LEGISLATIVE GENERAL COUNSEL
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S.B. 208
1st Sub. (Green)

Senator Stephen H. Urquhart proposes the following substitute bill:

UTAH PUBLIC NOTICE WEBSITE AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions of the Utah Public Notice Website.

Highlighted Provisions:

This bill:

- amends provisions of the Utah Public Notice Website to include posting legal notices; and
- makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

3-1-7, as last amended by Laws of Utah 1994, Chapter 204

4-17-7, as last amended by Laws of Utah 1985, Chapter 18

4-30-5, as enacted by Laws of Utah 1979, Chapter 2

6-1-5, Utah Code Annotated 1953

26 **7-1-704**, as last amended by Laws of Utah 2008, Chapter 382
27 **7-1-706**, as last amended by Laws of Utah 1997, Chapter 91
28 **7-1-709**, as last amended by Laws of Utah 1995, Chapter 49
29 **7-2-6**, as last amended by Laws of Utah 1994, Chapter 200
30 **7-7-10**, as last amended by Laws of Utah 2003, Chapter 327
31 **8-5-6**, as last amended by Laws of Utah 2002, Chapter 123
32 **9-3-409**, as last amended by Laws of Utah 2005, Chapter 105
33 **9-8-805**, as renumbered and amended by Laws of Utah 1992, Chapter 241
34 **10-2-108**, as repealed and reenacted by Laws of Utah 1997, Chapter 389
35 **10-2-111**, as repealed and reenacted by Laws of Utah 1997, Chapter 389
36 **10-2-114**, as last amended by Laws of Utah 2008, Chapter 19
37 **10-2-115**, as last amended by Laws of Utah 2000, Chapter 1
38 **10-2-116**, as enacted by Laws of Utah 1997, Chapter 389
39 **10-2-125**, as last amended by Laws of Utah 2008, Chapters 16 and 19
40 **10-2-406**, as last amended by Laws of Utah 2007, Chapter 329
41 **10-2-407**, as last amended by Laws of Utah 2003, Chapter 211
42 **10-2-415**, as last amended by Laws of Utah 2001, Chapter 206
43 **10-2-418**, as last amended by Laws of Utah 2007, Chapters 329 and 378
44 **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329
45 **10-2-501**, as last amended by Laws of Utah 2003, Chapter 279
46 **10-2-502.5**, as renumbered and amended by Laws of Utah 2003, Chapter 279
47 **10-2-607**, as last amended by Laws of Utah 1993, Chapter 227
48 **10-2-703**, as enacted by Laws of Utah 1977, Chapter 48
49 **10-2-708**, as enacted by Laws of Utah 1977, Chapter 48
50 **10-3-818**, as last amended by Laws of Utah 2008, Chapter 250
51 **10-5-108**, as last amended by Laws of Utah 2001, Chapter 178
52 **10-6-113**, as enacted by Laws of Utah 1979, Chapter 26
53 **10-6-152**, as last amended by Laws of Utah 1993, Chapter 4
54 **10-7-16**, as last amended by Laws of Utah 2002, Chapter 90
55 **10-7-19**, Utah Code Annotated 1953
56 **10-8-2**, as last amended by Laws of Utah 2008, Chapters 3 and 382

57 **10-9a-204**, as enacted by Laws of Utah 2005, Chapter 254
58 **10-9a-205**, as enacted by Laws of Utah 2005, Chapter 254
59 **10-9a-208**, as last amended by Laws of Utah 2006, Chapter 240
60 **10-18-203**, as enacted by Laws of Utah 2001, Chapter 83
61 **10-18-302**, as last amended by Laws of Utah 2008, Chapter 382
62 **10-18-303**, as enacted by Laws of Utah 2001, Chapter 83
63 **11-13-219**, as last amended by Laws of Utah 2005, Chapter 105
64 **11-14-202**, as last amended by Laws of Utah 2006, Chapter 83
65 **11-14-315**, as last amended by Laws of Utah 2006, Chapter 83
66 **11-14-316**, as last amended by Laws of Utah 2006, Chapter 83
67 **11-14-318**, as enacted by Laws of Utah 2008, Chapter 21
68 **11-14a-1**, as last amended by Laws of Utah 2007, Chapter 329
69 **11-17-16**, as last amended by Laws of Utah 1988, Third Special Session, Chapter 1
70 **11-27-4**, as enacted by Laws of Utah 1981, Chapter 43
71 **11-27-5**, as enacted by Laws of Utah 1981, Chapter 43
72 **11-30-5**, as last amended by Laws of Utah 1997, Chapter 84
73 **11-32-10**, as enacted by Laws of Utah 1987, Chapter 143
74 **11-32-11**, as enacted by Laws of Utah 1987, Chapter 143
75 **11-39-103**, as last amended by Laws of Utah 2007, Chapter 329
76 **11-42-202**, as enacted by Laws of Utah 2007, Chapter 329
77 **11-42-301**, as enacted by Laws of Utah 2007, Chapter 329
78 **11-42-402**, as enacted by Laws of Utah 2007, Chapter 329
79 **11-42-404**, as enacted by Laws of Utah 2007, Chapter 329
80 **11-42-604**, as enacted by Laws of Utah 2007, Chapter 329
81 **13-31-302**, as enacted by Laws of Utah 1998, Chapter 349
82 **13-44-202**, as enacted by Laws of Utah 2006, Chapter 343
83 **16-4-206**, as enacted by Laws of Utah 2007, Chapter 367
84 **16-4-303**, as enacted by Laws of Utah 2007, Chapter 367
85 **16-4-312**, as enacted by Laws of Utah 2007, Chapter 367
86 **16-6a-103**, as enacted by Laws of Utah 2000, Chapter 300
87 **16-6a-704**, as enacted by Laws of Utah 2000, Chapter 300

88 **16-6a-814**, as last amended by Laws of Utah 2006, Chapter 228
89 **16-6a-1407**, as last amended by Laws of Utah 2008, Chapter 364
90 **16-10a-103**, as last amended by Laws of Utah 2008, Chapter 364
91 **16-10a-1407**, as last amended by Laws of Utah 2008, Chapter 364
92 **16-16-1209**, as enacted by Laws of Utah 2008, Chapter 363
93 **17-16-3**, as last amended by Laws of Utah 2006, Chapter 3
94 **17-27a-204**, as enacted by Laws of Utah 2005, Chapter 254
95 **17-27a-205**, as enacted by Laws of Utah 2005, Chapter 254
96 **17-27a-208**, as last amended by Laws of Utah 2006, Chapter 240
97 **17-27a-306**, as last amended by Laws of Utah 2008, Chapter 250
98 **17-27a-404**, as renumbered and amended by Laws of Utah 2005, Chapter 254
99 **17-30-6**, as last amended by Laws of Utah 1993, Chapter 234
100 **17-36-12**, as last amended by Laws of Utah 1979, Chapter 62
101 **17-36-25**, as enacted by Laws of Utah 1975, Chapter 22
102 **17-36-26**, as enacted by Laws of Utah 1975, Chapter 22
103 **17-36-40**, as enacted by Laws of Utah 1983, Chapter 73
104 **17-41-302**, as last amended by Laws of Utah 2006, Chapter 194
105 **17-41-304**, as last amended by Laws of Utah 2006, Chapter 194
106 **17-41-405**, as last amended by Laws of Utah 2006, Chapter 194
107 **17-52-101**, as last amended by Laws of Utah 2001, Chapter 241
108 **17-53-208**, as last amended by Laws of Utah 2006, Chapter 192
109 **17A-3-914**, as last amended by Laws of Utah 1991, Chapter 5
110 **17A-3-915**, as renumbered and amended by Laws of Utah 1990, Chapter 186
111 **17B-1-211**, as renumbered and amended by Laws of Utah 2007, Chapter 329
112 **17B-1-304**, as renumbered and amended by Laws of Utah 2007, Chapter 329
113 **17B-1-306**, as last amended by Laws of Utah 2008, Chapters 54, 182, and 360
114 **17B-1-313**, as enacted by Laws of Utah 2007, Chapter 329
115 **17B-1-413**, as renumbered and amended by Laws of Utah 2007, Chapter 329
116 **17B-1-417**, as renumbered and amended by Laws of Utah 2007, Chapter 329
117 **17B-1-512**, as renumbered and amended by Laws of Utah 2007, Chapter 329
118 **17B-1-609**, as renumbered and amended by Laws of Utah 2007, Chapter 329

119 **17B-1-643**, as last amended by Laws of Utah 2008, Chapter 360
120 **17B-1-1204**, as enacted by Laws of Utah 2007, Chapter 329
121 **17B-1-1307**, as renumbered and amended by Laws of Utah 2007, Chapter 329
122 **17C-1-601**, as renumbered and amended by Laws of Utah 2006, Chapter 359
123 **17C-2-108**, as renumbered and amended by Laws of Utah 2006, Chapter 359
124 **17C-2-403**, as renumbered and amended by Laws of Utah 2006, Chapter 359
125 **17C-3-107**, as enacted by Laws of Utah 2006, Chapter 359
126 **17C-3-303**, as enacted by Laws of Utah 2006, Chapter 359
127 **17C-4-106**, as enacted by Laws of Utah 2006, Chapter 359
128 **17C-4-202**, as last amended by Laws of Utah 2007, Chapter 364
129 **17C-4-302**, as enacted by Laws of Utah 2006, Chapter 359
130 **17D-1-205**, as enacted by Laws of Utah 2008, Chapter 360
131 **17D-2-601**, as enacted by Laws of Utah 2008, Chapter 360
132 **17D-3-305**, as enacted by Laws of Utah 2008, Chapter 360
133 **19-2-109**, as renumbered and amended by Laws of Utah 1991, Chapter 112
134 **19-5-110**, as renumbered and amended by Laws of Utah 1991, Chapter 112
135 **19-6-712**, as enacted by Laws of Utah 1993, Chapter 283
136 **20A-3-201**, as last amended by Laws of Utah 2006, Chapter 326
137 **20A-3-603**, as last amended by Laws of Utah 2008, Chapter 53
138 **20A-3-604**, as enacted by Laws of Utah 2006, Chapter 264
139 **20A-5-101**, as last amended by Laws of Utah 2007, Chapters 238 and 329
140 **20A-5-405**, as last amended by Laws of Utah 2007, Chapter 75
141 **20A-7-204.1**, as last amended by Laws of Utah 2005, Chapter 236
142 **20A-9-203**, as last amended by Laws of Utah 2008, Chapters 13, 19, and 225
143 **23-21-1.5**, as last amended by Laws of Utah 1998, Chapter 218
144 **24-1-4**, as last amended by Laws of Utah 2004, Chapter 296
145 **26-8a-401**, as enacted by Laws of Utah 1999, Chapter 141
146 **26-8a-405.3**, as last amended by Laws of Utah 2008, Chapter 382
147 **26-8a-406**, as last amended by Laws of Utah 2003, Chapter 213
148 **26-19-6**, as last amended by Laws of Utah 2004, Chapter 72
149 **31A-2-303**, as last amended by Laws of Utah 1987, Chapter 161

150 **31A-27a-406**, as enacted by Laws of Utah 2007, Chapter 309
151 **38-2-3.2**, as last amended by Laws of Utah 2007, Chapter 306
152 **38-8-3**, as last amended by Laws of Utah 1984, Chapter 66
153 **38-13-204**, as enacted by Laws of Utah 2005, Chapter 187
154 **39-1-15**, Utah Code Annotated 1953
155 **40-6-10**, as last amended by Laws of Utah 2008, Chapter 382
156 **40-8-8**, as last amended by Laws of Utah 2002, Chapter 194
157 **40-8-10**, as last amended by Laws of Utah 1987, Chapter 161
158 **40-8-13**, as last amended by Laws of Utah 2003, Chapter 35
159 **40-10-13**, as last amended by Laws of Utah 2008, Chapter 382
160 **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09)**, as last amended by Laws of Utah 2004,
161 Chapter 230
162 **40-10-27**, as last amended by Laws of Utah 1997, Chapter 135
163 **41-1a-1103**, as last amended by Laws of Utah 2005, Chapter 56
164 **47-2-4**, as last amended by Laws of Utah 2000, Chapter 75
165 **48-2c-1306**, as last amended by Laws of Utah 2008, Chapter 364
166 **52-4-202**, as last amended by Laws of Utah 2008, Chapters 234 and 360
167 **53A-3-202**, as last amended by Laws of Utah 2007, Chapter 375
168 **53A-3-402**, as last amended by Laws of Utah 2007, Chapter 92
169 **53A-18-104**, as enacted by Laws of Utah 1988, Chapter 2
170 **53A-19-102**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
171 **53A-19-104**, as enacted by Laws of Utah 1988, Chapter 2
172 **53B-3-107**, as last amended by Laws of Utah 1997, Chapter 116
173 **53B-7-101.5**, as enacted by Laws of Utah 2001, Chapter 186
174 **54-4-27**, Utah Code Annotated 1953
175 **54-7-17**, as last amended by Laws of Utah 1987, Chapter 161
176 **54-8-10**, as enacted by Laws of Utah 1969, Chapter 157
177 **54-8-16**, as enacted by Laws of Utah 1969, Chapter 157
178 **54-8-23**, as enacted by Laws of Utah 1969, Chapter 157
179 **57-1-25**, as last amended by Laws of Utah 2002, Chapter 209
180 **57-11-11**, as last amended by Laws of Utah 2000, Chapter 86

181 **59-2-918**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
182 **59-2-919**, as last amended by Laws of Utah 2008, Chapters 231 and 301
183 **59-2-924**, as last amended by Laws of Utah 2008, Chapters 61, 118, 231, 236, 330, 360,
184 and 382
185 **59-2-926**, as last amended by Laws of Utah 2008, Chapter 330
186 **59-2-1303**, as last amended by Laws of Utah 1999, Chapter 207
187 **59-2-1309**, as last amended by Laws of Utah 1997, Chapter 360
188 **59-2-1310**, as last amended by Laws of Utah 1995, Chapter 198
189 **59-2-1332**, as last amended by Laws of Utah 1997, Chapter 143
190 **59-2-1332.5**, as last amended by Laws of Utah 2002, Chapter 30
191 **59-2-1351**, as last amended by Laws of Utah 2000, Chapter 75
192 **59-12-402**, as last amended by Laws of Utah 2008, Chapter 384
193 **59-12-1001**, as last amended by Laws of Utah 2008, Chapters 382 and 384
194 **59-12-1102**, as last amended by Laws of Utah 2008, Chapters 237, 382, and 384
195 **63B-1-317**, as renumbered and amended by Laws of Utah 2003, Chapter 86
196 **63B-1a-501**, as enacted by Laws of Utah 2003, Chapter 2
197 **63B-2-116**, as last amended by Laws of Utah 2005, Chapter 105
198 **63B-2-216**, as last amended by Laws of Utah 2005, Chapter 105
199 **63B-3-116**, as last amended by Laws of Utah 2005, Chapter 105
200 **63B-3-216**, as last amended by Laws of Utah 2005, Chapter 105
201 **63B-4-116**, as last amended by Laws of Utah 2005, Chapter 105
202 **63B-5-116**, as last amended by Laws of Utah 2005, Chapter 105
203 **63B-6-116**, as last amended by Laws of Utah 2005, Chapter 105
204 **63B-6-216**, as last amended by Laws of Utah 2005, Chapter 105
205 **63B-6-416**, as last amended by Laws of Utah 2005, Chapter 105
206 **63B-7-116**, as last amended by Laws of Utah 2005, Chapter 105
207 **63B-7-216**, as last amended by Laws of Utah 2005, Chapter 105
208 **63B-7-416**, as last amended by Laws of Utah 2005, Chapter 105
209 **63B-8-116**, as last amended by Laws of Utah 2005, Chapter 105
210 **63B-8-216**, as last amended by Laws of Utah 2005, Chapter 105
211 **63B-8-416**, as last amended by Laws of Utah 2005, Chapter 105

212 **63B-10-116**, as last amended by Laws of Utah 2005, Chapter 105
213 **63B-11-116**, as last amended by Laws of Utah 2005, Chapter 105
214 **63B-11-216**, as last amended by Laws of Utah 2005, Chapter 105
215 **63B-11-316**, as last amended by Laws of Utah 2005, Chapter 105
216 **63B-11-516**, as last amended by Laws of Utah 2005, Chapter 105
217 **63C-7-306**, as enacted by Laws of Utah 1997, Chapter 136
218 **63F-1-701**, as enacted by Laws of Utah 2007, Chapter 249
219 **63G-6-401**, as renumbered and amended by Laws of Utah 2008, Chapter 382
220 **63G-9-303**, as renumbered and amended by Laws of Utah 2008, Chapter 382
221 **63H-1-403**, as enacted by Laws of Utah 2007, Chapter 23
222 **63H-1-701**, as enacted by Laws of Utah 2007, Chapter 23
223 **63H-1-801**, as enacted by Laws of Utah 2007, Chapter 23
224 **67-4a-402**, as last amended by Laws of Utah 2007, Chapter 18
225 **67-4a-403**, as last amended by Laws of Utah 2007, Chapter 18
226 **72-3-108**, as last amended by Laws of Utah 2000, Chapter 324
227 **72-5-105**, as last amended by Laws of Utah 2006, Chapter 101
228 **72-6-108**, as last amended by Laws of Utah 2008, Chapter 382
229 **73-1-4**, as last amended by Laws of Utah 2008, Chapters 380 and 382
230 **73-1-16**, Utah Code Annotated 1953
231 **73-3-6**, as last amended by Laws of Utah 2003, Chapter 99
232 **73-3-12**, as last amended by Laws of Utah 2008, Chapters 52 and 311
233 **73-3a-107**, as last amended by Laws of Utah 2003, Chapter 99
234 **73-4-3**, as last amended by Laws of Utah 2007, Chapter 136
235 **73-4-4**, as last amended by Laws of Utah 2007, Chapter 136
236 **73-4-9**, Utah Code Annotated 1953
237 **73-5-14**, Utah Code Annotated 1953
238 **73-5-15**, as last amended by Laws of Utah 2008, Chapters 360 and 382
239 **73-6-2**, Utah Code Annotated 1953
240 **75-1-401**, as last amended by Laws of Utah 1977, Chapter 194
241 **75-3-801**, as last amended by Laws of Utah 1992, Chapter 179
242 **75-7-508**, as last amended by Laws of Utah 2007, Chapter 64

243 **76-8-809**, as enacted by Laws of Utah 1973, Chapter 196
244 **76-10-530**, as last amended by Laws of Utah 2003, Chapter 203
245 **77-24a-5**, as last amended by Laws of Utah 2005, Chapter 126
246 **78A-6-109**, as renumbered and amended by Laws of Utah 2008, Chapter 3
247 **78B-5-613**, as enacted by Laws of Utah 2008, Chapter 3
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249 *Be it enacted by the Legislature of the state of Utah:*
250 Section 1. Section **3-1-7** is amended to read:
251 **3-1-7. Amendments to articles of incorporation.**
252 (1) An association may amend its articles of incorporation by the affirmative vote of a
253 majority of the members voting at:
254 (a) a regular meeting; or
255 (b) a special meeting called for that purpose.
256 (2) Written notice of the proposed amendment and of the time and place of the meeting
257 shall be provided to the members of the association by any one of the following procedures:
258 (a) by mail at the last-known address at least ten days prior to the meeting;
259 (b) by personal delivery at least ten days prior to the meeting; or
260 (c) by publication not less than ten days or more than 60 days prior to the meeting in a
261 periodical published by or for the association, to which substantially all of its members are
262 subscribers, or [~~in a newspaper or newspapers whose combined circulation is general in the~~
263 ~~territory in which the association operates~~] on the Utah Public Notice Website as described in
264 Section 63F-1-701.
265 (3) In addition to one of the means set forth in Subsection (2), the association may give
266 notice by any method established pursuant to the articles of incorporation or bylaws of the
267 association.
268 (4) The bylaws may require that the notice period be longer than ten days.
269 (5) An amendment affecting the preferential rights of any outstanding preferred stock
270 may not be adopted until the written consent of the holders of a majority of the outstanding
271 preference shares has been obtained.
272 (6) After an amendment has been adopted, articles of amendment shall be:
273 (a) prepared, in duplicate, setting forth the amendment and the fact of the adoption;

274 (b) signed and acknowledged by the president, chair, vice president, or vice chair and
275 by the secretary or treasurer; and
276 (c) filed in the same manner as the original articles of incorporation.
277 Section 2. Section **4-17-7** is amended to read:
278 **4-17-7. Notice of noxious weeds to be published annually in county -- Notice to**
279 **particular property owners to control noxious weeds -- Methods of prevention or control**
280 **specified -- Failure to control noxious weeds considered public nuisance.**
281 (1) Each county weed control board before May 1 of each year shall post a general
282 notice of the noxious weeds within the county in at least three public places within the county
283 and publish the same notice on [~~at least three occasions in a newspaper or other publication of~~
284 ~~general circulation within the county~~] the Utah Public Notice Website as described in Section
285 63F-1-701.
286 (2) If the county weed control board determines that particular property within the
287 county requires prompt and definite attention to prevent or control noxious weeds, it shall serve
288 the owner or the person in possession of the property, personally or by certified mail, a notice
289 specifying when and what action should be taken on the property. Methods of prevention or
290 control may include definite systems of tillage, cropping, use of chemicals, and use of
291 livestock.
292 (3) An owner or person in possession of property who fails to take action to control or
293 prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance.
294 Section 3. Section **4-30-5** is amended to read:
295 **4-30-5. Hearing on license application -- Notice of hearing.**
296 (1) Upon the filing of an application, the chairman of the Livestock Market Committee
297 shall set a time for hearing on the application in the city or town nearest the proposed site of the
298 livestock market and cause notice of the time and place of the hearing together with a copy of
299 the application to be forwarded by mail, not less than 15 days before the hearing date, to the
300 following:
301 (a) each licensed livestock market operator within the state; and
302 (b) each livestock or other interested association or group of persons in the state that
303 has filed written notice with the committee requesting receipt of notice of such hearings.
304 (2) Notice of the hearing shall be published 14 days before the scheduled hearing date

305 [~~in a daily or weekly newspaper of general circulation within the city or town where the hearing~~
306 ~~is scheduled~~] on the Utah Public Notice Website as described in Section 63F-1-701.
307 Section 4. Section **6-1-5** is amended to read:
308 **6-1-5. Notice of assignment.**
309 The assignee shall forthwith give notice of such assignment by publication in some
310 newspaper published in the county, or, if none, [~~in a newspaper having general circulation~~
311 ~~therein~~] on the Utah Public Notice Website as described in Section 63F-1-701, which notice
312 shall be published at least once a week for six weeks; and shall forthwith send a notice by mail
313 to each creditor of whom he shall be informed, directed to his usual place of residence,
314 requiring such creditor to present to him within three months thereafter his claims under oath.
315 Section 5. Section **7-1-704** is amended to read:
316 **7-1-704. Authorization required to engage in business -- Exemptions --**
317 **Procedure.**
318 (1) (a) An institution subject to the jurisdiction of the department may maintain an
319 office in this state or engage in the activities of a financial institution in this state only if it is
320 authorized to do so by the department.
321 (b) This Subsection (1) does not apply to:
322 (i) any person who is lawfully engaging in the activities of a financial institution in this
323 state on July 1, 1981, unless the institution was not subject to the jurisdiction of the department
324 before that date;
325 (ii) an application to establish a branch or additional office; or
326 (iii) the establishment of a service corporation or service organization.
327 (2) An applicant for authorization to become an institution subject to the jurisdiction of
328 the department shall pay to the department the appropriate filing fee, as provided in Section
329 7-1-401, and shall file with the commissioner:
330 (a) its undertaking to pay all expenses incurred in conducting any administrative
331 proceedings forming part of the department's consideration of the application;
332 (b) its proposed articles of incorporation and by-laws;
333 (c) an application in a form prescribed by the commissioner that includes all
334 information the commissioner requires about the source of the proposed original capital and
335 about the identity, personal history, business background and experience, financial condition,

336 and participation in any litigation or administrative proceeding of the organizers, the proposed
337 members of the board of directors, and the principal officers; and
338 (d) any other information the commissioner requires.
339 (3) In addition to the requirements of Title 63G, Chapter 4, Administrative Procedures
340 Act, the commissioner shall, at the expense of the applicant:
341 (a) give notice of the application by publication [~~in three successive issues of a~~
342 ~~newspaper of general circulation in the county where the principal place of business is to be~~
343 ~~established~~] on the Utah Public Notice Website as described in Section 63F-1-701;
344 (b) give notice of the application to other institutions subject to the jurisdiction of the
345 department in a manner and to an extent the commissioner considers appropriate;
346 (c) cause the appropriate supervisor to make a careful investigation and examination of
347 the following:
348 (i) the character, reputation, and financial standing and ability of the organizers;
349 (ii) the character, financial responsibility, experience, and business qualifications of
350 those proposed as officers;
351 (iii) the character and standing in the community of those proposed as directors,
352 principal stockholders, or owners;
353 (iv) the need in the service area where the institution would be located, giving
354 particular consideration to the adequacy of existing financial facilities and the effect the
355 proposed institution would have on existing institutions in the area;
356 (v) the ability of the proposed service area to support the proposed institution,
357 including the extent and nature of existing competition, the economic history and future
358 prospects of the community, and the opportunity for profitable employment of financial
359 institution funds; and
360 (vi) other facts and circumstances bearing on the proposed institution that the
361 supervisor considers relevant.
362 (4) (a) The supervisor shall submit findings and recommendations in writing to the
363 commissioner.
364 (b) The application, any additional information furnished by the applicant, and the
365 findings and recommendations of the supervisor may be inspected by any person at the
366 department's office, except those portions of the application or report the commissioner

367 declares to be confidential, pursuant to the applicant's request, in order to prevent a clearly
368 unwarranted invasion of privacy.
369 (5) (a) If a hearing is held, the applicant shall publish notice of the hearing [~~at the~~
370 ~~applicant's expense in a newspaper of general circulation within the county where the proposed~~
371 ~~institution is to be located at least once a week~~] for three successive weeks before the date of
372 hearing on the Utah Public Notice Website as described in Section 63F-1-701.
373 (b) The notice shall include the date, time, and place of the hearing and any other
374 information required by the commissioner.
375 (c) The commissioner shall act on the record before him within 30 days after receipt of
376 the transcript of the hearing.
377 (6) If no hearing is held, the commissioner may, within 90 days of acceptance of the
378 application as complete, approve or disapprove the application based on the papers filed with
379 him, together with the supervisor's findings and recommendations.
380 (7) (a) The commissioner may not approve the application unless the commissioner
381 finds that the applicant has established by the preponderance of the evidence that:
382 (i) in light of the need for financial services in the area, the adequacy of existing
383 facilities, and the effect the proposed institution would have on existing institutions in the area,
384 the public need and convenience will be promoted by the establishment of the proposed
385 institution;
386 (ii) in light of the ability of the proposed service area to support the proposed
387 institution, including the extent and nature of existing competition, the economic history and
388 future prospects of the community, and the opportunity for profitable employment of financial
389 institution funds, conditions in the service area in which the proposed institution would transact
390 business afford reasonable promise of a successful operation;
391 (iii) the institution is being formed only for legitimate purposes allowed by the laws of
392 this state;
393 (iv) the proposed capital equals or exceeds the required minimum and is adequate in
394 light of current and prospective conditions;
395 (v) if the applicant is seeking authority to accept deposits, the deposits will be insured
396 or guaranteed by an agency of the federal government;
397 (vi) the proposed officers and directors have sufficient experience, ability, and standing

398 to afford reasonable promise of a successful operation;
399 (vii) the name of the proposed financial institution does not resemble the name of any
400 other institution transacting business in this state so closely as to cause confusion;
401 (viii) the applicants have complied with all of the provisions of law; and
402 (ix) no properly managed and soundly operated existing institutions offering
403 substantially similar services in the service area to which the application relates will be unduly
404 injured by approval of the application.
405 (b) The commissioner may condition approval of the application on the institution's
406 acceptance of requirements or conditions with respect to insurance that the commissioner
407 considers necessary to protect depositors.
408 (8) (a) The commissioner shall provide written findings and conclusions on the
409 application.
410 (b) Upon approving an application, the commissioner shall:
411 (i) endorse the approval on the articles of incorporation;
412 (ii) file one copy with the Division of Corporations and Commercial Code;
413 (iii) retain one file copy; and
414 (iv) return one copy to the applicant within ten days after the date of the
415 commissioner's decision approving the application.
416 (c) Upon disapproving an application, the commissioner shall mail notice of the
417 disapproval to the applicant within ten days.
418 (d) The commissioner may approve an application subject to conditions the
419 commissioner considers appropriate to protect the public interest and carry out the purposes of
420 this title.
421 (e) The commissioner shall give written notice of the decision to all persons who have
422 filed a protest to the application.
423 (9) Upon approval of an application for authorization to conduct a business subject to
424 the jurisdiction of the department, the commissioner shall issue a license, permit, or other
425 appropriate certificate of authority if:
426 (a) except in the case of credit unions, all of the capital of the institution being formed
427 has been paid in; and
428 (b) all the conditions and other requirements for approval of the application have been

429 met.
430 (10) (a) Any approval by the commissioner of an application under this section is
431 considered revoked unless the business is open and operating within one year from the date of
432 the approval.
433 (b) The commissioner, on written application made before the expiration of that period,
434 and for good cause shown, may extend the date for activation for additional periods not to
435 exceed six months each.
436 (11) No person may obtain, for the purpose of resale, a certificate of approval to
437 operate any institution under the jurisdiction of the department.
438 (12) The commissioner may approve an application without any notice to other
439 financial institutions to respond to an emergency arising from the insolvency of an existing
440 institution or to prevent the failure of an existing institution if the commissioner makes the
441 findings required by Subsection (7).
442 Section 6. Section **7-1-706** is amended to read:
443 **7-1-706. Application to commissioner to exercise power -- Procedure.**
444 (1) Except as provided in Sections 7-1-704 and 7-1-705, by filing a request for agency
445 action with the commissioner, any person may request the commissioner to:
446 (a) issue any rule or order;
447 (b) exercise any powers granted to the commissioner under this title; or
448 (c) act on any matter that is subject to the approval of the commissioner.
449 (2) Within ten days of receipt of the request, the commissioner shall, at the applicant's
450 expense, cause a supervisor to make a careful investigation of the facts relevant or material to
451 the request.
452 (3) (a) The supervisor shall submit written findings and recommendations to the
453 commissioner.
454 (b) The application, any additional information furnished by the applicant, and the
455 findings and recommendations of the supervisor may be inspected by any person at the office
456 of the commissioner, except those portions of the application or report that the commissioner
457 designates as confidential to prevent a clearly unwarranted invasion of privacy.
458 (4) (a) If a hearing is held concerning the request, the commissioner shall publish notice
459 of the hearing [~~at the applicant's expense in a newspaper of general circulation within the~~

460 ~~county where the applicant is located at least once a week~~] on the Utah Public Notice Website
461 as described in Section 63F-1-701 for three successive weeks before the date of the hearing.
462 (b) The notice required by Subsection (4)(a) shall include the information required by
463 the department's rules.
464 (c) The commissioner shall act upon the request within 30 days after the close of the
465 hearing, based on the record before the commissioner.
466 (5) (a) If no hearing is held, the commissioner shall approve or disapprove the request
467 within 90 days of receipt of the request based on:
468 (i) the application;
469 (ii) additional information filed with the commissioner; and
470 (iii) the findings and recommendations of the supervisor.
471 (b) The commissioner shall act on the request by issuing findings of fact, conclusions,
472 and an order, and shall mail a copy of each to:
473 (i) the applicant;
474 (ii) all persons who have filed protests to the granting of the application; and
475 (iii) other persons that the commissioner considers should receive copies.
476 (6) The commissioner may impose any conditions or limitations on the approval or
477 disapproval of a request that the commissioner considers proper to:
478 (a) protect the interest of creditors, depositors, and other customers of an institution;
479 (b) protect its shareholders or members; and
480 (c) carry out the purposes of this title.
481 Section 7. Section **7-1-709** is amended to read:
482 **7-1-709. Branches -- Discontinuance of operation.**
483 (1) A Utah depository institution or out-of-state depository institution authorized to do
484 business in this state may discontinue operation of a branch upon resolution of its board of
485 directors.
486 (2) Upon adopting the resolution, the institution shall file an application with the
487 commissioner specifying:
488 (a) the location of the branch to be discontinued;
489 (b) the date of the proposed discontinuance;
490 (c) the reasons for closing the branch; and

491 (d) the extent to which the public need and convenience or service to members would
492 still be adequately met.
493 (3) Upon filing its application with the commissioner, the institution shall publish
494 notice of the discontinuance [~~in a newspaper serving the area~~] on the Utah Public Notice
495 Website as described in Section 63F-1-701 once a week for two consecutive weeks. The
496 commissioner may approve the application after a reasonable comment period following
497 publication.
498 (4) An out-of-state depository institution with a branch in Utah is not subject to the
499 requirements of this section if the branch to be closed is located outside of Utah.
500 Section 8. Section **7-2-6** is amended to read:
501 **7-2-6. Possession by commissioner -- Notice -- Presentation, allowance, and**
502 **disallowance of claims -- Objections to claims.**
503 (1) (a) Possession of an institution by the commissioner commences when notice of
504 taking possession is:
505 (i) posted in each office of the institution located in this state; or
506 (ii) delivered to a controlling person or officer of the institution.
507 (b) All notices, records, and other information regarding possession of an institution by
508 the commissioner may be kept confidential, and all court records and proceedings relating to
509 the commissioner's possession may be sealed from public access if:
510 (i) the commissioner finds it is in the best interests of the institution and its depositors
511 not to notify the public of the possession by the commissioner;
512 (ii) the deposit and withdrawal of funds and payment to creditors of the institution is
513 not suspended, restricted, or interrupted; and
514 (iii) the court approves.
515 (2) (a) Within 15 days after taking possession of an institution or other person under
516 the jurisdiction of the department, the commissioner shall publish a notice to all persons who
517 may have claims against the institution or other person to file proof of their claims with the
518 commissioner before a date specified in the notice. The filing date shall be at least 90 days
519 after the date of the first publication of the notice. The notice shall be published [~~in a~~
520 ~~newspaper of general circulation in each city or county in which the institution or other person,~~
521 ~~or any subsidiary or service corporation of the institution, maintains an office~~] on the Utah

522 Public Notice Website as described in Section 63F-1-701. The notice shall be published again
523 approximately 30 days and 60 days after the date of the first publication.
524 (b) (i) Within 60 days of taking possession of a depository institution, the
525 commissioner shall send a similar notice to all persons whose identity is reflected in the books
526 or records of the institution as depositors or other creditors, secured or unsecured, parties to
527 litigation involving the institution pending at the date the commissioner takes possession of the
528 institution, and all other potential claimants against the institution whose identity is reasonably
529 ascertainable by the commissioner from examination of the books and records of the
530 institution. No notice is required in connection with accounts or other liabilities of the
531 institution that will be paid in full or be fully assumed by another depository institution or trust
532 company. The notice shall specify a filing date for claims against the institution not less than
533 60 days after the date of mailing. Claimants whose claims against the institution have been
534 assumed by another depository institution or trust company pursuant to a merger or purchase
535 and assumption agreement with the commissioner, or a federal deposit insurance agency
536 appointed as receiver or liquidator of the institution, shall be notified of the assumption of their
537 claims and the name and address of the assuming party within 60 days after the claim is
538 assumed. Unless a purchase and assumption or merger agreement requires otherwise, the
539 assuming party shall give all required notices. Notice shall be mailed to the address appearing
540 in the books and records of the institution.
541 (ii) Inadvertent or unintentional failure to mail a notice to any person entitled to written
542 notice under this paragraph does not impose any liability on the commissioner or any receiver
543 or liquidator appointed by him beyond the amount the claimant would be entitled to receive if
544 the claim had been timely filed and allowed. The commissioner or any receiver or liquidator
545 appointed by him are not liable for failure to mail notice unless the claimant establishes that it
546 had no knowledge of the commissioner taking possession of the institution until after all
547 opportunity had passed for obtaining payment through filing a claim with the commissioner,
548 receiver, or liquidator.
549 (c) Upon good cause shown, the court having supervisory jurisdiction may extend the
550 time in which the commissioner may serve any notice required by this chapter.
551 (d) The commissioner has the sole power to adjudicate any claim against the
552 institution, its property or other assets, tangible or intangible, and to settle or compromise

553 claims within the priorities set forth in Section 7-2-15. Any action of the commissioner is
554 subject to judicial review as provided in Subsection (9).
555 (e) A receiver or liquidator of the institution appointed by the commissioner has all the
556 duties, powers, authority, and responsibilities of the commissioner under this section. All
557 claims against the institution shall be filed with the receiver or liquidator within the applicable
558 time specified in this section and the receiver or liquidator shall adjudicate the claims as
559 provided in Subsection (2)(d).
560 (f) The procedure established in this section is the sole remedy of claimants against an
561 institution or its assets in the possession of the commissioner.
562 (3) With respect to a claim which appears in the books and records of an institution or
563 other person in the possession of the commissioner as a secured claim, which, for purposes of
564 this section is a claim that constitutes an enforceable, perfected lien, evidenced in writing, on
565 the assets or other property of the institution:
566 (a) The commissioner shall allow or disallow each secured claim filed on or before the
567 filing date within 30 days after receipt of the claim and shall notify each secured claimant by
568 certified mail or in person of the basis for, and any conditions imposed on, the allowance or
569 disallowance.
570 (b) For all allowed secured claims, the commissioner shall be bound by the terms,
571 covenants, and conditions relating to the assets or other property subject to the claim, as set
572 forth in the note, bond, or other security agreement which evidences the secured claim, unless
573 the commissioner has given notice to the claimant of his intent to abandon the assets or other
574 property subject to the secured claim at the time the commissioner gave the notice described in
575 Subsection (3)(a).
576 (c) No petition for lifting the stay provided by Section 7-2-7 may be filed with respect
577 to a secured claim before the claim has been filed and allowed or disallowed by the
578 commissioner in accordance with Subsection (3)(a).
579 (4) With respect to all other claims other than secured claims:
580 (a) Each claim filed on or before the filing date shall be allowed or disallowed within
581 180 days after the final publication of notice.
582 (b) If notice of disallowance is not served upon the claimant by the commissioner
583 within 210 days after the date of final publication of notice, the claim is considered disallowed.

