:

11058 (A) whether the executive board accomplishes a substantial governmental interest; and

11059 (B) whether it is necessary for the executive board to remain in statute;

11060 (ii) in the governor's review described in Subsection (2)(a)(i), consider:

11061 (A) the funding required for the executive board;

11062 (B) the staffing resources required for the executive board;

11063 (C) the time members of the executive board are required to commit to serve on the
11064 executive board; and

11065 (D) whether the responsibilities of the executive board could reasonably be
11066 accomplished through an existing entity or without statutory direction; and

11067 (iii) submit a report to the Government Operations Interim Committee recommending
11068 that the Legislature:

11069 (A) repeal the executive board;

11070 (B) add a sunset provision or future repeal date to the executive board;

11071 (C) make other changes to make the executive board more efficient; or

11072 (D) make no changes to the executive board.

11073 (b) In conducting the evaluation described in Subsection (2)(a), the governor shall give
11074 deference to:

11075 (i) reducing the size of government; and

11076 (ii) making governmental programs more efficient and effective.

11077 (c) The governor is not required to conduct the review or submit the report described in
11078 Subsection (2)(a) for an executive board that is scheduled for repeal under Title 63I, Chapter 1,
11079 Legislative Oversight and Sunset Act, or Title 63I, Chapter 2, Repeal Dates by Title Act.

11080 (3) (a) The governor shall designate a board and commissions administrator from the
11081 governor's staff to maintain a computerized database containing information about all
11082 executive boards.

11083 (b) The administrator shall ensure that the database contains:

11084 (i) the name of each executive board;

11085 (ii) the current statutory or constitutional authority for the creation of the executive
11086 board;

11087 (iii) the sunset date on which each executive board's statutory authority expires;

11088 (iv) the state officer or department and division of state government under whose
11089 jurisdiction the executive board operates or with which the executive board is affiliated, if any;

11090 (v) the name, address, gender, telephone number, and county of each individual
11091 currently serving on the executive board, along with a notation of all vacant or unfilled
11092 positions;

11093 (vi) the title of the position held by the person who appointed each member of the

11094 executive board;

11095 (vii) the length of the term to which each member of the executive board was
11096 appointed and the month and year that each executive board member's term expires;

11097 (viii) whether members appointed to the executive board require the advice and
11098 consent of the Senate;

11099 (ix) the organization, interest group, profession, local government entity, or geographic
11100 area that an individual appointed to an executive board represents, if any;

11101 (x) the party affiliation of an individual appointed to an executive board, if the statute
11102 or executive order creating the position requires representation from political parties;

11103 (xi) whether each executive board is a policy board or an advisory board;

11104 (xii) whether the executive board has or exercises rulemaking authority, or is a
11105 rulemaking board as defined in Section [63G-24-102](#); and

11106 (xiii) any compensation and expense reimbursement that members of the executive
11107 board are authorized to receive.

11108 (4) The administrator shall ensure the governor's website includes:

11109 (a) the information contained in the database, except for an individual's:

11110 (i) physical address;

11111 (ii) email address; and

11112 (iii) telephone number;

11113 (b) a portal, accessible on each executive board's web page within the governor's
11114 website, through which a member of the public may provide input on:

11115 (i) an individual appointed to serve on the executive board; or

11116 (ii) a sitting member of the executive board;

11117 (c) each report the administrator receives under Subsection (5); and

11118 (d) the summary report described in Subsection (6).

11119 (5) (a) Before August 1, once every five years, beginning in calendar year 2024, each
11120 executive board shall prepare and submit to the administrator a report that includes:

11121 (i) the name of the executive board;

11122 (ii) a description of the executive board's official function and purpose;

11123 (iii) a description of the actions taken by the executive board since the last report the
11124 executive board submitted to the administrator under this Subsection (5);

11125 (iv) recommendations on whether any statutory, rule, or other changes are needed to
11126 make the executive board more effective; and

11127 (v) an indication of whether the executive board should continue to exist.

11128 (b) The administrator shall compile and post the reports described in Subsection (5)(a)
11129 to the governor's website before September 1 of a calendar year in which the administrator
11130 receives a report described in Subsection (5)(a).

11131 (6) (a) Before September 1 of a calendar year in which the administrator receives a
11132 report described in Subsection (5)(a), the administrator shall prepare a report that includes:

11133 (i) as of July 1 of that year, the total number of executive boards that exist;

11134 (ii) a summary of the reports submitted to the administrator under Subsection (5),
11135 including:

11136 (A) a list of each executive board that submitted a report under Subsection (5);

11137 (B) a list of each executive board that did not submit a report under Subsection (5);

11138 (C) an indication of any recommendations made under Subsection (5)(a)(iv); and

11139 (D) a list of any executive boards that indicated under Subsection (5)(a)(v) that the
11140 executive board should no longer exist; and

11141 (iii) a list of each executive board, identified and reported by the Division of Archives
11142 and Record Services under Section [~~63F-1-701~~] [63A-16-601](#), that did not post a notice of a
11143 public meeting on the public notice website during the previous fiscal year.

11144 (b) On or before September 1 of a calendar year in which the administrator prepares a
11145 report described in Subsection (6)(a), in accordance with Section [68-3-14](#), the administrator
11146 shall submit the report to:

11147 (i) the president of the Senate;

11148 (ii) the speaker of the House of Representatives; and

11149 (iii) the Government Operations Interim Committee.

11150 Section 197. Section **67-1-14** is amended to read:

11151 **67-1-14. Information technology.**

11152 The governor shall review the executive branch strategic plan submitted to the governor
11153 by the chief information officer in accordance with Section [~~63F-1-203~~] [63A-16-202](#).

11154 Section 198. Section **67-1a-2.2** is amended to read:

11155 **67-1a-2.2. Residences in more than one district -- Lieutenant governor to resolve.**

11156 (1) If, in reviewing a map generated from a redistricting block assignment file, the
11157 lieutenant governor determines that a single-family or multi-family residence is within more
11158 than one Congressional, Senate, House, or State Board of Education district, the lieutenant
11159 governor may, by January 31, 2012, and in consultation with the Automated Geographic
11160 Reference Center, determine the district to which the residence is assigned.