584 (c) The rights of claimants and the amount of a claim shall be determined as of the date
585 the commissioner took possession of the institution under this chapter. Claims based on
586 contractual obligations of the institution in existence on the date of possession may be allowed
587 unless the obligation of the institution is dependent on events occurring after the date of
588 possession, or the amount or worth of the claim cannot be determined before any distribution
589 of assets of the institution is made to claimants having the same priority under Section 7-2-15.
590 (d) (i) An unliquidated claim against the institution, including claims based on alleged
591 torts for which the institution would have been liable on the date the commissioner took
592 possession of the institution and any claims for a right to an equitable remedy for breach of
593 performance by the institution, may be filed in an estimated amount. The commissioner may
594 disallow or allow the claim in an amount determined by the commissioner, settle the claim in
595 an amount approved by the court, or, in his discretion, refer the claim to the court designated by
596 Section 7-2-2 for determination in accordance with procedures designated by the court. If the
597 institution held on the date of possession by the commissioner a policy of insurance that would
598 apply to the liability asserted by the claimant, the commissioner, or any receiver appointed by
599 him may assign to the claimant all rights of the institution under the insurance policy in full
600 satisfaction of the claim.
601 (ii) If the commissioner finds there are or may be issues of fact or law as to the validity
602 of a claim, liquidated or unliquidated, or its proper allowance or disallowance under the
603 provisions of this chapter, he may appoint a hearing examiner to conduct a hearing and to
604 prepare and submit recommended findings of fact and conclusions of law for final
605 consideration by the commissioner. The hearing shall be conducted as provided in rules or
606 regulations issued by the commissioner. The decision of the commissioner shall be based on
607 the record before the hearing examiner and information the commissioner considers relevant
608 and shall be subject to judicial review as provided in Subsection (9).
609 (e) A claim may be disallowed if it is based on actions or documents intended to
610 deceive the commissioner or any receiver or liquidator appointed by him.
611 (f) The commissioner may defer payment of any claim filed on behalf of a person who
612 was at any time in control of the institution within the meaning of Section 7-1-103, pending the
613 final determination of all claims of the institution against that person.
614 (g) The commissioner or any receiver appointed by him may disallow a claim that

615 seeks a dollar amount if it is determined by the court having jurisdiction under Section 7-2-2
616 that the commissioner or receiver or conservator will not have any assets with which to pay the
617 claim under the priorities established by Section 7-2-15.
618 (h) The commissioner may adopt rules to establish such alternative dispute resolution
619 processes as may be appropriate for the resolution of claims filed against an institution under
620 this chapter.
621 (i) In establishing alternative dispute resolution processes, the commissioner shall
622 strive for procedures that are expeditious, fair, independent, and low cost. The commissioner
623 shall seek to develop incentives for claimants to participate in the alternative dispute resolution
624 process.
625 (j) The commissioner may establish both binding and nonbinding processes, which
626 may be conducted by any government or private party, but all parties, including the claimant
627 and the commissioner or any receiver appointed by him, must agree to the use of the process in
628 a particular case.
629 (5) Claims filed after the filing date are disallowed, unless:
630 (a) the claimant who did not file his claim timely demonstrates that he did not have
631 notice or actual knowledge of the proceedings in time to file a timely proof of claim; and
632 (b) proof of the claim was filed prior to the last distribution of assets. For the purpose
633 of this subsection only, late filed claims may be allowed if proof was filed before the final
634 distribution of assets of the institution to claimants of the same priority and are payable only
635 out of the remaining assets of the institution.
636 (c) A late filed claim may be disallowed under any other provision of this section.
637 (6) Debts owing to the United States or to any state or its subdivisions as a penalty or
638 forfeiture are not allowed, except for the amount of the pecuniary loss sustained by the act,
639 transaction, or proceeding out of which the penalty or forfeiture arose.
640 (7) Except as otherwise provided in Subsection 7-2-15(1)(a), interest accruing on any
641 claim after the commissioner has taken possession of an institution or other person under this
642 chapter may be disallowed.
643 (8) A claim against an institution or its assets based on a contract or agreement may be
644 disallowed unless the agreement: (a) is in writing; (b) is otherwise a valid and enforceable
645 contract; and (c) has continuously, from the time of its execution, been an official record of the

646 institution. The requirements of this subsection do not apply to claims for goods sold or
647 services rendered to an institution in the ordinary course of business by trade creditors who do
648 not customarily use written agreements or other documents.
649 (9) (a) Objection to any claim allowed or disallowed may be made by any depositor or
650 other claimant by filing a written objection with the commissioner within 30 days after service
651 of the notice of allowance or disallowance. The commissioner shall present the objection to
652 the court for hearing and determination upon written notice to the claimant and to the filing
653 party. The notice shall set forth the time and place of hearing. After the 30-day period, no
654 objection may be filed. This Subsection (9) does not apply to secured claims allowed under
655 Subsection (3).
656 (b) The hearing shall be based on the record before the commissioner and any
657 additional evidence the court allowed to provide the parties due process of law.
658 (c) The court may not reverse or otherwise modify the determination of the
659 commissioner with respect to the claim unless it finds the determination of the commissioner to
660 be arbitrary, capricious, or otherwise contrary to law. The burden of proof is on the party
661 objecting to the determination of the commissioner.
662 (d) An appeal from any final judgment of the court with respect to a claim may be
663 taken as provided by law by the claimant, the commissioner, or any person having standing to
664 object to the allowance or disallowance of the claim.
665 (10) If a claim against the institution has been asserted in any judicial, administrative,
666 or other proceeding pending at the time the commissioner took possession of the institution
667 under this chapter or under Chapter 19, Acquisition of Failing Depository Institutions or
668 Holding Companies, the claimant shall file copies of all documents of record in the pending
669 proceeding with the commissioner within the time for filing claims as provided in Subsection
670 (2). Such a claim shall be allowed or disallowed within 90 days of the receipt of the complete
671 record of the proceedings. No application to lift the stay of a pending proceeding shall be filed
672 until the claim has been allowed or disallowed. The commissioner may petition the court
673 designated by Section 7-2-2 to lift the stay to determine whether the claim should be allowed or
674 disallowed.
675 (11) All claims allowed by the commissioner and not disallowed or otherwise modified
676 by the court under Subsection (9), if not paid within 30 days after allowance, shall be

677 evidenced by a certificate payable only out of the assets of the institution in the possession of
678 the commissioner, subject to the priorities set forth in Section 7-2-15. This provision does not
679 apply to a secured claim allowed by the commissioner under Subsection (3)(a).
680 Section 9. Section **7-7-10** is amended to read:
681 **7-7-10. Meetings of mutual association members -- Voting -- Notice.**
682 (1) (a) An annual meeting of the members of each mutual association shall be held at
683 the time and place fixed in the bylaws of the association.
684 (b) Special meetings may be called as provided in the bylaws.
685 (2) (a) The members entitled to vote at any meeting of the members shall be those who
686 are members of record at the end of the calendar month next preceding the date of the meeting
687 of members, except those who have ceased to be members.
688 (b) The number of votes that a member is entitled to cast shall be determined in
689 accordance with the books on the date determinative of entitlement to vote.
690 (3) In the determination of all questions requiring action by the members, each member
691 shall be entitled to cast:
692 (a) one vote; and
693 (b) any additional vote that the member may cast under the bylaws of the association.
694 (4) (a) (i) Subject to Subsection (4)(a)(ii), at any meeting of the members, voting may
695 be:
696 (A) in person; or
697 (B) by proxy.
698 (ii) Notwithstanding Subsection (4)(a)(i), a proxy is not eligible to be voted at any
699 meeting unless the proxy has been filed with the secretary of the association, for verification, at
700 least five days before the date of the meeting.
701 (b) Every proxy shall:
702 (i) be in writing;
703 (ii) be signed by the member or the member's duly authorized attorney in fact; and
704 (iii) continue in force from year to year:
705 (A) when filed with the secretary;
706 (B) if so specified in the proxy; and
707 (C) until:

708 (I) revoked by a writing duly delivered to the secretary; or
709 (II) superseded by subsequent proxies.
710 (5) (a) At an annual meeting or at any special meeting of the members, any number of
711 members present in person or by proxy eligible to be voted constitutes a quorum.
712 (b) A majority of all votes cast at any meeting of members shall determine any
713 question unless this chapter specifically provides otherwise.
714 (6) (a) No notice of annual meetings of members need be given to members.
715 (b) Subject to Subsection (6)(c), notice of each special meeting of members shall:
716 (i) state:
717 (A) the purpose for which the meeting is called;
718 (B) the place of the meeting; and
719 (C) the time when the meeting shall convene; and
720 (ii) (A) be published[~~: (I)~~] once a week for two consecutive calendar weeks (in each
721 instance, on any day of the week) before the date on which the special meeting shall convene[~~;~~
722 ~~and~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
723 [~~(II) in a newspaper of general circulation in the county in which the home office of the~~
724 ~~association is located; and~~]
725 (B) be posted in a conspicuous place in all offices of the association during the 30 days
726 immediately preceding the date on which the special meeting convenes.
727 (c) No notice need be given of a meeting if all the members entitled to vote, vote in
728 favor of an action at the meeting of the members.
729 Section 10. Section **8-5-6** is amended to read:
730 **8-5-6. Alternative council or board procedures for notice -- Termination of**
731 **rights.**
732 (1) As an alternative to the procedures set forth in Sections 8-5-1 through 8-5-4, a
733 municipal council or cemetery maintenance district board may pass a resolution demanding
734 that the owner of a lot, site, or portion of the cemetery, which has been unused for burial
735 purposes for more than 60 years, file with the county recorder, city recorder, or town clerk
736 notice of any claim to the lot, site, or portion of the cemetery.
737 (2) The municipal council or cemetery maintenance district board shall then cause a
738 copy of the resolution to be personally served on the owner in the same manner as personal

739 service of process in a civil action. The resolution shall notify the owner that the owner shall,
740 within 60 days after service of the resolution on the owner, express interest in maintaining the
741 cemetery lot, site, or portion of the cemetery and submit satisfactory evidence of an intention to
742 use the lot, site, or portion of the cemetery for a burial.
743 (3) If the owner cannot be personally served with the resolution of the municipal
744 council or cemetery maintenance district board as required in Subsection (2), the municipal
745 council or cemetery maintenance district board shall publish its resolution for three successive
746 weeks [~~in a newspaper of general circulation within the county~~] on the Utah Public Notice
747 Website as described in Section 63F-1-701 and mail a copy of the resolution within 14 days
748 after the publication to the owner's last known address, if available.
749 (4) If, for 30 days after the last date of service or publication of the municipal council's
750 or cemetery maintenance district board's resolution, the owner or person with a legal interest in
751 the cemetery lot fails to state a valid interest in the use of the cemetery lot, site, or portion of
752 the cemetery for burial purposes, the owner's rights are terminated and that portion of the
753 cemetery shall be vested in the municipality or cemetery maintenance district.
754 Section 11. Section **9-3-409** is amended to read:
755 **9-3-409. Actions on validity or enforceability of bonds -- Time for bringing**
756 **action.**
757 (1) In any suit, action, or proceeding involving the validity or enforceability of any
758 bond issued under this chapter or the security for them, any such bond reciting in substance that
759 it has been issued by the authority in connection with the Utah Science Center shall be
760 conclusively [~~deemed~~] considered to have been issued for that purpose.
761 (2) For a period of 30 days after the publication of the resolution authorizing the bonds,
762 or a notice of bonds to be issued by the authority containing those items described in Section
763 11-14-316 [~~in a newspaper having general circulation in the area of operation~~] on the Utah
764 Public Notice Website as described in Section 63F-1-701, any person may contest the legality
765 of the resolution authorizing any bonds, notice of bonds to be issued, or any provisions made
766 for the security and payment of the bonds. After the 30-day period no one has any cause of
767 action to contest the regularity, formality, or legality of the notice of bonds to be issued or the
768 bonds for any cause whatsoever.
769 Section 12. Section **9-8-805** is amended to read:

770 **9-8-805. Collecting institutions -- Perfecting title -- Notice.**
771 (1) (a) Any collecting institution wishing to perfect title in any reposited materials held
772 by it shall send, by registered mail, a notice containing the information required by this section
773 to the last-known address of the last-known owner of the property.
774 (b) The collecting institution shall publish a notice containing the information required
775 by this section at least once per week for two consecutive weeks [~~in a newspaper of general~~
776 ~~circulation in the county where the collecting institution is located~~] on the Utah Public Notice
777 Website as described in Section 63F-1-701 if:
778 (i) the owner or the address of the owner of the reposited materials is unknown;
779 (ii) the mailed notice is returned to the collecting institution without a forwarding
780 address; or
781 (iii) the owner does not claim the reposited materials within 90 days after the notice
782 was mailed.
783 (2) The notices required by this section shall include:
784 (a) the name, if known, and the last-known address, if any, of the last-known owner of
785 the reposited materials;
786 (b) a description of the reposited materials;
787 (c) the name of the collecting institution that has possession of the reposited materials
788 and a person within that institution whom the owner may contact; and
789 (d) a statement that if the reposited materials are not claimed within 90 days from the
790 date that the notice is published [~~in the newspaper~~] on the Utah Public Notice Website as
791 described in Section 63F-1-701 for the second time, the reposited materials are considered to
792 be abandoned and become the property of the collecting institution.
793 (3) If no one has claimed the reposited materials within 90 days after the date that the
794 notice is published [~~in the newspaper~~] on the Utah Public Notice Website as described in
795 Section 63F-1-701 for the second time, the reposited materials are considered to be abandoned
796 and are the property of the collecting institution.
797 Section 13. Section **10-2-108** is amended to read:
798 **10-2-108. Public hearings on feasibility study results -- Notice of hearings.**
799 (1) If the results of the feasibility study or supplemental feasibility study meet the
800 requirements of Subsection 10-2-109(3), the county legislative body shall, at its next regular

801 meeting after receipt of the results of the feasibility study or supplemental feasibility study,
802 schedule at least two public hearings to be held:
803 (a) within the following 60 days;
804 (b) at least seven days apart;
805 (c) in geographically diverse locations within the proposed city; and
806 (d) for the purpose of allowing:
807 (i) the feasibility consultant to present the results of the study; and
808 (ii) the public to become informed about the feasibility study results and to ask
809 questions about those results of the feasibility consultant.
810 (2) (a) (i) The county clerk shall publish notice of the public hearings required under
811 Subsection (1) at least once a week for three successive weeks [~~in a newspaper of general~~
812 ~~circulation within the proposed city~~] on the Utah Public Notice Website as described in Section
813 63F-1-701.
814 (ii) The last publication of notice required under Subsection (2)(a)(i) shall be at least
815 three days before the first public hearing required under Subsection (1).
816 (b) (i) [~~If there is no newspaper of general circulation within the proposed city, the~~]
817 The county clerk shall post at least one notice of the hearings per 1,000 population in
818 conspicuous places within the proposed city that are most likely to give notice of the hearings
819 to the residents of the proposed city.
820 (ii) The clerk shall post the notices under Subsection (2)(b)(i) at least seven days before
821 the first hearing under Subsection (1).
822 (c) The notice under Subsections (2)(a) and (b) shall include the feasibility study
823 summary under Subsection 10-2-106(3)(b) and shall indicate that a full copy of the study is
824 available for inspection and copying at the office of the county clerk.
825 Section 14. Section **10-2-111** is amended to read:
826 **10-2-111. Incorporation election.**
827 (1) At the next special election date under Section 20A-1-204 more than 45 days after
828 the county legislative body's receipt of the certified petition or certified modified petition under
829 Subsection 10-2-110(1)(b)(i), the county legislative body shall hold an election on the proposed
830 incorporation.
831 (2) (a) The county clerk shall publish notice of the election [~~in a newspaper of general~~

832 ~~circulation within the area proposed to be incorporated~~] on the Utah Public Notice Website as
833 described in Section 63F-1-701 at least once a week for three successive weeks.
834 (b) The notice required by Subsection (2)(a) shall contain:
835 (i) a statement of the contents of the petition;
836 (ii) a description of the area proposed to be incorporated as a city;
837 (iii) a statement of the date and time of the election and the location of polling places;
838 and
839 (iv) the feasibility study summary under Subsection 10-2-106(3)(b) and a statement
840 that a full copy of the study is available for inspection and copying at the office of the county
841 clerk.
842 (c) The last publication of notice required under Subsection (2)(a) shall occur at least
843 one day but no more than seven days before the election.
844 (d) (i) If there is no newspaper of general circulation within the proposed city, the
845 county clerk shall post at least one notice of the election per 1,000 population in conspicuous
846 places within the proposed city that are most likely to give notice of the election to the voters of
847 the proposed city.
848 (ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before
849 the election under Subsection (1).
850 Section 15. Section **10-2-114** is amended to read:
851 **10-2-114. Determination of number of council members -- Determination of**
852 **election districts -- Hearings and notice.**
853 (1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of
854 the canvass of the election under Section 10-2-111:
855 (a) if the voters at the incorporation election choose the council-mayor form of
856 government, determine the number of council members that will constitute the council of the
857 future city;
858 (b) if the voters at the incorporation election vote to elect council members by district,
859 determine the number of council members to be elected by district and draw the boundaries of
860 those districts, which shall be substantially equal in population;
861 (c) determine the initial terms of the mayor and members of the city council so that:
862 (i) the mayor and approximately half the members of the city council are elected to

863 serve an initial term, of no less than one year, that allows their successors to serve a full
864 four-year term that coincides with the schedule established in Subsection 10-3-205(1); and
865 (ii) the remaining members of the city council are elected to serve an initial term, of no
866 less than one year, that allows their successors to serve a full four-year term that coincides with
867 the schedule established in Subsection 10-3-205(2); and
868 (d) submit in writing to the county legislative body the results of the sponsors'
869 determinations under Subsections (1)(a), (b), and (c).
870 (2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition
871 sponsors shall hold a public hearing within the future city on the applicable issues under
872 Subsections (1)(a), (b), and (c).
873 (b) (i) The petition sponsors shall publish notice of the public hearing under Subsection
874 (2)(a) [~~in a newspaper of general circulation within the future city at least once a week~~] for two
875 successive weeks before the hearing on the Utah Public Notice Website as described in Section
876 63F-1-701.
877 (ii) The last publication of notice under Subsection (2)(b)(i) shall be at least three days
878 before the public hearing under Subsection (2)(a).
879 (c) (i) [~~If there is no newspaper of general circulation within the future city, the~~] The
880 petition sponsors shall post at least one notice of the hearing per 1,000 population in
881 conspicuous places within the future city that are most likely to give notice of the hearing to the
882 residents of the future city.
883 (ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven
884 days before the hearing under Subsection (2)(a).
885 Section 16. Section **10-2-115** is amended to read:
886 **10-2-115. Notice of number of commission or council members to be elected and**
887 **of district boundaries -- Declaration of candidacy for city office.**
888 (1) (a) Within 20 days of the county legislative body's receipt of the information under
889 Subsection 10-2-114(1)(d), the county clerk shall publish [~~in a newspaper of general circulation~~
890 ~~within the future city a notice containing~~] a notice on the Utah Public Notice Website as
891 described in Section 63F-1-701 containing:
892 (i) the number of commission or council members to be elected for the new city;
893 (ii) if some or all of the commission or council members are to be elected by district, a

894 description of the boundaries of those districts as designated by the petition sponsors under
895 Subsection 10-2-114(1)(b);
896 (iii) information about the deadline for filing a declaration of candidacy for those
897 seeking to become candidates for mayor or city commission or council; and
898 (iv) information about the length of the initial term of each of the city officers, as
899 determined by the petition sponsors under Subsection 10-2-114(1)(c).
900 (b) The notice under Subsection (1)(a) shall be published at least once a week for two
901 successive weeks.
902 (c) (i) [~~If there is no newspaper of general circulation within the future city, the~~] The
903 county clerk shall post at least one notice per 1,000 population in conspicuous places within the
904 future city that are most likely to give notice to the residents of the future city.
905 (ii) The notice under Subsection (1)(c)(i) shall contain the information required under
906 Subsection (1)(a).
907 (iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least
908 seven days before the deadline for filing a declaration of candidacy under Subsection (2).
909 (2) Notwithstanding Subsection 20A-9-203(2)(a), each person seeking to become a
910 candidate for mayor or city commission or council of a city incorporating under this part shall,
911 within 45 days of the incorporation election under Section 10-2-111, file a declaration of
912 candidacy with the clerk of the county in which the future city is located.
913 Section 17. Section **10-2-116** is amended to read:
914 **10-2-116. Election of officers of new city.**
915 (1) For the election of city officers, the county legislative body shall:
916 (a) unless a primary election is prohibited by Subsection 20A-9-404(2), hold a primary
917 election; and
918 (b) hold a final election.
919 (2) Each election under Subsection (1) shall be:
920 (a) appropriate to the form of government chosen by the voters at the incorporation
921 election;
922 (b) consistent with the voters' decision about whether to elect commission or council
923 members by district and, if applicable, consistent with the boundaries of those districts as
924 determined by the petition sponsors; and

925 (c) consistent with the sponsors' determination of the number of commission or council
926 members to be elected and the length of their initial term.
927 (3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), the
928 primary election under Subsection (1)(a) shall be held at the earliest of the next:
929 (i) regular general election under Section 20A-1-201;
930 (ii) municipal primary election under Section 20A-9-404;
931 (iii) municipal general election under Section 20A-1-202; or
932 (iv) special election under Section 20A-1-204.
933 (b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a)
934 may not be held until 75 days after the incorporation election under Section 10-2-111.
935 (4) Except as provided in Subsection (5), the final election under Subsection (1)(b)
936 shall be held at the next special election date under Section 20A-1-204:
937 (a) after the primary election; or
938 (b) if there is no primary election, more than 75 days after the incorporation election
939 under Section 10-2-111.
940 (5) Notwithstanding Subsections (3) and (4), the county legislative body may hold the
941 primary and final elections required under Subsection (1) on the dates provided for the next
942 municipal primary election under Section 20A-9-404 and the next municipal general election
943 under Section 20A-1-202, respectively, after the incorporation election, if:
944 (a) with the results under Subsection 10-2-114(1)(d), the petition sponsors submit to
945 the county legislative body a written request to that effect; and
946 (b) the incorporation election under Section 10-2-111 took place in February or May of
947 an odd-numbered year.
948 (6) (a) (i) The county clerk shall publish notice of an election under this section at least
949 once a week for two successive weeks [~~in a newspaper of general circulation within the future~~
950 ~~city~~] on the Utah Public Notice Website as described in Section 63F-1-701.
951 (ii) The later notice under Subsection (6)(a)(i) shall be at least one day but no more
952 than seven days before the election.
953 (b) (i) [~~If there is no newspaper of general circulation within the future city, the~~] The
954 county clerk shall post at least one notice of the election per 1,000 population in conspicuous
955 places within the future city that are most likely to give notice of the election to the voters.

956 (ii) The county clerk shall post the notices under Subsection (6)(b)(i) at least seven
957 days before each election under Subsection (1).
958 (7) Until the city is incorporated, the county clerk is the election officer for all purposes
959 in an election of officers of the city approved at an incorporation election.
960 Section 18. Section **10-2-125** is amended to read:
961 **10-2-125. Incorporation of a town.**
962 (1) As used in this section:
963 (a) "Assessed value," with respect to agricultural land, means the value at which the
964 land would be assessed without regard to a valuation for agricultural use under Section
965 59-2-503.
966 (b) "Financial feasibility study" means a study to determine:
967 (i) the projected revenues for the proposed town during the first three years after
968 incorporation; and
969 (ii) the projected costs, including overhead, that the proposed town will incur in
970 providing governmental services during the first three years after incorporation.
971 (c) "Municipal service" means a publicly provided service that is not provided on a
972 countywide basis.
973 (d) "Nonurban" means having a residential density of less than one unit per acre.
974 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of
975 at least 100 but less than 1,000, may incorporate as a town as provided in this section.
976 (ii) An area within a county of the first class is not contiguous for purposes of
977 Subsection (2)(a)(i) if:
978 (A) the area includes a strip of land that connects geographically separate areas; and
979 (B) the distance between the geographically separate areas is greater than the average
980 width of the strip of land connecting the geographically separate areas.
981 (b) The population figure under Subsection (2)(a) shall be determined:
982 (i) as of the date the incorporation petition is filed; and
983 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's
984 certification under Subsection (6) of a petition filed under Subsection (4).
985 (3) (a) The process to incorporate an area as a town is initiated by filing a request for a
986 public hearing with the clerk of the county in which the area is located.

987 (b) Each request for a public hearing under Subsection (3)(a) shall:
988 (i) be signed by the owners of at least five separate parcels of private real property,
989 each owned by a different owner, located within the area proposed to be incorporated; and
990 (ii) be accompanied by an accurate map or plat depicting the boundary of the proposed
991 town.
992 (c) Within ten days after a request for a public hearing is filed under Subsection (3)(a),
993 the county clerk shall, with the assistance of other county officers from whom the clerk
994 requests assistance, determine whether the petition complies with the requirements of
995 Subsection (3)(b).
996 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with
997 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written
998 notice of the rejection to the signers of the request.
999 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the
1000 requirements of Subsection (3)(b), the clerk shall:
1001 (A) schedule and arrange for a public hearing to be held:
1002 (I) (Aa) at a public facility located within the boundary of the proposed town; or
1003 (Bb) if there is no public facility within the boundary of the proposed town, at another
1004 nearby public facility or at the county seat; and
1005 (II) within 20 days after the clerk provides the last notice required under Subsection
1006 (3)(e)(i)(B); and
1007 (B) subject to Subsection (3)(e)(ii), give notice of the public hearing on the proposed
1008 incorporation by:
1009 (I) posting notice of the public hearing on the county's Internet website, if the county
1010 has an Internet website; and
1011 (II) (Aa) publishing notice of the public hearing at least once a week for two
1012 consecutive weeks [~~in a newspaper of general circulation within the proposed town; or~~] on the
1013 Utah Public Notice Website as described in Section 63F-1-701; and
1014 (Bb) [~~if there is no newspaper of general circulation within the proposed town,~~] by
1015 posting notice of the public hearing in at least five conspicuous public places within the
1016 proposed town.
1017 (ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,

1018 Subsection (3)(e)(i)(B)(II)(Bb) and the first publishing of notice required under Subsection
1019 (3)(e)(i)(B)(II)(Aa), if applicable, shall occur no later than ten days after the clerk determines
1020 that a request complies with the requirements of Subsection (3)(b).
1021 (iii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the chair
1022 of the county commission or council, or the chair's designee, to:
1023 (A) introduce the concept of the proposed incorporation to the public;
1024 (B) allow the public to review the map or plat of the boundary of the proposed town;
1025 (C) allow the public to ask questions and become informed about the proposed
1026 incorporation; and
1027 (D) allow the public to express their views about the proposed incorporation, including
1028 their views about the boundary of the area proposed to be incorporated.
1029 (4) (a) At any time within three months after the public hearing under Subsection
1030 (3)(e), a petition to incorporate the area as a town may be filed with the clerk of the county in
1031 which the area is located.
1032 (b) Each petition under Subsection (4)(a) shall:
1033 (i) be signed by:
1034 (A) the owners of private real property that:
1035 (I) is located within the area proposed to be incorporated;
1036 (II) covers a majority of the total private land area within the area;
1037 (III) is equal in assessed value to more than 1/2 of the assessed value of all private real
1038 property within the area; and
1039 (IV) consists, in number of parcels, of at least 1/3 of the number of all parcels of
1040 private real property within the area proposed to be incorporated; and
1041 (B) a majority of all registered voters within the area proposed to be incorporated as a
1042 town, according to the official voter registration list maintained by the county on the date the
1043 petition is filed;
1044 (ii) designate as sponsors at least five of the property owners who have signed the
1045 petition, one of whom shall be designated as the contact sponsor, with the mailing address of
1046 each owner signing as a sponsor;
1047 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
1048 licensed surveyor, showing a legal description of the boundary of the proposed town; and

1049 (iv) substantially comply with and be circulated in the following form:
1050 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
1051 town)
1052 To the Honorable County Legislative Body of (insert the name of the county in which
1053 the proposed town is located) County, Utah:
1054 We, the undersigned owners of real property and registered voters within the area
1055 described in this petition, respectfully petition the county legislative body for the area described
1056 in this petition to be incorporated as a town. Each of the undersigned affirms that each has
1057 personally signed this petition and is an owner of real property or a registered voter residing
1058 within the described area, and that the current residence address of each is correctly written
1059 after the signer's name. The area proposed to be incorporated as a town is described as follows:
1060 (insert an accurate description of the area proposed to be incorporated).
1061 (c) A petition under this Subsection (4) may not describe an area that includes some or
1062 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:
1063 (i) was filed before the filing of the petition; and
1064 (ii) is still pending on the date the petition is filed.
1065 (d) A petition may not be filed under this section if the private real property owned by
1066 the petition sponsors, designated under Subsection (4)(b)(ii), cumulatively exceeds 40% of the
1067 total private land area within the area proposed to be incorporated as a town.
1068 (e) A signer of a petition under this Subsection (4) may withdraw or, after withdrawn,
1069 reinstate the signer's signature on the petition:
1070 (i) at any time until the county clerk certifies the petition under Subsection (6); and
1071 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.
1072 (5) (a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town
1073 an area located within a county of the first class, the county clerk shall deliver written notice of
1074 the proposed incorporation:
1075 (i) to each owner of private real property owning more than 1% of the assessed value
1076 of all private real property within the area proposed to be incorporated as a town; and
1077 (ii) within seven calendar days after the date on which the petition is filed.
1078 (b) A private real property owner described in Subsection (5)(a)(i) may exclude all or
1079 part of the owner's property from the area proposed to be incorporated as a town by filing a

1080 notice of exclusion:
1081 (i) with the county clerk; and
1082 (ii) within ten calendar days after receiving the clerk's notice under Subsection (5)(a).
1083 (c) The county legislative body shall exclude from the area proposed to be incorporated
1084 as a town the property identified in the notice of exclusion under Subsection (5)(b) if:
1085 (i) the property:
1086 (A) is nonurban; and
1087 (B) does not and will not require a municipal service; and
1088 (ii) exclusion will not leave an unincorporated island within the proposed town.
1089 (d) If the county legislative body excludes property from the area proposed to be
1090 incorporated as a town, the county legislative body shall send written notice of the exclusion to
1091 the contact sponsor within five days after the exclusion.
1092 (6) Within 20 days after the filing of a petition under Subsection (4), the county clerk
1093 shall:
1094 (a) with the assistance of other county officers from whom the clerk requests
1095 assistance, determine whether the petition complies with the requirements of Subsection (4);
1096 and
1097 (b) (i) if the clerk determines that the petition complies with those requirements:
1098 (A) certify the petition and deliver the certified petition to the county legislative body;
1099 and
1100 (B) mail or deliver written notification of the certification to:
1101 (I) the contact sponsor;
1102 (II) if applicable, the chair of the planning commission of each township in which any
1103 part of the area proposed for incorporation is located; and
1104 (III) the Utah Population Estimates Committee; or
1105 (ii) if the clerk determines that the petition fails to comply with any of those
1106 requirements, reject the petition and notify the contact sponsor in writing of the rejection and
1107 the reasons for the rejection.
1108 (7) (a) (i) A petition that is rejected under Subsection (6)(b)(ii) may be amended to
1109 correct a deficiency for which it was rejected and then refiled with the county clerk.
1110 (ii) A valid signature on a petition filed under Subsection (4)(a) may be used toward

1111 fulfilling the signature requirement of Subsection (4)(b) for the same petition that is amended
1112 under Subsection (7)(a)(i) and then refiled with the county clerk.
1113 (b) If a petition is amended and refiled under Subsection (7)(a)(i) after having been
1114 rejected by the county clerk under Subsection (6)(b)(ii):
1115 (i) the amended petition shall be considered as a newly filed petition; and
1116 (ii) the amended petition's processing priority is determined by the date on which it is
1117 refiled.
1118 (8) (a) (i) The legislative body of a county with which a petition is filed under
1119 Subsection (4) may, at its option and upon the petition being certified under Subsection (6),
1120 commission and pay for a financial feasibility study.
1121 (ii) If the county legislative body chooses to commission a financial feasibility study,
1122 the county legislative body shall:
1123 (A) within 20 days after the incorporation petition is certified, select and engage a
1124 feasibility consultant; and
1125 (B) require the feasibility consultant to complete the financial feasibility study and
1126 submit written results of the study to the county legislative body no later than 30 days after the
1127 feasibility consultant is engaged to conduct the financial feasibility study.
1128 (b) The county legislative body shall approve a petition proposing the incorporation of
1129 a town and hold an election for town officers, as provided in Subsection (9), if:
1130 (i) the county clerk has certified the petition under Subsection (6); and
1131 (ii) (A) (I) the county legislative body has commissioned a financial feasibility study
1132 under Subsection (8)(a); and
1133 (II) the results of the financial feasibility study show that the average annual amount of
1134 revenues described in Subsection (1)(b)(i) does not exceed the average annual amount of costs
1135 described in Subsection (1)(b)(ii) by more than 10%; or
1136 (B) the county legislative body chooses not to commission a financial feasibility study.
1137 (c) (i) If the county legislative body commissions a financial feasibility study under
1138 Subsection (8)(a) and the results of the financial feasibility study show that the average annual
1139 amount of revenues described in Subsection (1)(b)(i) exceeds the average annual amount of
1140 costs described in Subsection (1)(b)(ii) by more than 10%, the county legislative body may:
1141 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial

1142 feasibility study show that the average annual amount of revenues described in Subsection
1143 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%
1144 or more;
1145 (B) approve the petition and hold an election for town officers, as provided in
1146 Subsection (9); or
1147 (C) (I) with the consent of the petition sponsors:
1148 (Aa) impose conditions to mitigate the fiscal inequities identified in the financial
1149 feasibility study; or
1150 (Bb) alter the boundaries of the area proposed to be incorporated as a town to
1151 approximate the boundaries necessary to prevent the average annual amount of revenues
1152 described in Subsection (1)(b)(i) from exceeding the average annual amount of costs described
1153 in Subsection (1)(b)(ii); and
1154 (II) approve the incorporation petition and hold an election for town officers, as
1155 provided in Subsection (9).
1156 (ii) A county legislative body intending to deny a petition under Subsection (8)(c)(i)(A)
1157 shall deny the petition within 20 days after the feasibility consultant submits the written results
1158 of the financial feasibility study.
1159 (d) Each town that incorporates pursuant to a petition approved after the county
1160 legislative body imposes conditions under Subsection (8)(c)(i)(C)(I) shall comply with those
1161 conditions.
1162 (9) (a) The legislative body of the county in which the proposed new town is located
1163 shall hold the election for town officers provided for in Subsection (8) within:
1164 (i) 45 days after the petition is certified, for an election under Subsection (8)(b)(ii)(B);
1165 (ii) 45 days after the feasibility consultant submits the written results of the financial
1166 feasibility study, for an election under Subsection (8)(b)(ii)(A) or (8)(c)(i)(B); or
1167 (iii) 60 days after the feasibility consultant submits the written results of the financial
1168 feasibility study, for an election under Subsection (8)(c)(i)(C).
1169 (b) The officers elected at an election under Subsection (9)(a) shall take office:
1170 (i) at noon on the first Monday in January next following the election, if the election is
1171 held on a regular general or municipal general election date; or
1172 (ii) at noon on the first day of the month next following the effective date of the

1173 incorporation under Subsection (12), if the election of officers is held on any other date.
1174 (10) Each newly incorporated town shall operate under the five-member council form
1175 of government as defined in Section 10-3b-102.
1176 (11) (a) Within seven days after the canvass of the election of town officers under
1177 Subsection (9), the mayor-elect of the new town shall file at least three copies of the articles of
1178 incorporation of the new town with the lieutenant governor.
1179 (b) The articles of incorporation shall meet the requirements of Subsection
1180 10-2-119(2).
1181 (12) A new town is incorporated:
1182 (a) on December 31 of the year in which the lieutenant governor issues a certificate of
1183 entity creation for the town under Section 67-1a-6.5, if the election of town officers under
1184 Subsection (9) is held on a regular general or municipal general election date; or
1185 (b) on the last day of the month during which the lieutenant governor issues a
1186 certificate of entity creation for the town under Section 67-1a-6.5, if the election of town
1187 officers under Subsection (9) is held on any other date.
1188 (13) For each petition filed before March 5, 2008:
1189 (a) the petition is subject to and governed by the law in effect at the time the petition
1190 was filed; and
1191 (b) the law in effect at the time the petition was filed governs in all administrative and
1192 judicial proceedings relating to the petition.
1193 Section 19. Section **10-2-406** is amended to read:
1194 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**
1195 (1) After receipt of the notice of certification from the city recorder or town clerk under
1196 Subsection 10-2-405(2)(c)(i), the municipal legislative body shall:
1197 (a) (i) publish a notice at least once a week for three successive weeks, beginning no
1198 later than ten days after receipt of the notice of certification, [~~in a newspaper of general~~
1199 ~~circulation within~~] <u>on the Utah Public Notice Website as described in Section 63F-1-701</u>:
1200 (A) the area proposed for annexation; and
1201 (B) the unincorporated area within 1/2 mile of the area proposed for annexation; [~~or~~]
1202 <u>and</u>
1203 (ii) [~~if there is no newspaper of general circulation within those areas,~~] post written

1204 notices in conspicuous places within those areas that are most likely to give notice to residents
1205 within those areas; and
1206 (b) within 20 days of receipt of the notice of certification under Subsection
1207 10-2-405(2)(c)(i), mail written notice to each affected entity.
1208 (2) (a) The notice under Subsections (1)(a) and (b) shall:
1209 (i) state that a petition has been filed with the municipality proposing the annexation of
1210 an area to the municipality;
1211 (ii) state the date of the municipal legislative body's receipt of the notice of certification
1212 under Subsection 10-2-405(2)(c)(i);
1213 (iii) describe the area proposed for annexation in the annexation petition;
1214 (iv) state that the complete annexation petition is available for inspection and copying
1215 at the office of the city recorder or town clerk;
1216 (v) state in conspicuous and plain terms that the municipality may grant the petition
1217 and annex the area described in the petition unless, within the time required under Subsection
1218 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission
1219 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
1220 municipality;
1221 (vi) state the address of the commission or, if a commission has not yet been created in
1222 the county, the county clerk, where a protest to the annexation petition may be filed;
1223 (vii) state that the area proposed for annexation to the municipality will also
1224 automatically be annexed to a local district providing fire protection, paramedic, and
1225 emergency services, as provided in Section 17B-1-416, if:
1226 (A) the proposed annexing municipality is entirely within the boundaries of a local
1227 district:
1228 (I) that provides fire protection, paramedic, and emergency services; and
1229 (II) in the creation of which an election was not required because of Subsection
1230 17B-1-214(3)(c); and
1231 (B) the area proposed to be annexed to the municipality is not already within the
1232 boundaries of the local district; and
1233 (viii) state that the area proposed for annexation to the municipality will be
1234 automatically withdrawn from a local district providing fire protection, paramedic, and

1235 emergency services, as provided in Subsection 17B-1-502(2), if:
1236 (A) the petition proposes the annexation of an area that is within the boundaries of a
1237 local district:
1238 (I) that provides fire protection, paramedic, and emergency services; and
1239 (II) in the creation of which an election was not required because of Subsection
1240 17B-1-214(3)(c); and
1241 (B) the proposed annexing municipality is not within the boundaries of the local
1242 district.
1243 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a
1244 written protest in terms of the actual date rather than by reference to the statutory citation.
1245 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection
1246 (1)(a) for a proposed annexation of an area within a county of the first class shall include a
1247 statement that a protest to the annexation petition may be filed with the commission by
1248 property owners if it contains the signatures of the owners of private real property that:
1249 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
1250 annexation;
1251 (ii) covers at least 25% of the private land area located in the unincorporated area
1252 within 1/2 mile of the area proposed for annexation; and
1253 (iii) is equal in value to at least 15% of all real property located in the unincorporated
1254 area within 1/2 mile of the area proposed for annexation.
1255 Section 20. Section **10-2-407** is amended to read:
1256 **10-2-407. Protest to annexation petition -- Township planning commission**
1257 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**
1258 (1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:
1259 (i) the legislative body or governing board of an affected entity; or
1260 (ii) for a proposed annexation of an area within a county of the first class, the owners
1261 of private real property that:
1262 (A) is located in the unincorporated area within 1/2 mile of the area proposed for
1263 annexation;
1264 (B) covers at least 25% of the private land area located in the unincorporated area
1265 within 1/2 mile of the area proposed for annexation; and

1266 (C) is equal in value to at least 15% of all real property located in the unincorporated
1267 area within 1/2 mile of the area proposed for annexation.
1268 (b) (i) A planning commission of a township located in a county of the first class may
1269 recommend to the legislative body of the county in which the township is located that the
1270 county legislative body file a protest against a proposed annexation under this part of an area
1271 located within the township.
1272 (ii) (A) The township planning commission shall communicate each recommendation
1273 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days of the city
1274 recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)
1275 (c)(i).
1276 (B) At the time the recommendation is communicated to the county legislative body
1277 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy
1278 of the recommendation to the legislative body of the proposed annexing municipality and to the
1279 contact sponsor.
1280 (2) (a) Each protest under Subsection (1)(a) shall:
1281 (i) be filed:
1282 (A) no later than 30 days after the municipal legislative body's receipt of the notice of
1283 certification under Subsection 10-2-405(2)(c)(i); and
1284 (B) (I) in a county that has already created a commission under Section 10-2-409, with
1285 the commission; or
1286 (II) in a county that has not yet created a commission under Section 10-2-409, with the
1287 clerk of the county in which the area proposed for annexation is located; and
1288 (ii) state each reason for the protest of the annexation petition and, if the area proposed
1289 to be annexed is located in a specified county, justification for the protest under the standards
1290 established in this chapter;
1291 (iii) if the area proposed to be annexed is located in a specified county, contain other
1292 information that the commission by rule requires or that the party filing the protest considers
1293 pertinent; and
1294 (iv) the name and address of a contact person who is to receive notices sent by the
1295 commission with respect to the protest proceedings.
1296 (b) The party filing a protest under this section shall on the same date deliver or mail a

1297 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.
1298 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall
1299 immediately notify the county legislative body of the protest and shall deliver the protest to the
1300 boundary commission within five days of its creation under Subsection 10-2-409(1)(b).
1301 (d) Each protest of a proposed annexation of an area located in a county of the first
1302 class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and
1303 (b):
1304 (i) indicate the typed or printed name and current residence address of each owner
1305 signing the protest; and
1306 (ii) designate one of the signers of the protest as the contact person and state the
1307 mailing address of the contact person.
1308 (3) (a) (i) If a protest is filed under this section:
1309 (A) the municipal legislative body may, at its next regular meeting after expiration of
1310 the deadline under Subsection (2)(a)(i)(A) and, for a proposed annexation of an area located in
1311 a county of the first class, except as provided in Subsection (3)(a)(iii), deny the annexation
1312 petition; or
1313 (B) if the municipal legislative body does not deny the annexation petition under
1314 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the
1315 annexation petition until after receipt of the commission's notice of its decision on the protest
1316 under Section 10-2-416.
1317 (ii) If a municipal legislative body denies an annexation petition under Subsection
1318 (3)(a)(i)(A), the municipal legislative body shall, within five days of the denial, send notice of
1319 the denial in writing to:
1320 (A) the contact sponsor of the annexation petition;
1321 (B) the commission;
1322 (C) each entity that filed a protest; and
1323 (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an
1324 area located in a county of the first class, the contact person.
1325 (iii) A municipal legislative body may not deny an annexation petition proposing to
1326 annex an area located in a county of the first class if:
1327 (A) the petition contains the signatures of the owners of private real property that:

1328 (I) is located within the area proposed for annexation;
1329 (II) covers a majority of the private land area within the area proposed for annexation;
1330 and
1331 (III) is equal in value to at least 1/2 of the value of all private real property within the
1332 area proposed for annexation;
1333 (B) the population in the area proposed for annexation does not exceed 10% of the
1334 population of the proposed annexing municipality;
1335 (C) the property tax rate for municipal services in the area proposed to be annexed is
1336 higher than the property tax rate of the proposed annexing municipality; and
1337 (D) all annexations by the proposed annexing municipality during the year that the
1338 petition was filed have not increased the municipality's population by more than 20%.
1339 (b) (i) If no timely protest is filed under this section, the municipal legislative body
1340 may, subject to Subsection (3)(b)(ii), grant the petition and, by ordinance, annex the area that is
1341 the subject of the annexation petition.
1342 (ii) Before granting an annexation petition under Subsection (3)(b)(i), the municipal
1343 legislative body shall:
1344 (A) hold a public hearing; and
1345 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):
1346 (I) publish notice of the hearing [~~in a newspaper of general circulation within the~~
1347 ~~municipality and the area proposed for annexation~~] on the Utah Public Notice Website as
1348 described in Section 63F-1-701; [~~or~~] and
1349 (II) [~~if there is no newspaper of general circulation in those areas,~~] post written notices
1350 of the hearing in conspicuous places within those areas that are most likely to give notice to
1351 residents within those areas.
1352 Section 21. Section **10-2-415** is amended to read:
1353 **10-2-415. Public hearing -- Notice.**
1354 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet
1355 the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
1356 located in a county of the first class, the commission shall hold a public hearing within 30 days
1357 of receipt of the feasibility study or supplemental feasibility study results.
1358 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

1359 (A) require the feasibility consultant to present the results of the feasibility study and, if
1360 applicable, the supplemental feasibility study;
1361 (B) allow those present to ask questions of the feasibility consultant regarding the study
1362 results; and
1363 (C) allow those present to speak to the issue of annexation.
1364 (iii) (A) The commission shall:
1365 (I) publish notice of each hearing under Subsection (1)(a)(i) at least once a week for
1366 two successive weeks [~~in a newspaper of general circulation within the area proposed for~~
1367 ~~annexation, the surrounding 1/2 mile of unincorporated area, and the proposed annexing~~
1368 ~~municipality~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
1369 (II) send written notice of the hearing to the municipal legislative body of the proposed
1370 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a
1371 protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.
1372 [~~(B) If there is no newspaper of general circulation within the areas described in~~
1373 ~~Subsection (1)(a)(iii)(A)(I), the commission shall give the notice required under that subsection~~
1374 ~~by posting notices, at least seven days before the hearing, in conspicuous places within those~~
1375 ~~areas that are most likely to give notice of the hearing to the residents of those areas.~~]
1376 [~~(C)~~] (B) The [~~notices~~] notice under [~~Subsections~~] Subsection (1)(a)(iii)(A) [~~and (B)~~]
1377 shall include the feasibility study summary under Subsection 10-2-413(2)(b) and shall indicate
1378 that a full copy of the study is available for inspection and copying at the office of the
1379 commission.
1380 (b) (i) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest
1381 has expired with respect to a proposed annexation of an area located in a specified county, the
1382 boundary commission shall hold a hearing on all protests that were filed with respect to the
1383 proposed annexation.
1384 (ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the
1385 commission chair shall cause notice of the hearing to be published [~~in a newspaper of general~~
1386 ~~circulation within the area proposed for annexation~~] on the Utah Public Notice Website as
1387 described in Section 63F-1-701.
1388 (B) Each notice under Subsection (1)(b)(ii)(A) shall:
1389 (I) state the date, time, and place of the hearing;

1390 (II) briefly summarize the nature of the protest; and
1391 (III) state that a copy of the protest is on file at the commission's office.
1392 (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to
1393 time, but no continued hearing may be held later than 60 days after the original hearing date.
1394 (iv) In considering protests, the commission shall consider whether the proposed
1395 annexation:
1396 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
1397 annexation policy plan of the proposed annexing municipality;
1398 (B) conflicts with the annexation policy plan of another municipality; and
1399 (C) if the proposed annexation includes urban development, will have an adverse tax
1400 consequence on the remaining unincorporated area of the county.
1401 (2) (a) The commission shall record each hearing under this section by electronic
1402 means.
1403 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if
1404 applicable, information received at the hearing, and the written decision of the commission
1405 shall constitute the record of the hearing.
1406 Section 22. Section **10-2-418** is amended to read:
1407 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
1408 **Hearing.**
1409 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an
1410 unincorporated area under this section without an annexation petition if:
1411 (i) (A) the area to be annexed consists of one or more unincorporated islands within or
1412 unincorporated peninsulas contiguous to the municipality;
1413 (B) the majority of each island or peninsula consists of residential or commercial
1414 development;
1415 (C) the area proposed for annexation requires the delivery of municipal-type services;
1416 and
1417 (D) the municipality has provided most or all of the municipal-type services to the area
1418 for more than one year; or
1419 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
1420 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800

1421 residents; and
1422 (B) the municipality has provided one or more municipal-type services to the area for
1423 at least one year.
1424 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
1425 portion of an island or peninsula under this section, leaving unincorporated the remainder of
1426 the unincorporated island or peninsula, if:
1427 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body
1428 determines that not annexing the entire unincorporated island or peninsula is in the
1429 municipality's best interest; and
1430 (ii) for an annexation of one or more unincorporated islands under Subsection
1431 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,
1432 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.
1433 (2) (a) The legislative body of each municipality intending to annex an area under this
1434 section shall:
1435 (i) adopt a resolution indicating the municipal legislative body's intent to annex the
1436 area, describing the area proposed to be annexed;
1437 (ii) (A) publish notice at least once a week for three successive weeks [~~in a newspaper~~
1438 ~~of general circulation within the municipality and the area proposed for annexation; or~~] on the
1439 Utah Public Notice Website as described in Section 63F-1-701; and
1440 (B) [~~if there is no newspaper of general circulation in the areas described in Subsection~~
1441 ~~(2)(a)(ii)(A),~~] post at least one notice per 1,000 population in places within those areas that are
1442 most likely to give notice to the residents of those areas;
1443 (iii) send written notice to the board of each local district and special service district
1444 whose boundaries contain some or all of the area proposed for annexation and to the legislative
1445 body of the county in which the area proposed for annexation is located; and
1446 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the
1447 adoption of the resolution under Subsection (2)(a)(i).
1448 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:
1449 (i) state that the municipal legislative body has adopted a resolution indicating its intent
1450 to annex the area proposed for annexation;
1451 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

1452 (iii) describe the area proposed for annexation; and
1453 (iv) except for an annexation that meets the property owner consent requirements of
1454 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will
1455 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written
1456 protests to the annexation are filed by the owners of private real property that:
1457 (A) is located within the area proposed for annexation;
1458 (B) covers a majority of the total private land area within the entire area proposed for
1459 annexation; and
1460 (C) is equal in value to at least 1/2 the value of all private real property within the
1461 entire area proposed for annexation.
1462 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be
1463 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
1464 (2)(a)(i).
1465 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the
1466 municipal legislative body may adopt an ordinance annexing the area proposed for annexation
1467 under this section unless, at or before the hearing, written protests to the annexation have been
1468 filed with the city recorder or town clerk, as the case may be, by the owners of private real
1469 property that:
1470 (i) is located within the area proposed for annexation;
1471 (ii) covers a majority of the total private land area within the entire area proposed for
1472 annexation; and
1473 (iii) is equal in value to at least 1/2 the value of all private real property within the
1474 entire area proposed for annexation.
1475 (b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a
1476 municipality may adopt an ordinance annexing the area proposed for annexation under this
1477 section without allowing or considering protests under Subsection (3)(a) if the owners of at
1478 least 75% of the total private land area within the entire area proposed for annexation,
1479 representing at least 75% of the value of the private real property within the entire area
1480 proposed for annexation, have consented in writing to the annexation.
1481 (ii) Upon adoption of an annexation ordinance under Subsection (3)(b)(i), the area
1482 annexed shall be conclusively presumed to be validly annexed.

1483 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal
1484 legislative body may not adopt an ordinance annexing the area proposed for annexation, and
1485 the annexation proceedings under this section shall be considered terminated.
1486 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body
1487 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an
1488 unincorporated island regarding which protests have been filed and proceeding under
1489 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.
1490 Section 23. Section **10-2-419** is amended to read:
1491 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**
1492 (1) The legislative bodies of two or more municipalities having common boundaries
1493 may adjust their common boundaries as provided in this section.
1494 (2) (a) The legislative body of each municipality intending to adjust a boundary that is
1495 common with another municipality shall:
1496 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a
1497 common boundary;
1498 (ii) hold a public hearing on the proposed adjustment no less than 60 days after the
1499 adoption of the resolution under Subsection (2)(a)(i); and
1500 (iii) (A) publish notice at least once a week for three successive weeks [~~in a newspaper~~
1501 ~~of general circulation within the municipality; or~~] on the Utah Public Notice Website as
1502 described in Section 63F-1-701; and
1503 (B) [~~if there is no newspaper of general circulation within the municipality,~~] post at
1504 least one notice per 1,000 population in places within the municipality that are most likely to
1505 give notice to residents of the municipality.
1506 (b) The notice required under Subsection (2)(a)(iii) shall:
1507 (i) state that the municipal legislative body has adopted a resolution indicating the
1508 municipal legislative body's intent to adjust a boundary that the municipality has in common
1509 with another municipality;
1510 (ii) describe the area proposed to be adjusted;
1511 (iii) state the date, time, and place of the public hearing required under Subsection
1512 (2)(a)(ii);
1513 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust

1514 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
1515 protests to the adjustment are filed by the owners of private real property that:
1516 (A) is located within the area proposed for adjustment;
1517 (B) covers at least 25% of the total private land area within the area proposed for
1518 adjustment; and
1519 (C) is equal in value to at least 15% of the value of all private real property within the
1520 area proposed for adjustment; [~~and~~]
1521 (v) state that the area that is the subject of the boundary adjustment will, because of the
1522 boundary adjustment, be automatically annexed to a local district providing fire protection,
1523 paramedic, and emergency services, as provided in Section 17B-1-416, if:
1524 (A) the municipality to which the area is being added because of the boundary
1525 adjustment is entirely within the boundaries of a local district:
1526 (I) that provides fire protection, paramedic, and emergency services; and
1527 (II) in the creation of which an election was not required because of Subsection
1528 17B-1-214(3)(c); and
1529 (B) the municipality from which the area is being taken because of the boundary
1530 adjustment is not within the boundaries of the local district; and
1531 (vi) state that the area proposed for annexation to the municipality will be
1532 automatically withdrawn from a local district providing fire protection, paramedic, and
1533 emergency services, as provided in Subsection 17B-1-502(2), if:
1534 (A) the municipality to which the area is being added because of the boundary
1535 adjustment is not within the boundaries of a local district:
1536 (I) that provides fire protection, paramedic, and emergency services; and
1537 (II) in the creation of which an election was not required because of Subsection
1538 17B-1-214(3)(c); and
1539 (B) the municipality from which the area is being taken because of the boundary
1540 adjustment is entirely within the boundaries of the local district.
1541 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be
1542 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
1543 (2)(a)(i).
1544 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal

1545 legislative body may adopt an ordinance adjusting the common boundary unless, at or before
1546 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with
1547 the city recorder or town clerk, as the case may be, by the owners of private real property that:
1548 (a) is located within the area proposed for adjustment;
1549 (b) covers at least 25% of the total private land area within the area proposed for
1550 adjustment; and
1551 (c) is equal in value to at least 15% of the value of all private real property within the
1552 area proposed for adjustment.
1553 (4) The municipal legislative body shall comply with the requirements of Section
1554 10-2-425 as if the boundary change were an annexation.
1555 (5) An ordinance adopted under Subsection (3) becomes effective when each
1556 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
1557 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an
1558 annexation.
1559 Section 24. Section **10-2-501** is amended to read:
1560 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**
1561 **Requirements upon filing request.**
1562 (1) As used in this part "petitioners" means persons who:
1563 (a) own title to real property within the area proposed for disconnection; and
1564 (b) have signed a request for disconnection proposing to disconnect that area from the
1565 municipality.
1566 (2) (a) Petitioners proposing to disconnect an area within and lying on the borders of a
1567 municipality shall file with that municipality's legislative body a request for disconnection.
1568 (b) Each request for disconnection shall:
1569 (i) contain the names, addresses, and signatures of the owners of more than 50% of the
1570 real property in the area proposed for disconnection;
1571 (ii) give the reasons for the proposed disconnection;
1572 (iii) include a map or plat of the territory proposed for disconnection; and
1573 (iv) designate between one and five persons with authority to act on the petitioners'
1574 behalf in the proceedings.
1575 (3) Upon filing the request for disconnection, petitioners shall:

1576 (a) cause notice of the request to be published once a week for three consecutive weeks
1577 [~~in a newspaper of general circulation within the municipality~~] on the Utah Public Notice
1578 Website as described in Section 63F-1-701;
1579 (b) cause notice of the request to be mailed to each owner of real property located
1580 within the area proposed to be disconnected; and
1581 (c) deliver a copy of the request to the legislative body of the county in which the area
1582 proposed for disconnection is located.
1583 Section 25. Section **10-2-502.5** is amended to read:
1584 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
1585 **legislative body -- Petition in district court.**
1586 (1) Within 30 calendar days after the last publication of notice required under
1587 Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed
1588 for disconnection is located shall hold a public hearing.
1589 (2) At least seven calendar days before the hearing date, the municipal legislative body
1590 shall provide notice of the public hearing:
1591 (a) in writing to the petitioners and to the legislative body of the county in which the
1592 area proposed for disconnection is located; and
1593 (b) by publishing a notice [~~in a newspaper of general circulation within the~~
1594 ~~municipality or, if there is none, then~~] on the Utah Public Notice Website as described in
1595 Section 63F-1-701 and by posting notice of the hearing in at least three public places within the
1596 municipality.
1597 (3) In the public hearing, any person may speak and submit documents regarding the
1598 disconnection proposal.
1599 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:
1600 (a) determine whether to grant the request for disconnection; and
1601 (b) if the municipality determines to grant the request, adopt an ordinance approving
1602 disconnection of the area from the municipality.
1603 (5) (a) A petition against the municipality challenging the municipal legislative body's
1604 determination under Subsection (4) may be filed in district court by:
1605 (i) petitioners; or
1606 (ii) the county in which the area proposed for disconnection is located.

1607 (b) Each petition under Subsection (5)(a) shall include a copy of the request for
1608 disconnection.
1609 Section 26. Section **10-2-607** is amended to read:
1610 **10-2-607. Notice of election.**
1611 If the county legislative bodies find that the resolution or petition for consolidation and
1612 their attachments substantially conform with the requirements of this part, they shall give
1613 notice of the election for consolidation to the electors of each municipality which would
1614 become part of the consolidated municipality by publication [~~in a newspaper having a general~~
1615 ~~circulation within the boundaries of each municipality to be consolidated~~] on the Utah Public
1616 Notice Website as described in Section 63F-1-701 at least once a week for four consecutive
1617 weeks prior to the election on the question of consolidation.
1618 Section 27. Section **10-2-703** is amended to read:
1619 **10-2-703. Publication of notice of election.**
1620 Immediately after setting the date for the election, the court shall order publication for
1621 at least once a week for a period of one month [~~in a newspaper having general circulation in the~~
1622 ~~municipality, or if there is none, then~~] on the Utah Public Notice Website as described in
1623 Section 63F-1-701 and by posting in at least three public places in the municipality, notice of
1624 the petition and of the date the election is to be held to determine the question of dissolution.
1625 Section 28. Section **10-2-708** is amended to read:
1626 **10-2-708. Notice of disincorporation -- Publication and filing.**
1627 When any municipality has been dissolved, the clerk of the court shall cause a notice
1628 thereof to be published [~~in a newspaper having a general circulation in the county in which the~~
1629 ~~municipality is located~~] on the Utah Public Notice Website as described in Section 63F-1-701
1630 at least once a week for four consecutive weeks.
1631 Section 29. Section **10-3-818** is amended to read:
1632 **10-3-818. Salaries in municipalities.**
1633 (1) The elective and statutory officers of municipalities shall receive such
1634 compensation for their services as the governing body may fix by ordinance adopting
1635 compensation or compensation schedules enacted after public hearing.
1636 (2) Upon its own motion the governing body may review or consider the compensation
1637 of any officer or officers of the municipality or a salary schedule applicable to any officer or

1638 officers of the city for the purpose of determining whether or not it should be adopted, changed,
1639 or amended. In the event that the governing body decides that the compensation or
1640 compensation schedules should be adopted, changed, or amended, it shall set a time and place
1641 for a public hearing at which all interested persons shall be given an opportunity to be heard.
1642 (3) Notice of the time, place, and purpose of the meeting shall be published at least
1643 seven days prior thereto by publication at least once [~~in a newspaper published in the county~~
1644 ~~within which the municipality is situated and generally circulated in the municipality. If there~~
1645 ~~is no such newspaper then notice shall be given~~] on the Utah Public Notice Website as
1646 described in Section 63F-1-701 and by posting this notice in three public places in the
1647 municipality.
1648 (4) After the conclusion of the public hearing, the governing body may enact an
1649 ordinance fixing, changing, or amending the compensation of any elective or appointive officer
1650 of the municipality or adopting a compensation schedule applicable to any officer or officers.
1651 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality
1652 establishing a salary or compensation schedule for its elective or appointive officers and any
1653 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the
1654 municipality has enacted an ordinance pursuant to the provisions of this chapter.
1655 (6) The compensation of all municipal officers shall be paid at least monthly out of the
1656 municipal treasury provided that municipalities having 1,000 or fewer population may by
1657 ordinance provide for the payment of its statutory officers less frequently. None of the
1658 provisions of this chapter shall be considered as limiting or restricting the authority to any
1659 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,
1660 Section 5, to determine the salaries of its elective and appointive officers or employees.
1661 Section 30. Section **10-5-108** is amended to read:
1662 **10-5-108. Budget hearing -- Notice -- Adjustments.**
1663 (1) Prior to the adoption of the final budget, each town council shall hold a public
1664 hearing to receive public comment.
1665 (2) The council shall provide notice of the place, purpose, and time of the public
1666 hearing by publishing notice at least seven days before the hearing [~~at least once in a newspaper~~
1667 ~~of general circulation in the town, but if there is no newspaper of general circulation, then~~] on
1668 the Utah Public Notice Website as described in Section 63F-1-701 and by posting the notice in

1669 three public places at least 48 hours prior to the hearing.
1670 (3) After the hearing, the council, subject to Section 10-5-110, may adjust expenditures
1671 and revenues in conformity with this chapter.
1672 Section 31. Section **10-6-113** is amended to read:
1673 **10-6-113. Budget -- Notice of hearing to consider adoption.**
1674 At the meeting at which each tentative budget is adopted, the governing body shall
1675 establish the time and place of a public hearing to consider its adoption and shall order that
1676 notice thereof be published at least seven days prior to the hearing [~~in at least one issue of a~~
1677 ~~newspaper of general circulation published in the county in which the city is located. If no such~~
1678 ~~newspaper is published, the notice required by this section may be posted~~] on the Utah Public
1679 Notice Website as described in Section 63F-1-701 and by posting in three public places within
1680 the city.
1681 Section 32. Section **10-6-152** is amended to read:
1682 **10-6-152. Notice that audit completed and available for inspection.**
1683 Within ten days following the receipt of the audit report furnished by the independent
1684 auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall
1685 prepare and publish at least twice [~~in a newspaper of general circulation published within the~~
1686 ~~county~~] on the Utah Public Notice Website as described in Section 63F-1-701, a notice to the
1687 public that the audit of the city has been completed and a copy thereof may be inspected at the
1688 office of the city auditor or recorder[~~. If a newspaper of general circulation is not published~~
1689 ~~within the county~~], and the notice required by this section may be posted in three public places.
1690 Section 33. Section **10-7-16** is amended to read:
1691 **10-7-16. Call for bids -- Notice -- Contents.**
1692 (1) (a) Before holding an election under Subsection 10-7-15(1)(a)(ii), the municipal
1693 legislative body shall open to bid the sale or lease of the property mentioned in Section
1694 10-7-15.
1695 (b) The municipal legislative body shall cause notice of the bid process to be given by
1696 publication for at least three consecutive weeks [~~in a newspaper published or having general~~
1697 ~~circulation in the city or town~~] on the Utah Public Notice Website as described in Section
1698 63F-1-701, giving a general description of the property to be sold or leased, and specifying the
1699 time when sealed bids for the property, or for a lease on the property, will be received, and the

1700 time when and the place where the bids will be opened.
1701 (2) (a) As used in this section and in Section 10-7-17, "responsible bidder" means an
1702 entity with a proven history of successful operation of an electrical generation and distribution
1703 system, or an equivalent proven history.
1704 (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to
1705 receive any bid submitted for the sale or lease of the electrical works and plant.
1706 (c) A municipal legislative body may not receive a bid unless the municipal legislative
1707 body determines that the bid is submitted by a responsible bidder.
1708 Section 34. Section **10-7-19** is amended to read:
1709 **10-7-19. Election to authorize -- Notice -- Ballots.**
1710 The board of commissioners or city council of any city or the board of trustees of any
1711 incorporated town is authorized to aid and encourage the building of railroads by granting to
1712 any railroad company for depot or other railroad purposes real property of such city or
1713 incorporated town, not necessary for municipal or public purposes, upon such limitations and
1714 conditions as the board of commissioners, council or board of trustees may prescribe; provided,
1715 however, that no such grant shall be made to any railroad company unless the question of
1716 making it has been submitted to the qualified electors of the city or town at the next municipal
1717 election, or special election to be called for that purpose by the board of commissioners, city
1718 council or town board. If the question is submitted at a special election, it shall be held as
1719 nearly as practicable in conformity with the general election laws of the state. Notice of such
1720 election shall be given by publication [~~in some newspaper published or having general~~
1721 ~~circulation in the city or town~~] on the Utah Public Notice Website as described in Section
1722 63F-1-701 once a week for four weeks prior [~~thereto, or if there is no such newspaper, then by~~
1723 ~~posting notices~~]. The board of commissioners, city council or town board shall cause ballots to
1724 be printed and furnished to the qualified electors, which shall read: "For the proposed grant for
1725 depot or other railroad purposes: Yes. No." If a majority of the qualified electors voting thereon
1726 shall have voted in favor of such grant, the board of commissioners, city council or town board
1727 shall then proceed to convey the property to the railroad company.
1728 Section 35. Section **10-8-2** is amended to read:
1729 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**
1730 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1731 (1) (a) A municipal legislative body may:
1732 (i) appropriate money for corporate purposes only;
1733 (ii) provide for payment of debts and expenses of the corporation;
1734 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and
1735 dispose of real and personal property for the benefit of the municipality, whether the property is
1736 within or without the municipality's corporate boundaries, if the action is in the public interest
1737 and complies with other law;
1738 (iv) improve, protect, and do any other thing in relation to this property that an
1739 individual could do; and
1740 (v) subject to Subsection (2) and after first holding a public hearing, authorize
1741 municipal services or other nonmonetary assistance to be provided to or waive fees required to
1742 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.
1743 (b) A municipality may:
1744 (i) furnish all necessary local public services within the municipality;
1745 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
1746 located and operating within and operated by the municipality; and
1747 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
1748 located inside or outside the corporate limits of the municipality and necessary for any of the
1749 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
1750 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.
1751 (c) Each municipality that intends to acquire property by eminent domain under
1752 Subsection (1)(b) shall, upon the first contact with the owner of the property sought to be
1753 acquired, deliver to the owner a copy of a booklet or other materials provided by the Office of
1754 the Property Rights Ombudsman, created under Section 13-43-201, dealing with the property
1755 owner's rights in an eminent domain proceeding.
1756 (d) Subsection (1)(b) may not be construed to diminish any other authority a
1757 municipality may claim to have under the law to acquire by eminent domain property located
1758 inside or outside the municipality.
1759 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
1760 the provisions of Subsection (3).
1761 (b) The total amount of services or other nonmonetary assistance provided or fees

1762 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
1763 municipality's budget for that fiscal year.
1764 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
1765 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
1766 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality
1767 subject to the following:
1768 (a) The net value received for any money appropriated shall be measured on a
1769 project-by-project basis over the life of the project.
1770 (b) The criteria for a determination under this Subsection (3) shall be established by the
1771 municipality's legislative body. A determination of value received, made by the municipality's
1772 legislative body, shall be presumed valid unless it can be shown that the determination was
1773 arbitrary, capricious, or illegal.
1774 (c) The municipality may consider intangible benefits received by the municipality in
1775 determining net value received.
1776 (d) Prior to the municipal legislative body making any decision to appropriate any
1777 funds for a corporate purpose under this section, a public hearing shall be held. Notice of the
1778 hearing shall be published [~~in a newspaper of general circulation~~] on the Utah Public Notice
1779 Website as described in Section 63F-1-701 at least 14 days prior to the date of the hearing, [~~or,~~
1780 ~~if there is no newspaper of general circulation,~~] and by posting notice in at least three
1781 conspicuous places within the municipality for the same time period.
1782 (e) A study shall be performed before notice of the public hearing is given and shall be
1783 made available at the municipality for review by interested parties at least 14 days immediately
1784 prior to the public hearing, setting forth an analysis and demonstrating the purpose for the
1785 appropriation. In making the study, the following factors shall be considered:
1786 (i) what identified benefit the municipality will receive in return for any money or
1787 resources appropriated;
1788 (ii) the municipality's purpose for the appropriation, including an analysis of the way
1789 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
1790 peace, order, comfort, or convenience of the inhabitants of the municipality; and
1791 (iii) whether the appropriation is necessary and appropriate to accomplish the
1792 reasonable goals and objectives of the municipality in the area of economic development, job

1793 creation, affordable housing, blight elimination, job preservation, the preservation of historic
1794 structures and property, and any other public purpose.
1795 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
1796 to make an appropriation.
1797 (ii) The appeal shall be filed within 30 days after the date of that decision, to the
1798 district court.
1799 (iii) Any appeal shall be based on the record of the proceedings before the legislative
1800 body.
1801 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
1802 the appealing party shows that the decision was arbitrary, capricious, or illegal.
1803 (g) The provisions of this Subsection (3) apply only to those appropriations made after
1804 May 6, 2002.
1805 (h) This section applies only to appropriations not otherwise approved pursuant to Title
1806 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform
1807 Fiscal Procedures Act for Utah Cities.
1808 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
1809 municipality shall:
1810 (i) provide reasonable notice of the proposed disposition at least 14 days before the
1811 opportunity for public comment under Subsection (4)(a)(ii); and
1812 (ii) allow an opportunity for public comment on the proposed disposition.
1813 (b) Each municipality shall, by ordinance, define what constitutes:
1814 (i) a significant parcel of real property for purposes of Subsection (4)(a); and
1815 (ii) reasonable notice for purposes of Subsection (4)(a)(i).
1816 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
1817 real property for the purpose of expanding the municipality's infrastructure or other facilities
1818 used for providing services that the municipality offers or intends to offer shall provide written
1819 notice, as provided in this Subsection (5), of its intent to acquire the property if:
1820 (i) the property is located:
1821 (A) outside the boundaries of the municipality; and
1822 (B) in a county of the first or second class; and
1823 (ii) the intended use of the property is contrary to:

1824 (A) the anticipated use of the property under the general plan of the county in whose
1825 unincorporated area or the municipality in whose boundaries the property is located; or
1826 (B) the property's current zoning designation.
1827 (b) Each notice under Subsection (5)(a) shall:
1828 (i) indicate that the municipality intends to acquire real property;
1829 (ii) identify the real property; and
1830 (iii) be sent to:
1831 (A) each county in whose unincorporated area and each municipality in whose
1832 boundaries the property is located; and
1833 (B) each affected entity.
1834 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
1835 63G-2-305(7).
1836 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
1837 previously provided notice under Section 10-9a-203 identifying the general location within the
1838 municipality or unincorporated part of the county where the property to be acquired is located.
1839 (ii) If a municipality is not required to comply with the notice requirement of
1840 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
1841 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
1842 property.
1843 Section 36. Section **10-9a-204** is amended to read:
1844 **10-9a-204. Notice of public hearings and public meetings to consider general plan**
1845 **or modifications.**
1846 (1) Each municipality shall provide:
1847 (a) notice of the date, time, and place of the first public hearing to consider the original
1848 adoption or any modification of all or any portion of a general plan; and
1849 (b) notice of each public meeting on the subject.
1850 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten
1851 calendar days before the public hearing and shall be:
1852 (a) published [~~in a newspaper of general circulation in the area~~] <u>on the Utah Public</u>
1853 <u>Notice Website as described in Section 63F-1-701</u>;
1854 (b) mailed to each affected entity; and

1855 (c) posted:
1856 (i) in at least three public locations within the municipality; or
1857 (ii) on the municipality's official website.
1858 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1859 before the meeting and shall be:
1860 (a) [~~submitted to a newspaper of general circulation in the area~~] published on the Utah
1861 Public Notice Website as described in Section 63F-1-701; and
1862 (b) posted:
1863 (i) in at least three public locations within the municipality; or
1864 (ii) on the municipality's official website.
1865 Section 37. Section **10-9a-205** is amended to read:
1866 **10-9a-205. Notice of public hearings and public meetings on adoption or**
1867 **modification of land use ordinance.**
1868 (1) Each municipality shall give:
1869 (a) notice of the date, time, and place of the first public hearing to consider the
1870 adoption or any modification of a land use ordinance; and
1871 (b) notice of each public meeting on the subject.
1872 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
1873 (a) mailed to each affected entity at least ten calendar days before the public hearing;
1874 (b) posted:
1875 (i) in at least three public locations within the municipality; or
1876 (ii) on the municipality's official website; and
1877 (c) (i) published [~~in a newspaper of general circulation in the area~~] on the Utah Public
1878 Notice Website as described in Section 63F-1-701 at least ten calendar days before the public
1879 hearing; or
1880 (ii) mailed at least three days before the public hearing to:
1881 (A) each property owner whose land is directly affected by the land use ordinance
1882 change; and
1883 (B) each adjacent property owner within the parameters specified by municipal
1884 ordinance.
1885 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours

1886 before the meeting and shall be posted:
1887 (a) in at least three public locations within the municipality; or
1888 (b) on the municipality's official website.
1889 Section 38. Section **10-9a-208** is amended to read:
1890 **10-9a-208. Hearing and notice for proposal to vacate, alter, or amend a public**
1891 **street or right-of-way.**
1892 For any proposal to vacate, alter, or amend a public street or right-of-way, the land use
1893 authority shall hold a public hearing and shall give notice of the date, place, and time of the
1894 hearing by:
1895 (1) mailing notice as required in Section 10-9a-207;
1896 (2) mailing notice to each affected entity; and
1897 (3) (a) publishing notice once a week for four consecutive weeks before the hearing [~~in~~
1898 ~~a newspaper of general circulation in the municipality in which the land subject to the petition~~
1899 ~~is located; or~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
1900 (b) [~~if there is no newspaper of general circulation in the municipality,~~] by posting the
1901 property and posting notice in three public places for four consecutive weeks before the
1902 hearing.
1903 Section 39. Section **10-18-203** is amended to read:
1904 **10-18-203. Feasibility study on providing cable television or public**
1905 **telecommunications services -- Public hearings.**
1906 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
1907 the municipality shall require the feasibility consultant to:
1908 (a) complete the feasibility study in accordance with this section;
1909 (b) submit to the legislative body by no later than 180 days from the date the feasibility
1910 consultant is hired to conduct the feasibility study:
1911 (i) the full written results of the feasibility study; and
1912 (ii) a summary of the results that is no longer than one page in length; and
1913 (c) attend the public hearings described in Subsection (4) to:
1914 (i) present the feasibility study results; and
1915 (ii) respond to questions from the public.
1916 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

1917 (a) (i) if the municipality is proposing to provide cable television services to
1918 subscribers, whether the municipality providing cable television services in the manner
1919 proposed by the municipality will hinder or advance competition for cable television services
1920 in the municipality;
1921 (ii) if the municipality is proposing to provide public telecommunications services to
1922 subscribers, whether the municipality providing public telecommunications services in the
1923 manner proposed by the municipality will hinder or advance competition for public
1924 telecommunications services in the municipality;
1925 (b) whether but for the municipality any person would provide the proposed:
1926 (i) cable television services; or
1927 (ii) public telecommunications services;
1928 (c) the fiscal impact on the municipality of:
1929 (i) the capital investment in facilities that will be used to provide the proposed:
1930 (A) cable television services; or
1931 (B) public telecommunications services; and
1932 (ii) the expenditure of funds for labor, financing, and administering the proposed:
1933 (A) cable television services; or
1934 (B) public telecommunications services;
1935 (d) the projected growth in demand in the municipality for the proposed:
1936 (i) cable television services; or
1937 (ii) public telecommunications services;
1938 (e) the projections at the time of the feasibility study and for the next five years, of a
1939 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
1940 facilities necessary to provide the proposed:
1941 (i) cable television services; or
1942 (ii) public telecommunications services; and
1943 (f) the projections at the time of the feasibility study and for the next five years of the
1944 revenues to be generated from the proposed:
1945 (i) cable television services; or
1946 (ii) public telecommunications services.
1947 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),

1948 the feasibility consultant shall assume that the municipality will price the proposed cable
1949 television services or public telecommunications services consistent with Subsection
1950 10-18-303(5).
1951 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
1952 10-18-202(3), the legislative body, at the next regular meeting after the legislative body
1953 receives the results of the feasibility study, shall schedule at least two public hearings to be
1954 held:
1955 (a) within 60 days of the meeting at which the public hearings are scheduled;
1956 (b) at least seven days apart; and
1957 (c) for the purpose of allowing:
1958 (i) the feasibility consultant to present the results of the feasibility study; and
1959 (ii) the public to:
1960 (A) become informed about the feasibility study results; and
1961 (B) ask questions of the feasibility consultant about the results of the feasibility study.
1962 (5) (a) Except as provided in Subsection (5)(c), the municipality shall publish notice of
1963 the public hearings required under Subsection (4) at least once a week for three consecutive
1964 weeks [~~in a newspaper of general circulation in the municipality~~] on the Utah Public Notice
1965 Website as described in Section 63F-1-701.
1966 (b) The last publication of notice required under Subsection (5)(a) shall be at least
1967 three days before the first public hearing required under Subsection (4).
1968 (c) (i) [~~If there is no newspaper of general circulation in the municipality, for each~~
1969 ~~1,000 residents, the~~] The municipality shall post at least one notice of the hearings in a
1970 conspicuous place within the municipality that is likely to give notice of the hearings to the
1971 greatest number of residents of the municipality.
1972 (ii) The municipality shall post the notices at least seven days before the first public
1973 hearing required under Subsection (4) is held.
1974 Section 40. Section **10-18-302** is amended to read:
1975 **10-18-302. Bonding authority.**
1976 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
1977 legislative body of a municipality may by resolution determine to issue one or more revenue
1978 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide

1979 to subscribers:
1980 (a) a cable television service; or
1981 (b) a public telecommunications service.
1982 (2) The resolution described in Subsection (1) shall:
1983 (a) describe the purpose for which the indebtedness is to be created; and
1984 (b) specify the dollar amount of the one or more bonds proposed to be issued.
1985 (3) (a) A revenue bond issued under this section shall be secured and paid for:
1986 (i) from the revenues generated by the municipality from providing:
1987 (A) cable television services with respect to revenue bonds issued to finance facilities
1988 for the municipality's cable television services; and
1989 (B) public telecommunications services with respect to revenue bonds issued to finance
1990 facilities for the municipality's public telecommunications services; and
1991 (ii) notwithstanding Subsection (3)(b) and Subsection 10-18-303(3)(a), from revenues
1992 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:
1993 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections
1994 (4) and (5), the revenue bond is approved by the registered voters in an election held:
1995 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
1996 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and
1997 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;
1998 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
1999 revenue bond; and
2000 (C) the municipality or municipalities annually appropriate the revenues described in
2001 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.
2002 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
2003 origination, financing, or other carrying costs associated with the one or more revenue bonds
2004 issued under this section from the general funds or other enterprise funds of the municipality.
2005 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
2006 pursuant to an agreement:
2007 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and
2008 (ii) to which a municipality is a party.
2009 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or

2010 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal
2011 entity that issues revenue bonds, if:
2012 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is
2013 a member of a municipal entity that is issuing revenue bonds has published the first notice
2014 described in Subsection (4)(b)(iii);
2015 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
2016 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
2017 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
2018 this Subsection (4)(b)(ii);
2019 (iii) the municipality that is issuing the revenue bonds or the municipality that is a
2020 member of the municipal entity that is issuing the revenue bonds has:
2021 (A) held a public hearing for which public notice was given by publication of the
2022 notice [~~in a newspaper published in the municipality or in a newspaper of general circulation~~
2023 ~~within the municipality~~] for two consecutive weeks on the Utah Public Notice Website as
2024 described in Section 63F-1-701, with the first publication being not less than 14 days before the
2025 public hearing; and
2026 (B) the notice identifies:
2027 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding
2028 Act;
2029 (II) the purpose for the bonds to be issued;
2030 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
2031 be pledged in any fiscal year;
2032 (IV) the maximum number of years that the pledge will be in effect; and
2033 (V) the time, place, and location for the public hearing;
2034 (iv) the municipal entity that issues revenue bonds:
2035 (A) adopts a final financing plan; and
2036 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
2037 Management Act, makes available to the public at the time the municipal entity adopts the final
2038 financing plan:
2039 (I) the final financing plan; and
2040 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,

2041 Chapter 2, Government Records Access and Management Act;
2042 (v) any municipality that is a member of a municipal entity described in Subsection
2043 (4)(b)(iv):
2044 (A) not less than 30 calendar days after the municipal entity complies with Subsection
2045 (4)(b)(iv)(B), holds a final public hearing;
2046 (B) provides notice, at the time the municipality schedules the final public hearing, to
2047 any person who has provided to the municipality a written request for notice; and
2048 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
2049 interested parties; and
2050 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2051 more than 50% of the average annual debt service of all revenue bonds described in this section
2052 to provide service throughout the municipality or municipal entity may be paid from the
2053 revenues described in Subsection (3)(a)(ii).
2054 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
2055 to a municipality that issues revenue bonds if:
2056 (a) the municipality that is issuing the revenue bonds has:
2057 (i) held a public hearing for which public notice was given by publication of the notice
2058 [~~in a newspaper published in the municipality or in a newspaper of general circulation within~~
2059 ~~the municipality~~] on the Utah Public Notice Website as described in Section 63F-1-701 for two
2060 consecutive weeks, with the first publication being not less than 14 days before the public
2061 hearing; and
2062 (ii) the notice identifies:
2063 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
2064 Bonding Act;
2065 (B) the purpose for the bonds to be issued;
2066 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
2067 pledged in any fiscal year;
2068 (D) the maximum number of years that the pledge will be in effect; and
2069 (E) the time, place, and location for the public hearing; and
2070 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2071 more than 50% of the average annual debt service of all revenue bonds described in this section

2072 to provide service throughout the municipality or municipal entity may be paid from the
2073 revenues described in Subsection (3)(a)(ii).
2074 (6) A municipality that issues bonds pursuant to this section may not make or grant any
2075 undue or unreasonable preference or advantage to itself or to any private provider of:
2076 (a) cable television services; or
2077 (b) public telecommunications services.
2078 Section 41. Section **10-18-303** is amended to read:
2079 **10-18-303. General operating limitations.**
2080 A municipality that provides a cable television service or a public telecommunications
2081 service under this chapter is subject to the operating limitations of this section.
2082 (1) A municipality that provides a cable television service shall comply with:
2083 (a) the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.; and
2084 (b) the regulations issued by the Federal Communications Commission under the Cable
2085 Communications Policy Act of 1984, 47 U.S.C. 521, et seq.
2086 (2) A municipality that provides a public telecommunications service shall comply
2087 with:
2088 (a) the Telecommunications Act of 1996, Pub. L. 104-104;
2089 (b) the regulations issued by the Federal Communications Commission under the
2090 Telecommunications Act of 1996, Pub. L. 104-104;
2091 (c) Section 54-8b-2.2 relating to:
2092 (i) the interconnection of essential facilities; and
2093 (ii) the purchase and sale of essential services; and
2094 (d) the rules made by the Public Service Commission of Utah under Section 54-8b-2.2.
2095 (3) A municipality may not cross subsidize its cable television services or its public
2096 telecommunications services with:
2097 (a) tax dollars;
2098 (b) income from other municipal or utility services;
2099 (c) below-market rate loans from the municipality; or
2100 (d) any other means.
2101 (4) (a) A municipality may not make or grant any undue or unreasonable preference or
2102 advantage to itself or to any private provider of:

2103 (i) cable television services; or
2104 (ii) public telecommunications services.
2105 (b) A municipality shall apply without discrimination as to itself and to any private
2106 provider the municipality's ordinances, rules, and policies, including those relating to:
2107 (i) obligation to serve;
2108 (ii) access to public rights of way;
2109 (iii) permitting;
2110 (iv) performance bonding;
2111 (v) reporting; and
2112 (vi) quality of service.
2113 (c) Subsections (4)(a) and (b) do not supersede the exception for a rural telephone
2114 company in Section 251 of the Telecommunications Act of 1996, Pub. L. 104-104.
2115 (5) In calculating the rates charged by a municipality for a cable television service or a
2116 public telecommunications service, the municipality:
2117 (a) shall include within its rates an amount equal to all taxes, fees, and other
2118 assessments that would be applicable to a similarly situated private provider of the same
2119 services, including:
2120 (i) federal, state, and local taxes;
2121 (ii) franchise fees;
2122 (iii) permit fees;
2123 (iv) pole attachment fees; and
2124 (v) fees similar to those described in Subsections (5)(a)(i) through (iv); and
2125 (b) may not price any cable television service or public telecommunications service at a
2126 level that is less than the sum of:
2127 (i) the actual direct costs of providing the service;
2128 (ii) the actual indirect costs of providing the service; and
2129 (iii) the amount determined under Subsection (5)(a).
2130 (6) (a) A municipality that provides cable television services or public
2131 telecommunications services shall establish and maintain a comprehensive price list of all cable
2132 television services or public telecommunications services offered by the municipality.
2133 (b) The price list required by Subsection (6)(a) shall:

2134 (i) include all terms and conditions relating to the municipality providing each cable
2135 television service or public telecommunications service offered by the municipality;
2136 (ii) be published [~~in a newspaper having general circulation in the municipality~~] on the
2137 Utah Public Notice Website as described in Section 63F-1-701; and
2138 (iii) be available for inspection:
2139 (A) at a designated office of the municipality; and
2140 (B) during normal business hours.
2141 (c) At least five days before the date a change to a municipality's price list becomes
2142 effective, the municipality shall:
2143 (i) notify the following of the change:
2144 (A) all subscribers to the services for which the price list is being changed; and
2145 (B) any other persons requesting notification of any changes to the municipality's price
2146 list; and
2147 (ii) publish notice [~~in a newspaper of general circulation in the municipality~~] on the
2148 Utah Public Notice Website as described in Section 63F-1-701.
2149 (d) [~~If there is no newspaper of general circulation in the municipality, the~~] The
2150 municipality shall publish the notice required by this Subsection (6) [~~in a newspaper of general~~
2151 ~~circulation that is nearest the municipality~~] on the Utah Public Notice Website as described in
2152 Section 63F-1-701.
2153 (e) A municipality may not offer a cable television service or a public
2154 telecommunications service except in accordance with the prices, terms, and conditions set
2155 forth in the municipality's price list.
2156 (7) A municipality may not offer to provide or provide cable television services or
2157 public telecommunications services to a subscriber that does not reside within the geographic
2158 boundaries of the municipality.
2159 (8) (a) A municipality shall keep accurate books and records of the municipality's:
2160 (i) cable television services; and
2161 (ii) public telecommunications services.
2162 (b) The books and records required to be kept under Subsection (8)(a) are subject to
2163 legislative audit to verify the municipality's compliance with the requirements of this chapter
2164 including:

2165 (i) pricing;
2166 (ii) recordkeeping; and
2167 (iii) antidiscrimination.
2168 (9) A municipality may not receive distributions from the Universal Public
2169 Telecommunications Service Support Fund established in Section 54-8b-15.
2170 Section 42. Section **11-13-219** is amended to read:
2171 **11-13-219. Publication of resolutions or agreements -- Contesting legality of**
2172 **resolution or agreement.**
2173 (1) As used in this section:
2174 (a) "Enactment" means:
2175 (i) a resolution adopted or proceedings taken by a governing body under the authority
2176 of this chapter, and includes a resolution, indenture, or other instrument providing for the
2177 issuance of bonds; and
2178 (ii) an agreement or other instrument that is authorized, executed, or approved by a
2179 governing body under the authority of this chapter.
2180 (b) "Governing body" means:
2181 (i) the legislative body of a public agency; and
2182 (ii) the governing body of an interlocal entity created under this chapter.
2183 (c) "Notice of bonds" means the notice authorized by Subsection (3)(d).
2184 (d) "Notice of agreement" means the notice authorized by Subsection (3)(c).
2185 [~~(e) "Official newspaper" means the newspaper selected by a governing body under~~
2186 ~~Subsection (4)(b) to publish its enactments.~~]
2187 (2) Any enactment taken or made under the authority of this chapter is not subject to
2188 referendum.
2189 (3) (a) A governing body need not publish any enactment taken or made under the
2190 authority of this chapter.
2191 (b) A governing body may provide for the publication of any enactment taken or made
2192 by it under the authority of this chapter according to the publication requirements established
2193 by this section.
2194 (c) (i) If the enactment is an agreement, document, or other instrument, or a resolution
2195 or other proceeding authorizing or approving an agreement, document, or other instrument, the

2196 governing body may, instead of publishing the full text of the agreement, resolution, or other
2197 proceeding, publish a notice of agreement containing:
2198 (A) the names of the parties to the agreement;
2199 (B) the general subject matter of the agreement;
2200 (C) the term of the agreement;
2201 (D) a description of the payment obligations, if any, of the parties to the agreement;
2202 and
2203 (E) a statement that the resolution and agreement will be available for review at the
2204 governing body's principal place of business during regular business hours for 30 days after the
2205 publication of the notice of agreement.
2206 (ii) The governing body shall make a copy of the resolution or other proceeding and a
2207 copy of the contract available at its principal place of business during regular business hours
2208 for 30 days after the publication of the notice of agreement.
2209 (d) If the enactment is a resolution or other proceeding authorizing the issuance of
2210 bonds, the governing body may, instead of publishing the full text of the resolution or other
2211 proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds
2212 that contains the information described in Subsection 11-14-316(2).
2213 (4) (a) If the governing body chooses to publish an enactment, notice of bonds, or
2214 notice of agreement, the governing body shall [~~comply with the requirements of this Subsection~~
2215 ~~(4)~~] publish it on the Utah Public Notice Website as described in Section 63F-1-701.
2216 [~~(b) If there is more than one newspaper of general circulation, or more than one~~
2217 ~~newspaper, published within the boundaries of the governing body, the governing body may~~
2218 ~~designate one of those newspapers as the official newspaper for all publications made under~~
2219 ~~this section.~~]
2220 [~~(c) (i)~~] (b) The governing body shall publish the enactment, notice of bonds, or notice
2221 of agreement [~~in:~~] on the Utah Public Notice Website as described in Section 63F-1-701.
2222 [~~(A) the official newspaper;~~]
2223 [~~(B) the newspaper published in the municipality in which the principal office of the~~
2224 ~~governmental entity is located; or~~]
2225 [~~(C) if no newspaper is published in that municipality, in a newspaper having general~~
2226 ~~circulation in the municipality.~~]

2227 [~~(ii) The governing body may publish the enactment, notice of bonds, or notice of~~
2228 ~~agreement in a newspaper of general circulation or in a newspaper that is published within the~~
2229 ~~boundaries of any public agency that is a party to the enactment or agreement.~~]
2230 (5) (a) Any person in interest may contest the legality of an enactment or any action
2231 performed or instrument issued under the authority of the enactment for 30 days after the
2232 publication of the enactment, notice of bonds, or notice of agreement.
2233 (b) After the 30 days have passed, no one may contest the regularity, formality, or
2234 legality of the enactment or any action performed or instrument issued under the authority of
2235 the enactment for any cause whatsoever.
2236 Section 43. Section **11-14-202** is amended to read:
2237 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**
2238 (1) (a) The governing body shall ensure that:
2239 (i) notice of the election is published once per week during three consecutive weeks [~~in~~
2240 ~~a newspaper~~] on the Utah Public Notice Website as described in Section 63F-1-701 designated
2241 in accordance with Section 11-14-316; and
2242 (ii) the first publication occurs not less than 21 nor more than 35 days before the
2243 election.
2244 (b) Notice shall be published [~~in a newspaper having general circulation in the local~~
2245 ~~political subdivision~~] on the Utah Public Notice Website as described in Section 63F-1-701.
2246 (2) When the debt service on the bonds to be issued will increase the property tax
2247 imposed upon the average value of a residence by an amount that is greater than or equal to $15
2248 per year, the governing body shall, at least seven days but not more than 30 days before the
2249 bond election, if the bond election is not held on the date of a regular primary election, a
2250 municipal primary election, a regular general election, or a municipal general election, either
2251 mail:
2252 (a) written notice of the bond election on a minimum three inch by five inch postcard
2253 to every household containing a registered voter who is eligible to vote on the bonds; or
2254 (b) a voter information pamphlet prepared by the governing body, if one is prepared,
2255 that includes the information required by Subsection (4).
2256 (3) (a) Except as provided in Subsection (3)(b), notice of the bond election need not be
2257 posted.

2258 (b) (i) [~~In a local political subdivision where there is no newspaper of general~~
2259 ~~circulation, the~~] The legislative body [~~may~~] shall require that notice of a bond election be given
2260 by posting in [~~lieu of~~] addition to the publication requirements of Subsection (1).
2261 (ii) When the governing body imposes [~~a~~] the posting requirement, the governing body
2262 shall ensure that notice of the bond election is posted in at least five public places in the local
2263 political subdivision at least 21 days before the election.
2264 (4) Any notice required by this section shall include:
2265 (a) the date and place of the election;
2266 (b) the hours during which the polls will be open; and
2267 (c) the title and text of the ballot proposition.
2268 (5) The governing body shall pay the costs associated with the notice required by this
2269 section.
2270 Section 44. Section **11-14-315** is amended to read:
2271 **11-14-315. Nature and validity of bonds issued -- Applicability of other statutory**
2272 **provisions -- Budget provision required -- Applicable procedures for issuance.**
2273 Bonds issued under this chapter shall have all the qualities of negotiable paper, shall be
2274 incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid
2275 for any irregularity or defect in the proceedings for their issuance and sale. This chapter is
2276 intended to afford an alternative method for the issuance of bonds by local political
2277 subdivisions and shall not be so construed as to deprive any local political subdivision of the
2278 right to issue its bonds under authority of any other statute, but nevertheless this chapter shall
2279 constitute full authority for the issue and sale of bonds by local political subdivisions. The
2280 provisions of Section 11-1-1, Utah Code Annotated 1953, shall not be applicable to bonds
2281 issued under this chapter. Any local political subdivision subject to the provisions of any
2282 budget law shall in its annual budget make proper provision for the payment of principal and
2283 interest currently falling due on bonds issued hereunder, but no provision need be made in any
2284 such budget prior to the issuance of the bonds for the issuance thereof or for the expenditure of
2285 the proceeds thereof. No ordinance, resolution or proceeding in respect to the issuance of
2286 bonds hereunder shall be necessary except as herein specifically required, nor shall the
2287 publication of any resolution, proceeding or notice relating to the issuance of the bonds be
2288 necessary except as herein required. Any publication made hereunder [~~may~~] shall be made [~~in~~

2289 ~~any newspaper~~] on the Utah Public Notice Website as described in Section 63F-1-701
2290 conforming to the terms hereof in which legal notices may be published under the laws of
2291 Utah, without regard to the designation thereof as the official journal [~~or newspaper~~] of the
2292 local political subdivision. No resolution adopted or proceeding taken hereunder shall be
2293 subject to referendum petition or to an election other than as herein required. All proceedings
2294 adopted hereunder may be adopted on a single reading at any legally convened meeting of the
2295 governing body.
2296 Section 45. Section **11-14-316** is amended to read:
2297 **11-14-316. Publication of notice, resolution, or other proceeding -- Contest.**
2298 (1) The governing body of any local political subdivision may provide for the
2299 publication of any resolution or other proceeding adopted under this chapter [~~in a newspaper~~
2300 ~~having general circulation in the local political subdivision~~] on the Utah Public Notice Website
2301 as described in Section 63F-1-701.
2302 (2) When publication involves a resolution or other proceeding providing for the
2303 issuance of bonds, the governing body may, in lieu of publishing the entire resolution or other
2304 proceeding, publish a notice of bonds to be issued, titled as such, containing:
2305 (a) the name of the issuer;
2306 (b) the purpose of the issue;
2307 (c) the type of bonds and the maximum principal amount which may be issued;
2308 (d) the maximum number of years over which the bonds may mature;
2309 (e) the maximum interest rate which the bonds may bear, if any;
2310 (f) the maximum discount from par, expressed as a percentage of principal amount, at
2311 which the bonds may be sold; and
2312 (g) the times and place where a copy of the resolution or other proceeding may be
2313 examined, which shall be:
2314 (i) at an office of the issuer;
2315 (ii) identified in the notice;
2316 (iii) during regular business hours of the issuer as described in the notice; and
2317 (iv) for a period of at least 30 days after the publication of the notice.
2318 (3) For a period of 30 days after the publication, any person in interest may contest:
2319 (a) the legality of such resolution or proceeding;

2320 (b) any bonds which may be authorized by such resolution or proceeding; or
2321 (c) any provisions made for the security and payment of the bonds.
2322 (4) A person shall contest the matters set forth in Subsection (3) by filing a verified
2323 written complaint in the district court of the county in which he resides within the 30-day
2324 period.
2325 (5) After the 30-day period, no person may contest the regularity, formality, or legality
2326 of the resolution or proceeding for any reason.
2327 Section 46. Section **11-14-318** is amended to read:
2328 **11-14-318. Public hearing required.**
2329 (1) Before issuing bonds authorized under this chapter, a local political subdivision
2330 shall:
2331 (a) in accordance with Subsection (2), provide public notice of the local political
2332 subdivision's intent to issue bonds; and
2333 (b) hold a public hearing:
2334 (i) if an election is required under this chapter:
2335 (A) no sooner than 30 days before the day on which the notice of election is published
2336 under Section 11-14-202; and
2337 (B) no later than five business days before the day on which the notice of election is
2338 published under Section 11-14-202; and
2339 (ii) to receive input from the public with respect to:
2340 (A) the issuance of the bonds; and
2341 (B) the potential economic impact that the improvement, facility, or property for which
2342 the bonds pay all or part of the cost will have on the private sector.
2343 (2) A local political subdivision shall:
2344 (a) publish the notice required by Subsection (1)(a):
2345 (i) [~~once each week for two consecutive weeks in the official newspaper described in~~
2346 ~~Section 11-14-316~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
2347 (ii) [~~with the first publication being not less than~~] publish the notice at least 14 days
2348 before the public hearing required by Subsection (1)(b); and
2349 [~~(iii) on the Utah Public Notice Website created under Section 63F-1-701 no less than~~
2350 ~~14 days before the public hearing required by Subsection (1)(b); and~~]

2351 (b) ensure that the notice:
2352 (i) identifies:
2353 (A) the purpose for the issuance of the bonds;
2354 (B) the maximum principal amount of the bonds to be issued;
2355 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and
2356 (D) the time, place, and location of the public hearing; and
2357 (ii) informs the public that the public hearing will be held for the purposes described in
2358 Subsection (1)(b)(ii).
2359 Section 47. Section **11-14a-1** is amended to read:
2360 **11-14a-1. Notice of debt issuance.**
2361 (1) For purposes of this chapter:
2362 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
2363 and contracts with municipal building authorities.
2364 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.
2365 (b) (i) "Local government entity" means a county, city, town, school district, local
2366 district, or special service district.
2367 (ii) "Local government entity" does not mean an entity created by an interlocal
2368 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
2369 $10,000,000.
2370 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
2371 or partially to fund a rejected project.
2372 (d) "Rejected Project" means a project for which a local government entity sought
2373 voter approval for general obligation bond financing and failed to receive that approval.
2374 (2) Unless a local government entity complies with the requirements of this section, it
2375 may not adopt a new debt resolution.
2376 (3) (a) Before adopting a new debt resolution, a local government entity shall:
2377 (i) advertise its intent to issue debt [~~in a newspaper of general circulation~~] on the Utah
2378 Public Notice Website as described in Section 63F-1-701; or
2379 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least
2380 95% of the residents of the local government entity.
2381 (b) (i) The local government entity shall ensure that the advertisement is published at

2382 least once each week for the two weeks before the meeting at which the resolution will be
2383 considered [~~on no less than a 1/4 page or a 5 x 7 inch advertisement with type size no smaller~~
2384 ~~than 18 point and surrounded by a 1/4 inch border~~] on the Utah Public Notice Website as
2385 described in Section 63F-1-701.
2386 (ii) The local government entity shall ensure that the notice:
2387 (A) is at least as large as the bill or other mailing that it accompanies;
2388 (B) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and
2389 (C) contains the information required by Subsection (3)(c).
2390 (c) The local government entity shall ensure that the advertisement or notice:
2391 (i) identifies the local government entity;
2392 (ii) states that the entity will meet on a day, time, and place identified in the
2393 advertisement or notice to hear public comments regarding a resolution authorizing the
2394 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;
2395 (iii) contains:
2396 (A) the name of the entity that will issue the debt;
2397 (B) the purpose of the debt; and
2398 (C) that type of debt and the maximum principal amount that may be issued;
2399 (iv) invites all concerned citizens to attend the public hearing; and
2400 (v) states that some or all of the proposed debt would fund a project whose general
2401 obligation bond financing was rejected by the voters.
2402 (4) (a) The resolution considered at the hearing shall identify:
2403 (i) the type of debt proposed to be issued;
2404 (ii) the maximum principal amount that might be issued;
2405 (iii) the interest rate;
2406 (iv) the term of the debt; and
2407 (v) how the debt will be repaid.
2408 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
2409 hearing need not be in final form and need not be adopted or rejected at the meeting at which
2410 the public hearing is held.
2411 (ii) The local government entity may not, in the final resolution, increase the maximum
2412 principal amount of debt contained in the notice and discussed at the hearing.

2413 (c) The local government entity may adopt, amend and adopt, or reject the resolution at
2414 a later meeting without recomplying with the published notice requirements of this section.
2415 Section 48. Section **11-17-16** is amended to read:
2416 **11-17-16. Publication of resolutions and notice of bonds to be issued.**
2417 (1) The governing body may provide for the publication of any resolution or other
2418 proceeding adopted by it under this chapter, including all resolutions providing for the sale or
2419 lease of any land by the municipality, county, or state university in connection with the
2420 establishment, acquisition, development, maintenance, and operation of an industrial park. The
2421 publication shall be [~~in a newspaper qualified to carry legal notices having general circulation~~
2422 ~~in the municipality or county, and, in the case of a state university, in a newspaper of general~~
2423 ~~circulation in the county within which the principal administrative office of the state university~~
2424 ~~is located~~] on the Utah Public Notice Website as described in Section 63F-1-701.
2425 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
2426 governing body may, in lieu of publishing the entire resolution or other proceeding, publish a
2427 notice of bonds to be issued, titled as such, containing:
2428 (a) the name of the issuer;
2429 (b) the purpose of the issue;
2430 (c) the name of the users, if known; and
2431 (d) the times and place where a copy of the resolution or other proceeding may be
2432 examined, which shall be at an office of the issuer, identified in the notice, during regular
2433 business hours of the issuer as described in the notice and for a period of at least 30 days after
2434 the publication of the notice.
2435 (3) For a period of 30 days after publication any person in interest may contest the
2436 legality of the resolution, proceeding, any bonds which may be authorized under them, or any
2437 provisions made for the security and payment of the bonds. After expiration of the 30-day
2438 period no person may contest the regularity, formality, or legality of the resolution,
2439 proceedings, bonds, or security provisions for any cause.
2440 Section 49. Section **11-27-4** is amended to read:
2441 **11-27-4. Publication of resolution -- Notice of bond issue -- Contest of resolution**
2442 **or proceeding.**
2443 (1) The governing body of any public body may provide for the publication of any

2444 resolution or other proceeding adopted by it under this chapter [~~in a newspaper having general~~
2445 ~~circulation in the public body~~] on the Utah Public Notice Website as described in Section
2446 63F-1-701.
2447 (2) In case of a resolution or other proceeding providing for the issuance of refunding
2448 bonds (or for a combined issue of refunding bonds and bonds issued for any other purpose), the
2449 governing body may, instead of publishing the entire resolution or other proceeding, publish a
2450 notice of bonds to be issued, entitled accordingly, and containing:
2451 (a) the name of the issuer[~~.~~];
2452 (b) the purposes of the issue[~~.~~];
2453 (c) the maximum principal amount which may be issued[~~.~~];
2454 (d) the maximum number of years over which the bonds may mature[~~.~~];
2455 (e) the maximum interest rate which the bonds may bear[~~.~~];
2456 (f) the maximum discount from par, expressed as a percentage of principal amount, at
2457 which the bonds may be sold, and any deposit to be required in connection with the sale[~~.~~]; and
2458 (g) the times and place where a copy of the resolution or other proceeding authorizing
2459 the issuance of the bonds may be examined, which shall be at an office of the governing body
2460 identified in the notice, during regular business hours of the governing body as described in the
2461 notice and for a period of at least 30 days after the publication of the notice.
2462 (3) For a period of 30 days after the publication, any person in interest shall have the
2463 right to contest the legality of the resolution or proceeding or any bonds which may be so
2464 authorized or any provisions made for the security and payment of these bonds; and after this
2465 time no person shall have any cause of action to contest the regularity, formality, or legality
2466 thereof for any cause.
2467 Section 50. Section **11-27-5** is amended to read:
2468 **11-27-5. Negotiability of bonds -- Intent and construction of chapter -- Budget for**
2469 **payment of bonds -- Proceedings limited to those required by chapter -- No election**
2470 **required -- Application of chapter.**
2471 (1) Refunding bonds shall have all the qualities of negotiable paper, shall be
2472 incontestable in the hands of bona fide purchasers or holders for value, and shall not be invalid
2473 for any irregularity or defect in the proceedings for their issuance and sale. This chapter is
2474 intended to afford an alternative method for the issuance of refunding bonds by public bodies

2475 and shall not be so construed as to deprive any public body of the right to issue bonds for
2476 refunding purposes under authority of any other statute, but this chapter, nevertheless, shall
2477 constitute full authority for the issue and sale of refunding bonds by public bodies. Section
2478 11-1-1 [~~and Title 66, Chapter 2~~], however, shall not be applicable to refunding bonds.
2479 (2) Any public body subject to any budget law shall in its annual budget make proper
2480 provision for the payment of principal and interest currently falling due on refunding bonds,
2481 but no provision need be made in the budget prior to the issuance of the refunding bonds for
2482 their issuance or for the expenditure of the proceeds from them.
2483 (3) No ordinance, resolution, or proceeding concerning the issuance of refunding bonds
2484 nor the publication of any resolution, proceeding, or notice relating to the issuance of the
2485 refunding bonds shall be necessary except as specifically required by this chapter. Any
2486 publication made under this chapter may be made [~~in any newspaper in which legal notices~~
2487 ~~may be published under the laws of Utah, without regard to its designation as the official~~
2488 ~~journal or newspaper of the public body~~] on the Utah Public Notice Website as described in
2489 Section 63F-1-701.
2490 (4) No resolution adopted or proceeding taken under this chapter shall be subject to any
2491 referendum petition or to an election other than as required by this chapter. All proceedings
2492 adopted under this chapter may be adopted on a single reading at any legally-convened meeting
2493 of the governing body. This chapter shall apply to all bonds issued and outstanding at the time
2494 this chapter takes effect as well as to bonds issued after this chapter takes effect.
2495 Section 51. Section **11-30-5** is amended to read:
2496 **11-30-5. Publication of order for hearing.**
2497 (1) Prior to the date set for hearing, the clerk of the court shall cause the order to be
2498 published once each week for three consecutive weeks [~~in a newspaper published or of general~~
2499 ~~circulation within the boundaries of the public body or, if the public body has no defined~~
2500 ~~boundaries or there is no newspaper published or of general circulation within the defined~~
2501 ~~boundaries, a newspaper reasonably calculated to notify all parties, which has been approved~~
2502 ~~by the court~~] on the Utah Public Notice Website as described in Section 63F-1-701.
2503 (2) If a refunding bond is being validated, all holders of the bonds to be refunded may
2504 be made defendants to the action, in which case notice may be made, and if so made shall be
2505 considered sufficient, by mailing a copy of the order to each holder's last-known address.

2506 (3) By publication of the order, all defendants shall have been duly served and shall be
2507 parties to the proceedings.
2508 Section 52. Section **11-32-10** is amended to read:
2509 **11-32-10. Application to other laws and proceedings.**
2510 (1) This chapter is supplemental to all existing laws relating to the collection of
2511 delinquent taxes by participant members.
2512 (2) No ordinance, resolution, or proceeding in respect to any transaction authorized by
2513 this chapter is necessary except as specifically required in this chapter nor is the publication of
2514 any resolution, proceeding, or notice relating to any transaction authorized by this chapter
2515 necessary except as required by this chapter. Any publication made under this chapter may be
2516 made [~~in any newspaper conforming to the terms of this chapter and in which legal notices may~~
2517 ~~be published under the laws of Utah, without regard to the designation of it as the official~~
2518 ~~journal or newspaper of the public body~~] on the Utah Public Notice Website as described in
2519 Section 63F-1-701. No resolution adopted or proceeding taken under this chapter may be
2520 subject to referendum petition or to an election other than as permitted in this chapter. All
2521 proceedings adopted under this chapter may be adopted on a single reading at any legally
2522 convened meeting of the governing body or bodies or the board of trustees of the authority as
2523 appropriate.
2524 (3) Any formal action or proceeding taken by the governing body of a county or other
2525 public body or the board of trustees of an authority under the authority of this chapter may be
2526 taken by resolution of the governing body or the board of trustees as appropriate.
2527 (4) This chapter shall apply to all authorities created, assignment agreements executed,
2528 and bonds issued after this chapter takes effect.
2529 (5) All proceedings taken before the effective date of this chapter by a county or other
2530 public body in connection with the creation and operation of a financing authority are
2531 validated, ratified, approved, and confirmed.
2532 Section 53. Section **11-32-11** is amended to read:
2533 **11-32-11. Publication of resolutions -- Notice -- Content.**
2534 (1) The governing body of any county, or the board of trustees of any financing
2535 authority, may provide for the publication of any resolution or other proceeding adopted by it
2536 under this chapter [~~in a newspaper having general circulation in the county~~] on the Utah Public

2537 Notice Website as described in Section 63F-1-701.
2538 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
2539 board of trustees of a financing authority may, in lieu of publishing the entire resolution or
2540 other proceeding, publish a notice of bonds to be issued, titled as such, containing:
2541 (a) the name of the financing authority and the participant members;
2542 (b) the purposes of the issue;
2543 (c) the maximum principal amount which may be issued;
2544 (d) the maximum number of years over which the bonds may mature;
2545 (e) the maximum interest rate which the bonds may bear;
2546 (f) the maximum discount from par, expressed as a percentage of principal amount, at
2547 which the bonds may be sold; and
2548 (g) the time and place where a copy of the resolution or other proceedings authorizing
2549 the issuance of the bonds may be examined, which shall be at an office of the financing
2550 authority, identified in the notice, during regular business hours of the financing authority as
2551 described in the notice and for a period of at least 30 days after the publication of the notice.
2552 (3) For a period of 30 days after the publication, any person in interest may contest the
2553 legality of the resolution or proceeding or any bonds or assignment agreements which may be
2554 authorized by them or any provisions made for the security and payment of the bonds or for the
2555 security and payment of the assignment agreement. After such time no person has any cause of
2556 action to contest the regularity, formality, or legality of same for any cause.
2557 Section 54. Section **11-39-103** is amended to read:
2558 **11-39-103. Requirements for undertaking a building improvement or public**
2559 **works project -- Request for bids -- Authority to reject bids.**
2560 (1) If the estimated cost of the building improvement or public works project exceeds
2561 the bid limit, the local entity shall, if it determines to proceed with the building improvement or
2562 public works project:
2563 (a) request bids for completion of the building improvement or public works project
2564 by:
2565 (i) publishing notice at least twice [~~in a newspaper published or of general circulation~~
2566 ~~in the local entity~~] on the Utah Public Notice Website as described in Section 63F-1-701 at
2567 least five days before opening the bids; [~~or~~] and

2568 (ii) [~~if there is no newspaper published or of general circulation in the local entity,~~] by
2569 posting notice at least five days before opening the bids in at least five public places in the
2570 local entity and leaving the notice posted for at least three days; and
2571 (b) except as provided in Subsection (3), enter into a contract for the completion of the
2572 building improvement or public works project with:
2573 (i) the lowest responsive responsible bidder; or
2574 (ii) for a design-build project that the local entity began formulating before March 1,
2575 2004 and with respect to which a contract is entered into before September 1, 2004, a
2576 responsible bidder that:
2577 (A) offers design-build services; and
2578 (B) satisfies the local entity's criteria relating to financial strength, past performance,
2579 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder
2580 to perform fully and in good faith the contract requirements for a design-build project.
2581 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject
2582 any or all bids submitted.
2583 (b) (i) The cost of a building improvement or public works project may not be divided
2584 to avoid:
2585 (A) exceeding the bid limit; and
2586 (B) subjecting the local entity to the requirements of this section.
2587 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a
2588 building improvement or public works project that would, without dividing, exceed the bid
2589 limit if the local entity complies with the requirements of this section with respect to each part
2590 of the building improvement or public works project that results from dividing the cost.
2591 (3) (a) The local entity may reject any or all bids submitted.
2592 (b) If the local entity rejects all bids submitted but still intends to undertake the
2593 building improvement or public works project, the local entity shall again request bids by
2594 following the procedure provided in Subsection (1)(a).
2595 (c) If, after twice requesting bids by following the procedure provided in Subsection
2596 (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing
2597 body may undertake the building improvement or public works project as it considers
2598 appropriate.

2599 Section 55. Section **11-42-202** is amended to read:
2600 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
2601 **designation.**
2602 (1) Each notice required under Subsection 11-42-201(2)(a) shall:
2603 (a) state that the local entity proposes to:
2604 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
2605 assessment area;
2606 (ii) provide an improvement to property within the proposed assessment area; and
2607 (iii) finance some or all of the cost of improvements by an assessment on benefitted
2608 property within the assessment area;
2609 (b) describe the proposed assessment area by any reasonable method that allows an
2610 owner of property in the proposed assessment area to determine that the owner's property is
2611 within the proposed assessment area;
2612 (c) describe, in a general way, the improvements to be provided to the assessment area,
2613 including:
2614 (i) the general nature of the improvements; and
2615 (ii) the general location of the improvements, by reference to streets or portions or
2616 extensions of streets or by any other means that the governing body chooses that reasonably
2617 describes the general location of the improvements;
2618 (d) a statement of the estimated cost of the improvements as determined by a project
2619 engineer;
2620 (e) a statement that the local entity proposes to levy an assessment on benefitted
2621 property within the assessment area to pay some or all of the cost of the improvements
2622 according to the estimated direct and indirect benefits to the property from the improvements;
2623 (f) a statement of the assessment method by which the assessment is proposed to be
2624 levied;
2625 (g) a statement of the time within which and the location at which protests against
2626 designation of the proposed assessment area or of the proposed improvements are required to
2627 be filed and the method by which the number of protests required to defeat the designation of
2628 the proposed assessment area or acquisition or construction of the proposed improvements are
2629 to be determined;

2630 (h) state the date, time, and place of the public hearing under Section 11-42-204;
2631 (i) if the governing body elects to create and fund a reserve fund under Section
2632 11-42-702, a description of how the reserve fund will be funded and replenished and how
2633 remaining money in the reserve fund is to be disbursed upon full payment of the bonds;
2634 (j) if the governing body intends to designate a voluntary assessment area, a property
2635 owner consent form that:
2636 (i) estimates the total assessment to be levied against the particular parcel of property;
2637 (ii) describes any additional benefits that the governing body expects the assessed
2638 property to receive from the improvements; and
2639 (iii) designates the date and time by which the fully executed consent form is required
2640 to be submitted to the governing body;
2641 (k) if the local entity intends to levy an assessment to pay operation and maintenance
2642 costs or for economic promotion activities:
2643 (i) a description of the operation and maintenance costs or economic promotion
2644 activities to be paid by assessments and the initial estimated annual assessment to be levied;
2645 (ii) a description of how the estimated assessment will be determined;
2646 (iii) a description of how and when the governing body will adjust the assessment to
2647 reflect current operation and maintenance costs or the costs of current economic promotion
2648 activities;
2649 (iv) a description of the method of assessment if different from the method of
2650 assessment to be used for financing any improvement; and
2651 (v) a statement of the maximum number of years over which the assessment for
2652 operation and maintenance or economic promotion activities will be levied; and
2653 (l) if the governing body intends to divide the proposed assessment area into zones
2654 under Subsection 11-42-201(1)(b), a description of the proposed zones.
2655 (2) A notice required under Subsection 11-42-201(2)(a) may contain other information
2656 that the governing body considers to be appropriate, including:
2657 (a) the amount or proportion of the cost of the improvement to be paid by the local
2658 entity or from sources other than an assessment;
2659 (b) the estimated amount of each type of assessment for the various improvements to
2660 be financed according to the method of assessment that the governing body chooses; and

2661 (c) provisions for any optional improvements.
2662 (3) Each notice required under Subsection 11-42-201(2)(a) [~~shall~~]:
2663 (a) (i) shall be published [~~in a newspaper of general circulation within the local entity's~~
2664 ~~jurisdictional boundaries~~] on the Utah Public Notice Website as described in Section
2665 63F-1-701, once a week for four consecutive weeks, with the last publication at least five but
2666 not more than 20 days before the deadline under Section 11-42-203 for filing protests; [~~or~~] and
2667 (ii) [~~if there is no newspaper of general circulation within the local entity's~~
2668 ~~jurisdictional boundaries,~~] may be posted in at least three public places within the local entity's
2669 jurisdictional boundaries at least 20 but not more than 35 days before the deadline under
2670 Section 11-42-203 for filing protests; and
2671 (b) be mailed, postage prepaid, within ten days after the first publication or posting of
2672 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed
2673 assessment area at the property owner's mailing address.
2674 Section 56. Section **11-42-301** is amended to read:
2675 **11-42-301. Improvements made only under contract let to lowest responsive,**
2676 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**
2677 **contract requirement.**
2678 (1) Except as otherwise provided in this section, a local entity may make improvements
2679 in an assessment area only under contract let to the lowest responsive, responsible bidder for
2680 the kind of service, material, or form of construction that the local entity's governing body
2681 determines in compliance with any applicable local entity ordinances.
2682 (2) A local entity may:
2683 (a) divide improvements into parts;
2684 (b) (i) let separate contracts for each part; or
2685 (ii) combine multiple parts into the same contract; and
2686 (c) let a contract on a unit basis.
2687 (3) (a) A local entity may not let a contract until after publishing notice as provided in
2688 Subsection (3)(b) at least one time [~~in a newspaper of general circulation within the boundaries~~
2689 ~~of the local entity~~] on the Utah Public Notice Website as described in Section 63F-1-701 at
2690 least 15 days before the date specified for receipt of bids.
2691 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will

2692 receive sealed bids at a specified time and place for the construction of the improvements.
2693 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
2694 publish the notice or to publish the notice within 15 days before the date specified for receipt of
2695 bids, the governing body may proceed to let a contract for the improvements if the local entity
2696 receives at least three sealed and bona fide bids from contractors by the time specified for the
2697 receipt of bids.
2698 (d) A local entity may publish a notice required under this Subsection (3) at the same
2699 time as a notice under Section 11-42-202.
2700 (4) (a) A local entity may accept as a sealed bid a bid that is:
2701 (i) manually sealed and submitted; or
2702 (ii) electronically sealed and submitted.
2703 (b) The governing body or project engineer shall, at the time specified in the notice
2704 under Subsection (3), open and examine the bids.
2705 (c) In open session, the governing body:
2706 (i) shall declare the bids; and
2707 (ii) may reject any or all bids if the governing body considers the rejection to be for the
2708 public good.
2709 (d) The local entity may award the contract to the lowest responsive, responsible bidder
2710 even if the price bid by that bidder exceeds the estimated costs as determined by the project
2711 engineer.
2712 (e) A local entity may in any case:
2713 (i) refuse to award a contract;
2714 (ii) obtain new bids after giving a new notice under Subsection (3);
2715 (iii) determine to abandon the assessment area; or
2716 (iv) not make some of the improvements proposed to be made.
2717 (5) A local entity is not required to let a contract as provided in this section for:
2718 (a) an improvement or part of an improvement the cost of which or the making of
2719 which is donated or contributed;
2720 (b) an improvement that consists of furnishing utility service or maintaining
2721 improvements;
2722 (c) labor, materials, or equipment supplied by the local entity;

2723 (d) the local entity's acquisition of completed or partially completed improvements in
2724 an assessment area;
2725 (e) design, engineering, and inspection costs incurred with respect to the construction
2726 of improvements in an assessment area; or
2727 (f) additional work performed in accordance with the terms of a contract duly let to the
2728 lowest responsible bidder.
2729 (6) A local entity may itself furnish utility service and maintain improvements within
2730 an assessment area.
2731 (7) (a) A local entity may acquire completed or partially completed improvements in an
2732 assessment area, but may not pay an amount for those improvements that exceeds their fair
2733 market value.
2734 (b) Upon the local entity's payment for completed or partially completed
2735 improvements, title to the improvements shall be conveyed to the local entity or another public
2736 agency.
2737 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works
2738 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an
2739 assessment area.
2740 Section 57. Section **11-42-402** is amended to read:
2741 **11-42-402. Notice of assessment and board of equalization hearing.**
2742 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:
2743 (1) state:
2744 (a) that an assessment list is completed and available for examination at the offices of
2745 the local entity;
2746 (b) the total estimated or actual cost of the improvements;
2747 (c) the amount of the total estimated or actual cost of the proposed improvements to be
2748 paid by the local entity;
2749 (d) the amount of the assessment to be levied against benefitted property within the
2750 assessment area;
2751 (e) the assessment method used to calculate the proposed assessment;
2752 (f) the unit cost used to calculate the assessments shown on the assessment list, based
2753 on the assessment method used to calculate the proposed assessment; and

2754 (g) the dates, times, and place of the board of equalization hearings under Subsection
2755 11-42-401(2)(b);
2756 (2) beginning at least 20 but not more than 35 days before the first hearing of the board
2757 of equalization:
2758 (a) be published at least once [~~in a newspaper of general circulation within the local~~
2759 ~~entity's jurisdictional boundaries~~] on the Utah Public Notice Website as described in Section
2760 63F-1-701; [~~or~~] and
2761 (b) [~~if there is no newspaper of general circulation within the local entity's~~
2762 ~~jurisdictional boundaries,~~] may be posted in at least three public places within the local entity's
2763 jurisdictional boundaries; and
2764 (3) be mailed, postage prepaid, within ten days after the first publication or posting of
2765 the notice under Subsection (2) to each owner of property to be assessed within the proposed
2766 assessment area at the property owner's mailing address.
2767 Section 58. Section **11-42-404** is amended to read:
2768 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**
2769 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**
2770 **interest.**
2771 (1) (a) After receiving a final report from a board of equalization under Subsection
2772 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection
2773 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an
2774 assessment against benefitted property within the assessment area.
2775 (b) Each local entity that levies an assessment under this chapter shall levy the
2776 assessment at one time only, unless the assessment is to pay operation and maintenance costs
2777 or the costs of economic promotion activities.
2778 (c) An assessment resolution or ordinance adopted under Subsection (1)(a):
2779 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to
2780 be assessed;
2781 (ii) need not include the legal description or tax identification number of the parcels of
2782 property assessed in the assessment area; and
2783 (iii) is adequate for purposes of identifying the property to be assessed within the
2784 assessment area if the assessment resolution or ordinance incorporates by reference the

2785 corrected assessment list that describes the property assessed by legal description and tax
2786 identification number.
2787 (2) (a) Each local entity that adopts an assessment resolution or ordinance shall give
2788 notice of the adoption by:
2789 (i) publishing a copy of the resolution or ordinance once [~~in a newspaper of general~~
2790 ~~circulation within the local entity's jurisdictional boundaries~~] on the Utah Public Notice
2791 Website as described in Section 63F-1-701; [~~or~~] and
2792 (ii) [~~if there is no newspaper of general circulation with the local entity's jurisdictional~~
2793 ~~boundaries,~~] posting a copy of the resolution or ordinance in at least three public places within
2794 the local entity's jurisdictional boundaries for at least 21 days.
2795 (b) No other publication or posting of the resolution or ordinance is required.
2796 (3) Notwithstanding any other statutory provision regarding the effective date of a
2797 resolution or ordinance, each assessment resolution or ordinance takes effect:
2798 (a) on the date of publication or posting of the notice under Subsection (2); or
2799 (b) at a later date provided in the resolution or ordinance.
2800 (4) (a) The governing body of each local entity that has adopted an assessment
2801 resolution or ordinance under Subsection (1) shall, within five days after the 25-day
2802 prepayment period under Subsection 11-42-411(6) has passed, file a notice of assessment
2803 interest with the recorder of the county in which the assessed property is located.
2804 (b) Each notice of assessment interest under Subsection (4)(a) shall:
2805 (i) state that the local entity has an assessment interest in the assessed property;
2806 (ii) if the assessment is to pay operation and maintenance costs or for economic
2807 promotion activities, state the maximum number of years over which an assessment will be
2808 payable; and
2809 (iii) describe the property assessed by legal description and tax identification number.
2810 (c) A local entity's failure to file a notice of assessment interest under this Subsection
2811 (4) has no affect on the validity of an assessment levied under an assessment resolution or
2812 ordinance adopted under Subsection (1).
2813 Section 59. Section **11-42-604** is amended to read:
2814 **11-42-604. Notice regarding resolution or ordinance authorizing interim**
2815 **warrants or bond anticipation notes -- Complaint contesting warrants or notes --**