11161 (2) In order to make the determination required by Subsection (1), the lieutenant
11162 governor shall review the block assignment file and other Bureau of the Census data and obtain
11163 and review other relevant data such as aerial photography or other data about the area.

11164 (3) Upon making the determination authorized by this section, the lieutenant governor
11165 shall notify county clerks affected by the determination and the Automated Geographic
11166 Reference Center created under Section [~~63F-1-506~~] [63A-16-505](#).

11167 Section 199. Section **67-1a-6.5** is amended to read:

11168 **67-1a-6.5. Certification of local entity boundary actions -- Definitions -- Notice**
11169 **requirements -- Electronic copies -- Filing.**

11170 (1) As used in this section:

11171 (a) "Applicable certificate" means:

11172 (i) for the impending incorporation of a city, town, local district, conservation district,
11173 or incorporation of a local district from a reorganized special service district, a certificate of
11174 incorporation;

11175 (ii) for the impending creation of a county, school district, special service district,
11176 community reinvestment agency, or interlocal entity, a certificate of creation;

11177 (iii) for the impending annexation of territory to an existing local entity, a certificate of
11178 annexation;

11179 (iv) for the impending withdrawal or disconnection of territory from an existing local
11180 entity, a certificate of withdrawal or disconnection, respectively;

11181 (v) for the impending consolidation of multiple local entities, a certificate of
11182 consolidation;

11183 (vi) for the impending division of a local entity into multiple local entities, a certificate
11184 of division;

11185 (vii) for the impending adjustment of a common boundary between local entities, a
11186 certificate of boundary adjustment; and

- 11187 (viii) for the impending dissolution of a local entity, a certificate of dissolution.
- 11188 (b) "Approved final local entity plat" means a final local entity plat, as defined in
- 11189 Section [17-23-20](#), that has been approved under Section [17-23-20](#) as a final local entity plat by
- 11190 the county surveyor.
- 11191 (c) "Approving authority" has the same meaning as defined in Section [17-23-20](#).
- 11192 (d) "Boundary action" has the same meaning as defined in Section [17-23-20](#).
- 11193 (e) "Center" means the Automated Geographic Reference Center created under Section
- 11194 ~~[63F-1-506]~~ [63A-16-505](#).
- 11195 (f) "Community reinvestment agency" has the same meaning as defined in Section
- 11196 [17C-1-102](#).
- 11197 (g) "Conservation district" has the same meaning as defined in Section [17D-3-102](#).
- 11198 (h) "Interlocal entity" has the same meaning as defined in Section [11-13-103](#).
- 11199 (i) "Local district" has the same meaning as defined in Section [17B-1-102](#).
- 11200 (j) "Local entity" means a county, city, town, school district, local district, community
- 11201 reinvestment agency, special service district, conservation district, or interlocal entity.
- 11202 (k) "Notice of an impending boundary action" means a written notice, as described in
- 11203 Subsection (3), that provides notice of an impending boundary action.
- 11204 (l) "Special service district" has the same meaning as defined in Section [17D-1-102](#).
- 11205 (2) Within 10 days after receiving a notice of an impending boundary action, the
- 11206 lieutenant governor shall:
- 11207 (a) (i) issue the applicable certificate, if:
- 11208 (A) the lieutenant governor determines that the notice of an impending boundary action
- 11209 meets the requirements of Subsection (3); and
- 11210 (B) except in the case of an impending local entity dissolution, the notice of an
- 11211 impending boundary action is accompanied by an approved final local entity plat;
- 11212 (ii) send the applicable certificate to the local entity's approving authority;
- 11213 (iii) return the original of the approved final local entity plat to the local entity's
- 11214 approving authority;
- 11215 (iv) send a copy of the applicable certificate and approved final local entity plat to:
- 11216 (A) the State Tax Commission;
- 11217 (B) the center; and

- 11218 (C) the county assessor, county surveyor, county auditor, and county attorney of each
11219 county in which the property depicted on the approved final local entity plat is located; and
- 11220 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
11221 that is the subject of the applicable certificate is:
- 11222 (A) the incorporation or creation of a new local entity;
- 11223 (B) the consolidation of multiple local entities;
- 11224 (C) the division of a local entity into multiple local entities; or
- 11225 (D) the dissolution of a local entity; or
- 11226 (b) (i) send written notification to the approving authority that the lieutenant governor
11227 is unable to issue the applicable certificate, if:
- 11228 (A) the lieutenant governor determines that the notice of an impending boundary action
11229 does not meet the requirements of Subsection (3); or
- 11230 (B) the notice of an impending boundary action is:
- 11231 (I) not accompanied by an approved final local entity plat; or
- 11232 (II) accompanied by a plat or final local entity plat that has not been approved as a final
11233 local entity plat by the county surveyor under Section 17-23-20; and
- 11234 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
11235 unable to issue the applicable certificate.
- 11236 (3) Each notice of an impending boundary action shall:
- 11237 (a) be directed to the lieutenant governor;
- 11238 (b) contain the name of the local entity or, in the case of an incorporation or creation,
11239 future local entity, whose boundary is affected or established by the boundary action;
- 11240 (c) describe the type of boundary action for which an applicable certificate is sought;
- 11241 (d) be accompanied by a letter from the Utah State Retirement Office, created under
11242 Section 49-11-201, to the approving authority that identifies the potential provisions under
11243 Title 49, Utah State Retirement and Insurance Benefit Act, that the local entity shall comply
11244 with, related to the boundary action, if the boundary action is an impending incorporation or
11245 creation of a local entity that may result in the employment of personnel; and
- 11246 (e) (i) contain a statement, signed and verified by the approving authority, certifying
11247 that all requirements applicable to the boundary action have been met; or
- 11248 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy

11249 of the court order approving the dissolution of the municipality.

11250 (4) The lieutenant governor may require the approving authority to submit a paper or
11251 electronic copy of a notice of an impending boundary action and approved final local entity plat
11252 in conjunction with the filing of the original of those documents.