2816 **Prohibition against contesting warrants and notes.**
2817 (1) A local entity may publish notice, as provided in Subsection (2), of a resolution or
2818 ordinance that the governing body has adopted authorizing the issuance of interim warrants or
2819 bond anticipation notes.
2820 (2) (a) If a local entity chooses to publish notice under Subsection (1)[~~(a)~~], the notice
2821 shall:
2822 (i) be published [~~in a newspaper of general circulation within the local entity~~] on the
2823 Utah Public Notice Website as described in Section 63F-1-701;
2824 (ii) contain:
2825 (A) the name of the issuer of the interim warrants or bond anticipation notes;
2826 (B) the purpose of the issue;
2827 (C) the maximum principal amount that may be issued;
2828 (D) the maximum length of time over which the interim warrants or bond anticipation
2829 notes may mature;
2830 (E) the maximum interest rate, if there is a maximum rate; and
2831 (F) the times and place where a copy of the resolution or ordinance may be examined,
2832 as required under Subsection (2)(b).
2833 (b) The local entity shall allow examination of the resolution or ordinance authorizing
2834 the issuance of the interim warrants or bond anticipation notes at its office during regular
2835 business hours.
2836 (3) Any person may, within 30 days after publication of a notice under Subsection (1),
2837 file a verified, written complaint in the district court of the county in which the person resides,
2838 contesting the regularity, formality, or legality of the interim warrants or bond anticipation
2839 notes issued by the local entity or the proceedings relating to the issuance of the interim
2840 warrants or bond anticipation notes.
2841 (4) After the 30-day period under Subsection (3), no person may contest the regularity,
2842 formality, or legality of the interim warrants or bond anticipation notes issued by a local entity
2843 under the resolution or ordinance that was the subject of the notice under Subsection (1), or the
2844 proceedings relating to the issuance of the interim warrants or bond anticipation notes.
2845 Section 60. Section **13-31-302** is amended to read:
2846 **13-31-302. Sale of molds for payment of lien.**

2847 (1) (a) Prior to selling a mold, the molder shall send written notice by registered mail to
2848 the last-known address of the customer.
2849 (b) The notice required by Subsection (1)(a) shall include:
2850 (i) the molder's intention to sell the mold 30 days from the day the customer received
2851 the notice;
2852 (ii) the description of the mold to be sold;
2853 (iii) the time and place of the sale; and
2854 (iv) an itemized statement for the amount due the molder from the customer.
2855 (c) A molder shall publish notice of the molder's intention to sell a mold [~~in a~~
2856 ~~newspaper of general circulation covering the customer's last-known address~~] on the Utah
2857 Public Notice Website as described in Section 63F-1-701, if:
2858 (i) the receipt of the mailing of the notice described in Subsection (1)(a) is not
2859 returned; or
2860 (ii) the postal service returns the notice described in Subsection (1)(a) as being
2861 nondeliverable.
2862 (d) The notice provided for in Subsection (1)(c) shall include a description of the mold.
2863 (2) A molder may sell a mold 30 days from the later of the day:
2864 (a) the customer received the notice in accordance with Subsection (1)(a); or
2865 (b) the date the molder published the notice under Subsection (1)(c).
2866 (3) If from the sale of a mold under this section the molder receives an amount in
2867 excess of the amount of the lien, the excess shall be paid as follows:
2868 (a) to any prior lienholder known to the molder at the time of the sale; and
2869 (b) after paying any lienholder under Subsection (3)(a), the remainder:
2870 (i) if the customer's address is known at the time of sale, to the customer; or
2871 (ii) if the customer's address is not known at the time of sale, to the state in accordance
2872 with Title 67, Chapter 4a, Unclaimed Property Act.
2873 Section 61. Section **13-44-202** is amended to read:
2874 **13-44-202. Personal information -- Disclosure of system security breach.**
2875 (1) (a) A person who owns or licenses computerized data that includes personal
2876 information concerning a Utah resident shall, when the person becomes aware of a breach of
2877 system security, conduct in good faith a reasonable and prompt investigation to determine the

2878 likelihood that personal information has been or will be misused for identity theft or fraud
2879 purposes.
2880 (b) If an investigation under Subsection (1)(a) reveals that the misuse of personal
2881 information for identity theft or fraud purposes has occurred, or is reasonably likely to occur,
2882 the person shall provide notification to each affected Utah resident.
2883 (2) A person required to provide notification under Subsection (1) shall provide the
2884 notification in the most expedient time possible without unreasonable delay:
2885 (a) considering legitimate investigative needs of law enforcement, as provided in
2886 Subsection (4)(a);
2887 (b) after determining the scope of the breach of system security; and
2888 (c) after restoring the reasonable integrity of the system.
2889 (3) (a) A person who maintains computerized data that includes personal information
2890 that the person does not own or license shall notify and cooperate with the owner or licensee of
2891 the information of any breach of system security immediately following the person's discovery
2892 of the breach if misuse of the personal information occurs or is reasonably likely to occur.
2893 (b) Cooperation under Subsection (3)(a) includes sharing information relevant to the
2894 breach with the owner or licensee of the information.
2895 (4) (a) Notwithstanding Subsection (2), a person may delay providing notification
2896 under Subsection (1) at the request of a law enforcement agency that determines that
2897 notification may impede a criminal investigation.
2898 (b) A person who delays providing notification under Subsection (4)(a) shall provide
2899 notification in good faith without unreasonable delay in the most expedient time possible after
2900 the law enforcement agency informs the person that notification will no longer impede the
2901 criminal investigation.
2902 (5) (a) A notification required by this section may be provided:
2903 (i) in writing by first-class mail to the most recent address the person has for the
2904 resident;
2905 (ii) electronically, if the person's primary method of communication with the resident is
2906 by electronic means, or if provided in accordance with the consumer disclosure provisions of
2907 15 U.S.C. Section 7001;
2908 (iii) by telephone, including through the use of automatic dialing technology not

2909 prohibited by other law; or
2910 (iv) by publishing notice of the breach of system security [~~in a newspaper of general~~
2911 ~~circulation~~] on the Utah Public Notice Website as described in Section 63F-1-701.
2912 (b) If a person maintains the person's own notification procedures as part of an
2913 information security policy for the treatment of personal information the person is considered
2914 to be in compliance with this chapter's notification requirements if the procedures are otherwise
2915 consistent with this chapter's timing requirements and the person notifies each affected Utah
2916 resident in accordance with the person's information security policy in the event of a breach.
2917 (c) A person who is regulated by state or federal law and maintains procedures for a
2918 breach of system security under applicable law established by the primary state or federal
2919 regulator is considered to be in compliance with this part if the person notifies each affected
2920 Utah resident in accordance with the other applicable law in the event of a breach.
2921 (6) A waiver of this section is contrary to public policy and is void and unenforceable.
2922 Section 62. Section **16-4-206** is amended to read:
2923 **16-4-206. Service and publication of notice of assessment.**
2924 (1) The notice of assessment required by Section 16-4-205 shall be:
2925 (a) personally served on each shareholder; or
2926 (b) sent by first-class mail to each shareholder at the address shown on the
2927 corporation's records.
2928 (2) A shareholder is responsible for providing the shareholder's current mailing address
2929 to the corporation for purposes of Subsection (1).
2930 (3) (a) Except as provided in Subsection (3)(b), a notice of assessment shall be
2931 published once a week for two weeks [~~in a newspaper of general circulation in the location of~~
2932 ~~the corporation's principal place of business~~] on the Utah Public Notice Website as described in
2933 Section 63F-1-701.
2934 (b) A water company may elect not to publish notice under Subsection (3)(a).
2935 Section 63. Section **16-4-303** is amended to read:
2936 **16-4-303. Service and publication of notice of sale.**
2937 (1) The notice of sale required by Section 16-4-302 shall be:
2938 (a) personally served on each shareholder whose share is subject to sale; or
2939 (b) sent by certified mail, return-receipt requested, to each shareholder whose share is

2940 subject to sale at the address shown on the corporation's records.
2941 (2) A shareholder is responsible for providing the shareholder's current mailing address
2942 to the corporation for purposes of Subsection (1).
2943 (3) The notice required by Subsection (1) shall be served or mailed at least 15 days, but
2944 not more than 30 days before the day on which the sale is to occur.
2945 (4) A notice of sale shall be published once a week for two weeks [~~in a newspaper of~~
2946 ~~general circulation in the location of the corporation's principal place of business~~] on the Utah
2947 Public Notice Website as described in Section 63F-1-701 beginning at least 15 days but no
2948 more than 45 days before the day on which the sale is to occur.
2949 Section 64. Section **16-4-312** is amended to read:
2950 **16-4-312. Affidavit and posting of notice -- Evidence.**
2951 (1) An affidavit made by the secretary of a corporation of the mailing of a notice
2952 required by this chapter is prima facie evidence of the existence and mailing of the notice.
2953 (2) The publication of a notice on the Utah Public Notice Website as described in
2954 Section 63F-1-701 under this chapter may be proved by the affidavit [~~of the printer foreman or~~
2955 ~~principal clerk of the newspaper in which the notice was published~~] of the administrator of the
2956 Utah Public Notice Website as described in Section 63F-1-701.
2957 (3) The affidavit of the secretary of the corporation or the auctioneer responsible for
2958 selling shares is prima facie evidence of:
2959 (a) the time and place of sale;
2960 (b) the quantity and particular description of the shares sold;
2961 (c) to whom and for what price the shares were sold; and
2962 (d) the fact of the purchase money being paid.
2963 (4) The affidavits referenced in this section shall be filed in the corporation's office.
2964 (5) A copy of an affidavit referenced in this section is prima facie evidence of the facts
2965 contained in the affidavit if the affidavit is certified by the secretary.
2966 Section 65. Section **16-6a-103** is amended to read:
2967 **16-6a-103. Notice.**
2968 (1) Notice given under this chapter shall be in writing unless oral notice is reasonable
2969 under the circumstances.
2970 (2) (a) Notice may be communicated:

2971 (i) in person;
2972 (ii) by telephone;
2973 (iii) by any form of electronic communication; or
2974 (iv) by mail or private carrier.
2975 (b) If the forms of personal notice described in Subsection (2)(a) are impracticable,
2976 notice may be communicated by:
2977 (i) [~~a newspaper of general circulation in the county or similar governmental~~
2978 ~~subdivision in which the corporation's principal or registered office is located~~] publication on
2979 the Utah Public Notice Website as described in Section 63F-1-701; or
2980 (ii) radio, television, or other form of public broadcast communication in the county or
2981 similar governmental subdivision in which the corporation's principal or registered office is
2982 located.
2983 (3) Written notice to a domestic or foreign nonprofit corporation authorized to conduct
2984 affairs in this state may be addressed to:
2985 (a) its registered agent at its registered office; or
2986 (b) the corporation's secretary at its principal office.
2987 (4) (a) Written notice by a domestic or foreign nonprofit corporation to its members, is
2988 effective as to each member when mailed, if:
2989 (i) in a comprehensible form; and
2990 (ii) addressed to the member's address shown in the domestic or foreign nonprofit
2991 corporation's current record of members.
2992 (b) If three successive notices given to a member pursuant to Subsection (5) have been
2993 returned as undeliverable, further notices to that member are not necessary until another
2994 address of the member is made known to the nonprofit corporation.
2995 (5) Except as provided in Subsection (4), written notice, if in a comprehensible form, is
2996 effective at the earliest of the following:
2997 (a) when received;
2998 (b) five days after it is mailed; or
2999 (c) on the date shown on the return receipt if:
3000 (i) sent by registered or certified mail;
3001 (ii) sent return receipt requested; and

3002 (iii) the receipt is signed by or on behalf of the addressee.
3003 (6) Oral notice is effective when communicated if communicated in a comprehensible
3004 manner.
3005 (7) Notice by publication is effective on the date of first publication.
3006 (8) A written notice or report delivered as part of a newsletter, magazine, or other
3007 publication regularly sent to members shall constitute a written notice or report if:
3008 (a) addressed or delivered to the member's address shown in the nonprofit corporation's
3009 current list of members; or
3010 (b) if two or more members are residents of the same household and have the same
3011 address in the nonprofit corporation's current list of members, addressed or delivered to one of
3012 the members at the address appearing on the current list of members.
3013 (9) (a) If this chapter prescribes notice requirements for particular circumstances, the
3014 notice requirements for the particular circumstances govern.
3015 (b) If articles of incorporation or bylaws prescribe notice requirements not inconsistent
3016 with this section or other provisions of this chapter, the notice requirements of the articles of
3017 incorporation or bylaws govern.
3018 Section 66. Section **16-6a-704** is amended to read:
3019 **16-6a-704. Notice of meeting.**
3020 (1) A nonprofit corporation shall give to each member entitled to vote at the meeting
3021 notice consistent with its bylaws of meetings of members in a fair and reasonable manner.
3022 (2) Any notice that conforms to the requirements of Subsection (3) is fair and
3023 reasonable, but other means of giving notice may also be fair and reasonable when all the
3024 circumstances are considered.
3025 (3) Notice is fair and reasonable if:
3026 (a) the nonprofit corporation notifies its members of the place, date, and time of each
3027 annual, regular, and special meeting of members:
3028 (i) no fewer than ten days before the meeting;
3029 (ii) if notice is mailed by other than first-class or registered mail, no fewer than 30
3030 days, nor more than 60 days before the meeting date; and
3031 (iii) if notice is given by [~~newspaper~~] publication on the Utah Public Notice Website as
3032 described in Section 63F-1-701 as provided in Subsection 16-6a-103(2), by publication three

3033 separate times with:
3034 (A) the first of the publications no more than 60 days before the meeting date; and
3035 (B) the last of the publications no fewer than ten days before the meeting date;
3036 (b) the notice of an annual or regular meeting includes a description of any matter or
3037 matters that:
3038 (i) must be approved by the members; or
3039 (ii) for which the members' approval is sought under Sections 16-6a-825, 16-6a-910,
3040 16-6a-1003, 16-6a-1010, 16-6a-1102, 16-6a-1202, and 16-6a-1402; and
3041 (c) unless otherwise provided by this chapter or the bylaws, the notice of a special
3042 meeting includes a description of the purpose or purposes for which the meeting is called.
3043 (4) (a) Unless otherwise provided by the bylaws, if an annual, regular, or special
3044 meeting of members is adjourned to a different date, time, or place, notice need not be given of
3045 the new date, time, or place, if the new date, time, or place is announced at the meeting before
3046 adjournment.
3047 (b) Notwithstanding Subsection (4)(a), if a new record date for the adjourned meeting
3048 is or shall be fixed under Section 16-6a-706, notice of the adjourned meeting shall be given
3049 under this section to the members of record as of the new record date.
3050 (5) When giving notice of an annual, regular, or special meeting of members, a
3051 nonprofit corporation shall give notice of a matter a member intends to raise at the meeting if:
3052 (a) requested in writing to do so by a person entitled to call a special meeting; and
3053 (b) the request is received by the secretary or president of the nonprofit corporation at
3054 least ten days before the nonprofit corporation gives notice of the meeting.
3055 Section 67. Section **16-6a-814** is amended to read:
3056 **16-6a-814. Notice of meeting.**
3057 (1) (a) A nonprofit corporation shall give to each director entitled to vote at an annual
3058 meeting notice of the annual meeting consistent with the nonprofit corporation's bylaws in a
3059 fair and reasonable manner.
3060 (b) Notice under Subsection (1)(a) is fair and reasonable if the nonprofit corporation
3061 notifies each director of the place, date, and time of the annual meeting:
3062 (i) no fewer than ten days before the meeting, unless otherwise provided by the bylaws;
3063 (ii) if notice is mailed by other than first-class or registered mail, no fewer than 30

3064 days, nor more than 60 days before the meeting date; and
3065 (iii) if notice is given by [~~newspaper~~] publication on the Utah Public Notice Website as
3066 described in Section 63F-1-701 as provided in Subsection 16-6a-103(2), by publication three
3067 separate times with:
3068 (A) the first of the publications no more than 60 days before the meeting date; and
3069 (B) the last of the publications no fewer than ten days before the meeting date.
3070 (2) Unless otherwise provided in this chapter or in the bylaws, regular meetings of the
3071 board of directors may be held without notice of the date, time, place, or purpose of the
3072 meeting.
3073 (3) (a) Unless the bylaws provide for a longer or shorter period, special meetings of the
3074 board of directors shall be preceded by at least two days notice of the date, time, and place of
3075 the meeting.
3076 (b) The notice required by Subsection (3)(a) need not describe the purpose of the
3077 special meeting unless otherwise required by this chapter or the bylaws.
3078 Section 68. Section **16-6a-1407** is amended to read:
3079 **16-6a-1407. Disposition of claims by publication.**
3080 (1) A dissolved nonprofit corporation may publish notice of its dissolution and request
3081 that persons with claims against the nonprofit corporation present them in accordance with the
3082 notice.
3083 (2) The notice described in Subsection (1) shall:
3084 (a) be published one time [~~in a newspaper of general circulation in:~~] on the Utah Public
3085 Notice Website as described in Section 63F-1-701;
3086 [~~(i) the county where:~~]
3087 [~~(A) the dissolved nonprofit corporation's principal office is located;~~]
3088 [~~(B) if the dissolved nonprofit corporation has no principal office in this state, its~~
3089 ~~registered office is or was last located; or~~]
3090 [~~(ii) if neither Subsection (2)(a)(i)(A) or (B) apply, Salt Lake County;~~]
3091 (b) describe the information that shall be included in a claim;
3092 (c) provide an address at which any claim shall be given to the nonprofit corporation;
3093 and
3094 (d) state that unless sooner barred by any other statute limiting actions, a claim will be

3095 barred if an action to enforce the claim is not commenced within three years after publication
3096 of the notice.
3097 (3) If the dissolved nonprofit corporation publishes [~~a newspaper notice~~] on the Utah
3098 Public Notice Website as described in Section 63F-1-701 in accordance with Subsection (2),
3099 then unless sooner barred under Section 16-6a-1406 or under any other statute limiting actions,
3100 the claim of any claimant against the dissolved nonprofit corporation is barred unless the
3101 claimant commences an action to enforce the claim against the dissolved nonprofit corporation
3102 within three years after the publication date of the notice.
3103 (4) For purposes of this section:
3104 (a) "claim" means any claim, including claims of this state, whether:
3105 (i) known;
3106 (ii) due or to become due;
3107 (iii) absolute or contingent;
3108 (iv) liquidated or unliquidated;
3109 (v) founded on contract, tort, or other legal basis; or
3110 (vi) otherwise; and
3111 (b) an action to enforce a claim includes:
3112 (i) any civil action; and
3113 (ii) any arbitration under any agreement for binding arbitration between the dissolved
3114 nonprofit corporation and the claimant.
3115 Section 69. Section **16-10a-103** is amended to read:
3116 **16-10a-103. Notice.**
3117 (1) (a) Notice given under this chapter must be in writing unless oral notice is
3118 reasonable under the circumstances.
3119 (b) Notice by electronic transmission is written notice.
3120 (2) (a) Subject to compliance with any requirement that notice be in writing, notice
3121 may be communicated in person, by telephone, by any form of electronic transmission, or by
3122 mail or private carrier.
3123 (b) If the forms of personal notice listed in Subsection (2)(a) are impracticable, notice
3124 may be communicated:
3125 (i) by [~~a newspaper of general circulation in the county, or similar subdivision, in~~

3126 ~~which the corporation's principal office is located~~] publication on the Utah Public Notice
3127 Website as described in Section 63F-1-701;
3128 (ii) by radio, television, or other form of public broadcast communication in the county
3129 or subdivision; or
3130 (iii) if the corporation has no office in this state, in the manner allowed by Subsection
3131 (2)(b)(i) or (ii) but in Salt Lake County.
3132 (3) (a) Written notice by a domestic or foreign corporation to its shareholders or
3133 directors, if in a comprehensible form, is effective as to each shareholder or director:
3134 (i) when mailed, if addressed to the shareholder's or director's address shown in the
3135 corporation's current record of the shareholder or director; or
3136 (ii) when electronically transmitted to the shareholder or director, in a manner and to
3137 an address provided by the shareholder or director in an unrevoked consent.
3138 (b) Consent under Subsection (3)(a)(ii) is considered revoked if:
3139 (i) the corporation is unable to deliver by electronic transmission two consecutive
3140 notices transmitted by the corporation based on that consent; and
3141 (ii) the corporation's inability to deliver notice by electronic transmission under
3142 Subsection (3)(b)(i) is known by the:
3143 (A) corporation's secretary;
3144 (B) an assistant secretary or transfer agent of the corporation; or
3145 (C) any other person responsible for providing notice.
3146 (c) Notwithstanding Subsection (3)(b), a corporation's failure to treat consent under
3147 Subsection (3)(a) as revoked does not invalidate any meeting or other act.
3148 (d) Delivery of a notice to shareholders may be excused in accordance with Subsection
3149 16-10a-705(5).
3150 (4) Written notice to a domestic or foreign corporation authorized to transact business
3151 in this state may be addressed to the corporation's:
3152 (a) registered agent; or
3153 (b) secretary at its principal office.
3154 (5) Except as provided in Subsection (3), written notice, if in a comprehensible form, is
3155 effective at the earliest of the following:
3156 (a) when received;

3157 (b) five days after it is mailed; or
3158 (c) on the date shown on the return receipt if sent by registered or certified mail, return
3159 receipt requested, and the receipt is signed by or on behalf of the addressee.
3160 (6) Oral notice is effective when communicated if communicated in a comprehensible
3161 manner.
3162 (7) Notice by publication is effective on the date of first publication.
3163 (8) (a) If this chapter prescribes notice requirements for particular circumstances, those
3164 requirements govern.
3165 (b) If articles of incorporation or bylaws prescribe notice requirements, not inconsistent
3166 with this section or other provisions of this chapter, those requirements govern.
3167 Section 70. Section **16-10a-1407** is amended to read:
3168 **16-10a-1407. Disposition of claims by publication -- Disposition in absence of**
3169 **publication.**
3170 (1) A dissolved corporation may publish notice of its dissolution and request that
3171 persons with claims against the corporation present them in accordance with the notice.
3172 (2) The notice contemplated in Subsection (1) must:
3173 (a) be published one time [~~in a newspaper of general circulation in the county where~~
3174 ~~the dissolved corporation's principal office is or was located or, if it has no principal office in~~
3175 ~~this state, in Salt Lake County~~] on the Utah Public Notice Website as described in Section
3176 63F-1-701;
3177 (b) describe the information that must be included in a claim and provide an address at
3178 which any claim must be given to the corporation; and
3179 (c) state that unless sooner barred by any other statute limiting actions, the claim will
3180 be barred if an action to enforce the claim is not commenced within five years after the
3181 publication of the notice.
3182 (3) If the dissolved corporation publishes a newspaper notice in accordance with
3183 Subsection (2), then unless sooner barred under Section 16-10a-1406 or under any other statute
3184 limiting actions, the claim of any claimant against the dissolved corporation is barred unless the
3185 claimant commences an action to enforce the claim against the dissolved corporation within
3186 five years after the publication date of the notice.
3187 (4) (a) For purposes of this section, "claim" means any claim, including claims of this

3188 state, whether known, due or to become due, absolute or contingent, liquidated or unliquidated,
3189 founded on contract, tort, or other legal basis, or otherwise.
3190 (b) For purposes of this section, an action to enforce a claim includes any civil action,
3191 and any arbitration under any agreement for binding arbitration between the dissolved
3192 corporation and the claimant.
3193 (5) If a dissolved corporation does not publish a newspaper notice in accordance with
3194 Subsection (2), then unless sooner barred under Section 16-10a-1406 or under any other statute
3195 limiting actions, the claim of any claimant against the dissolved corporation is barred unless the
3196 claimant commences an action to enforce the claim against the dissolved corporation within
3197 seven years after the date the corporation was dissolved.
3198 Section 71. Section **16-16-1209** is amended to read:
3199 **16-16-1209. Other claims against dissolved limited cooperative association.**
3200 (1) A dissolved limited cooperative association may publish notice of its dissolution
3201 and request persons having claims against the association to present them in accordance with
3202 the notice.
3203 (2) A notice under Subsection (1) must:
3204 (a) be published at least once [~~in a newspaper of general circulation in the county in~~
3205 ~~which the dissolved limited cooperative association's principal office is located or, if the~~
3206 ~~association does not have a principal office in this state, in the county in which the association's~~
3207 ~~designated office is or was last located~~] on the Utah Public Notice Website as described in
3208 Section 63F-1-701;
3209 (b) describe the information required to be contained in a claim and provide an address
3210 to which the claim is to be sent; and
3211 (c) state that a claim against the association is barred unless an action to enforce the
3212 claim is commenced not later than three years after publication of the notice.
3213 (3) If a dissolved limited cooperative association publishes a notice in accordance with
3214 Subsection (2), the claim of each of the following claimants is barred unless the claimant
3215 commences an action to enforce the claim not later than three years after the first publication
3216 date of the notice:
3217 (a) a claimant that is entitled to but did not receive notice in a record under Section
3218 16-16-1208; and

3219 (b) a claimant whose claim is contingent or based on an event occurring after the
3220 effective date of dissolution.
3221 (4) A claim not barred under this section may be enforced:
3222 (a) against a dissolved limited cooperative association, to the extent of its undistributed
3223 assets; or
3224 (b) if the association's assets have been distributed in connection with winding up the
3225 association's activities against a member or holder of financial rights to the extent of that
3226 person's proportionate share of the claim or the association's assets distributed to the person in
3227 connection with the winding up, whichever is less. The person's total liability for all claims
3228 under this Subsection (4) shall not exceed the total amount of assets distributed to the person as
3229 part of the winding up of the association.
3230 Section 72. Section **17-16-3** is amended to read:
3231 **17-16-3. Consolidation of offices.**
3232 (1) A county legislative body may, unless prohibited by Subsection (2), pass an
3233 ordinance that:
3234 (a) consolidates county offices and establishes the duties of those consolidated offices;
3235 (b) separates any previously consolidated offices and reconsolidates them; or
3236 (c) separates any previously consolidated offices without reconsolidating them.
3237 (2) A county legislative body may not:
3238 (a) consolidate the offices of county commissioner, county council member, or county
3239 treasurer with the office of county auditor;
3240 (b) consolidate the office of county executive with the office of county auditor, unless a
3241 referendum approving that consolidation passes; or
3242 (c) consolidate the offices of county commissioner, county council member, county
3243 executive, county assessor, or county auditor with the office of county treasurer.
3244 (3) Each county legislative body shall ensure that any ordinance consolidating or
3245 separating county offices:
3246 (a) is enacted before the February 1 of the year in which county officers are elected;
3247 and
3248 (b) takes effect on the first Monday in January after the year in which county officers
3249 are elected.

3250 (4) (a) Each county legislative body shall:
3251 (i) enact an ordinance by February 1, 2010, separating any county offices that are
3252 prohibited from consolidation by this section; and
3253 (ii) publish, by February 15, 2010, a notice [~~once in a newspaper of general circulation~~
3254 ~~in the county~~] on the Utah Public Notice Website as described in Section 63F-1-701 identifying
3255 the county offices that will be filled in the November 2010 election.
3256 (b) (i) If a county legislative body has, by February 1, 2006, enacted an ordinance, in
3257 compliance with this Subsection (4) then in effect, separating county offices that are prohibited
3258 from consolidation by this section, the county legislative body may repeal that ordinance.
3259 (ii) If a county legislative body has published notice [~~in a newspaper~~] on the Utah
3260 Public Notice Website as described in Section 63F-1-701 identifying the county offices that
3261 will be filled in the November 2006 election, and that notice, because of a repeal of an
3262 ordinance under Subsection (4)(b)(i), is incorrect, the county legislative body shall publish
3263 notice [~~once in a newspaper of general circulation in the county~~] on the Utah Public Notice
3264 Website as described in Section 63F-1-701 indicating that the previous notice was incorrect
3265 and correctly identifying the county offices that will be filled in the November 2006 election.
3266 Section 73. Section **17-27a-204** is amended to read:
3267 **17-27a-204. Notice of public hearings and public meetings to consider general**
3268 **plan or modifications.**
3269 (1) A county shall provide:
3270 (a) notice of the date, time, and place of the first public hearing to consider the original
3271 adoption or any modification of all or any portion of a general plan; and
3272 (b) notice of each public meeting on the subject.
3273 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten
3274 calendar days before the public hearing and shall be:
3275 (a) published [~~in a newspaper of general circulation in the area~~] on the Utah Public
3276 Notice Website as described in Section 63F-1-701;
3277 (b) mailed to each affected entity; and
3278 (c) posted:
3279 (i) in at least three public locations within the county; or
3280 (ii) on the county's official website.

3281 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
3282 before the meeting and shall be:
3283 (a) submitted [~~to a newspaper of general circulation in the area~~] on the Utah Public
3284 Notice Website as described in Section 63F-1-701; and
3285 (b) posted:
3286 (i) in at least three public locations within the county; or
3287 (ii) on the county's official website.
3288 Section 74. Section **17-27a-205** is amended to read:
3289 **17-27a-205. Notice of public hearings and public meetings on adoption or**
3290 **modification of land use ordinance.**
3291 (1) Each county shall give:
3292 (a) notice of the date, time, and place of the first public hearing to consider the
3293 adoption or modification of a land use ordinance; and
3294 (b) notice of each public meeting on the subject.
3295 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
3296 (a) mailed to each affected entity at least ten calendar days before the public hearing;
3297 (b) posted:
3298 (i) in at least three public locations within the county; or
3299 (ii) on the county's official website; and
3300 (c) (i) published [~~in a newspaper of general circulation in the area~~] on the Utah Public
3301 Notice Website as described in Section 63F-1-701 at least ten calendar days before the public
3302 hearing; or
3303 (ii) mailed at least three days before the public hearing to:
3304 (A) each property owner whose land is directly affected by the land use ordinance
3305 change; and
3306 (B) each adjacent property owner within the parameters specified by county ordinance.
3307 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
3308 before the hearing and shall be posted:
3309 (a) in at least three public locations within the county; or
3310 (b) on the county's official website.
3311 Section 75. Section **17-27a-208** is amended to read:

3312 **17-27a-208. Hearing and notice for proposal to vacate, alter, or amend a public**
3313 **street or right-of-way.**
3314 For any proposal to vacate, alter, or amend a public street or right-of-way, the land use
3315 authority shall hold a public hearing and shall give notice of the date, place, and time of the
3316 hearing by:
3317 (1) mailing notice as required in Section 17-27a-207;
3318 (2) mailing notice to each affected entity; and
3319 (3) (a) publishing notice once a week for four consecutive weeks before the hearing [~~in~~
3320 ~~a newspaper of general circulation in the county in which the land subject to the petition is~~
3321 ~~located~~] on the Utah Public Notice Website as described in Section 63F-1-701; [~~or~~] and
3322 (b) [~~if there is no newspaper of general circulation in the county,~~] posting the property
3323 and posting notice in three public places for four consecutive weeks before the hearing.
3324 Section 76. Section **17-27a-306** is amended to read:
3325 **17-27a-306. Townships.**
3326 (1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without
3327 having received a petition under Subsection (1)(b), enact an ordinance establishing a township
3328 within the unincorporated county or dividing the unincorporated county into townships.
3329 (ii) Before enacting an ordinance under Subsection (1)(a)(i), the county legislative
3330 body shall, after providing reasonable advance notice, hold a public hearing on the proposal to
3331 establish a township or to divide the unincorporated county into townships.
3332 (b) If 25% of the private real property owners in a contiguous area of the
3333 unincorporated county petition the county legislative body to establish a township for that area,
3334 the county legislative body shall:
3335 (i) hold a public hearing to discuss the petition;
3336 (ii) at least one week before the public hearing, publish notice of the petition and the
3337 time, date, and place of the public hearing at least once [~~in a newspaper of general circulation~~
3338 ~~in the county~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
3339 (iii) at the public hearing, consider oral and written testimony from the public and vote
3340 on the question of whether or not to establish a township.
3341 (c) If the county legislative body establishes a township pursuant to a petition, the
3342 members of the township planning commission shall be appointed as provided in Subsection

3343 17-27a-301(3)(b) to perform the duties established in this part for the township.
3344 (d) Except as provided in Subsection (1)(e), each township shall:
3345 (i) contain:
3346 (A) at least 20% but not more than 80% of:
3347 (I) the total private land area in the unincorporated county; or
3348 (II) the total value of locally assessed taxable property in the unincorporated county; or
3349 (B) (I) in a county of the first, second, or third class, at least 5% of the total population
3350 of the unincorporated county; or
3351 (II) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of
3352 the unincorporated county; or
3353 (ii) have been declared by the United States Census Bureau as a census designated
3354 place.
3355 (e) (i) (A) A township that was dissolved under Laws of Utah 1997, Chapter 389, is
3356 reinstated as a township under this part with the same boundaries and name as before the
3357 dissolution, if the former township consisted of a single, contiguous land area.
3358 (B) Notwithstanding Subsection (1)(e)(i)(A), a county legislative body may enact an
3359 ordinance establishing as a township under this part a former township that was dissolved
3360 under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be
3361 reinstated under Subsection (1)(e)(i)(A).
3362 (C) A township reinstated under Subsection (1)(e)(i)(A) or established under
3363 Subsection (1)(e)(i)(B) shall be subject to the provisions of this part.
3364 (ii) Each planning district established under Laws of Utah 1995, Chapter 225, and each
3365 township planning district established under Laws of Utah 1997, Chapter 389, shall continue in
3366 existence as a township, subject to the provisions of this part.
3367 (f) (i) After May 1, 2002, the legislative body of each county in which a township that
3368 has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated under Subsection
3369 (1)(e)(i) is located shall review the township and determine whether its continued existence is
3370 advisable.
3371 (ii) In conducting the review required under Subsection (1)(f)(i), the county legislative
3372 body shall hold a public hearing with reasonable, advance, published notice of the hearing and
3373 the purpose of the hearing.

3374 (iii) Each township that has been reconstituted under Laws of Utah 1997, Chapter 389,
3375 or reinstated or established under Subsection (1)(e)(i) and its planning commission shall
3376 continue in effect, unless, within 90 days after conducting the review and public hearing
3377 required under Subsections (1)(f)(i) and (ii), the county legislative body by ordinance dissolves
3378 the township and its planning commission.
3379 (g) A township established under this section on or after May 5, 1997, may use the
3380 word "township" in its name.
3381 (2) (a) If the county legislative body establishes a township without having received a
3382 petition, the county legislative body may:
3383 (i) assign to the countywide planning commission the duties established in this part that
3384 would have been assumed by a township planning commission designated under Subsection
3385 (2)(a)(ii); or
3386 (ii) designate a planning commission for the township.
3387 (b) (i) If the county legislative body fails to designate a planning commission for a
3388 township, 40% of the private real property owners in the area proposed to be included in the
3389 township, as shown by the last county assessment roll, may petition the county legislative body
3390 to designate and appoint a planning commission for the township.
3391 (ii) If the county legislative body determines that the petition is validly signed by 40%
3392 of the private real property owners in the township, as shown by the last county assessment
3393 roll, it shall designate and appoint a planning commission for the township.
3394 (3) (a) Except as provided in Subsection (1)(f)(iii), a county legislative body may
3395 dissolve township planning commissions created under the authority of this section only by
3396 following the procedures and requirements of this Subsection (3).
3397 (b) If 20% of the private real property owners in the county petition the county
3398 legislative body to dissolve township planning commissions and to appoint a countywide
3399 planning commission, the county legislative body shall:
3400 (i) hold a public hearing to discuss the petition;
3401 (ii) at least one week before the public hearing, publish notice of the petition and the
3402 time, date, and place of the public hearing at least once [~~in a newspaper of general circulation~~
3403 ~~in the county~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
3404 (iii) at the public hearing, consider oral and written testimony from the public and vote

3405 on the question of whether or not to dissolve township planning commissions and to appoint a
3406 countywide planning commission.
3407 (c) (i) If the county legislative body fails to dissolve township planning commissions
3408 and to appoint a countywide planning commission when petitioned to do so by private real
3409 property owners under this Subsection (3), 40% of private real property owners in the county,
3410 as shown by the last county assessment roll, may petition the county legislative body to
3411 dissolve the township planning commissions and to appoint a countywide planning
3412 commission.
3413 (ii) If the county legislative body determines that the petition is validly signed by 40%
3414 of private real property owners in the township, as shown by the last county assessment roll, it
3415 shall dissolve the township planning commissions and appoint a countywide planning
3416 commission.
3417 Section 77. Section **17-27a-404** is amended to read:
3418 **17-27a-404. Public hearing by planning commission on proposed general plan or**
3419 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**
3420 **by legislative body.**
3421 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
3422 amend the general plan, the planning commission shall schedule and hold a public hearing on
3423 the proposed plan or amendment.
3424 (b) The planning commission shall provide notice of the public hearing, as required by
3425 Section 17-27a-204.
3426 (c) After the public hearing, the planning commission may modify the proposed
3427 general plan or amendment.
3428 (2) The planning commission shall forward the proposed general plan or amendment to
3429 the legislative body.
3430 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
3431 shall provide notice of its intent to consider the general plan proposal.
3432 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
3433 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
3434 regarding Subsection 17-27a-401(3). The hearing procedure shall comply with this Subsection
3435 (3)(b).

3436 (ii) The hearing format shall allow adequate time for public comment at the actual
3437 public hearing, and shall also allow for public comment in writing to be submitted to the
3438 legislative body for not fewer than 90 days after the date of the public hearing.
3439 (c) (i) The legislative body shall give notice of the hearing in accordance with this
3440 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(3) are
3441 complete.
3442 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
3443 the state Legislature, executive director of the Department of Environmental Quality, the state
3444 planning coordinator, the Resource Development Coordinating Committee, and any other
3445 citizens or entities who specifically request notice in writing.
3446 (iii) Public notice shall be given by publication [~~in at least one major Utah newspaper~~
3447 ~~having broad general circulation in the state, and also in at least one Utah newspaper having a~~
3448 ~~general circulation focused mainly on the county where the proposed high-level nuclear waste~~
3449 ~~or greater than class C radioactive waste site is to be located~~] on the Utah Public Notice
3450 Website as described in Section 63F-1-701.
3451 (iv) The notice [~~in these newspapers~~] on the Utah Public Notice Website as described
3452 in Section 63F-1-701 shall be published not fewer than 180 days prior to the date of the hearing
3453 to be held under this Subsection (3), to allow reasonable time for interested parties and the state
3454 to evaluate the information regarding the provisions of Subsection 17-27a-401(3).
3455 (4) (a) After the public hearing required under this section, the legislative body may
3456 make any revisions to the proposed general plan that it considers appropriate.
3457 (b) The legislative body shall respond in writing and in a substantive manner to all
3458 those providing comments as a result of the hearing required by Subsection (3).
3459 (5) (a) The county legislative body may adopt or reject the proposed general plan or
3460 amendment either as proposed by the planning commission or after making any revision the
3461 county legislative body considers appropriate.
3462 (b) If the county legislative body rejects the proposed general plan or amendment, it
3463 may provide suggestions to the planning commission for its consideration.
3464 (6) 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); and
3468 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to
3469 provide a realistic opportunity to meet estimated needs for additional moderate income housing
3470 if long-term projections for land use and development occur.
3471 Section 78. Section **17-30-6** is amended to read:
3472 **17-30-6. Examinations -- How prepared, conducted, and graded -- Notice of**
3473 **examination.**
3474 (1) (a) When necessary, the commission shall give competitive examinations to
3475 determine the qualification of applicants for positions as peace officers.
3476 (b) The examinations shall be practical in character and shall relate to matters that will
3477 fairly test the mental and physical ability and knowledge of the applicants to discharge the
3478 duties of the positions.
3479 (c) The examinations shall be prepared, conducted, and graded under the direction of
3480 the commission, or by impartial special examiners if the commission finds it necessary.
3481 (2) (a) Notice of examination shall be published one time not less than 15 days prior to
3482 the examination [~~in a newspaper of general circulation in the area concerned~~] on the Utah
3483 Public Notice Website as described in Section 63F-1-701 and shall be posted in a conspicuous
3484 place in the office of the department concerned.
3485 (b) The notice shall set forth minimum and maximum wages, physical and educational
3486 requirements, and passing grades, which shall be not less than 70%.
3487 (c) A person completing an examination shall be promptly notified by mail at his last
3488 known address of his final grade.
3489 Section 79. Section **17-36-12** is amended to read:
3490 **17-36-12. Notice of budget hearing.**
3491 The governing body shall determine the time and place for the public hearing on the
3492 adoption of the budget. Notice of such hearing shall be published at least seven days before the
3493 hearing [~~in at least one newspaper of general circulation within the county, if there is such a~~
3494 ~~paper; otherwise~~] on the Utah Public Notice Website as described in Section 63F-1-701, the
3495 hearing shall be published by posting notice in three conspicuous places within the county.
3496 Section 80. Section **17-36-25** is amended to read:
3497 **17-36-25. Budget appropriation increase.**

3498 The budget appropriation of any budgetary fund other than the general fund may be
3499 increased at any regular meeting of the governing body, provided that notice that such action
3500 will be considered is published at least five days before the meeting [~~in at least one issue of a~~
3501 ~~newspaper of general circulation in the county, if there is one; otherwise, the notice may be~~
3502 ~~published~~] on the Utah Public Notice Website as described in Section 63F-1-701, and by
3503 posting it in three conspicuous places within the county.
3504 Section 81. Section **17-36-26** is amended to read:
3505 **17-36-26. Increase in general fund budget.**
3506 (1) The budget of the general fund may be increased by resolution of the governing
3507 body, only after a duly called hearing shall have been held and all interested parties shall have
3508 been given an opportunity to be heard. Notice of such hearing shall be published at least five
3509 days before such hearing [~~in at least one issue of a newspaper generally circulated in the~~
3510 ~~county, if there is one; otherwise, the hearing may be published~~] on the Utah Public Notice
3511 Website as described in Section 63F-1-701 and by posting notice in three conspicuous places
3512 within the county.
3513 (2) After such public hearing the governing body may amend the general fund budget
3514 as it deems appropriate with due consideration to matters discussed at the public hearing and to
3515 revised estimates of revenues.
3516 Section 82. Section **17-36-40** is amended to read:
3517 **17-36-40. Notice that audit complete.**
3518 Within ten days after the receipt of the audit report furnished by the independent
3519 auditor, the county auditor shall prepare and publish at least twice [~~in a newspaper of general~~
3520 ~~circulation within the county~~] on the Utah Public Notice Website as described in Section
3521 63F-1-701, a notice to the public that the county audit is complete. A copy may be inspected at
3522 the office of the county auditor.
3523 Section 83. Section **17-41-302** is amended to read:
3524 **17-41-302. Notice of proposal for creation of agriculture protection area or**
3525 **industrial protection area -- Responses.**
3526 (1) Each applicable legislative body shall provide notice of the proposal by:
3527 (a) publishing notice [~~in a newspaper having general circulation within~~] on the Utah
3528 Public Notice Website as described in Section 63F-1-701:

3529 (i) the same county as the land proposed for inclusion within an agriculture protection
3530 area or industrial protection area, as the case may be, if the land is within the unincorporated
3531 part of the county; or
3532 (ii) the same city or town as the land proposed for inclusion within an agriculture
3533 protection area or industrial protection area, as the case may be, if the land is within a city or
3534 town;
3535 (b) posting notice at five public places, designated by the county or municipal
3536 legislative body, within or near the proposed agriculture protection area or industrial protection
3537 area; and
3538 (c) mailing written notice to each owner of land within 1,000 feet of the land proposed
3539 for inclusion within an agriculture protection area or industrial protection area.
3540 (2) The notice shall contain:
3541 (a) a statement that a proposal for the creation of an agriculture protection area or
3542 industrial protection area has been filed with the applicable legislative body;
3543 (b) a statement that the proposal will be open to public inspection in the office of the
3544 applicable legislative body;
3545 (c) a statement that any person or entity affected by the establishment of the area may,
3546 within 15 days of the date of the notice, file with the applicable legislative body:
3547 (i) written objections to the proposal; or
3548 (ii) a written request to modify the proposal to exclude land from or add land to the
3549 proposed agriculture protection area or industrial protection area, as the case may be;
3550 (d) a statement that the applicable legislative body will submit the proposal to the
3551 advisory committee and to the planning commission for review and recommendations;
3552 (e) a statement that the applicable legislative body will hold a public hearing to discuss
3553 and hear public comment on:
3554 (i) the proposal to create the agriculture protection area or industrial protection area;
3555 (ii) the recommendations of the advisory committee and planning commission; and
3556 (iii) any requests for modification of the proposal and any objections to the proposal;
3557 and
3558 (f) a statement indicating the date, time, and place of the public hearing.
3559 (3) (a) Any person wishing to modify the proposal for the creation of the agriculture

3560 protection area or industrial protection area shall, within 15 days after the date of the notice,
3561 file a written request for modification of the proposal, which identifies specifically the land that
3562 should be added to or removed from the proposal.
3563 (b) Any person wishing to object to the proposal for the creation of the agriculture
3564 protection area or industrial protection area shall, within 15 days after the date of the notice,
3565 file a written objection to the creation of the agriculture protection area or industrial protection
3566 area.
3567 Section 84. Section **17-41-304** is amended to read:
3568 **17-41-304. Public hearing -- Review and action on proposal.**
3569 (1) After receipt of the written reports from the advisory committee and planning
3570 commission, or after the 45 days have expired, whichever is earlier, the county or municipal
3571 legislative body shall:
3572 (a) schedule a public hearing;
3573 (b) provide notice of the public hearing by:
3574 (i) publishing notice [~~in a newspaper having general circulation within~~] on the Utah
3575 Public Notice Website as described in Section 63F-1-701:
3576 (A) the same county as the land proposed for inclusion within the agriculture
3577 protection area or industrial protection area, if the land is within the unincorporated part of the
3578 county; or
3579 (B) the same city or town as the land proposed for inclusion within an agriculture
3580 protection area or industrial protection area, if the land is within a city or town;
3581 (ii) posting notice at five public places, designated by the applicable legislative body,
3582 within or near the proposed agriculture protection area or industrial protection area; and
3583 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed
3584 for inclusion within an agriculture protection area or industrial protection area; and
3585 (c) ensure that the notice includes:
3586 (i) the time, date, and place of the public hearing on the proposal;
3587 (ii) a description of the proposed agriculture protection area or industrial protection
3588 area;
3589 (iii) any proposed modifications to the proposed agriculture protection area or
3590 industrial protection area;

3591 (iv) a summary of the recommendations of the advisory committee and planning
3592 commission; and
3593 (v) a statement that interested persons may appear at the public hearing and speak in
3594 favor of or against the proposal, any proposed modifications to the proposal, or the
3595 recommendations of the advisory committee and planning commission.
3596 (2) The applicable legislative body shall:
3597 (a) convene the public hearing at the time, date, and place specified in the notice; and
3598 (b) take verbal or written testimony from interested persons.
3599 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
3600 body shall approve, modify and approve, or reject the proposal.
3601 (b) The creation of an agriculture protection area or industrial protection area is
3602 effective at the earlier of:
3603 (i) the applicable legislative body's approval of a proposal or modified proposal; or
3604 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
3605 the applicable legislative body has failed to approve or reject the proposal within that time.
3606 (4) (a) In order to give constructive notice of the existence of the agriculture protection
3607 area or industrial protection area to all persons who have, may acquire, or may seek to acquire
3608 an interest in land in or adjacent to the agriculture protection area or industrial protection area,
3609 respectively, within ten days of the creation of an agriculture protection area or industrial
3610 protection area, the applicable legislative body shall file an executed document containing a
3611 legal description of the agriculture protection area or industrial protection area, as the case may
3612 be, with:
3613 (i) the county recorder of deeds; and
3614 (ii) the affected planning commission.
3615 (b) If the legal description of the property to be included in the agriculture protection
3616 area or industrial protection area is available through the county recorder's office, the
3617 applicable legislative body shall use that legal description in its executed document required in
3618 Subsection (4)(a).
3619 (5) Within ten days of the recording of the agriculture protection area, the applicable
3620 legislative body shall:
3621 (a) send written notification to the commissioner of agriculture and food that the

3622 agriculture protection area has been created; and
3623 (b) include in the notification:
3624 (i) the number of landowners owning land within the agriculture protection area;
3625 (ii) the total acreage of the area;
3626 (iii) the date of approval of the area; and
3627 (iv) the date of recording.
3628 (6) The applicable legislative body's failure to record the notice required under
3629 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
3630 creation of an agriculture protection area.
3631 (7) The applicable legislative body may consider the cost of recording notice under
3632 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
3633 under Subsection 17-41-301(4)(b).
3634 Section 85. Section **17-41-405** is amended to read:
3635 **17-41-405. Eminent domain restrictions.**
3636 (1) A political subdivision having or exercising eminent domain powers may not
3637 condemn for any purpose any land within an agriculture protection area that is being used for
3638 agricultural production or any land within an industrial protection area that is being put to an
3639 industrial use unless it has obtained approval, according to the procedures and requirements of
3640 this section, from the applicable legislative body and the advisory board.
3641 (2) Any condemnor wishing to condemn property within an agriculture protection area
3642 or industrial protection area shall file a notice of condemnation with the applicable legislative
3643 body and the agriculture protection area or industrial protection area's advisory board at least
3644 30 days before filing an eminent domain complaint.
3645 (3) The applicable legislative body and the advisory board shall:
3646 (a) hold a joint public hearing on the proposed condemnation at a location within the
3647 county in which the agriculture protection area or industrial protection area is located;
3648 (b) publish notice of the time, date, place, and purpose of the public hearing [~~in a~~
3649 ~~newspaper of general circulation within the agriculture protection area or industrial protection~~
3650 ~~area, as the case may be~~] on the Utah Public Notice Website as described in Section 63F-1-701;
3651 and
3652 (c) post notice of the time, date, place, and purpose of the public hearing in five

3653 conspicuous public places, designated by the applicable legislative body, within or near the
3654 agriculture protection area or industrial protection area, as the case may be.
3655 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or
3656 liquid waste materials, the applicable legislative body and the advisory board may approve the
3657 condemnation only if there is no reasonable and prudent alternative to the use of the land
3658 within the agriculture protection area or industrial protection area for the project.
3659 (b) If the condemnation is for any other purpose, the applicable legislative body and the
3660 advisory board may approve the condemnation only if:
3661 (i) the proposed condemnation would not have an unreasonably adverse effect upon the
3662 preservation and enhancement of agriculture within the agriculture protection area or of the
3663 industrial use within the industrial protection area; or
3664 (ii) there is no reasonable and prudent alternative to the use of the land within the
3665 agriculture protection area or industrial protection area for the project.
3666 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
3667 legislative body and the advisory board shall approve or reject the proposed condemnation.
3668 (b) If the applicable legislative body and the advisory board fail to act within the 60
3669 days or such further time as the applicable legislative body establishes, the condemnation shall
3670 be considered rejected.
3671 (6) The applicable legislative body or the advisory board may request the county or
3672 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
3673 this section.
3674 Section 86. Section **17-52-101** is amended to read:
3675 **17-52-101. Definitions.**
3676 As used in this chapter:
3677 (1) "Appointment council" means a group of persons consisting of:
3678 (a) a resident of the county in which the optional plan is proposed, designated by a
3679 majority of all state senators and representatives whose districts include any part of the county
3680 in which the optional plan is proposed;
3681 (b) a resident of the county in which the optional plan is proposed, designated by the
3682 county legislative body;
3683 (c) a resident of the county in which the optional plan is proposed, designated by the

3684 petition sponsors; and
3685 (d) two other residents of the county in which the optional plan is proposed, designated
3686 by majority vote of the three other members of the appointment council.
3687 (2) "Optional plan" means a plan establishing an alternate form of government for a
3688 county as provided in Section 17-52-401.
3689 (3) "Reasonable notice" means, at a minimum:
3690 (a) (i) publication [~~in a newspaper of general circulation within the county~~] on the Utah
3691 Public Notice Website as described in Section 63F-1-701 at least once a week for at least two
3692 consecutive weeks ending no more than ten and no fewer than three days before the event that
3693 is the subject of the notice; [~~or~~] and
3694 (ii) [~~if there is no newspaper of general circulation within the county,~~] posting at least
3695 one notice per 1,000 population within the county, for at least a week ending no more than
3696 three days before the event that is the subject of the notice, at locations throughout the county
3697 that are most likely to give actual notice to county residents; and
3698 (b) if the county has an Internet home page, posting an electronic notice on the Internet
3699 for at least seven days immediately before the event that is the subject of the notice.
3700 (4) "Study committee" means a group of persons:
3701 (a) appointed under Section 17-52-301; and
3702 (b) charged with the duties provided in Section 17-52-303.
3703 Section 87. Section **17-53-208** is amended to read:
3704 **17-53-208. Ordinances -- Effective dates -- Publication -- Adoption of ordinances**
3705 **printed in book form.**
3706 (1) The enacting clause of all ordinances of the county legislative body shall be as
3707 follows: "The County Legislative Body of _____County ordains as follows:".
3708 (2) Every ordinance shall be signed by the chair of the county legislative body and
3709 attested by the clerk. On the passage of all ordinances the votes of the several members of the
3710 county legislative body shall be entered on the minutes, and all ordinances shall be entered at
3711 length in the ordinance book.
3712 (3) (a) No ordinance passed by the county legislative body may take effect within less
3713 than 15 days after its passage.
3714 (b) The legislative body of each county adopting an ordinance shall, before the

3715 ordinance may take effect:
3716 (i) deposit a copy of the ordinance in the office of the county clerk; and
3717 (ii) (A) publish a short summary of the ordinance, together with a statement that a
3718 complete copy of the ordinance is available at the county clerk's office and with the name of the
3719 members voting for and against the ordinance, for at least one publication [~~in:~~] on the Utah
3720 Public Notice Website as described in Section 63F-1-701; and
3721 [~~(I) a newspaper published in and having general circulation in the county, if there is~~
3722 ~~one; or~~]
3723 [~~(II) if there is none published in the county, in a newspaper of general circulation~~
3724 ~~within the county; or~~]
3725 (B) [~~post~~] posting a complete copy of the ordinance in nine public places within the
3726 county.
3727 (4) Any ordinance printed by authority of the county legislative body in book form or
3728 electronic media, or any general revision of county ordinances printed in book form or
3729 electronic media, may be adopted by an ordinance making reference to the printed ordinance or
3730 revision if a copy of the ordinance or revision is filed in the office of the county clerk at the
3731 time of adoption for use and examination by the public.
3732 (5) Ordinances establishing rules and regulations, printed as a code in book form or
3733 electronic media, for the construction of buildings, the installation of plumbing, the installation
3734 of electric wiring, or other related or similar work may be adopted by reference to the code
3735 book if a copy of the code book is filed in the office of the county clerk at the time of the
3736 adoption of the ordinance for use and examination by the public.
3737 (6) Ordinances that in the opinion of the county legislative body are necessary for the
3738 immediate preservation of the peace, health, or safety of the county and the county's inhabitants
3739 may, if so provided in the ordinance, take effect immediately upon publication in one issue of a
3740 newspaper published in and having general circulation in the county, if there is one, and if there
3741 is none published in the county, then immediately after posting at the courthouse door.
3742 (7) An ordinance may take effect at a later date than provided in this section, if the
3743 ordinance so provides.
3744 (8) An order entered in the minutes of the county legislative body that an ordinance has
3745 been duly published or posted shall be prima facie proof of the publication or posting.

3746 Section 88. Section **17A-3-914** is amended to read:
3747 **17A-3-914. Supplemental to other laws -- Nonapplicability of other laws --**
3748 **Validation of existing building authorities.**
3749 (1) This part is supplemental to all existing laws relating to the acquisition, use,
3750 maintenance, management, or operation of projects by public bodies.
3751 (2) It shall not be necessary for a public body or a building authority to comply with the
3752 provisions of other laws concerning the acquisition, construction, use, and maintenance of
3753 projects, including, but not limited to, public bidding laws and the Utah Procurement Code,
3754 where the projects are acquired, expanded, or improved under this part.
3755 (3) No board, commission, or agency of the state, including the Utah Public Service
3756 Commission, shall have any jurisdiction over building authorities or projects.
3757 (4) No ordinance, resolution, or proceeding in respect to any transaction authorized by
3758 this part shall be necessary except as specifically required in this part nor shall the publication
3759 of any resolution, proceeding, or notice relating to any transaction authorized by this part be
3760 necessary except as required by this part. Any publication made under this part may be made
3761 [~~in any newspaper~~] on the Utah Public Notice Website as described in Section 63F-1-701
3762 conforming to the terms of this part and in which legal notices may be published under the laws
3763 of Utah, without regard to the designation of it as the official journal [~~or newspaper~~] of the
3764 public body. No resolution adopted or proceeding taken under this part shall be subject to
3765 referendum petition or to an election other than as permitted in this part. All proceedings
3766 adopted under this part may be adopted on a single reading at any legally-convened meeting of
3767 the governing body or the board of trustees of the authority as appropriate.
3768 (5) Any formal action or proceeding taken by the governing body of a public body or
3769 the board of trustees of an authority under the authority of this part may be taken by resolution
3770 of the governing body or the board of trustees as appropriate.
3771 (6) This part shall apply to all authorities created, projects undertaken, leasing contracts
3772 executed, and bonds issued after this part takes effect.
3773 (7) All proceedings heretofore taken by a public body in connection with the creation
3774 and operation of a public building authority are hereby validated, ratified, approved, and
3775 confirmed.
3776 Section 89. Section **17A-3-915** is amended to read:

3777 **17A-3-915. Publication of notice of proceedings -- Contest of proceedings.**
3778 (1) The governing body of any public body, or the board of trustees of any building
3779 authority, may provide for the publication of any resolution or other proceeding adopted by it
3780 under this part [~~in a newspaper having general circulation in the public body~~] on the Utah
3781 Public Notice Website as described in Section 63F-1-701.
3782 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
3783 board of trustees of a building authority may, in lieu of publishing the entire resolution or other
3784 proceeding, publish a notice of bonds to be issued, titled as such, containing:
3785 (a) the name of the building authority;
3786 (b) the purposes of the issue;
3787 (c) the maximum principal amount which may be issued;
3788 (d) the maximum number of years over which the bonds may mature;
3789 (e) the maximum interest rate which the bonds may bear;
3790 (f) the maximum discount from par, expressed as a percentage of principal amount, at
3791 which the bonds may be sold, and any deposit to be required in connection with the sale; and
3792 (g) the time and place where a copy of the resolution or other proceedings authorizing
3793 the issuance of the bonds may be examined, which shall be at an office of the building
3794 authority, identified in the notice, during regular business hours of the building authority as
3795 described in the notice and for a period of at least 30 days after the publication of the notice.
3796 (3) For a period of 30 days after the publication, any person in interest shall have the
3797 right to contest the legality of the resolution or proceeding or any bonds or leasing contract
3798 which may be authorized by them or any provisions made for the security and payment of the
3799 bonds or for the security and payment of the leasing contract; and after such time no one shall
3800 have any cause of action to contest the regularity, formality, or legality of same for any cause
3801 whatsoever.
3802 Section 90. Section **17B-1-211** is amended to read:
3803 **17B-1-211. Notice of public hearings -- Publication of resolution.**
3804 (1) Before holding a public hearing or set of public hearings under Section 17B-1-210,
3805 the legislative body of each county or municipality with which a request is filed or that adopts a
3806 resolution under Subsection 17B-1-203(1)(c) and the board of trustees of each local district that
3807 adopts a resolution under Subsection 17B-1-203(1)(d) shall:

3808 (a) (i) except as provided in Subsection (1)(a)(ii), publish notice [~~in a newspaper or~~
3809 ~~combination of newspapers of general circulation within the applicable area; or~~] on the Utah
3810 Public Notice Website as described in Section 63F-1-701; and
3811 (ii) [~~if there is no newspaper or combination of newspapers of general circulation~~
3812 ~~within the applicable area, post~~] post at least one notice per 1,000 population of that area, at
3813 places within the area that are most likely to provide actual notice to residents of the area; or
3814 (b) mail a notice to each registered voter residing within and each owner of real
3815 property located within the proposed local district.
3816 (2) Each published notice under Subsection (1)(a) shall:
3817 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
3818 surrounded by a 1/4-inch border;
3819 (b) [~~if possible,~~] appear [~~in a newspaper that is published~~] on the Utah Public Notice
3820 Website as described in Section 63F-1-701 at least one day per week; and
3821 [~~(c) if possible, appear in a newspaper of general interest and readership in the area and~~
3822 ~~not of limited subject matter;~~]
3823 [~~(d) be placed in a portion of the newspaper other than where legal notices and~~
3824 ~~classified advertisements appear; and~~]
3825 [~~(e)~~] (c) [~~be run at least once each week~~] for two successive weeks, with the final
3826 publication being no less than three and no more than ten days before the hearing or the first of
3827 the set of hearings.
3828 (3) Each notice required under Subsection (1) shall:
3829 (a) if the hearing or set of hearings is concerning a resolution:
3830 (i) contain the entire text or an accurate summary of the resolution; and
3831 (ii) state the deadline for filing a protest against the creation of the proposed local
3832 district;
3833 (b) clearly identify each governing body involved in the hearing or set of hearings;
3834 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
3835 the hearing or set of hearings; and
3836 (d) describe or include a map of the entire proposed local district.
3837 (4) County or municipal legislative bodies may jointly provide the notice required
3838 under this section if all the requirements of this section are met as to each notice.

3839 Section 91. Section **17B-1-304** is amended to read:
3840 **17B-1-304. Appointment procedures for appointed members.**
3841 (1) The appointing authority may, by resolution, appoint persons to serve as members
3842 of a local district board by following the procedures established by this section.
3843 (2) (a) In any calendar year when appointment of a new local district board member is
3844 required, the appointing authority shall prepare a notice of vacancy that contains:
3845 (i) the positions that are vacant that must be filled by appointment;
3846 (ii) the qualifications required to be appointed to those positions;
3847 (iii) the procedures for appointment that the governing body will follow in making
3848 those appointments; and
3849 (iv) the person to be contacted and any deadlines that a person must meet who wishes
3850 to be considered for appointment to those positions.
3851 (b) The appointing authority shall:
3852 (i) post the notice of vacancy in four public places within the local district at least one
3853 month before the deadline for accepting nominees for appointment; and
3854 (ii) publish the notice of vacancy[~~: (A) in a daily newspaper of general circulation~~
3855 ~~within the local district~~] on the Utah Public Notice Website as described in Section 63F-1-701
3856 for five consecutive days before the deadline for accepting nominees for appointment[~~; or~~].
3857 [~~(B) in a local weekly newspaper circulated within the local district in the week before~~
3858 ~~the deadline for accepting nominees for appointment.~~]
3859 (c) The appointing authority may bill the local district for the cost of preparing,
3860 printing, and publishing the notice.
3861 (3) (a) Not sooner than two months after the appointing authority is notified of the
3862 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants
3863 who meet the qualifications established by law.
3864 (b) The appointing authority shall:
3865 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
3866 appointment;
3867 (ii) allow any interested persons to be heard; and
3868 (iii) adopt a resolution appointing a person to the local district board.
3869 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the

3870 appointing authority, the appointing authority shall select the appointee from the two top
3871 candidates by lot.
3872 (4) Persons appointed to serve as members of the local district board serve four-year
3873 terms, but may be removed for cause at any time after a hearing by 2/3 vote of the appointing
3874 body.
3875 (5) At the end of each board member's term, the position is considered vacant and the
3876 appointing authority may either reappoint the old board member or appoint a new member after
3877 following the appointment procedures established in this section.
3878 (6) Notwithstanding any other provision of this section, if the appointing authority
3879 appoints one of its own members, it need not comply with the provisions of this section.
3880 Section 92. Section **17B-1-306** is amended to read:
3881 **17B-1-306. Local district board -- Election procedures.**
3882 (1) Except as provided in Subsection (11), each elected board member shall be selected
3883 as provided in this section.
3884 (2) (a) Each election of a local district board member shall be held:
3885 (i) at the same time as the municipal general election; and
3886 (ii) at polling places designated by the clerk of each county in which the local district is
3887 located.
3888 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
3889 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
3890 polling place per division of the district, designated by the district board.
3891 (ii) Each polling place designated by an irrigation district board under Subsection
3892 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection
3893 (2)(a)(ii).
3894 (3) (a) The clerk of each local district with a board member position to be filled at the
3895 next municipal general election shall provide notice of:
3896 (i) each elective position of the local district to be filled at the next municipal general
3897 election;
3898 (ii) the constitutional and statutory qualifications for each position; and
3899 (iii) the dates and times for filing a declaration of candidacy.
3900 (b) The notice required under Subsection (3)(a) shall be:

3901 (i) posted in at least five public places within the local district at least ten days before
3902 the first day for filing a declaration of candidacy; or
3903 (ii) published [~~in a newspaper of general circulation within the local district~~] on the
3904 Utah Public Notice Website as described in Section 63F-1-701 at least three but no more than
3905 ten days before the first day for filing a declaration of candidacy.
3906 (4) (a) To become a candidate for an elective local district board position, the
3907 prospective candidate shall file a declaration of candidacy in person with the local district,
3908 during office hours and not later than 5 p.m. between July 1 and July 15 of any odd-numbered
3909 year.
3910 (b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended
3911 until 5 p.m. on the following regular business day.
3912 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
3913 officer shall:
3914 (A) read to the prospective candidate the constitutional and statutory qualification
3915 requirements for the office that the candidate is seeking; and
3916 (B) require the candidate to state whether or not the candidate meets those
3917 requirements.
3918 (ii) If the prospective candidate does not meet the qualification requirements for the
3919 office, the filing officer may not accept the declaration of candidacy.
3920 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
3921 the filing officer shall accept the declaration of candidacy.
3922 (d) The declaration of candidacy shall substantially comply with the following form:
3923 "I, (print name) _____, being first duly sworn, say that I reside at (Street)
3924 _____, City of _____, County of _____, State of Utah,
3925 (Zip Code) _____, (Telephone Number, if any)_____; that I meet the qualifications
3926 for the office of board of trustees member for _____ (state the name of
3927 the local district); that I am a candidate for that office to be voted upon at the next election, and
3928 I hereby request that my name be printed upon the official ballot for that election.
3929 (Signed) _____
3930 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
3931 of _____, ____.

3932 (Signed) _____
3933 (Clerk or Notary Public)"
3934 (e) Each person wishing to become a valid write-in candidate for an elective local
3935 district board position is governed by Section 20A-9-601.
3936 (f) If at least one person does not file a declaration of candidacy as required by this
3937 section, a person shall be appointed to fill that board position by following the procedures and
3938 requirements for appointment established in Section 20A-1-512.
3939 (g) If only one candidate files a declaration of candidacy for a position on the board of
3940 an irrigation district, the board need not hold an election for that position and may appoint that
3941 candidate to the board.
3942 (5) (a) A primary election may be held if:
3943 (i) the election is authorized by the local district board; and
3944 (ii) the number of candidates for a particular local board position or office exceeds
3945 twice the number of persons needed to fill that position or office.
3946 (b) The primary election shall be conducted:
3947 (i) on the same date as the municipal primary election, as provided for in Section
3948 20A-1-201.5; and
3949 (ii) according to the procedures for municipal primary elections provided under Title
3950 20A, Election Code.
3951 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
3952 candidate names to the clerk of each county in which the local district is located no later than
3953 August 20 of the municipal election year.
3954 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the
3955 local district is located shall coordinate the placement of the name of each candidate for local
3956 district office in the nonpartisan section of the municipal general election ballot with the
3957 municipal election clerk.
3958 (ii) If consolidation of the local district election ballot with the municipal general
3959 election ballot is not feasible, the county clerk shall provide for a separate local district election
3960 ballot to be administered by separate election judges at polling locations designated by the
3961 county clerk in consultation with the local district.
3962 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board

3963 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.
3964 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
3965 prescribe the form of the ballot for each board member election.
3966 (B) Each ballot for an election of an irrigation district board member shall be in a
3967 nonpartisan format.
3968 (7) (a) Each voter at an election for a board of trustees member of a local district shall:
3969 (i) be a registered voter within the district, except for an election of:
3970 (A) an irrigation district board of trustees member; or
3971 (B) a basic local district board of trustees member who is elected by property owners;
3972 and
3973 (ii) meet the requirements to vote established by the district.
3974 (b) Each voter may vote for as many candidates as there are offices to be filled.
3975 (c) The candidates who receive the highest number of votes are elected.
3976 (8) Except as otherwise provided by this section, the election of local district board
3977 members is governed by Title 20A, Election Code.
3978 (9) (a) A person elected to serve on a local district board shall serve a four-year term,
3979 beginning at noon on the January 1 after the person's election.
3980 (b) A person elected shall be sworn in as soon as practical after January 1.
3981 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
3982 the county holding an election under this section for the costs of the election attributable to that
3983 local district.
3984 (b) Each irrigation district shall bear its own costs of each election it holds under this
3985 section.
3986 (11) This section does not apply to an improvement district that provides electric or gas
3987 service.
3988 (12) The provisions of Title 20A, Chapter 3, Part 3, [~~Early~~] Absentee Voting, do not
3989 apply to an election under this section.
3990 Section 93. Section **17B-1-313** is amended to read:
3991 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**
3992 **No contest after contest period.**
3993 (1) After the board of trustees of a local district adopts a resolution or takes other

3994 action on behalf of the district, the board may provide for the publication of a notice of the
3995 resolution or other action.
3996 (2) Each notice under Subsection (1) shall:
3997 (a) include, as the case may be:
3998 (i) the language of the resolution or a summary of the resolution; or
3999 (ii) a description of the action taken by the board;
4000 (b) state that:
4001 (i) any person in interest may file an action in district court to contest the regularity,
4002 formality, or legality of the resolution or action within 30 days after the date of publication; and
4003 (ii) if the resolution or action is not contested by filing an action in district court within
4004 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
4005 action after the expiration of the 30-day period; and
4006 (c) be published [~~in a newspaper that is published or has general circulation in the~~
4007 ~~district~~] on the Utah Public Notice Website as described in Section 63F-1-701.
4008 (3) For a period of 30 days after the date of the publication, any person in interest may
4009 contest the regularity, formality, or legality of the resolution or other action by filing an action
4010 in district court.
4011 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
4012 the regularity, formality, or legality of the resolution or action for any cause.
4013 Section 94. Section **17B-1-413** is amended to read:
4014 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**
4015 **petitions.**
4016 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),
4017 Sections 17B-1-409 and 17B-1-410 do not apply:
4018 (a) if the process to annex an area to a local district was initiated by:
4019 (i) a petition under Subsection 17B-1-403(1)(a)(i);
4020 (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners
4021 of private real property that:
4022 (A) is located within the area proposed to be annexed;
4023 (B) covers at least 75% of the total private land area within the entire area proposed to
4024 be annexed and within each applicable area; and

4025 (C) is equal in assessed value to at least 75% of the assessed value of all private real
4026 property within the entire area proposed to be annexed and within each applicable area; or
4027 (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered
4028 voters residing within the entire area proposed to be annexed and within each applicable area
4029 equal in number to at least 75% of the number of votes cast within the entire area proposed to
4030 be annexed and within each applicable area, respectively, for the office of governor at the last
4031 regular general election before the filing of the petition;
4032 (b) to an annexation under Section 17B-1-415; or
4033 (c) to a boundary adjustment under Section 17B-1-417.
4034 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under
4035 Section 17B-1-405, the local district board:
4036 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);
4037 and
4038 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section
4039 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and
4040 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
4041 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is
4042 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to
4043 the local district board by an owner of property that is located within or a registered voter
4044 residing within the area proposed to be annexed who did not sign the annexation petition.
4045 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:
4046 (i) be given:
4047 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
4048 certification; or
4049 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least ten but not more
4050 than 30 days before the public hearing; and
4051 (B) by:
4052 (I) posting written notice at the local district's principal office and in one or more other
4053 locations within or proximate to the area proposed to be annexed as are reasonable under the
4054 circumstances, considering the number of parcels included in that area, the size of the area, the
4055 population of the area, and the contiguousness of the area; and

4056 (II) providing written notice [~~to at least one newspaper of general circulation, if there is~~
4057 ~~one, within the area proposed to be annexed or to a local media correspondent~~] on the Utah
4058 Public Notice Website as described in Section 63F-1-701; and
4059 (ii) contain a brief explanation of the proposed annexation and include the name of the
4060 local district, the service provided by the local district, a description or map of the area
4061 proposed to be annexed, a local district telephone number where additional information about
4062 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
4063 explanation of the right of a property owner or registered voter to request a public hearing as
4064 provided in Subsection (2)(a)(ii)(B).
4065 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
4066 required for a public hearing under Subsection (2)(a)(ii)(A).
4067 Section 95. Section **17B-1-417** is amended to read:
4068 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
4069 **adjusting boundaries -- Notice of the adjustment -- Notice to lieutenant governor.**
4070 (1) As used in this section, "affected area" means the area located within the
4071 boundaries of one local district that will be removed from that local district and included within
4072 the boundaries of another local district because of a boundary adjustment under this section.
4073 (2) The boards of trustees of two or more local districts having a common boundary
4074 and providing the same service on the same wholesale or retail basis may adjust their common
4075 boundary as provided in this section.
4076 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
4077 common with another local district shall:
4078 (i) adopt a resolution indicating the board's intent to adjust a common boundary;
4079 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
4080 after the adoption of the resolution under Subsection (3)(a)(i); and
4081 (iii) (A) (I) publish notice once a week for two successive weeks [~~in a newspaper of~~
4082 ~~general circulation within the local district; or~~] on the Utah Public Notice Website as described
4083 in Section 63F-1-701; and
4084 (II) [~~if there is no newspaper of general circulation within the local district, post~~] post
4085 notice in at least four conspicuous places within the local district; [~~or~~] and
4086 (B) mail a notice to each owner of property located within the affected area and to each

4087 registered voter residing within the affected area.
4088 (b) The notice required under Subsection (3)(a)(iii) shall:
4089 (i) state that the board of trustees of the local district has adopted a resolution
4090 indicating the board's intent to adjust a boundary that the local district has in common with
4091 another local district that provides the same service as the local district;
4092 (ii) describe the affected area;
4093 (iii) state the date, time, and location of the public hearing required under Subsection
4094 (3)(a)(ii);
4095 (iv) provide a local district telephone number where additional information about the
4096 proposed boundary adjustment may be obtained;
4097 (v) explain the financial and service impacts of the boundary adjustment on property
4098 owners or residents within the affected area; and
4099 (vi) state in conspicuous and plain terms that the board of trustees may approve the
4100 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
4101 written protests to the adjustment are filed with the board by:
4102 (A) the owners of private real property that:
4103 (I) is located within the affected area;
4104 (II) covers at least 50% of the total private land area within the affected area; and
4105 (III) is equal in assessed value to at least 50% of the assessed value of all private real
4106 property within the affected area; or
4107 (B) registered voters residing within the affected area equal in number to at least 50%
4108 of the votes cast in the affected area for the office of governor at the last regular general
4109 election before the filing of the protests.
4110 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
4111 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).
4112 (d) The boards of trustees of the local districts whose boundaries are being adjusted
4113 may jointly:
4114 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and
4115 (ii) hold the public hearing required under Subsection (3)(a)(ii).
4116 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
4117 may adopt a resolution approving the adjustment of the common boundary unless, at or before

4118 the public hearing, written protests to the boundary adjustment have been filed with the board
4119 by:
4120 (a) the owners of private real property that:
4121 (i) is located within the affected area;
4122 (ii) covers at least 50% of the total private land area within the affected area; and
4123 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
4124 property within the affected area; or
4125 (b) registered voters residing within the affected area equal in number to at least 50%
4126 of the votes cast in the affected area for the office of governor at the last regular general
4127 election before the filing of the protests.
4128 (5) A resolution adopted under Subsection (4) does not take effect until the board of
4129 each local district whose boundaries are being adjusted has adopted a resolution under
4130 Subsection (4).
4131 (6) (a) Within 30 days after the resolutions take effect under Subsection (5), the board
4132 of the local district whose boundaries are being adjusted to include the affected area shall file a
4133 notice with the lieutenant governor.
4134 (b) The notice required under Subsection (6)(a) shall:
4135 (i) be accompanied by:
4136 (A) a copy of each of the board resolutions approving the boundary adjustment; and
4137 (B) an accurate map depicting the affected area or a legal description of the affected
4138 area, adequate for purposes of the county assessor and recorder; and
4139 (ii) include a certification by the board of the local district whose boundaries are being
4140 adjusted to include the affected area that all requirements for the boundary adjustment have
4141 been complied with.
4142 (7) Upon the lieutenant governor's issuance of a certificate of boundary change under
4143 Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being
4144 adjusted to include the affected area, and the affected area is withdrawn from the local district
4145 whose boundaries are being adjusted to exclude the affected area.
4146 Section 96. Section **17B-1-512** is amended to read:
4147 **17B-1-512. Notice of withdrawal -- Contest period -- Judicial review.**
4148 (1) (a) The board of trustees shall file a written notice of withdrawal with the lieutenant

4149 governor:
4150 (i) within ten days after adopting a resolution approving a withdrawal under Section
4151 17B-1-510; and
4152 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
4153 automatic withdrawal under Subsection 17B-1-502(2), after receiving a copy of the municipal
4154 legislative body's resolution approving an automatic withdrawal under Subsection
4155 17B-1-502(3)(a), or after receiving notice of a withdrawal of a municipality from a local
4156 district under Section 17B-2-505.
4157 (b) The notice required under Subsection (1)(a) shall:
4158 (i) be accompanied by:
4159 (A) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, a copy
4160 of the board resolution approving the withdrawal; and
4161 (B) an accurate map depicting the boundaries of the withdrawn area or a legal
4162 description of the withdrawn area, adequate for purposes of the county assessor and recorder;
4163 and
4164 (ii) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, include
4165 a certification by the local district board that all requirements for the withdrawal have been
4166 complied with.
4167 (2) (a) Upon the lieutenant governor's issuance of the certificate of boundary change
4168 under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic
4169 withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a
4170 local district under Section 17B-2-505, the withdrawal shall be effective, subject to the
4171 conditions of the withdrawal resolution, if applicable.
4172 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon
4173 the lieutenant governor's issuance of a certificate of boundary change under Section 67-1a-6.5.
4174 (3) The local district may provide for the publication of any resolution approving or
4175 denying the withdrawal of an area [~~in a newspaper of general circulation in the area proposed~~
4176 ~~for withdrawal~~] on the Utah Public Notice Website as described in Section 63F-1-701. In lieu
4177 of publishing the entire resolution, the local district may publish a notice of withdrawal or
4178 denial of withdrawal, containing:
4179 (a) the name of the local district;

4180 (b) a description of the area proposed for withdrawal;
4181 (c) a brief explanation of the grounds on which the board of trustees determined to
4182 approve or deny the withdrawal; and
4183 (d) the times and place where a copy of the resolution may be examined, which shall be
4184 at the place of business of the local district, identified in the notice, during regular business
4185 hours of the local district as described in the notice and for a period of at least 30 days after the
4186 publication of the notice.
4187 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
4188 deny a withdrawal of an area from the local district by submitting a request, within 60 days
4189 after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting
4190 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees
4191 based its decision to deny the withdrawal.
4192 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
4193 trustees, the board may consider the suggestions for mitigation and adopt a resolution
4194 approving or denying the request in the same manner as provided in Section 17B-1-510 with
4195 respect to the original resolution denying the withdrawal and file a notice of the action as
4196 provided in Subsection (1).
4197 (6) (a) Any person in interest may seek judicial review of:
4198 (i) the board of trustees' decision to withdraw an area from the local district;
4199 (ii) the terms and conditions of a withdrawal; or
4200 (iii) the board's decision to deny a withdrawal.
4201 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
4202 district court in the county in which a majority of the area proposed to be withdrawn is located:
4203 (i) if the resolution approving or denying the withdrawal is published under Subsection
4204 (3), within 60 days after the publication or after the board of trustees' denial of the request
4205 under Subsection (5);
4206 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
4207 the resolution approving or denying the withdrawal is adopted; or
4208 (iii) if a request is submitted to the board of trustees of a local district under Subsection
4209 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board
4210 adopts a resolution under Subsection (5) unless the resolution is published under Subsection

4211 (3), in which event the action must be filed within 60 days after the publication.
4212 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
4213 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:
4214 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or
4215 (ii) the court finds that the board materially failed to follow the procedures set forth in
4216 this part.
4217 (d) A court may award costs and expenses of an action under this section, including
4218 reasonable attorney fees, to the prevailing party.
4219 (7) After the applicable contest period under Subsection (4) or (6), no person may
4220 contest the board of trustees' approval or denial of withdrawal for any cause.
4221 Section 97. Section **17B-1-609** is amended to read:
4222 **17B-1-609. Hearing to consider adoption.**
4223 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:
4224 (a) establish the time and place of a public hearing to consider its adoption; and
4225 (b) order that notice of the hearing:
4226 (i) be published at least seven days prior to the hearing [~~in~~] at least one [~~issue of a~~
4227 ~~newspaper of general circulation published in the county or counties in which the district is~~
4228 ~~located~~] time on the Utah Public Notice Website as described in Section 63F-1-701; [~~or~~] and
4229 (ii) [~~if no newspaper is published,~~] be posted in three public places within the district.
4230 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
4231 shall be published in accordance with Sections 59-2-918 and 59-2-919.
4232 Section 98. Section **17B-1-643** is amended to read:
4233 **17B-1-643. Imposing or increasing a fee for service provided by local district.**
4234 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
4235 by a local district, each local district board of trustees shall first hold a public hearing at which
4236 any interested person may speak for or against the proposal to impose a fee or to increase an
4237 existing fee.
4238 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
4239 no earlier than 6 p.m.
4240 (c) A public hearing required under this Subsection (1) may be combined with a public
4241 hearing on a tentative budget required under Section 17B-1-610.

4242 (d) Except to the extent that this section imposes more stringent notice requirements,
4243 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
4244 in holding the public hearing under Subsection (1)(a).
4245 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
4246 provided in Subsection (2)(b)(i) or (ii).
4247 (b) (i) (A) The notice required under Subsection (2)(a) shall be published [~~in a~~
4248 ~~newspaper or combination of newspapers of general circulation in the local district, if there is a~~
4249 ~~newspaper or combination of newspapers of general circulation in the local district~~] on the
4250 Utah Public Notice Website as described in Section 63F-1-701.
4251 (B) The notice shall be no less than 1/4 page in size and the type used shall be no
4252 smaller than 18 point, and surrounded by a 1/4-inch border.
4253 [~~(C) The notice may not be placed in that portion of the newspaper where legal notices~~
4254 ~~and classified advertisements appear.~~]
4255 [~~(D)~~] (C) It is legislative intent that[~~, whenever possible,~~] the advertisement appear [~~in~~
4256 ~~a newspaper that~~] on the Utah Public Notice Website as described in Section 63F-1-701 and is
4257 published at least one day per week.
4258 [~~(E) It is further the intent of the Legislature that the newspaper or combination of~~
4259 ~~newspapers selected be of general interest and readership in the local district, and not of limited~~
4260 ~~subject matter.~~]
4261 [~~(F)~~] (D) The notice shall be run once each week for the two weeks preceding the
4262 hearing.
4263 [~~(G)~~] (E) The notice shall state that the local district board intends to impose or
4264 increase a fee for a service provided by the local district and will hold a public hearing on a
4265 certain day, time, and place fixed in the notice, which shall be not less than seven days after the
4266 day the first notice is published, for the purpose of hearing comments regarding the proposed
4267 imposition or increase of a fee and to explain the reasons for the proposed imposition or
4268 increase.
4269 (ii) (A) [~~If there is no newspaper or combination of newspapers of general circulation~~
4270 ~~in the local district, the~~] The local district board shall post at least one notice per 1,000
4271 population within the local district, at places within the local district that are most likely to
4272 provide actual notice to residents within the local district.