11253 (5) (a) The lieutenant governor shall:

11254 (i) keep, index, maintain, and make available to the public each notice of an impending
11255 boundary action, approved final local entity plat, applicable certificate, and other document that
11256 the lieutenant governor receives or generates under this section;

11257 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the
11258 Internet for 12 months after the lieutenant governor receives or generates the document;

11259 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
11260 person who requests a paper copy; and

11261 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
11262 any person who requests a certified copy.

11263 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
11264 copy of a document that the lieutenant governor provides under this Subsection (5).

11265 Section 200. Section **67-5-11** is amended to read:

11266 **67-5-11. Employee accepting appointment to state position exempt from merit**
11267 **provisions -- Reinstatement in career status.**

11268 (1) An employee in a career status accepting appointment to a position in state
11269 government which is exempt from the merit provisions of Title [67] 63A, Chapter [+9] 17,
11270 Utah State Personnel Management Act, shall notify the attorney general in writing. Upon
11271 termination of the appointment, unless discharged for cause, the employee, through written
11272 request of reinstatement made to the attorney general within 30 days from the effective date of
11273 termination from the appointment, shall be reinstated in a career status in the attorney general's
11274 office at a salary not less than that which he was receiving at the time of his appointment, and
11275 the time spent in the other position shall be credited toward seniority in the career service.

11276 Reinstatement shall be made no later than 60 days after the written notification required by this
11277 Subsection (1) or 60 days after the effective date of termination from the employee's appointive
11278 position, whichever is later. The position and assignment to which the employee shall return
11279 shall be determined by the attorney general.

11280 (2) (a) The Office of the Attorney General shall establish and maintain a separate
11281 seniority list for each employee category, which categories may include attorneys,
11282 investigators, paralegals, secretaries, and others.

11283 (b) An employee of the Office of the Attorney General with less seniority than an
11284 employee in the same category entitled to be reinstated under this section holds his position
11285 subject to any reinstatement provided by Subsection (1).

11286 Section 201. Section **67-5-12** is amended to read:

11287 **67-5-12. Dismissal of career status employees -- Causes -- Procedure -- Retention**
11288 **roster -- Reappointment register.**

11289 (1) (a) Employees in a career status may be dismissed only:

11290 (i) to advance the good of public service;

11291 (ii) where funds have expired or work no longer exists; or

11292 (iii) for any of the following causes or reasons:

11293 (A) noncompliance with provisions in the Office of Attorney General policy manual, or
11294 division policies, and, for attorneys, noncompliance with the Rules of Professional Conduct;

11295 (B) work performance that is inefficient or incompetent;

11296 (C) failure to maintain skills and adequate performance levels;

11297 (D) insubordination or disloyalty to the orders of a superior;

11298 (E) misfeasance, malfeasance, or nonfeasance;

11299 (F) failure to advance the good of the public service, including conduct on or off duty
11300 which demeans or harms the effectiveness or ability of the office to fulfill its mission or legal
11301 obligations;

11302 (G) conduct on or off duty which creates a conflict of interest with the employee's
11303 public responsibilities or impact that employee's ability to perform his or her job assignments;

11304 (H) any incident involving intimidation, physical harm, threats of physical harm
11305 against coworkers, management, or the public;

11306 (I) failure to meet the requirements of the position;

11307 (J) dishonesty; or

11308 (K) misconduct.

11309 (b) Employees in career status may not be dismissed for reasons of race, national
11310 origin, religion, or political affiliation.

11311 (2) Except in aggravated cases of misconduct, an employee in a career status may not
11312 be suspended, demoted, or dismissed without the following procedures:

11313 (a) The attorney general or a designated representative shall notify the employee of the
11314 reasons for suspension, demotion, or dismissal.

11315 (b) The employee shall have an opportunity to reply and have the reply considered by
11316 the attorney general or a designated representative.

11317 (c) The employee shall have an opportunity to be heard by the attorney general or a
11318 designated representative.

11319 (d) Following a hearing, an employee may be suspended, demoted, or dismissed if the
11320 attorney general or a designated representative finds adequate reason.

11321 (e) If the attorney general or a designated representative finds that retention of an
11322 employee would endanger the peace and safety of others or pose a grave threat to the public
11323 interest, the employee may be summarily suspended pending administrative hearings and a
11324 review by the Career Service Review Office.

11325 (3) (a) An employee in a career status who is aggrieved by a decision of the attorney
11326 general or a designated representative to suspend, demote, or dismiss the employee may appeal
11327 the decision to the Career Service Review Office or its hearing officers by following the
11328 procedures in [~~Title 67, Chapter 19a, Grievance Procedures~~] Title 63A, Chapter 17, Part 6,
11329 Complaints and Grievances.

11330 (b) Matters other than dismissal or demotion may be appealed to and reviewed by the
11331 attorney general or a designated representative whose decision is final with no right of appeal
11332 to the Career Service Review Office or its hearing officers.

11333 (4) Disciplinary actions shall be supported by credible evidence, but the normal rules
11334 of evidence in courts of law do not apply in hearings before the attorney general or a designated
11335 representative or the Career Service Review Office or its hearing officers.

11336 (5) (a) Reductions in force required by reinstatement of an employee under Section
11337 [67-5-11](#), inadequate funds, change of workload, or lack of work shall be governed by a
11338 retention roster to be maintained by the Office of the Attorney General and the requirements of
11339 this Subsection (5).

11340 (b) Except attorney general executive or administrative appointees, employees not in a
11341 career status shall be separated before any employee in a career status.

11342 (c) Retention points for each employee in a career status shall be based on the
11343 employee's seniority in service within each employee category in the Office of the Attorney
11344 General, including any military service fulfilled subsequent to the employee's original
11345 appointment.

11346 (d) Employees in career status shall be separated in the order of their retention points,
11347 the employee with the lowest points to be discharged first.

11348 (e) Those employees who are serving in other positions under Section 67-5-11 shall:

11349 (i) have retention points determined as if they were working for the office; and

11350 (ii) be separated in the order of the retention points as if they were working in the
11351 Office of the Attorney General.