4273 (B) Each notice under Subsection (2)(b)(ii)(A) shall comply with Subsection
4274 (2)(b)(i)[~~(G)~~](E).
4275 (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
4276 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
4277 within the district who:
4278 (A) will be charged the fee for a district service, if the fee is being imposed for the first
4279 time; or
4280 (B) are being charged a fee, if the fee is proposed to be increased.
4281 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection
4282 (2)(b)(i)[~~(G)~~](E).
4283 (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing
4284 fee.
4285 (d) If the hearing required under this section is combined with the public hearing
4286 required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied
4287 if a notice that meets the requirements of Subsection (2)(b)(i)[~~(G)~~](E) is combined with the
4288 notice required under Section 17B-1-609.
4289 (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima facie
4290 evidence that notice was properly given.
4291 (f) If no challenge is made to the notice given of a hearing required by Subsection (1)
4292 within 30 days after the date of the hearing, the notice is considered adequate and proper.
4293 (3) After holding a public hearing under Subsection (1), a local district board may:
4294 (a) impose the new fee or increase the existing fee as proposed;
4295 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
4296 then impose the new fee or increase the existing fee as adjusted; or
4297 (c) decline to impose the new fee or increase the existing fee.
4298 (4) This section applies to each new fee imposed and each increase of an existing fee
4299 that occurs on or after July 1, 1998.
4300 (5) (a) This section does not apply to an impact fee.
4301 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36,
4302 Impact Fees Act.
4303 Section 99. Section **17B-1-1204** is amended to read:

4304 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**
4305 **supplemented validation petition.**
4306 (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a
4307 validation petition, the local district that filed the petition shall:
4308 (a) publish notice at least once a week for three consecutive weeks [~~in a newspaper of~~
4309 ~~general circulation in the county in which the principal office of the district is located~~] on the
4310 Utah Public Notice Website as described in Section 63F-1-701; and
4311 (b) post notice in its principal office at least 21 days before the date set for the hearing.
4312 (2) Each notice under Subsection (1) shall:
4313 (a) state the date, time, and place of the hearing on the validation petition;
4314 (b) include a general description of the contents of the validation petition; and
4315 (c) if applicable, state the location where a complete copy of a contract that is the
4316 subject of the validation petition may be examined.
4317 (3) If a district amends or supplements a validation petition under Subsection
4318 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district
4319 is not required to publish or post notice again unless required by the court.
4320 Section 100. Section **17B-1-1307** is amended to read:
4321 **17B-1-1307. Notice of public hearing and of dissolution.**
4322 (1) Before holding a public hearing required under Section 17B-1-1306, the
4323 administrative body shall:
4324 (a) (i) publish notice of the public hearing and of the proposed dissolution [~~in a~~
4325 ~~newspaper of general circulation within the local district proposed to be dissolved~~] on the Utah
4326 Public Notice Website as described in Section 63F-1-701; and
4327 (ii) post notice of the public hearing and of the proposed dissolution in at least four
4328 conspicuous places within the local district proposed to be dissolved, no less than five and no
4329 more than 30 days before the public hearing; or
4330 (b) mail a notice to each owner of property located within the local district and to each
4331 registered voter residing within the local district.
4332 (2) Each notice required under Subsection (1) shall:
4333 (a) identify the local district proposed to be dissolved and the service it was created to
4334 provide; and

4335 (b) state the date, time, and location of the public hearing.
4336 Section 101. Section **17C-1-601** is amended to read:
4337 **17C-1-601. Annual agency budget -- Fiscal year -- Public hearing required --**
4338 **Auditor forms -- Requirement to file form.**
4339 (1) Each agency shall prepare and its board adopt an annual budget of revenues and
4340 expenditures for the agency for each fiscal year.
4341 (2) Each annual agency budget shall be adopted:
4342 (a) for an agency created by a city or town, before June 22; or
4343 (b) for an agency created by a county, before December 15.
4344 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
4345 created the agency.
4346 (4) (a) Before adopting an annual budget, each agency board shall hold a public hearing
4347 on the annual budget.
4348 (b) Each agency shall provide notice of the public hearing on the annual budget by:
4349 (i) publishing at least one notice [~~in a newspaper of general circulation within the~~
4350 ~~agency boundaries~~] on the Utah Public Notice Website as described in Section 63F-1-701, one
4351 week before the public hearing; [~~or~~] and
4352 (ii) [~~if there is no newspaper of general circulation within the agency boundaries,~~]
4353 posting a notice of the public hearing in at least three public places within the agency
4354 boundaries.
4355 (c) Each agency shall make the annual budget available for public inspection at least
4356 three days before the date of the public hearing.
4357 (5) The state auditor shall prescribe the budget forms and the categories to be contained
4358 in each agency budget, including:
4359 (a) revenues and expenditures for the budget year;
4360 (b) legal fees; and
4361 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4362 agency personnel.
4363 (6) (a) Within 30 days after adopting an annual budget, each agency board shall file a
4364 copy of the annual budget with the auditor of the county in which the agency is located, the
4365 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity

4366 that levies a tax on property from which the agency collects tax increment.
4367 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4368 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
4369 state auditor.
4370 Section 102. Section **17C-2-108** is amended to read:
4371 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
4372 **of plan -- Contesting the formation of the plan.**
4373 (1) (a) Upon the community legislative body's adoption of an urban renewal project
4374 area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:
4375 (i) publishing or causing to be published a notice [~~in a newspaper of general circulation~~
4376 ~~within the agency's boundaries~~] on the Utah Public Notice Website as described in Section
4377 63F-1-701; [~~or~~] and
4378 (ii) [~~if there is no newspaper of general circulation within the agency's boundaries,~~]
4379 causing a notice to be posted in at least three public places within the agency's boundaries.
4380 (b) Each notice under Subsection (1)(a) shall:
4381 (i) set forth the community legislative body's ordinance adopting the project area plan
4382 or a summary of the ordinance; and
4383 (ii) include a statement that the project area plan is available for general public
4384 inspection and the hours for inspection.
4385 (2) The project area plan shall become effective on the date of:
4386 (a) if notice was published under Subsection (1)(a), publication of the notice; or
4387 (b) if notice was posted under Subsection (1)(a), posting of the notice.
4388 (3) (a) For a period of 30 days after the effective date of the project area plan under
4389 Subsection (2), any person in interest may contest the project area plan or the procedure used to
4390 adopt the project area plan if the plan or procedure fails to comply with applicable statutory
4391 requirements.
4392 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
4393 project area plan or procedure used to adopt the project area plan for any cause.
4394 (4) Upon adoption of the project area plan by the community's legislative body, the
4395 agency may carry out the project area plan.
4396 (5) Each agency shall make the adopted project area plan available to the general

4397 public at its offices during normal business hours.
4398 Section 103. Section **17C-2-403** is amended to read:
4399 **17C-2-403. Notice required for continued hearing.**
4400 The board shall give notice of a hearing continued under Section 17C-2-402 by
4401 announcing at the hearing:
4402 (1) the date, time, and place the hearing will be resumed; or
4403 (2) that it is being continued to a later time and causing a notice of the continued
4404 hearing to be:
4405 (a) published once [~~in a newspaper of general circulation within the agency~~
4406 ~~boundaries~~] on the Utah Public Notice Website as described in Section 63F-1-701 at least
4407 seven days before the hearing is scheduled to resume; [~~or~~] and
4408 (b) [~~if there is no newspaper of general circulation,~~] posted in at least three
4409 conspicuous places within the boundaries of the agency in which the project area or proposed
4410 project area is located.
4411 Section 104. Section **17C-3-107** is amended to read:
4412 **17C-3-107. Notice of economic development project area plan adoption --**
4413 **Effective date of plan -- Contesting the formation of the plan.**
4414 (1) (a) Upon the community legislative body's adoption of an economic development
4415 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:
4416 (i) publishing or causing to be published a notice [~~in a newspaper of general circulation~~
4417 ~~within the agency's boundaries~~] on the Utah Public Notice Website as described in Section
4418 63F-1-701; [~~or~~] and
4419 (ii) [~~if there is no newspaper of general circulation within the agency's boundaries,~~]
4420 causing a notice to be posted in at least three public places within the agency's boundaries.
4421 (b) Each notice under Subsection (1)(a) shall:
4422 (i) set forth the community legislative body's ordinance adopting the project area plan
4423 or a summary of the ordinance; and
4424 (ii) include a statement that the project area plan is available for general public
4425 inspection and the hours for inspection.
4426 (2) The project area plan shall become effective on the date of:
4427 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4428 (b) if notice was posted under Subsection (1)(a), posting of the notice.
4429 (3) (a) For a period of 30 days after the effective date of the project area plan under
4430 Subsection (2), any person in interest may contest the project area plan or the procedure used to
4431 adopt the project area plan if the plan or procedure fails to comply with applicable statutory
4432 requirements.
4433 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
4434 project area plan or procedure used to adopt the project area plan for any cause.
4435 (4) Upon adoption of the economic development project area plan by the community's
4436 legislative body, the agency may carry out the project area plan.
4437 (5) Each agency shall make the adopted economic development project area plan
4438 available to the general public at its offices during normal business hours.
4439 Section 105. Section **17C-3-303** is amended to read:
4440 **17C-3-303. Notice required for continued hearing.**
4441 The board shall give notice of a hearing continued under Section 17C-3-302 by
4442 announcing at the hearing:
4443 (1) the date, time, and place the hearing will be resumed; or
4444 (2) that it is being continued to a later time and causing a notice of the continued
4445 hearing to be:
4446 (a) published once [~~in a newspaper of general circulation within the agency~~
4447 ~~boundaries~~] on the Utah Public Notice Website as described in Section 63F-1-701 at least
4448 seven days before the hearing is scheduled to resume; [~~or~~] and
4449 (b) [~~if there is no newspaper of general circulation,~~] posted in at least three
4450 conspicuous places within the boundaries of the agency in which the project area or proposed
4451 project area is located.
4452 Section 106. Section **17C-4-106** is amended to read:
4453 **17C-4-106. Notice of community development project area plan adoption --**
4454 **Effective date of plan -- Contesting the formation of the plan.**
4455 (1) (a) Upon the community legislative body's adoption of a community development
4456 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:
4457 (i) publishing or causing to be published a notice [~~in a newspaper of general circulation~~
4458 ~~within the agency's boundaries~~] on the Utah Public Notice Website as described in Section

4459 63F-1-701; [~~or~~] and
4460 (ii) [~~if there is no newspaper of general circulation within the agency's boundaries,~~]
4461 causing a notice to be posted in at least three public places within the agency's boundaries.
4462 (b) Each notice under Subsection (1)(a) shall:
4463 (i) set forth the community legislative body's ordinance adopting the community
4464 development project area plan or a summary of the ordinance; and
4465 (ii) include a statement that the project area plan is available for general public
4466 inspection and the hours for inspection.
4467 (2) The community development project area plan shall become effective on the date
4468 of:
4469 (a) if notice was published under Subsection (1)(a), publication of the notice; or
4470 (b) if notice was posted under Subsection (1)(a), posting of the notice.
4471 (3) (a) For a period of 30 days after the effective date of the community development
4472 project area plan under Subsection (2), any person in interest may contest the project area plan
4473 or the procedure used to adopt the project area plan if the plan or procedure fails to comply
4474 with applicable statutory requirements.
4475 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
4476 community development project area plan or procedure used to adopt the project area plan for
4477 any cause.
4478 (4) Upon adoption of the community development project area plan by the
4479 community's legislative body, the agency may carry out the project area plan.
4480 (5) Each agency shall make the adopted project area plan available to the general
4481 public at its offices during normal business hours.
4482 Section 107. Section **17C-4-202** is amended to read:
4483 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
4484 **community development project area plan -- Notice -- Effective date of resolution or**
4485 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
4486 **of resolution or interlocal agreement.**
4487 (1) The approval and adoption of each resolution or interlocal agreement under
4488 Subsection 17C-4-201(2) shall be in an open and public meeting.
4489 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section

4490 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:
4491 (i) publishing or causing to be published a notice [~~in a newspaper of general circulation~~
4492 ~~within the agency's boundaries~~] on the Utah Public Notice Website as described in Section
4493 63F-1-701; [~~or~~] and
4494 (ii) [~~if there is no newspaper of general circulation within the agency's boundaries,~~]
4495 causing a notice to be posted in at least three public places within the agency's boundaries.
4496 (b) Each notice under Subsection (2)(a) shall:
4497 (i) set forth a summary of the resolution or interlocal agreement; and
4498 (ii) include a statement that the resolution or interlocal agreement is available for
4499 general public inspection and the hours of inspection.
4500 (3) The resolution or interlocal agreement shall become effective on the date of:
4501 (a) if notice was published under Subsection (2)(a), publication of the notice; or
4502 (b) if notice was posted under Subsection (2)(a), posting of the notice.
4503 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
4504 agreement under Subsection (3), any person in interest may contest the resolution or interlocal
4505 agreement or the procedure used to adopt the resolution or interlocal agreement if the
4506 resolution or interlocal agreement or procedure fails to comply with applicable statutory
4507 requirements.
4508 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the
4509 resolution or interlocal agreement for any cause.
4510 (5) Each agency that is to receive funds under a resolution or interlocal agreement
4511 under Section 17C-4-201 and each taxing entity or public agency that approves a resolution or
4512 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or
4513 interlocal agreement, as the case may be, available at its offices to the general public for
4514 inspection and copying during normal business hours.
4515 Section 108. Section **17C-4-302** is amended to read:
4516 **17C-4-302. Notice required for continued hearing.**
4517 The board shall give notice of a hearing continued under Section 17C-4-301 by
4518 announcing at the hearing:
4519 (1) the date, time, and place the hearing will be resumed; or
4520 (2) that it is being continued to a later time and causing a notice of the continued

4521 hearing to be:
4522 (a) published once [~~in a newspaper of general circulation within the agency~~
4523 ~~boundaries~~] on the Utah Public Notice Website as described in Section 63F-1-701 at least
4524 seven days before the hearing is scheduled to resume; [~~or~~] and
4525 (b) [~~if there is no newspaper of general circulation,~~] posted in at least three
4526 conspicuous places within the boundaries of the agency in which the project area or proposed
4527 project area is located.
4528 Section 109. Section **17D-1-205** is amended to read:
4529 **17D-1-205. Notice.**
4530 (1) Each notice required under Subsection 17D-1-204(1) shall:
4531 (a) state that:
4532 (i) the legislative body has adopted a resolution stating its intent to create a special
4533 service district; or
4534 (ii) a petition has been filed proposing the creation of a special service district;
4535 (b) describe the boundary of the proposed special service district;
4536 (c) generally describe each service that the special service district is proposed to
4537 provide;
4538 (d) state that taxes may be levied annually upon all taxable property within the
4539 proposed special service district;
4540 (e) state that fees or charges may be imposed to pay for some or all of the services that
4541 the special service district is proposed to provide;
4542 (f) explain the process, requirements, and timetable for filing a protest against the
4543 creation of the special service district or against a service that the special service district is
4544 proposed to provide;
4545 (g) designate a date, time, and place for a public hearing on the proposed creation of
4546 the special service district; and
4547 (h) except as provided in Subsection (2), be published at least once a week during three
4548 consecutive weeks:
4549 (i) not less than 21 days or more than 35 days before the date of the public hearing
4550 required under Subsection 17D-1-204(2); and
4551 (ii) [~~in a newspaper of general circulation in the county or municipality by which the~~

4552 ~~special service district is proposed to be created~~] on the Utah Public Notice Website as
4553 described in Section 63F-1-701.
4554 (2) [~~Notwithstanding Subsection (1)(h), if the proposed special service district is~~
4555 ~~located entirely within a city of the third, fourth, or fifth class or a town that has no newspaper~~
4556 ~~of general circulation in the city or town, the~~] The legislative body of the city or town [~~may~~]
4557 shall provide that the notice required under Subsection 17D-1-204(1) also be given by posting
4558 the notice in at least five public places in the city or town at least 21 days before the public
4559 hearing required under Subsection 17D-1-204(2).
4560 (3) The legislative body of the county or municipality by which the special service
4561 district is proposed to be created may include in a notice under this section any other
4562 information that the legislative body considers necessary or appropriate.
4563 Section 110. Section **17D-2-601** is amended to read:
4564 **17D-2-601. Publishing notice of local entity or local building authority resolution**
4565 **or other proceeding.**
4566 (1) The governing body of a local entity or the authority board of a local building
4567 authority may provide for the publication of a resolution or other proceeding adopted under this
4568 chapter by the governing body or authority board, respectively, [~~in a newspaper of general~~
4569 ~~circulation in the local entity~~] on the Utah Public Notice Website as described in Section
4570 63F-1-701.
4571 (2) (a) If the resolution or other proceeding provides for the local building authority's
4572 issuance of bonds, the authority board may, in lieu of publishing the entire resolution or other
4573 proceeding, publish a notice of the bonds to be issued.
4574 (b) Each notice under Subsection (2)(a) shall comply with the requirements of
4575 Subsection 11-14-316(2).
4576 (c) The authority board of a local building authority publishing a notice under
4577 Subsection (2)(a) shall make a copy of the resolution or other proceeding authorizing the
4578 issuance of the local building authority bonds available for public inspection during regular
4579 business hours at the office of the local building authority for a period of at least 30 days after
4580 publication of the notice.
4581 Section 111. Section **17D-3-305** is amended to read:
4582 **17D-3-305. Setting the date of an election of the board of supervisors -- Notice of**

4583 **the election.**
4584 (1) The commission shall:
4585 (a) set the date of the election of members of the board of supervisors of a conservation
4586 district; and
4587 (b) publish notice of the election [~~in a newspaper or other media outlet method with~~
4588 ~~general circulation within the conservation district~~] on the Utah Public Notice Website as
4589 described in Section 63F-1-701.
4590 (2) The date set for an election under Subsection (1)(a) may not be later than six weeks
4591 after the date set by the commission for the close of nominations.
4592 (3) The notice required under Subsection (1)(b) shall:
4593 (a) state:
4594 (i) the date of the election;
4595 (ii) the names of all candidates; and
4596 (iii) that a ballot request form for the election may be obtained from the commission
4597 office or from any other place that the commission designates; and
4598 (b) specify the address of the commission office or other place where a ballot request
4599 form may be obtained.
4600 Section 112. Section **19-2-109** is amended to read:
4601 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of executive**
4602 **secretary -- Adoption of emission control requirements.**
4603 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public
4604 hearings.
4605 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
4606 quality standards shall specify the locations to which the proposed standards apply and the
4607 time, date, and place of the hearing.
4608 (c) The notice shall be published [~~at least twice in any newspaper of general circulation~~
4609 ~~in the area affected~~] on the Utah Public Notice Website as described in Section 63F-1-701 and
4610 shall be mailed at least 20 days before the public hearing to the chief executive of each political
4611 subdivision of the area affected and to other persons the executive secretary has reason to
4612 believe will be affected by the standards.
4613 (d) The adoption of air quality standards or any modification or changes to air quality

4614 standards shall be by order of the executive secretary following formal action of the board with
4615 respect to the standards.
4616 (e) The order shall be published [~~in a newspaper of general circulation in the area~~
4617 ~~affected~~] on the Utah Public Notice Website as described in Section 63F-1-701.
4618 (2) (a) The board may establish emission control requirements by rule that in its
4619 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or
4620 may vary from area to area, taking into account varying local conditions.
4621 (b) In adopting these requirements, the board shall give notice and conduct public
4622 hearings in accordance with the requirements in Subsection (1).
4623 Section 113. Section **19-5-110** is amended to read:
4624 **19-5-110. Designation by governor of areas with quality control problems --**
4625 **Classification of waters -- Adoption of standards of quality.**
4626 (1) The governor may identify and designate by boundary, or make a determination not
4627 to designate, areas within the state which, as a result of urban-industrial concentration or other
4628 factors, have substantial water quality control problems, and designate planning agencies and
4629 waste treatment management agencies for these areas.
4630 (2) The board may group the waters of the state into classes according to their present
4631 most reasonable uses, and after public hearing, upgrade and reclassify from time to time the
4632 waters of the state to the extent that it is practical and in the public interest.
4633 (3) (a) The board may establish standards of quality for each classification consistent
4634 with most reasonable present and future uses of the waters, and the standards may be modified
4635 or changed from time to time.
4636 (b) Prior to classifying waters, setting quality standards or modifying or repealing them
4637 the board shall conduct public hearings for the consideration, adoption, or amendment of the
4638 classifications of waters and standards of purity and quality.
4639 (c) The notice shall specify the waters concerning which a classification is sought to be
4640 made for which standards are sought to be adopted and the time, date, and place of the hearing.
4641 (d) The notice shall be published at least twice [~~in a newspaper of general circulation in~~
4642 ~~the area affected~~] on the Utah Public Notice Website as described in Section 63F-1-701 and
4643 shall be mailed at least 30 days before the public hearing to the chief executive of each political
4644 subdivision of the area affected and to other persons the board has reason to believe will be

4645 affected by the classification and the setting of standards.
4646 (4) (a) The adoption of standards of quality for the waters of the state and classification
4647 of the waters or any modification or change in classification shall be effectuated by an order of
4648 the board which shall be published [~~in a newspaper of general circulation in the area affected~~]
4649 on the Utah Public Notice Website as described in Section 63F-1-701.
4650 (b) In classifying waters and setting standards of water quality, adopting rules, or
4651 making any modification or change in classification or standards, the board shall allow and
4652 announce a reasonable time, not exceeding statutory deadlines contained in the federal Clean
4653 Water Act, for persons discharging wastes into the waters of the state to comply with the
4654 classification or standards and may, after public hearing if requested by the permittee, set and
4655 revise schedules of compliance and include these schedules within the terms and conditions of
4656 permits for the discharge of pollutants.
4657 (5) Any discharge in accord with classification or standards authorized by a permit is
4658 not pollution for the purpose of this chapter.
4659 Section 114. Section **19-6-712** is amended to read:
4660 **19-6-712. Issuance of permits -- Public comments and hearing.**
4661 (1) In considering permit applications under this part, the executive secretary shall:
4662 (a) ensure the application is complete prior to acting on it;
4663 (b) publish notice of the permit application and the opportunity for public comment [~~in~~
4664 ~~a newspaper of general circulation in the state and also in a newspaper of general circulation in~~
4665 ~~the county where the operation for which the application is submitted is located~~] on the Utah
4666 Public Notice Website as described in Section 63F-1-701;
4667 (c) allow the public to submit written comments to the executive secretary within 15
4668 days after date of publication;
4669 (d) consider timely submitted public comments and the criteria established in this part
4670 and by rule in determining whether to grant the permit; and
4671 (e) send a written copy of the decision to the applicant and to persons submitting
4672 timely comments under Subsection (1)(c).
4673 (2) The executive secretary's decision under this section may be appealed to the board
4674 only within the 30 days after the day the decision is mailed to the applicant.
4675 Section 115. Section **20A-3-201** is amended to read:

4676 **20A-3-201. Watchers.**
4677 (1) (a) (i) For each regular general election or statewide special election, and for each
4678 regular primary and Western States Presidential Primary, each registered political party and any
4679 person interested in a ballot proposition appearing on the ballot may appoint one person to act
4680 as a voting poll watcher to observe the casting of ballots, another person to act as a counting
4681 poll watcher to observe the counting of ballots, and another person to act as an inspecting poll
4682 watcher to inspect the condition and observe the securing of ballot packages.
4683 (ii) Each party poll watcher shall be designated, and his selection made known to the
4684 poll workers, by an affidavit made by the county chair of each of the parties.
4685 (iii) Each issue poll watcher shall be designated, and his selection made known to the
4686 poll workers, by an affidavit made by the individual appointing him.
4687 (b) (i) For each municipal general election, municipal primary, local special election, or
4688 bond election that uses paper ballots, each candidate and any person interested in an issue
4689 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
4690 casting of ballots, another person to act as a counting poll watcher to observe the counting of
4691 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
4692 observe the securing of ballot packages.
4693 (ii) For each municipal general election, municipal primary, local special election, or
4694 bond election that uses ballot sheets, each candidate and any person interested in an issue
4695 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
4696 casting of ballots, another person to act as a counting poll watcher to observe the counting of
4697 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
4698 observe the securing of ballot packages.
4699 (iii) Each candidate poll watcher shall be designated, and his selection made known to
4700 the poll workers, by an affidavit made by the candidate appointing him.
4701 (iv) Each issue poll watcher shall be designated, and his selection made known to the
4702 poll workers, by an affidavit made by the individual appointing him.
4703 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
4704 absent, that poll watcher may substitute some other watcher of similar political beliefs by
4705 informing the poll workers of the substitution by affidavit.
4706 (3) Voting poll watchers may watch and observe the voting process, and may make a

4707 written memorandum, but they may not interfere in any way with the process of voting except
4708 to challenge a voter as provided in this part.
4709 (4) The counting poll watcher shall remain in the counting room, except in the case of
4710 necessity, until the close of the polls and may not divulge the progress of the count until the
4711 count is completed.
4712 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,
4713 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other
4714 information about the count.
4715 (b) Any person who violates this subsection is guilty of a third degree felony.
4716 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to
4717 whom ballots are delivered after elections to:
4718 (a) inspect the condition of the packages containing the ballots upon their arrival; and
4719 (b) observe the placement of these packages in a safe and secure place.
4720 (7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any
4721 interested person may act as a testing watcher to observe a demonstration of logic and accuracy
4722 testing of the voting devices prior to the commencement of voting.
4723 (b) The election officer shall give prior notice of the logic and accuracy testing
4724 demonstration at least two days prior to the date of the demonstration by publishing notice of
4725 the date, time, and location of the demonstration [~~in at least one newspaper of general~~
4726 ~~circulation in the jurisdiction holding the election~~] on the Utah Public Notice Website as
4727 described in Section 63F-1-701.
4728 (c) An election official shall provide, upon request, a copy of testing results to a testing
4729 watcher.
4730 Section 116. Section **20A-3-603** is amended to read:
4731 **20A-3-603. Early voting polling places.**
4732 (1) The election officer shall designate one or more polling places for early voting,
4733 provided that:
4734 (a) except as provided in Subsection (3), at least one polling place is open on each day
4735 that polls are open during the early voting period;
4736 (b) each polling place meets the requirements for polling places under Chapter 5,
4737 Election Administration;

4738 (c) for all elections other than local special elections, municipal primary elections, and
4739 municipal general elections, at least 10% of the voting devices at a polling place are accessible
4740 for individuals with disabilities in accordance with Public Law 107-252, the Help America
4741 Vote Act of 2002; and
4742 (d) each polling place is located in a government building or office, unless the election
4743 officer determines that, in the area designated by the election officer, there is no government
4744 building or office available that:
4745 (i) can be scheduled for use during early voting hours;
4746 (ii) has the physical facilities necessary to accommodate early voting requirements;
4747 (iii) has adequate space for voting equipment, poll workers, and voters; and
4748 (iv) has adequate security, public accessibility, and parking.
4749 (2) (a) In the event the election officer determines that the number of early voting
4750 polling places is insufficient due to the number of registered voters who are voting, the election
4751 officer may designate additional polling places during the early voting period.
4752 (b) If an additional early voting polling place is designated, the election officer shall, as
4753 soon as is reasonably possible, give notice of the dates, times, and location of the additional
4754 polling place by:
4755 (i) publishing the notice [~~in one issue of a newspaper of general circulation in the~~
4756 ~~county~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
4757 (ii) posting the notice at the additional polling place.
4758 (3) For each regular general election and regular primary election, counties of the first
4759 class shall ensure that:
4760 (a) at least one polling place is located within each Utah State Senate district that is
4761 located wholly or partially within the county; and
4762 (b) at least one polling place located within each district is open on each day that polls
4763 are open during the early voting period.
4764 Section 117. Section **20A-3-604** is amended to read:
4765 **20A-3-604. Notice of time and place of early voting.**
4766 The election officer shall give notice of the dates, times, and locations of early voting
4767 by:
4768 (1) publishing the notice [~~in one issue of a newspaper of general circulation in the~~

4769 ~~county~~] on the Utah Public Notice Website as described in Section 63F-1-701 at least five
4770 calendar days before the date early voting begins; and
4771 (2) posting the notice at each early voting polling place at least five calendar days
4772 before the date early voting begins.
4773 Section 118. Section **20A-5-101** is amended to read:
4774 **20A-5-101. Notice of election.**
4775 (1) On or before February 1 in each regular general election year, the lieutenant
4776 governor shall prepare and transmit a written notice to each county clerk that:
4777 (a) designates the offices to be filled at the regular general election;
4778 (b) identifies the dates for filing a declaration of candidacy for those offices; and
4779 (c) contains a description of any ballot propositions to be decided by the voters that
4780 have qualified for the ballot as of that date.
4781 (2) (a) No later than February 15, each county clerk shall:
4782 (i) publish a notice once [~~in a newspaper published in that county; or~~] on the Utah
4783 Public Notice Website as described in Section 63F-1-701; and
4784 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
4785 give notice of the election to the voters in each voting precinct within the county; and
4786 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
4787 where the notice was posted.
4788 (b) The notice required by Subsection (2)(a) shall:
4789 (i) designate the offices to be voted on in that election in that county, other than local
4790 district offices; and
4791 (ii) identify the dates for filing a declaration of candidacy for those offices.
4792 (3) Before each election, the election officer shall give written or printed notice of:
4793 (a) the date and place of election;
4794 (b) the hours during which the polls will be open;
4795 (c) the polling places for each voting precinct; and
4796 (d) the qualifications for persons to vote in the election.
4797 (4) To provide the notice required by Subsection (3), the election officer shall publish
4798 the notice at least two days before the election [~~in a newspaper of general circulation common~~
4799 ~~to the area or in which the election is being held~~] on the Utah Public Notice Website as

4800 described in Section 63F-1-701.
4801 Section 119. Section **20A-5-405** is amended to read:
4802 **20A-5-405. Election officer to provide ballots.**
4803 (1) In jurisdictions using paper ballots, each election officer shall:
4804 (a) provide printed official paper ballots and absentee ballots for every election of
4805 public officers in which the voters, or any of the voters, within the election officer's jurisdiction
4806 participate;
4807 (b) cause the name of every candidate whose nomination has been certified to or filed
4808 with the election officer in the manner provided by law to be printed on each official paper
4809 ballot and absentee ballot;
4810 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
4811 be printed on each official paper ballot and absentee ballot;
4812 (d) ensure that the official paper ballots are printed and in the possession of the election
4813 officer before commencement of voting;
4814 (e) ensure that the absentee ballots are printed and in the possession of the election
4815 officer with sufficient time before commencement of voting;
4816 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
4817 be printed on each official paper ballot and absentee ballot;
4818 (g) allow candidates and their agents and the sponsors of ballot propositions that have
4819 qualified for the official ballot to inspect the official paper ballots and absentee ballots;
4820 (h) cause sample ballots to be printed that are in the same form as official paper ballots
4821 and that contain the same information as official paper ballots but that are printed on different
4822 colored paper than official paper ballots;
4823 (i) ensure that the sample ballots are printed and in the possession of the election
4824 officer at least seven days before commencement of voting;
4825 (j) make the sample ballots available for public inspection by:
4826 (i) posting a copy of the sample ballot in his office at least seven days before
4827 commencement of voting;
4828 (ii) mailing a copy of the sample ballot to:
4829 (A) each candidate listed on the ballot; and
4830 (B) the lieutenant governor; and

4831 (iii) publishing a copy of the sample ballot immediately before the election [~~in at least~~
4832 ~~one newspaper of general circulation in the jurisdiction holding the election~~] on the Utah
4833 Public Notice Website as described in Section 63F-1-701;
4834 (k) deliver at least five copies of the sample ballot to poll workers for each polling
4835 place and direct them to post the sample ballots as required by Section 20A-5-102; and
4836 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
4837 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
4838 demands of the qualified voters in each voting precinct.
4839 (2) In jurisdictions using a punch card ballot, each election officer shall:
4840 (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot
4841 labels for every election of public officers in which the voters, or any of the voters, within the
4842 election officer's jurisdiction participate;
4843 (b) cause the name of every candidate who filed with the election officer in the manner
4844 provided by law or whose nomination has been certified to the election officer to be printed on
4845 each official ballot label;
4846 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
4847 be printed on each official ballot label;
4848 (d) ensure that the official ballot labels are printed and in the possession of the election
4849 officer before the commencement of voting;
4850 (e) ensure that the absentee ballots are printed and in the possession of the election
4851 officer with sufficient time before commencement of voting;
4852 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
4853 be printed on each official ballot label and absentee ballot;
4854 (g) allow candidates and their agents and the sponsors of ballot propositions that have
4855 qualified for the official sample ballot to inspect the official sample ballot;
4856 (h) cause sample ballots to be printed that contain the same information as official
4857 ballot labels but that are distinguishable from official ballot labels;
4858 (i) ensure that the sample ballots are printed and in the possession of the election
4859 officer at least seven days before commencement of voting;
4860 (j) make the sample ballots available for public inspection by:
4861 (i) posting a copy of the sample ballot in his office at least seven days before

4862 commencement of voting;
4863 (ii) mailing a copy of the sample ballot to:
4864 (A) each candidate listed on the ballot; and
4865 (B) the lieutenant governor; and
4866 (iii) publishing a copy of the sample ballot immediately before the election [~~in at least~~
4867 ~~one newspaper of general circulation in the jurisdiction holding the election~~] on the Utah
4868 Public Notice Website as described in Section 63F-1-701;
4869 (k) deliver at least five copies of the sample ballot to poll workers for each polling
4870 place and direct them to post the sample ballots as required by Section 20A-5-102; and
4871 (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and
4872 instruction cards at the expense of the jurisdiction conducting the election.
4873 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer
4874 shall:
4875 (a) provide official ballot sheets and absentee ballot sheets for every election of public
4876 officers in which the voters, or any of the voters, within the election officer's jurisdiction
4877 participate;
4878 (b) cause the name of every candidate who filed with the election officer in the manner
4879 provided by law or whose nomination has been certified to or filed with the election officer to
4880 be printed on each official ballot and absentee ballot;
4881 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
4882 be printed on each official ballot and absentee ballot;
4883 (d) ensure that the official ballots are printed and in the possession of the election
4884 officer before commencement of voting;
4885 (e) ensure that the absentee ballots are printed and in the possession of the election
4886 officer with sufficient time before commencement of voting;
4887 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
4888 be printed on each official ballot and absentee ballot;
4889 (g) allow candidates and their agents and the sponsors of ballot propositions that have
4890 qualified for the official sample ballot to inspect the official sample ballot;
4891 (h) cause sample ballots to be printed that contain the same information as official
4892 ballots but that are distinguishable from the official ballots;

4893 (i) ensure that the sample ballots are printed and in the possession of the election
4894 officer at least seven days before commencement of voting;
4895 (j) make the sample ballots available for public inspection by:
4896 (i) posting a copy of the sample ballot in the election officer's office at least seven days
4897 before commencement of voting;
4898 (ii) mailing a copy of the sample ballot to:
4899 (A) each candidate listed on the ballot; and
4900 (B) the lieutenant governor; and
4901 (iii) publishing a copy of the sample ballot immediately before the election [~~in at least~~
4902 ~~one newspaper of general circulation in the jurisdiction holding the election~~] on the Utah
4903 Public Notice Website as described in Section 63F-1-701;
4904 (k) deliver at least five copies of the sample ballot to poll workers for each polling
4905 place and direct them to post the sample ballots as required by Section 20A-5-102; and
4906 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
4907 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
4908 demands of the qualified voters in each voting precinct.
4909 (4) In jurisdictions using electronic ballots, each election officer shall:
4910 (a) provide official ballots for every election of public officers in which the voters, or
4911 any of the voters, within the election officer's jurisdiction participate;
4912 (b) cause the name of every candidate who filed with the election officer in the manner
4913 provided by law or whose nomination has been certified to the election officer to be displayed
4914 on each official ballot;
4915 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
4916 be displayed on each official ballot;
4917 (d) ensure that the official ballots are prepared and in the possession of the election
4918 officer before commencement of voting;
4919 (e) ensure that the absentee ballots are prepared and in the possession of the election
4920 officer with sufficient time before commencement of voting;
4921 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
4922 be printed on each official ballot and absentee ballot;
4923 (g) allow candidates and their agents and the sponsors of ballot propositions that have

4924 qualified for the official sample ballot to inspect the official sample ballot;
4925 (h) cause sample ballots to be printed that contain the same information as official
4926 ballots but that are distinguishable from official ballots;
4927 (i) ensure that the sample ballots are printed and in the possession of the election
4928 officer at least seven days before commencement of voting;
4929 (j) make the sample ballots available for public inspection by:
4930 (i) posting a copy of the sample ballot in the election officer's office at least seven days
4931 before commencement of voting;
4932 (ii) mailing a copy of the sample ballot to:
4933 (A) each candidate listed on the ballot; and
4934 (B) the lieutenant governor; and
4935 (iii) publishing a copy of the sample ballot immediately before the election [~~in at least~~
4936 ~~one newspaper of general circulation in the jurisdiction holding the election~~] on the Utah
4937 Public Notice Website as described in Section 63F-1-701;
4938 (k) deliver at least five copies of the sample ballot to poll workers for each polling
4939 place and direct them to post the sample ballots as required by Section 20A-5-102; and
4940 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the
4941 expense of the jurisdiction conducting the election.
4942 (5) (a) Each election officer shall, without delay, correct any error discovered in any
4943 official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the
4944 correction can be made without interfering with the timely distribution of the paper ballots,
4945 ballot labels, ballot sheets, or electronic ballots.
4946 (b) (i) If the election officer discovers an error or omission in a paper ballot, ballot
4947 label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the
4948 paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to
4949 make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets
4950 before they are distributed at the polls.
4951 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
4952 not possible to correct the error or omission by revising the electronic ballot, the election
4953 officer shall direct the poll workers to post notice of each error or omission with instructions on
4954 how to correct each error or omission in a prominent position at each polling booth.

4955 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper
4956 ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may
4957 file a verified petition with the district court asserting that:
4958 (A) an error or omission has occurred in:
4959 (I) the publication of the name or description of a candidate;
4960 (II) the preparation or display of an electronic ballot; or
4961 (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets;
4962 and
4963 (B) the election officer has failed to correct or provide for the correction of the error or
4964 omission.
4965 (ii) The district court shall issue an order requiring correction of any error in a paper
4966 ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error
4967 should not be corrected if it appears to the court that the error or omission has occurred and the
4968 election officer has failed to correct it or failed to provide for its correction.
4969 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah
4970 Supreme Court within five days after the decision of the district court.
4971 Section 120. Section **20A-7-204.1** is amended to read:
4972 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated.**
4973 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of
4974 Planning and Budget and before circulating initiative petitions for signature statewide, sponsors
4975 of the initiative petition shall hold at least seven public hearings throughout Utah as follows:
4976 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;
4977 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
4978 County;
4979 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;
4980 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
4981 County;
4982 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;
4983 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and
4984 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
4985 County.