11352 (f) An employee in a career status who is separated by reason of a reduction in force
11353 shall be:

11354 (i) placed on a reappointment register kept by the Office of the Attorney General for
11355 one year; and

11356 (ii) offered reappointment to a position in the same category in the Office of the
11357 Attorney General before any employee not having a career status is appointed.

11358 Section 202. Section 67-21-2 is amended to read:

11359 **67-21-2. Definitions.**

11360 As used in this chapter:

11361 (1) "Abuse of authority" means an arbitrary or capricious exercise of power that:

11362 (a) adversely affects the employment rights of another; or

11363 (b) results in personal gain to the person exercising the authority or to another person.

11364 (2) "Adverse action" means to discharge, threaten, or discriminate against an employee

11365 in a manner that affects the employee's employment, including compensation, terms,

11366 conditions, location, rights, immunities, promotions, or privileges.

11367 (3) "Communicate" means a verbal, written, broadcast, or other communicated report.

11368 (4) "Damages" means general and special damages for injury or loss caused by each
11369 violation of this chapter.

11370 (5) "Employee" means a person who performs a service for wages or other
11371 remuneration under a contract of hire, written or oral, express or implied.

11372 (6) (a) "Employer" means the public body or public entity that employs the employee.

- 11373 (b) "Employer" includes an agent of an employer.
- 11374 (7) "Gross mismanagement" means action or failure to act by a person, with respect to
11375 a person's responsibility, that causes significant harm or risk of harm to the mission of the
11376 public entity or public body that employs, or is managed or controlled by, the person.
- 11377 (8) "Judicial employee" means an employee of the judicial branch of state government.
- 11378 (9) "Legislative employee" means an employee of the legislative branch of state
11379 government.
- 11380 (10) "Political subdivision employee" means an employee of a political subdivision of
11381 the state.
- 11382 (11) "Public body" means any of the following:
- 11383 (a) a state officer, employee, agency, department, division, bureau, board, commission,
11384 council, authority, educational institution, or any other body in the executive branch of state
11385 government;
- 11386 (b) an agency, board, commission, council, institution member, or employee of the
11387 legislative branch of state government;
- 11388 (c) a county, city, town, regional governing body, council, school district, local district,
11389 special service district, or municipal corporation, board, department, commission, council,
11390 agency, or any member or employee of them;
- 11391 (d) any other body that is created by state or local authority, or that is primarily funded
11392 by or through state or local authority, or any member or employee of that body;
- 11393 (e) a law enforcement agency or any member or employee of a law enforcement
11394 agency; and
- 11395 (f) the judiciary and any member or employee of the judiciary.
- 11396 (12) "Public entity" means a department, division, board, council, committee,
11397 institution, office, bureau, or other similar administrative unit of the executive branch of state
11398 government.
- 11399 (13) "Public entity employee" means an employee of a public entity.
- 11400 (14) "Retaliatory action" is as defined in Section [~~67-19a-101~~] [63A-17-601](#).
- 11401 (15) "State institution of higher education" is as defined in Section [53B-3-102](#).
- 11402 (16) "Unethical conduct" means conduct that violates a provision of Title 67, Chapter
11403 16, Utah Public Officers' and Employees' Ethics Act.

11404 Section 203. Section **67-21-3.5** is amended to read:

11405 **67-21-3.5. Administrative review of adverse action against a public entity**
11406 **employee.**

11407 (1) A public entity employee who believes that the employee's employer has taken
11408 retaliatory action against the employee in violation of this chapter may file a grievance with the
11409 Career Service Review Office in accordance with Section [~~67-19a-402.5~~] [63A-17-613](#) and
11410 subject to Section [67-21-4](#).

11411 (2) If the Career Service Review Office determines that retaliatory action is taken in
11412 violation of this chapter against the public entity employee, the Career Service Review Office
11413 may order:

11414 (a) reinstatement of the public entity employee at the same level held by the public
11415 entity employee before the retaliatory action;

11416 (b) the payment of back wages, in accordance with Subsection [~~67-19a-406~~]
11417 [63A-17-617](#)(5)(b);

11418 (c) full reinstatement of benefits;

11419 (d) full reinstatement of other employment rights; or

11420 (e) if the retaliatory action includes failure to promote, as described in Subsection
11421 [~~67-19a-101~~] [63A-17-601](#)(11)(d), a pay raise that results in the employee receiving the pay that
11422 the employee would have received if the person had been promoted.

11423 (3) A public entity employer has the burden to prove by substantial evidence that the
11424 public entity employer's action was justified.

11425 (4) A public entity employee or public entity employer may appeal a determination of
11426 the Career Service Review Office as provided in Section [~~67-19a-402.5~~] [63A-17-613](#).

11427 Section 204. Section **67-21-3.6** is amended to read:

11428 **67-21-3.6. Administrative review for political subdivision employees.**

11429 (1) (a) A political subdivision may adopt an ordinance to establish an independent
11430 personnel board to hear and take action on a complaint alleging adverse action.

11431 (b) The ordinance described in Subsection (1)(a) shall include:

11432 (i) procedures for filing a complaint and conducting a hearing; and

11433 (ii) a burden of proof on the employer to establish by substantial evidence that the
11434 employer's action was justified by reasons unrelated to the employee's good faith actions under

11435 Section [67-21-3](#).

11436 (2) If a political subdivision adopts an ordinance described in Subsection (1), a
11437 political subdivision employee may file a complaint with the independent personnel board
11438 alleging adverse action.

11439 (3) If an independent personnel board finds that adverse action is taken in violation of
11440 the ordinance described in Subsection (1)(a), the independent personnel board may order:

11441 (a) reinstatement of the employee at the same level as before the adverse action;

11442 (b) the payment of back wages;

11443 (c) full reinstatement of fringe benefits;

11444 (d) full reinstatement of seniority rights; or

11445 (e) if the adverse action includes failure to promote, as described in Subsection

11446 [~~67-19a-101~~] [63A-17-601](#)(11)(d), a pay raise that results in the employee receiving the pay that
11447 the employee would have received if the person had been promoted.

11448 Section 205. Section **67-21-3.7** is amended to read:

11449 **67-21-3.7. Administrative review for state institution of higher education**
11450 **employees.**

11451 (1) (a) As used in this section, "independent personnel board" means a board where no
11452 member of the board:

11453 (i) is in the same department as the complainant;

11454 (ii) is a supervisor of the complainant; or

11455 (iii) has a conflict of interest in relation to the complainant or an allegation made in the
11456 complaint.

11457 (b) A state institution of higher education shall adopt a policy to establish an
11458 independent personnel board to hear and take action on a complaint alleging adverse action.

11459 (c) The policy described in Subsection (1)(b) shall include:

11460 (i) procedures for filing a complaint and conducting a hearing; and

11461 (ii) a burden of proof on the employer to establish by substantial evidence that the
11462 employer's action was justified by reasons unrelated to the employee's good faith actions under
11463 Section [67-21-3](#).

11464 (2) (a) An employee of a state institution of higher education may file a complaint with
11465 the independent personnel board described in Subsection (1)(b) alleging adverse action.

11466 (b) An independent personnel board that receives a complaint under Subsection (2)(a)
11467 shall hear the matter, resolve the complaint, and take action under Subsection (3) within the
11468 later of:

11469 (i) 30 days after the day on which the employee files the complaint; or

11470 (ii) a longer period of time, not to exceed 30 additional days, if the employee and the
11471 independent personnel board mutually agree on the longer time period.

11472 (3) If an independent personnel board finds that adverse action is taken in violation of
11473 the policy described in Subsection (1)(b), the independent personnel board may order, or
11474 recommend to a final decision maker:

11475 (a) reinstatement of the employee at the same level as before the adverse action;

11476 (b) the payment of back wages;

11477 (c) full reinstatement of fringe benefits;

11478 (d) full reinstatement of seniority rights; or

11479 (e) if the adverse action includes failure to promote, as described in Subsection

11480 [~~67-19a-101~~] [63A-17-601](#)(11)(d), a pay raise that results in the employee receiving the pay that
11481 the employee would have received if the person had been promoted.

11482 (4) A final decision maker who receives a recommendation under Subsection (3) shall
11483 render a decision and enter an order within seven days after the day on which the final decision
11484 maker receives the recommendation.

11485 Section 206. Section **67-21-4** is amended to read:

11486 **67-21-4. Choice of forum -- Remedies for employee bringing action -- Proof**
11487 **required.**

11488 (1) (a) Except as provided in Subsection (1)(b) or (d), and subject to Subsections (1)(d)
11489 through (e), an employee who alleges a violation of this chapter may bring a civil action for
11490 appropriate injunctive relief, damages, or both, within 180 days after the occurrence of the
11491 alleged violation of this chapter.

11492 (b) Except as provided in Subsection (1)(d):

11493 (i) an employee of a political subdivision that has adopted an ordinance described in
11494 Section [67-21-3.6](#):

11495 (A) may bring a civil action described in Subsection (1)(a) within 180 days after the
11496 day on which the employee has exhausted administrative remedies; and

11497 (B) may not bring a civil action described in Subsection (1)(a) until the employee has
11498 exhausted administrative remedies; and

11499 (ii) an employee of a state institution of higher education:

11500 (A) may bring a civil action described in Subsection (1)(a) within 180 days after the
11501 day on which the employee has exhausted administrative remedies; and

11502 (B) may not bring a civil action described in Subsection (1)(a) until the employee has
11503 exhausted administrative remedies.

11504 (c) Except as provided in Subsection (1)(d), a public entity employee who is not a
11505 legislative employee or a judicial employee may bring a claim of retaliatory action by selecting
11506 one of the following methods:

11507 (i) filing a grievance with the Career Service Review Office in accordance with Section
11508 [~~67-19a-402.5~~] [63A-17-613](#); or

11509 (ii) bringing a civil action for appropriate injunctive relief, damages, or both, within
11510 180 days after the occurrence of the alleged violation of this chapter.

11511 (d) (i) A claimant may bring an action after the 180-day limit described in this
11512 Subsection (1) if:

11513 (A) the claimant originally brought the action within the 180-day time limit;

11514 (B) the action described in Subsection (1)(d)(i)(A) failed or was dismissed for a reason
11515 other than on the merits; and

11516 (C) the claimant brings the new action within 180 days after the day on which the
11517 claimant originally brought the action under Subsection (1)(d)(i)(A).

11518 (ii) A claimant may commence a new action under this Subsection (1)(d) only once.

11519 (e) A public entity employee who files a grievance under Subsection (1)(d)(i):

11520 (i) may not, at any time, bring a civil action in relation to the subject matter of the
11521 grievance;

11522 (ii) may seek a remedy described in Subsection [67-21-3.5\(2\)](#); and

11523 (iii) waives the right to seek a remedy or a type of damages not included in Subsection
11524 [67-21-3.5\(2\)](#).

11525 (f) A public entity employee who files a civil action under Subsection (1)(d)(ii) may
11526 not, at any time, file a grievance with the Career Service Review Office in relation to the
11527 subject matter of the civil action.

11528 (2) An employee who brings a civil action under this section shall bring the action in
11529 the district court for the county where the alleged violation occurred, the county where the
11530 complainant resides, or the county where the person against whom the civil complaint is filed
11531 resides or has the person's principal place of business.

11532 (3) To prevail in an action brought under this section, the employer shall prove by
11533 substantial evidence that the employer's action was justified.

11534 Section 207. Section **72-3-108** is amended to read:

11535 **72-3-108. County roads -- Vacation and narrowing.**

11536 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
11537 without petition or after petition by a property owner.

11538 (2) A county may not vacate a county road unless notice of the hearing is:

11539 (a) published:

11540 (i) in a newspaper of general circulation in the county once a week for four consecutive
11541 weeks before the hearing; and

11542 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
11543 four weeks before the hearing; and

11544 (b) posted in three public places for four consecutive weeks prior to the hearing; and

11545 (c) mailed to the department and all owners of property abutting the county road.

11546 (3) The right-of-way and easements, if any, of a property owner and the franchise rights
11547 of any public utility may not be impaired by vacating or narrowing a county road.

11548 (4) Except as provided in Section [72-5-305](#), if a county vacates a county road, the
11549 state's right-of-way interest in the county road is also vacated.

11550 Section 208. Section **72-5-105** is amended to read:

11551 **72-5-105. Highways, streets, or roads once established continue until abandoned**
11552 **-- Temporary closure.**

11553 (1) Except as provided in Subsections (3) and (7), all public highways, streets, or roads
11554 once established shall continue to be highways, streets, or roads until formally abandoned or
11555 vacated by written order, resolution, or ordinance resolution of a highway authority having
11556 jurisdiction or by court decree, and the written order, resolution, ordinance, or court decree has
11557 been duly recorded in the office of the recorder of the county or counties where the highway,
11558 street, or road is located.

11559 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
11560 proper authority with the county recorder's office, title to the vacated or abandoned highway,
11561 street, or road shall vest to the adjoining record owners, with one-half of the width of the
11562 highway, street, or road assessed to each of the adjoining owners.

11563 (b) Provided, however, that should a description of an owner of record extend into the
11564 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
11565 highway, street, or road shall vest in the record owner, with the remainder of the highway,
11566 street, or road vested as otherwise provided in this Subsection (2).

11567 (c) Title to a highway, street, or road that a local highway authority closes to vehicular
11568 traffic under Subsection (3) or (7) remains vested in the city.

11569 (3) (a) In accordance with this section, a state or local highway authority may
11570 temporarily close a class B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class B,
11571 C, or D road or R.S. 2477 right-of-way.

11572 (b) (i) A temporary closure authorized under this section is not an abandonment.

11573 (ii) The erection of a barrier or sign on a highway, street, or road once established is
11574 not an abandonment.

11575 (iii) An interruption of the public's continuous use of a highway, street, or road once
11576 established is not an abandonment even if the interruption is allowed to continue unabated.

11577 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
11578 following circumstances:

11579 (i) when a federal authority, or other person, provides an alternate route to an R.S.
11580 2477 right-of-way or portion of an R.S. 2477 right-of-way if the alternate route is:

11581 (A) accepted by the highway authority; and

11582 (B) formalized by a federal permit or a written agreement between the federal authority
11583 or other person and the highway authority;

11584 (ii) when a state or local highway authority determines that correction or mitigation of
11585 injury to private or public land resources is necessary on or near a class B or D road or portion
11586 of a class B or D road; or

11587 (iii) when a local highway authority makes a finding that temporary closure of all or
11588 part of a class C road is necessary to mitigate unsafe conditions.

11589 (d) (i) If a local highway authority temporarily closes all or part of a class C road under

11590 Subsection (3)(c)(iii), the local highway authority may convert the closed portion of the road to
11591 another public use or purpose related to the mitigation of the unsafe condition.

11592 (ii) If a local highway authority temporarily closes all or part of a class C road under
11593 Subsection (3)(c)(iii), and the closed portion of road is the subject of a lease agreement
11594 between the local highway authority and another entity, the local highway authority may not
11595 reopen the closed portion of the road until the lease agreement terminates.

11596 (e) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
11597 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
11598 reason.

11599 (f) A temporary closure authorized under Subsection (3)(c)(ii) shall:

11600 (i) be authorized annually; and

11601 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
11602 whichever is less.

11603 (4) To authorize a closure of a road under Subsection (3) or (7), a local highway
11604 authority shall pass an ordinance to temporarily or indefinitely close the road.

11605 (5) Before authorizing a temporary or indefinite closure as described in Subsection (4),
11606 a highway authority shall:

11607 (a) hold a hearing on the proposed temporary or indefinite closure;

11608 (b) provide notice of the hearing by mailing a notice to the Department of
11609 Transportation and all owners of property abutting the highway; and

11610 (c) except for a closure under Subsection (3)(c)(iii):

11611 (i) publishing the notice:

11612 (A) in a newspaper of general circulation in the county at least once a week for four
11613 consecutive weeks before the hearing; and

11614 (B) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
11615 four weeks before the hearing; or

11616 (ii) posting the notice in three public places for at least four consecutive weeks before
11617 the hearing.

11618 (6) The right-of-way and easements, if any, of a property owner and the franchise rights
11619 of any public utility may not be impaired by a temporary or indefinite closure authorized under
11620 this section.

11621 (7) (a) A local highway authority may close to vehicular travel and convert to another
11622 public use or purpose a highway, road, or street over which the local highway authority has
11623 jurisdiction, for an indefinite period of time, if the local highway authority makes a finding
11624 that:

- 11625 (i) the closed highway, road, or street is not necessary for vehicular travel;
- 11626 (ii) the closure of the highway, road, or street is necessary to correct or mitigate injury
11627 to private or public land resources on or near the highway, road, or street; or
- 11628 (iii) the closure of the highway, road, or street is necessary to mitigate unsafe
11629 conditions.

11630 (b) If a local highway authority indefinitely closes all or part of a highway, road, or
11631 street under Subsection (7)(a)(iii), and the closed portion of road is the subject of a lease
11632 agreement between the local highway authority and another entity, the local highway authority
11633 may not reopen the closed portion of the road until the lease agreement terminates.

11634 (c) An indefinite closure authorized under this Subsection (7) is not an abandonment.

11635 Section 209. Section **72-5-304** is amended to read:

11636 **72-5-304. Mapping and survey requirements.**

11637 (1) The Department of Transportation, counties, and cities are not required to possess
11638 centerline surveys for R.S. 2477 rights-of-ways.

11639 (2) To be accepted, highways within R.S. 2477 rights-of-way do not need to be
11640 included in the plats, descriptions, and maps of county roads required by Sections [72-3-105](#) and
11641 [72-3-107](#) or on the State Geographic Information Database, created in Section [[63F-1-507](#)]
11642 [63A-16-506](#), required to be maintained by Subsection (3).

11643 (3) (a) The Automated Geographic Reference Center, created in Section [[63F-1-506](#)]
11644 [63A-16-505](#), shall create and maintain a record of R.S. 2477 rights-of-way on the Geographic
11645 Information Database.

11646 (b) The record of R.S. 2477 rights-of-way shall be based on information maintained by
11647 the Department of Transportation and cartographic, topographic, photographic, historical, and
11648 other data available to or maintained by the Automated Geographic Reference Center.

11649 (c) Agencies and political subdivisions of the state may provide additional information
11650 regarding R.S. 2477 rights-of-way when information is available.

11651 Section 210. Section **72-16-202** is amended to read:

11652 **72-16-202. Hiring of director.**

11653 (1) (a) The executive director, subject to approval by the committee, shall hire a
11654 director.

11655 (b) The executive director may remove the director at the executive director's will.

11656 (2) The director shall:

11657 (a) be experienced in administration and possess additional qualifications as
11658 determined by the committee and the executive director; and

11659 (b) receive compensation in accordance with Title [67] 63A, Chapter [49] 17, Utah
11660 State Personnel Management Act.

11661 Section 211. Section **73-1-16** is amended to read:

11662 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**
11663 **-- Costs -- Review.**

11664 Where any water users' association, irrigation company, canal company, ditch company,
11665 reservoir company, or other corporation of like character or purpose, organized under the laws
11666 of this state has entered into or proposes to enter into a contract with the United States for the
11667 payment by such association or company of the construction and other charges of a federal
11668 reclamation project constructed, under construction, or to be constructed within this state, and
11669 where funds for the payment of such charges are to be obtained from assessments levied upon
11670 the stock of such association or company, or where a lien is created or will be created against
11671 any of the land, property, canals, water rights or other assets of such association or company or
11672 against the land, property, canals, water rights or other assets of any stockholder of such
11673 association or company to secure the payment of construction or other charges of a reclamation
11674 project, the water users' association, irrigation company, canal company, ditch company,
11675 reservoir company or other corporation of like character or purpose may file in the district court
11676 of the county wherein is situated the office of such association or company a petition entitled
11677 "..... Water Users' Association" or "..... Company," as the case may be, "against the
11678 stockholders of said association or company and the owners and mortgagees of land within the
11679 Federal Reclamation Project." No other or more specific description of the defendants
11680 shall be required. In the petition it may be stated that the water users' association, irrigation
11681 company, canal company, ditch company, reservoir company or other corporation of like
11682 character and purpose has entered into or proposes to enter into a contract with the United

11683 States, to be set out in full in said petition, with a prayer that the court find said contract to be
11684 valid, and a modification of any individual contracts between the United States and the
11685 stockholders of such association or company, or between the association or company, and its
11686 stockholders, so far as such individual contracts are at variance with the contract or proposed
11687 contract between the association or company and the United States.

11688 Thereupon a notice in the nature of a summons shall issue under the hand and seal of
11689 the clerk of said court, stating in brief outline the contents of said petition, and showing where
11690 a full copy of said contract or proposed contract may be examined, such notice to be directed to
11691 the said defendants under the same general designations, which shall be considered sufficient
11692 to give the court jurisdiction of all matters involved and parties interested. Service shall be
11693 obtained (a) by publication of such notice once a week for three consecutive weeks (three
11694 times) in a newspaper published in each county where the irrigable land of such federal
11695 reclamation project is situated, (b) as required in Section [45-1-101](#) for three weeks, (c) by
11696 publishing the notice on the Utah Public Notice Website created in Section [\[63F-1-701\]](#)
11697 [63A-16-601](#), for three weeks prior to the date of the hearing, and (d) by the posting at least
11698 three weeks prior to the date of the hearing on said petition of the notice and a complete copy
11699 of the said contract or proposed contract in the office of the plaintiff association or company,
11700 and at three other public places within the boundaries of such federal reclamation project. Any
11701 stockholder in the plaintiff association or company, or owner, or mortgagee of land within said
11702 federal reclamation project affected by the contract proposed to be made by such association or
11703 company, may demur to or answer said petition before the date set for such hearing or within
11704 such further time as may be allowed therefor by the court. The failure of any persons affected
11705 by the said contract to answer or demur shall be construed, so far as such persons are concerned
11706 as an acknowledgment of the validity of said contract and as a consent to the modification of
11707 said individual contracts if any with such association or company or with the United States, to
11708 the extent that such modification is required to cause the said individual contracts if any to
11709 conform to the terms of the contract or proposed contract between the plaintiff and the United
11710 States. All persons filing demurrers or answers shall be entered as defendants in said cause and
11711 their defense consolidated for hearing or trial. Upon hearing the court shall examine all matters
11712 and things in controversy and shall enter judgment and decree as the case warrants, showing
11713 how and to what extent, if any, the said individual contracts of the defendants or under which

11714 they claim are modified by the plaintiff's contract or proposed contract with the United States.
11715 In reaching his conclusion in such causes, the court shall follow a liberal interpretation of the
11716 laws, and shall disregard informalities or omissions not affecting the substantial rights of the
11717 parties, unless it is affirmatively shown that such informalities or omissions led to a different
11718 result than would have been obtained otherwise. The Code of Civil Procedure shall govern
11719 matters of pleading and practice as nearly as may be. Costs may be assessed or apportioned
11720 among contesting parties in the discretion of the trial court. Review of the judgment of the
11721 district court by the Supreme Court may be had as in other civil causes.

11722 Section 212. Section **73-5-1** is amended to read:

11723 **73-5-1. Appointment of water commissioners -- Procedure.**

11724 (1) (a) If, in the judgment of the state engineer or the district court, it is necessary to
11725 appoint a water commissioner for the distribution of water from any river system or water
11726 source, the commissioner shall be appointed for a four-year term by the state engineer.

11727 (b) The state engineer shall determine whether all or a part of a river system or other
11728 water source shall be served by a commissioner, and if only a part is to be served, the state
11729 engineer shall determine the boundaries of that part.

11730 (c) The state engineer may appoint:

11731 (i) more than one commissioner to distribute water from all or a part of a water source;

11732 or

11733 (ii) a single commissioner to distribute water from several separate and distinct water
11734 sources.

11735 (d) A water commissioner appointed by the state engineer under this section is:

11736 (i) an employee of the Division of Water Rights;

11737 (ii) career service exempt under Subsection [~~67-19-15~~] [63A-17-301](#)(1)(k); and

11738 (iii) exempt under Subsection [~~67-19-12~~] [63A-17-307](#)(2)(f) from the classified service
11739 provisions of Section [~~67-19-12~~] [63A-17-307](#).

11740 (2) (a) The state engineer shall consult with the water users before appointing a
11741 commissioner. The form of consultation and notice to be given shall be determined by the state
11742 engineer so as to best suit local conditions, while providing for full expression of majority
11743 opinion.

11744 (b) The state engineer shall act in accordance with the recommendation of a majority of

11745 the water users, if the majority of the water users:

11746 (i) agree upon:

11747 (A) a qualified individual to be appointed as a water commissioner;

11748 (B) the duties the individual shall perform; and

11749 (C) subject to the requirements of Title 49, Utah State Retirement and Insurance
11750 Benefit Act, the compensation the individual shall receive; and

11751 (ii) submit a recommendation to the state engineer on the items described in
11752 Subsection (2)(b)(i).

11753 (c) If a majority of water users do not agree on the appointment, duties, or
11754 compensation, the state engineer shall make a determination for them.

11755 (3) (a) (i) The salary and expenses of the commissioner and all other expenses of
11756 distribution, including printing, postage, equipment, water users' expenses, and any other
11757 expenses considered necessary by the state engineer, shall be borne pro rata by the users of
11758 water from the river system or water source in accordance with a schedule to be fixed by the
11759 state engineer.

11760 (ii) The schedule shall be based on the established rights of each water user, and the
11761 pro rata share shall be paid by each water user to the state engineer on or before May 1 of each
11762 year.

11763 (b) The payments shall be deposited in the Water Commissioner Fund created in
11764 Section [73-5-1.5](#).

11765 (c) If a water user fails to pay the assessment as provided by Subsection (3)(a), the state
11766 engineer may do any or all of the following:

11767 (i) create a lien upon the water right affected by filing a notice of lien in the office of
11768 the county recorder in the county where the water is diverted and bring an action to enforce the
11769 lien;

11770 (ii) forbid the use of water by the delinquent water user or the delinquent water user's
11771 successors or assignees, while the default continues; or

11772 (iii) bring an action in the district court for the unpaid expense and salary.

11773 (d) In any action brought to collect any unpaid assessment or to enforce any lien under
11774 this section, the delinquent water user shall be liable for the amount of the assessment, interest,
11775 any penalty, and for all costs of collection, including all court costs and a reasonable attorney

11776 fee.

11777 (4) (a) A commissioner may be removed by the state engineer for cause.

11778 (b) The users of water from any river system or water source may petition the district
11779 court for the removal of a commissioner and after notice and hearing, the court may order the
11780 removal of the commissioner and direct the state engineer to appoint a successor.

11781 Section 213. Section **73-5-14** is amended to read:

11782 **73-5-14. Determination by the state engineer of watershed to which particular**
11783 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

11784 (1) The state engineer may determine for administrative and distribution purposes the
11785 watershed to which any particular stream or source of water is tributary.

11786 (2) A determination under Subsection (1) may be made only after publication of notice
11787 to the water users.

11788 (3) Publication of notice under Subsection (2) shall be made:

11789 (a) in a newspaper or newspapers having general circulation in every county in the state
11790 in which any rights might be affected, once each week for five consecutive weeks;

11791 (b) in accordance with Section [45-1-101](#) for five weeks; and

11792 (c) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
11793 five weeks.

11794 (4) The state engineer shall fix the date and place of hearing and at the hearing any
11795 water user shall be given an opportunity to appear and adduce evidence material to the
11796 determination of the question involved.

11797 (5) (a) The state engineer shall publish the result of the determination as provided in
11798 Subsections (3)(a) and (b), and the notice of the decision of the state engineer shall notify the
11799 public that any person aggrieved by the decision may appeal the decision as provided by
11800 Section [73-3-14](#).

11801 (b) The notice under Subsection (5)(a) shall be considered to have been given so as to
11802 start the time for appeal upon completion of the publication of notice.

11803 Section 214. Section **75-1-401** is amended to read:

11804 **75-1-401. Notice -- Method and time of giving.**

11805 (1) If notice of a hearing on any petition is required and except for specific notice
11806 requirements as otherwise provided, the petitioner shall cause notice of the time and place of

11807 hearing of any petition to be given to any interested person or the person's attorney if the person
11808 has appeared by attorney or requested that notice be sent to the person's attorney. Notice shall
11809 be given by the clerk posting a copy of the notice for the 10 consecutive days immediately
11810 preceding the time set for the hearing in at least three public places in the county, one of which
11811 must be at the courthouse of the county and:

11812 (a) (i) by the clerk mailing a copy thereof at least 10 days before the time set for the
11813 hearing by certified, registered, or ordinary first class mail addressed to the person being
11814 notified at the post-office address given in the demand for notice, if any, or at the person's
11815 office or place of residence, if known; or

11816 (ii) by delivering a copy thereof to the person being notified personally at least 10 days
11817 before the time set for the hearing; and

11818 (b) if the address, or identity of any person is not known and cannot be ascertained with
11819 reasonable diligence, by publishing:

11820 (i) at least once a week for three consecutive weeks a copy thereof in a newspaper
11821 having general circulation in the county where the hearing is to be held, the last publication of
11822 which is to be at least 10 days before the time set for the hearing; and

11823 (ii) on the Utah Public Notice Website created in Section [~~63F-1-701~~] [63A-16-601](#), for
11824 three weeks.

11825 (2) The court for good cause shown may provide for a different method or time of
11826 giving notice for any hearing.

11827 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the
11828 proceeding.

11829 Section 215. **Effective date.**

11830 This bill takes effect on July 1, 2021.

11831 Section 216. **Revisor instructions.**

11832 The Legislature intends that the Office of Legislative Research and General Counsel, in
11833 preparing the Utah Code database for publication, not enroll this bill if S.B. 181, Department of
11834 Government Operations, does not pass.