4986 (b) Of the seven meetings, at least two of the meetings must be held in a first or second
4987 class county, but not in the same county.
4988 (2) At least three calendar days before the date of the public hearing, the sponsors
4989 shall:
4990 (a) provide written notice of the public hearing to:
4991 (i) the lieutenant governor for posting on the state's website; and
4992 (ii) each state senator, state representative, and county commission or county council
4993 member who is elected in whole or in part from the region where the public hearing will be
4994 held; and
4995 (b) publish written notice of the public hearing detailing its time, date, and location [~~in~~
4996 ~~at least one newspaper of general circulation in each county in the region where the public~~
4997 ~~hearing will be held~~] on the Utah Public Notice Website as described in Section 63F-1-701.
4998 (3) (a) During the public hearing, the sponsors shall either:
4999 (i) video tape or audio tape the public hearing and, when the hearing is complete,
5000 deposit the complete audio or video tape of the meeting with the lieutenant governor; or
5001 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
5002 each speaker and summarizing each speaker's comments.
5003 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
5004 public.
5005 Section 121. Section **20A-9-203** is amended to read:
5006 **20A-9-203. Declarations of candidacy -- Municipal general elections.**
5007 (1) (a) (i) A person may become a candidate for any municipal office if:
5008 (A) the person is a registered voter; and
5009 (B) (I) the person has resided within the municipality in which that person seeks to
5010 hold elective office for the 12 consecutive months immediately before the date of the election;
5011 or
5012 (II) if the territory in which the person resides was annexed into the municipality, the
5013 person has resided within the annexed territory or the municipality the 12 consecutive months
5014 immediately before the date of the election.
5015 (ii) For purposes of determining whether a person meets the residency requirement of
5016 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before

5017 the election, the municipality shall be considered to have been incorporated 12 months before
5018 the date of the election.
5019 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal
5020 council position shall, if elected from a district, be a resident of the council district from which
5021 elected.
5022 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
5023 incompetent person, any person convicted of a felony, or any person convicted of treason or a
5024 crime against the elective franchise may not hold office in this state until the right to hold
5025 elective office is restored under Section 20A-2-101.5.
5026 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
5027 become a candidate for a municipal office shall:
5028 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
5029 office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year;
5030 and
5031 (ii) pay the filing fee, if one is required by municipal ordinance.
5032 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
5033 persons registered to vote in the municipality on the January 1 of the municipal election year.
5034 (ii) A third, fourth, or fifth class city that used the convention system to nominate
5035 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
5036 process contained in this Subsection (2)(b) in the last municipal election or a town that used the
5037 convention system to nominate candidates in the last municipal election as authorized by
5038 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
5039 municipal election may, by ordinance, require, in lieu of the convention system, that candidates
5040 for municipal office file a nominating petition signed by a percentage of registered voters at the
5041 same time that the candidate files a declaration of candidacy.
5042 (iii) The ordinance shall specify the number of signatures that the candidate must
5043 obtain on the nominating petition in order to become a candidate for municipal office under
5044 this Subsection (2), but that number may not exceed 5% of registered voters.
5045 (c) Any resident of a municipality may nominate a candidate for a municipal office by:
5046 (i) filing a nomination petition with the city recorder or town clerk during office hours,
5047 but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and

5048 (ii) paying the filing fee, if one is required by municipal ordinance.
5049 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
5050 petition, the filing officer shall:
5051 (i) read to the prospective candidate or person filing the petition the constitutional and
5052 statutory qualification requirements for the office that the candidate is seeking; and
5053 (ii) require the candidate or person filing the petition to state whether or not the
5054 candidate meets those requirements.
5055 (b) If the prospective candidate does not meet the qualification requirements for the
5056 office, the filing officer may not accept the declaration of candidacy or nomination petition.
5057 (c) If it appears that the prospective candidate meets the requirements of candidacy, the
5058 filing officer shall:
5059 (i) inform the candidate that the candidate's name will appear on the ballot as it is
5060 written on the declaration of candidacy;
5061 (ii) provide the candidate with a copy of the current campaign financial disclosure laws
5062 for the office the candidate is seeking and inform the candidate that failure to comply will
5063 result in disqualification as a candidate and removal of the candidate's name from the ballot;
5064 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
5065 Electronic Voter Information Website Program and inform the candidate of the submission
5066 deadline under Subsection 20A-7-801(4)(a);
5067 (iv) provide the candidate with a copy of the pledge of fair campaign practices
5068 described under Section 20A-9-206 and inform the candidate that:
5069 (A) signing the pledge is voluntary; and
5070 (B) signed pledges shall be filed with the filing officer; and
5071 (v) accept the declaration of candidacy or nomination petition.
5072 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
5073 officer shall:
5074 (i) accept the candidate's pledge; and
5075 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
5076 candidate's pledge to the chair of the county or state political party of which the candidate is a
5077 member.
5078 (4) The declaration of candidacy shall substantially comply with the following form:

5079 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
5080 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
5081 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
5082 the legal qualifications required of candidates for this office. I will file all campaign financial
5083 disclosure reports as required by law and I understand that failure to do so will result in my
5084 disqualification as a candidate for this office and removal of my name from the ballot. I
5085 request that my name be printed upon the applicable official ballots. (Signed)
5086 _____
5087 Subscribed and sworn to (or affirmed) before me by ____ on this
5088 _____(month\day\year).
5089 (Signed) _____ (Clerk or other officer qualified to administer oath)"
5090 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that
5091 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
5092 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
5093 for municipal office by submitting a petition signed by:
5094 (i) 25 residents of the municipality who are at least 18 years old; or
5095 (ii) 20% of the residents of the municipality who are at least 18 years old.
5096 (b) (i) The petition shall substantially conform to the following form:
5097 "NOMINATION PETITION
5098 The undersigned residents of (name of municipality) being 18 years old or older
5099 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
5100 applicable)."
5101 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5102 persons signing the petition and their addresses and telephone numbers.
5103 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
5104 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
5105 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
5106 signed by the same percentage of registered voters in the municipality as required by the
5107 ordinance passed under authority of Subsection (2)(b).
5108 (b) (i) The petition shall substantially conform to the following form:
5109 "NOMINATION PETITION

5110 The undersigned residents of (name of municipality) being 18 years old or older
5111 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
5112 whichever is applicable)."
5113 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5114 persons signing the petition and their addresses and telephone numbers.
5115 (7) If the declaration of candidacy or nomination petition fails to state whether the
5116 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
5117 the four-year term.
5118 (8) (a) The clerk shall verify with the county clerk that all candidates are registered
5119 voters.
5120 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
5121 print the candidate's name on the ballot.
5122 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
5123 clerk shall:
5124 (a) cause the names of the candidates as they will appear on the ballot to be published
5125 [~~in at least two successive publications of a newspaper with general circulation in the~~
5126 ~~municipality~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
5127 (b) notify the lieutenant governor of the names of the candidates as they will appear on
5128 the ballot.
5129 (10) A declaration of candidacy or nomination petition filed under this section may not
5130 be amended after the expiration of the period for filing a declaration of candidacy.
5131 (11) (a) A declaration of candidacy or nomination petition filed under this section is
5132 valid unless a written objection is filed with the clerk within five days after the last day for
5133 filing.
5134 (b) If an objection is made, the clerk shall:
5135 (i) mail or personally deliver notice of the objection to the affected candidate
5136 immediately; and
5137 (ii) decide any objection within 48 hours after it is filed.
5138 (c) If the clerk sustains the objection, the candidate may correct the problem by
5139 amending the declaration or petition within three days after the objection is sustained or by
5140 filing a new declaration within three days after the objection is sustained.

5141 (d) (i) The clerk's decision upon objections to form is final.
5142 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
5143 prompt application is made to the district court.
5144 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
5145 of its discretion, agrees to review the lower court decision.
5146 (12) Any person who filed a declaration of candidacy and was nominated, and any
5147 person who was nominated by a nomination petition, may, any time up to 23 days before the
5148 election, withdraw the nomination by filing a written affidavit with the clerk.
5149 Section 122. Section **23-21-1.5** is amended to read:
5150 **23-21-1.5. Acquisition of real property held in private ownership -- Published**
5151 **notice and governor's approval required.**
5152 (1) The Division of Wildlife Resources may not acquire title to real property held in
5153 private ownership without first:
5154 (a) publishing a notice of the proposed acquisition [~~in a newspaper of general~~
5155 ~~circulation in the county in which the property is located~~] on the Utah Public Notice Website as
5156 described in Section 63F-1-701; and
5157 (b) obtaining the approval of the governor.
5158 (2) The requirements of Subsection (1) apply whether title to real property held in
5159 private ownership is acquired through a purchase, donation, or other means.
5160 (3) In the case of a proposed purchase of private property, the notice may be published
5161 after earnest money is paid.
5162 (4) The published notice shall inform the public regarding:
5163 (a) the proposed use of the land;
5164 (b) any conditions on the acquisition of the land placed by donors, the federal
5165 government, sellers, or others specifying how the land must be used;
5166 (c) any changes to existing land uses that are anticipated; and
5167 (d) the public comment submission process for comments on the proposed acquisition.
5168 (5) The governor shall:
5169 (a) submit a notification of the proposed acquisition to:
5170 (i) the county executive of the county in which the property is located;
5171 (ii) the legislators of the legislative districts in which the lands are located; and

5172 (iii) the School and Institutional Trust Lands Administration; and
5173 (b) invite those notified to submit any comments on the proposed acquisition.
5174 (6) After considering comments on the proposed acquisition, the governor may
5175 approve the acquisition in whole or in part or disapprove the acquisition.
5176 Section 123. Section **24-1-4** is amended to read:
5177 **24-1-4. Civil Procedures.**
5178 (1) An agency which seizes property under any provision of state law subjecting the
5179 property to forfeiture shall, as soon as practicable, but in no case more than 30 days after
5180 seizure:
5181 (a) prepare a detailed inventory of all property seized and transfer the seized property
5182 to a designated official within the agency, who shall be responsible for holding and maintaining
5183 seized property pending a court order of release or final determination of forfeiture and
5184 disposition of property under this chapter;
5185 (b) notify the prosecuting attorney for the appropriate jurisdiction who is responsible
5186 for initiating forfeiture proceedings under this chapter of the items of property seized, the place
5187 of the seizure and any persons arrested at the time of seizure; and
5188 (c) give written notice to all owners and interest holders known, or reasonably
5189 discoverable after due diligence, of:
5190 (i) the date of the seizure and the property seized;
5191 (ii) the owner's or interest holder's rights and obligations under this chapter, including
5192 the availability of hardship relief in appropriate circumstances; and
5193 (iii) a brief description of the statutory basis for the forfeiture and the judicial
5194 proceedings by which property is forfeited under this chapter.
5195 (2) (a) If the seizing agency fails to provide notice as required in Subsection (1), an
5196 owner or interest holder entitled to notice who does not receive notice may void the forfeiture
5197 with respect to the owner's or interest holder's interest in the property by bringing a motion
5198 before the appropriate district court and serving it upon the seizing agency. The motion may be
5199 brought at any time prior to the final disposition of the property under this chapter.
5200 (b) If an owner or interest holder brings a motion to void the forfeiture for lack of the
5201 notice required under Subsection (1), the court shall void the forfeiture unless the seizing
5202 agency demonstrates:

5203 (i) good cause for the failure to give notice to that owner; or
5204 (ii) that the owner otherwise had actual notice of the seizure.
5205 (3) (a) Within 60 days of any seizure, the prosecuting attorney shall file a complaint for
5206 forfeiture in the appropriate district court and serve a summons and notice of intent to seek
5207 forfeiture with a copy of the complaint upon all owners and interest holders known to the
5208 prosecuting attorney to have an interest in the property. Service shall be by one of the
5209 following methods:
5210 (i) if the owner's or interest holder's name and current address are known, either by
5211 personal service by any person qualified to serve process, by a law enforcement officer, or by
5212 certified mail, return receipt requested, to that address;
5213 (ii) if the owner's or interest holder's name and address are required by law to be on
5214 record with any state agency in order to perfect an interest in property and the owner's or
5215 interest holder's current address is not known, by mailing a copy of the notice by certified mail,
5216 return receipt requested, to the most recent address listed by any of those agencies; or
5217 (iii) if the owner's or interest holder's address is not known and is not on record as
5218 provided in Subsection (3)(a)(i) or (ii), by publication for two successive weeks [~~in a~~
5219 ~~newspaper of general circulation in the county in which the seizure occurred~~] on the Utah
5220 Public Notice Website as described in Section 63F-1-701.
5221 (b) Notice is effective upon the earlier of personal service, publication, or the mailing
5222 of a written notice.
5223 (c) The summons and notice of intent to seek forfeiture shall:
5224 (i) be addressed to the known owners and interest holders of the seized property, and to
5225 the person from whom the property was seized;
5226 (ii) contain the name, business address, and business telephone number of the
5227 prosecuting attorney seeking the forfeiture; and
5228 (iii) contain:
5229 (A) a description of the property which is the subject matter of the forfeiture
5230 proceeding;
5231 (B) notice that a complaint for forfeiture has been or will be filed;
5232 (C) the time and procedural requirements for filing an answer or claim;
5233 (D) notice of the availability of hardship or bond release of the property; and

5234 (E) notice that failure to file an answer or other claim regarding the seized property will
5235 result in a default judgment against the seized property.
5236 (d) The complaint shall describe with reasonable particularity:
5237 (i) the property which is the subject matter of the forfeiture proceeding;
5238 (ii) the date and place of seizure; and
5239 (iii) the allegations which constitute a basis for forfeiture.
5240 (4) (a) If the prosecuting attorney does not timely file a complaint for forfeiture of the
5241 property in accordance with Subsection (3), the agency shall promptly return the property to its
5242 owner and the prosecuting attorney may take no further action to effect the forfeiture of the
5243 property.
5244 (b) If the agency knows of more than one owner, it shall return the property to the
5245 owner who was in possession at the time of the seizure.
5246 (5) (a) In any case where the prosecuting attorney files a complaint for forfeiture of
5247 property, an owner or interest holder may file a claim and an answer to the complaint.
5248 (b) The claim and answer shall be filed within 30 days after the complaint is served in
5249 person or by mail, or where applicable, within 30 days after publication under Subsection (3).
5250 (6) (a) Except as otherwise provided in this chapter, forfeiture proceedings are
5251 governed by the Utah Rules of Civil Procedure.
5252 (b) The court shall take all reasonable steps to expedite forfeiture proceedings and shall
5253 give these proceedings the same priority as is given to criminal cases.
5254 (c) In all suits or actions brought for the civil forfeiture of any property under this
5255 chapter, the burden of proof is on the prosecuting attorney to establish, by clear and convincing
5256 evidence, to what extent, if any, property is subject to forfeiture.
5257 (d) The right to trial by jury applies to forfeiture proceedings under this chapter.
5258 Section 124. Section **26-8a-401** is amended to read:
5259 **26-8a-401. State regulation of emergency medical services market.**
5260 (1) To ensure emergency medical service quality and minimize unnecessary
5261 duplication, the department shall regulate the emergency medical service market after October
5262 1, 1999, by creating and operating a statewide system that:
5263 (a) consists of exclusive geographic service areas as provided in Section 26-8a-402;
5264 and

5265 (b) establishes maximum rates as provided in Section 26-8a-403.
5266 (2) (a) All licenses issued prior to July 1, 1996, shall expire as stated in the license.
5267 (b) If no expiration date is stated on a license issued before July 1, 1996, the license
5268 shall expire on October 1, 1999, unless:
5269 (i) the license holder requests agency action before August 1, 1999; and
5270 (ii) before October 1, 1999, the department:
5271 (A) finds the license has been used as the basis for responding to requests for
5272 ambulance or paramedic services during the past five years;
5273 (B) identifies one or more specific geographic areas covered by the license in which the
5274 license holder has actively and adequately responded as the primary provider to requests for
5275 ambulance or paramedic services during the past five years; and
5276 (C) determines that the continuation of a license in a specific geographic area identified
5277 in Subsection (2)(b)(ii)(B) satisfies:
5278 (I) the standards established pursuant to Subsection 26-8a-404(2); and
5279 (II) the requirement of public convenience and necessity.
5280 (c) If the department finds that a license meets the requirements of Subsection (2)(b),
5281 the department shall amend the license to reflect:
5282 (i) the specific geographic area of the license; and
5283 (ii) a four-year term extension.
5284 (d) Before July 1, 1999, the department shall publish notice once a week for four
5285 consecutive weeks of the expiration of licenses pursuant to Subsection (2)(b) [~~in a newspaper~~
5286 ~~of general circulation in the state~~] on the Utah Public Notice Website as described in Section
5287 63F-1-701.
5288 (e) Nothing in this Subsection (2) may be construed as restricting the authority of the
5289 department to amend overlapping licenses pursuant to Section 26-8a-416.
5290 (3) After October 1, 1999, new licenses and license renewals shall be for a four-year
5291 term.
5292 Section 125. Section **26-8a-405.3** is amended to read:
5293 **26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Appeal rights.**
5294 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under
5295 Section 26-8a-405.2 shall be solicited through a request for proposal and the provisions of this

5296 section.
5297 (b) The governing body of the political subdivision shall approve the request for
5298 proposal prior to the notice of the request for proposals under Subsection (1)(c).
5299 (c) Notice of the request for proposals must be published at least once a week for three
5300 consecutive weeks [~~in a newspaper of general circulation published in the county, or if there is~~
5301 ~~no such newspaper, then~~] on the Utah Public Notice Website as described in Section 63F-1-701
5302 and the notice must be posted for at least 20 days in at least five public places in the county.
5303 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing
5304 offerors during the process of negotiations.
5305 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the
5306 political subdivision must hold a presubmission conference with interested applicants for the
5307 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.
5308 (ii) A political subdivision shall allow at least 90 days from the presubmission
5309 conference for the proposers to submit proposals.
5310 (c) Subsequent to the presubmission conference, the political subdivision may issue
5311 addenda to the request for proposals. An addenda to a request for proposal must be finalized
5312 and posted by the political subdivision at least 45 days prior to the date on which the proposal
5313 must be submitted.
5314 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
5315 respect to any opportunity for discussion and revisions of proposals, and revisions may be
5316 permitted after submission and before a contract is awarded for the purpose of obtaining best
5317 and final offers.
5318 (e) In conducting discussions, there shall be no disclosures of any information derived
5319 from proposals submitted by competing offerors.
5320 (3) (a) (i) A political subdivision may select an applicant approved by the department
5321 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the
5322 most responsible offeror as defined in Subsection 63G-6-103(24).
5323 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
5324 proposal is determined in writing to be the most advantageous to the political subdivision,
5325 taking into consideration price and the evaluation factors set forth in the request for proposal.
5326 (b) The applicants who are approved under Section 26-8a-405 and who are selected

5327 under this section may be the political subdivision issuing the request for competitive sealed
5328 proposals, or any other public entity or entities, any private person or entity, or any
5329 combination thereof.
5330 (c) A political subdivision may reject all of the competitive proposals.
5331 (4) In seeking competitive sealed proposals and awarding contracts under this section,
5332 a political subdivision:
5333 (a) shall apply the public convenience and necessity factors listed in Subsections
5334 26-8a-408(2) through (6);
5335 (b) shall require the applicant responding to the proposal to disclose how the applicant
5336 will meet performance standards in the request for proposal;
5337 (c) may not require or restrict an applicant to a certain method of meeting the
5338 performance standards, including:
5339 (i) requiring ambulance medical personnel to also be a firefighter; or
5340 (ii) mandating that offerors use fire stations or dispatch services of the political
5341 subdivision;
5342 (d) (i) shall require an applicant to submit the proposal based on full cost accounting in
5343 accordance with generally accepted accounting principals; and
5344 (ii) if the applicant is a governmental entity, in addition to the requirements of
5345 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
5346 in compliance with the State of Utah Legal Compliance Audit Guide; and
5347 (e) shall set forth in the request for proposal:
5348 (i) the method for determining full cost accounting in accordance with generally
5349 accepted accounting principles, and require an applicant to submit the proposal based on such
5350 full cost accounting principles;
5351 (ii) guidelines established to further competition and provider accountability; and
5352 (iii) a list of the factors that will be considered by the political subdivision in the award
5353 of the contract, including by percentage, the relative weight of the factors established under this
5354 Subsection (4)(e), which may include such things as:
5355 (A) response times;
5356 (B) staging locations;
5357 (C) experience;

5358 (D) quality of care; and
5359 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).
5360 (5) (a) Notwithstanding the provisions of Subsection 63G-6-104(3), the provisions of
5361 Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies, apply to the procurement
5362 process required by this section, except as provided in Subsection (5)(c).
5363 (b) The Procurement Appeals Board created in Section 63G-6-807 shall have
5364 jurisdiction to review and determine an appeal of an offeror under this section in the same
5365 manner as provided in Section 63G-6-810.
5366 (c) (i) An offeror may appeal the solicitation or award as provided by the political
5367 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror
5368 may appeal under the provisions of Subsections (5)(a) and (b).
5369 (ii) The factual determination required by Subsection 63G-6-813(1) shall be based on
5370 whether the solicitation or award was made in accordance with the procedures set forth in this
5371 section and Section 26-8a-405.2.
5372 (d) The determination of an issue of fact by the appeals board shall be final and
5373 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
5374 63G-6-813.
5375 Section 126. Section **26-8a-406** is amended to read:
5376 **26-8a-406. Ground ambulance and paramedic licenses -- Parties.**
5377 (1) When an applicant approved under Section 26-8a-404 seeks licensure under the
5378 provisions of Sections 26-8a-406 through 26-8a-409, the department shall:
5379 (a) issue a notice of agency action to the applicant to commence an informal
5380 administrative proceeding;
5381 (b) provide notice of the application to all interested parties; and
5382 (c) publish notice of the application, at the applicant's expense, once a week for four
5383 consecutive weeks, [~~in a newspaper of general circulation in the geographic service area that is~~
5384 ~~the subject of the application~~] on the Utah Public Notice Website as described in Section
5385 63F-1-701.
5386 (2) An interested party has 30 days to object to an application.
5387 (3) If an interested party objects, the presiding officer must join the interested party as
5388 an indispensable party to the proceeding.

5389 (4) The department may join the proceeding as a party to represent the public interest.
5390 (5) Others who may be affected by the grant of a license to the applicant may join the
5391 proceeding, if the presiding officer determines that they meet the requirement of legal standing.
5392 Section 127. Section **26-19-6** is amended to read:
5393 **26-19-6. Action by department -- Notice to recipient.**
5394 (1) (a) Within 30 days after commencing an action under Subsection 26-19-5(3), the
5395 department shall give the recipient, his guardian, personal representative, trustee, estate, or
5396 survivor, whichever is appropriate, written notice of the action by:
5397 (i) personal service or certified mail to the last known address of the person receiving
5398 the notice; or
5399 (ii) if no last-known address is available, by publishing a notice once a week for three
5400 successive weeks [~~in a newspaper of general circulation in the county where the recipient~~
5401 ~~resides~~] on the Utah Public Notice Website as described in Section 63F-1-701.
5402 (b) Proof of service shall be filed in the action.
5403 (c) The recipient may intervene in the department's action at any time before trial.
5404 (2) The notice required by Subsection (1) shall name the court in which the action is
5405 commenced and advise the recipient of:
5406 (a) the right to intervene in the proceeding;
5407 (b) the right to obtain a private attorney; and
5408 (c) the department's right to recover medical assistance directly from the third party.
5409 Section 128. Section **31A-2-303** is amended to read:
5410 **31A-2-303. Notice.**
5411 (1) If the commissioner determines that the number of persons affected by a proposed
5412 action is so great as to render it impracticable to serve each person affected with a copy of an
5413 order, notice of hearing, or other notice, the commissioner shall:
5414 (a) provide a copy of the order, notice of hearing, or other notice to all persons who
5415 have filed with the department a general request to be informed of this type of action, or if
5416 fewer than ten persons have requested this type of notice, provide a copy to those who have and
5417 also to others affected by the notice or order so that at least ten persons receive the notice or
5418 order who are collectively representative of the class of persons whose legal status, pecuniary
5419 interests, or other substantial interests will be affected by the proposed action; and

5420 (b) publish a copy of the order, notice of hearing, or other notice under Subsection (2).
5421 (2) When this title requires the commissioner to publish an order, notice of hearing, or
5422 other document [~~in newspapers~~], the commissioner shall cause the notice or order to be
5423 published at least once during each of the four weeks preceding the hearing, effective date, or
5424 other critical event, [~~in at least two newspapers with sufficient circulation and appropriate~~
5425 ~~location to best provide actual notice~~] on the Utah Public Notice Website as described in
5426 Section 63F-1-701.
5427 Section 129. Section **31A-27a-406** is amended to read:
5428 **31A-27a-406. Notice to creditors and others.**
5429 (1) Unless the receivership court otherwise directs, the liquidator shall give or cause to
5430 be given notice of the liquidation order as soon as possible:
5431 (a) by first-class mail or electronic communication as permitted by the receivership
5432 court to the following at their last-known address:
5433 (i) all of the insurer's agents, brokers, or producers of record with a current
5434 appointment or current license to represent the insurer; and
5435 (ii) all other agents, brokers, or producers that the liquidator considers appropriate;
5436 (b) by first-class mail or electronic communication as permitted by the receivership
5437 court to:
5438 (i) all current policyholders;
5439 (ii) all pending claimants; and
5440 (iii) as determined by the receivership court, former policyholders and other creditors;
5441 and
5442 (c) by one time publication [~~in a newspaper of general circulation in~~]:
5443 (i) [~~the county in which the insurer has its principal place of business~~] on the Utah
5444 Public Notice Website as described in Section 63F-1-701; and
5445 (ii) other locations that the liquidator considers appropriate.
5446 (2) The notice of the entry of an order of liquidation shall contain or provide directions
5447 for obtaining the following information:
5448 (a) a statement that the insurer has been placed in liquidation;
5449 (b) a statement:
5450 (i) explaining that certain acts are stayed under Section 31A-27a-108; and

5451 (ii) describing any additional injunctive relief ordered by the receivership court;
5452 (c) a statement whether, and to what extent, the insurer's policies continue in effect;
5453 (d) to the extent applicable, a statement that coverage by guaranty associations may be
5454 available for all or part of policy benefits in accordance with applicable state guaranty laws;
5455 (e) a statement of:
5456 (i) the deadline for filing claims, if established; and
5457 (ii) the requirements for filing a proof of claim pursuant to Section 31A-27a-601 on or
5458 before that date;
5459 (f) a statement of the date, time, and location of any initial status hearing scheduled at
5460 the time the notice is sent;
5461 (g) a description of the process for obtaining notice of matters before the receivership
5462 court; and
5463 (h) other information as the liquidator or the receivership court considers appropriate.
5464 (3) If notice is given in accordance with this section, the distribution of property of the
5465 insurer under this chapter is conclusive with respect to all claimants, whether or not the
5466 claimant received notice.
5467 (4) (a) Notwithstanding the other provisions of this section, the liquidator has no duty
5468 to locate any person if:
5469 (i) no address is found in the records of the insurer; or
5470 (ii) a mailing is returned to the liquidator because of inability to deliver at the address
5471 shown in the insurer's records.
5472 (b) In the circumstances described in Subsection (4)(a), the notice by publication as
5473 required by this chapter or actual notice received is sufficient notice.
5474 (c) Written certification by the liquidator or other knowledgeable person acting for the
5475 liquidator that a notice is deposited in the United States mail, postage prepaid, or that the notice
5476 is electronically transmitted is prima facie evidence of mailing and receipt.
5477 (d) A claimant has a duty to keep the liquidator informed of any change of address.
5478 (5) Notwithstanding Subsection (1):
5479 (a) upon application of the liquidator, the receivership court may find that notice by
5480 publication as required in this section is sufficient notice to those persons holding an
5481 occurrence policy:

5482 (i) that expired more than four years before the day on which the order of liquidation is
5483 entered; and
5484 (ii) under which there are no pending claims; or
5485 (b) the receivership court may order other notice to those persons that the receivership
5486 court considers appropriate.
5487 Section 130. Section **38-2-3.2** is amended to read:
5488 **38-2-3.2. Sale of unclaimed personal property.**
5489 (1) Any garments, clothing, shoes, wearing apparel or household goods, remaining in
5490 the possession of a person, on which cleaning, pressing, glazing, laundry or washing or repair
5491 work has been done or upon which alterations or repairs have been made or on which materials
5492 or supplies have been used or furnished by said person holding possession thereof, for a period
5493 of 90 days or more after the completion of such services or labors, may be sold by said person
5494 holding possession, to pay the unpaid reasonable or agreed charges therefor and the costs of
5495 notifying the owner or owners as hereinafter provided. However, the person to whom such
5496 charges are payable and owing shall first notify the owner or owners of such property of the
5497 time and place of such sale; and provided further, that property that is to be placed in storage
5498 after any of the services or labors mentioned herein shall not be affected by the provisions of
5499 this Subsection (1).
5500 (2) All garments, clothing, shoes, wearing apparel on which any of these services or
5501 labors mentioned in Subsection (1) have been performed and then placed in storage by
5502 agreement, and remaining in the possession of a person without the reasonable or agreed
5503 charges having been paid for a period of 12 months may be sold to pay such charges and costs
5504 of notifying the owner or owners as hereinafter provided. However, the person to whom the
5505 charges are payable and owing shall first notify the owner or owners of such property of the
5506 time and the place of sale, and provided, further, that persons operating as warehouses or
5507 warehousemen shall not be affected by this Subsection (2).
5508 (3) (a) (i) The mailing of a properly stamped and registered letter, with a return address
5509 marked thereon, addressed to the owner or owners of the property, at their address given at the
5510 time of delivery of the property to such person to render any of the services or labors set out in
5511 this article, or if no address was so given, at their address if otherwise known, stating the time
5512 and place of sale, shall constitute notice as required in this section.

5513 (ii) The notice required in Subsection (3)(a)(i) shall be mailed at least 20 days before
5514 the date of sale.
5515 (iii) The cost of mailing the letter required under Subsection (3)(a)(i) shall be added to
5516 the charges.
5517 (b) (i) If no address was given at the time of delivery of the property, or if the address
5518 of the owner or owners is not otherwise known, such person who has performed the services or
5519 labors as aforesaid shall cause to be published at least once [~~in a daily or weekly newspaper in~~
5520 ~~the city, town, and county, wherein such property was delivered to such person~~] on the Utah
5521 Public Notice Website as described in Section 63F-1-701, a notice of the time and place of sale
5522 and such notice shall be published at least 20 days before the date of sale.
5523 (ii) Such notice constitutes notice as required in this section if notice cannot be mailed
5524 as provided in Subsection (3)(b)(i).
5525 (iii) The costs of one such publication shall be added to the charges.
5526 (4) (a) The person to whom the charges are payable and owing shall from the proceeds
5527 of the sale, deduct the charges due plus the costs of notifying the owner or owners and shall
5528 immediately thereafter mail to the owner or owners thereof at their address, if known, a notice
5529 of the holding of such sale and the amount of the overplus, if any, due the owner or owners. At
5530 any time within 12 months after such notice, such person shall, upon demand by the owner or
5531 owners, pay to the owner or owners such overplus in his hands.
5532 (b) If no such demand is made within such 12-month period, or, if the address of the
5533 owner or owners is unknown and no demand is made by the owner or owners within 12 months
5534 after the date of sale, then such overplus shall become the property of a person who has
5535 performed the services or labors as provided in Subsection (1).
5536 (5) Each person taking advantage of this section must keep posted in a prominent place
5537 in his receiving office or offices at all times two notices which shall read as follows:
5538 "All articles, cleaned, pressed, glazed, laundered, washed, altered, or repaired, and not
5539 called for in 90 days will be sold to pay charges."
5540 "All articles stored by agreement and charges not having been paid for 12 months will
5541 be sold to pay charges."
5542 (6) The rights and benefits provided for in this section shall be and are in addition to
5543 the rights and benefits provided for in Section 38-2-4.

5544 Section 131. Section **38-8-3** is amended to read:
5545 **38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**
5546 A claim of an owner which has become due against an occupant and which is secured
5547 by the owner's lien may be satisfied as follows:
5548 (1) No enforcement action may be taken by the owner until the occupant has been in
5549 default continuously for a period of 30 days.
5550 (2) After the occupant has been in default continuously for a period of 30 days, the
5551 owner may begin enforcement action if the occupant has been given notice in writing. The
5552 notice shall be delivered in person or sent by certified mail to the last known address of the
5553 occupant, and a copy of the notice shall, at the same time, be sent to the sheriff of the county
5554 where the self-service storage facility is located. Any lienholder with an interest in the property
5555 to be sold or otherwise disposed of, of whom the owner has knowledge either through the
5556 disclosure provision on the rental agreement or through the existence of a validly filed and
5557 perfected UCC-1 financing statement with the Division of Corporations and Commercial Code,
5558 or through other written notification, shall be included in the notice process as set forth in this
5559 section.
5560 (3) This notice shall include:
5561 (a) an itemized statement of the owner's claim showing the sum due at the time of the
5562 notice and the date when the sum became due;
5563 (b) a brief and general description of the personal property subject to the lien, which
5564 description shall be reasonably adequate to permit the person notified to identify the property;
5565 except that any container including, but not limited to, a trunk, valise, or box that is locked,
5566 fastened, sealed, or tied in a manner which deters immediate access to its contents may be
5567 described as such without describing its contents;
5568 (c) a notification of denial of access to the personal property, if such denial is permitted
5569 under the terms of the rental agreement, which notification shall provide the name, street
5570 address, and telephone number of the owner or his designated agent whom the occupant may
5571 contact to respond to the notification;
5572 (d) a demand for payment within a specified time not less than 15 days after delivery of
5573 the notice; and
5574 (e) a conspicuous statement that, unless the claim is paid within the time stated in the

5575 notice, the personal property will be advertised for sale or other disposition and will be sold or
5576 otherwise disposed of at a specified time and place.
5577 (4) Any notice made under this section shall be presumed delivered when it is
5578 deposited with the United States postal service and properly addressed with postage prepaid.
5579 (5) (a) After the expiration of the time given in the notice, an advertisement of the sale
5580 or other disposition shall be published once a week for two consecutive weeks [~~in a newspaper~~
5581 ~~of general circulation in the county where the self-service storage facility is located~~] on the
5582 Utah Public Notice Website as described in Section 63F-1-701. The advertisement shall
5583 include:
5584 (i) a brief and general description of the personal property reasonably adequate to
5585 permit its identification as provided for in Subsection (3)(b); the address of the self-service
5586 storage facility and the number, if any, of the space where the personal property is located; and
5587 the name of the occupant and his last known address; and
5588 (ii) the time, place, and manner of the sale or other disposition, which sale or other
5589 disposition shall take place not sooner than 15 days after the first publication.
5590 (b) [~~If there is no newspaper of general circulation in the county where the self-service~~
5591 ~~storage facility is located, the~~] The advertisement shall also be posted at least ten days before
5592 the date of the sale or other disposition in not less than six conspicuous places in the
5593 neighborhood where the self-service storage facility is located.
5594 (6) Any sale or other disposition of the personal property shall conform to the terms of
5595 the notice provided for in this section.
5596 (7) Any sale or other disposition of the personal property shall be held at the
5597 self-service storage facility or at the nearest suitable place to where the personal property is
5598 held or stored.
5599 (8) Before any sale or other disposition of personal property under this section, the
5600 occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred
5601 under this section and thereby redeem the personal property; upon receipt of this payment, the
5602 owner shall return the personal property, and thereafter the owner shall have no liability to any
5603 person with respect to that personal property.
5604 (9) A purchaser in good faith of the personal property sold to satisfy a lien as provided
5605 for in this chapter takes the property free of any rights of persons against whom the lien was

5606 valid and free of any rights of a secured creditor, despite noncompliance by the owner with the
5607 requirements of this section.
5608 (10) In the event of a sale under this section, the owner may satisfy his lien for the
5609 proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior
5610 lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good
5611 faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge
5612 for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for
5613 delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or
5614 other person in interest does not claim the balance of the proceeds within one year of the date
5615 of sale, it shall become the property of the Utah state treasurer as unclaimed property with no
5616 further claim against the owner.
5617 (11) If the requirements of this chapter are not satisfied, if the sale of the personal
5618 property is not in conformity with the notice of sale, or if there is a willful violation of this
5619 chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any
5620 other person.
5621 Section 132. Section **38-13-204** is amended to read:
5622 **38-13-204. Selling the aircraft.**
5623 (1) A repairman may sell an aircraft subject to a lien under this chapter if:
5624 (a) the repairman receives a judgment in the foreclosure action filed under Section
5625 38-13-202;
5626 (b) the repairman gives notice to:
5627 (i) the owner of the aircraft;
5628 (ii) the customer as indicated on the work order for the making, altering, repairing, or
5629 performing of labor; and
5630 (iii) all other persons claiming an interest in or lien on the aircraft:
5631 (A) as disclosed by the records of the Federal Aviation Administration or of
5632 corresponding agencies of any state in which the aircraft appears registered; and
5633 (B) that is known by the repairman;
5634 (c) the notice required by Subsection (1)(b) is sent by certified mail at least 30 days
5635 before the proposed or scheduled date of any sale; and
5636 (d) the notice required by Subsection (1)(b) contains:

5637 (i) a description of the aircraft and its location;
5638 (ii) the name and address of each person described in Subsection (1)(b);
5639 (iii) the name, address, and telephone number of the repairman;
5640 (iv) notice:
5641 (A) that the repairman has a foreclosure judgment against the aircraft for the amount
5642 stated in the judgment;
5643 (B) of the cash sum which, if paid to the repairman would be sufficient to redeem the
5644 aircraft from the lien claimed by the repairman;
5645 (C) that the lien claimed by the repairman is subject to enforcement under this chapter;
5646 and
5647 (D) that the aircraft may be sold to satisfy the lien;
5648 (v) the date, time, and location of any proposed or scheduled sale of the aircraft;
5649 (vi) notice as to whether the sale is private or public; and
5650 (vii) notice that the owner of the aircraft or other person entitled to possession of the
5651 aircraft has a right to recover possession of the aircraft without instituting judicial proceedings
5652 by posting a bond in accordance with Section 38-13-206.
5653 (2) The repairman shall at least 20 days before the proposed or scheduled date of sale
5654 of the aircraft publish the notice required by this section once [~~in a newspaper circulated in the~~
5655 ~~county where the aircraft is held~~] on the Utah Public Notice Website as described in Section
5656 63F-1-701 if:
5657 (a) the owner of the aircraft is unknown;
5658 (b) the whereabouts of the owner of the aircraft cannot be determined; or
5659 (c) the owner of the aircraft or any person notified under Subsection (1)(b) fails to
5660 acknowledge receipt of the notice.
5661 (3) (a) An aircraft subject to lien enforcement under this chapter may be sold by the
5662 repairman at public or private sale.
5663 (b) Notwithstanding Subsection (3)(a), in the case of a private sale, every aspect of the
5664 sale, including the method, manner, time, place, and terms shall be commercially reasonable.
5665 (4) This section may not be construed to affect an owner's right to redeem the owner's
5666 aircraft from the lien at any time prior to sale by paying the amount claimed by the repairman
5667 for:

5668 (a) work performed;
5669 (b) materials;
5670 (c) interest;
5671 (d) storage fees charged; and
5672 (e) any costs incurred by the repairman for using enforcement procedures under this
5673 chapter, including [~~attorneys'~~] attorney fees.
5674 (5) The proceeds of a sale under this section shall be distributed as follows:
5675 (a) amounts owed persons having a security interest or lien on the aircraft shall be paid
5676 in the order that they have priority in accordance with Section 38-13-205; and
5677 (b) the amount remaining after the amount described in Subsection (5)(a) is paid shall
5678 be paid to the owner of the aircraft before the sale of the aircraft under this section.
5679 (6) An aircraft against which a lien is filed may not be sold earlier than the later of:
5680 (a) 45 days after the last day on which the repairman makes, alters, repairs, or performs
5681 labor on the aircraft; or
5682 (b) 30 days from the date on which the repairman sends notice of the lien in accordance
5683 with Section 38-12-102.
5684 Section 133. Section **39-1-15** is amended to read:
5685 **39-1-15. Adjutant general -- Disposition of unserviceable property.**
5686 All military property of the state, which after proper inspection shall be found
5687 unserviceable, shall, under the direction of the governor, be disposed of by the adjutant general
5688 at public or private sale as he may deem advisable; provided, that where such property shall be
5689 deemed by the inspecting officer to exceed $50 in value, such sale shall be made after ten days'
5690 notice [~~in a newspaper published in the county where such sale is to be made~~] on the Utah
5691 Public Notice Website as described in Section 63F-1-701; and if such unserviceable property
5692 shall be found by the inspecting officer to be of no actual value, it shall be destroyed under the
5693 direction of the adjutant general.
5694 Section 134. Section **40-6-10** is amended to read:
5695 **40-6-10. Procedures -- Adjudicative proceedings -- Emergency orders -- Hearing**
5696 **examiners.**
5697 (1) (a) The Board of Oil, Gas, and Mining and the Division of Oil, Gas, and Mining
5698 shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative

5699 Procedures Act, in their adjudicative proceedings.
5700 (b) The board shall enact rules governing its practice and procedure that are not
5701 inconsistent with Title 63G, Chapter 4, Administrative Procedures Act.
5702 (2) When an emergency requiring immediate action is found by the division director or
5703 any board member to exist, the division director or board member may issue an emergency
5704 order according to the requirements and procedures of Title 63G, Chapter 4, Administrative
5705 Procedures Act.
5706 (3) Any notice required by this chapter, except as otherwise provided, shall be given at
5707 the election of the board either by personal service or by [~~one~~] publication [~~in a daily~~
5708 ~~newspaper of general circulation in the city of Salt Lake and county of Salt Lake, Utah, and in~~
5709 ~~all newspapers of general circulation published in the county where the land is affected, or~~
5710 ~~some part of the land is situated~~] on the Utah Public Notice Website as described in Section
5711 63F-1-701.
5712 (4) (a) Any order made by the board is effective on issuance.
5713 (b) All rules and orders issued by the board shall be:
5714 (i) in writing;
5715 (ii) entered in full in books to be kept by the board for that purpose;
5716 (iii) indexed; and
5717 (iv) public records open for inspection at all times during reasonable office hours.
5718 (c) A copy of any rule, finding of fact, or order, certified by the board or by the division
5719 director, shall be received in evidence in all courts of this state with the same effect as the
5720 original.
5721 (5) The board may act upon its own motion or upon the petition of any interested
5722 person.
5723 (6) (a) The board may appoint a hearing examiner to take evidence and to recommend
5724 findings of fact and conclusions of law to the board.
5725 (b) Any member of the board, division staff, or any other person designated by the
5726 board may serve as a hearing examiner.
5727 (c) The board may enter an order based on the recommendations of the examiner.
5728 Section 135. Section **40-8-8** is amended to read:
5729 **40-8-8. Board authority to act -- Entry of order -- Confidential data.**

5730 (1) The board may:
5731 (a) file a notice of agency action; or
5732 (b) respond to a request for agency action initiated by an affected person.
5733 (2) (a) The board shall enter its order within 60 days after the hearing.
5734 (b) All orders entered by the board shall be:
5735 (i) entered in books to be kept by the board for that purpose;
5736 (ii) indexed; and
5737 (iii) public records open for inspection at all times during reasonable office hours.
5738 (c) Confidential data disclosed under this chapter shall be protected and not become
5739 public records, except as provided in [~~Subsection~~] Section 40-8-13[~~(2)~~].
5740 Section 136. Section **40-8-10** is amended to read:
5741 **40-8-10. Notice.**
5742 Except as otherwise provided in this chapter, any notification required by this chapter
5743 shall be given by the board or division by personal service to individuals directly affected and
5744 by one publication [~~in a daily newspaper of general circulation in Salt Lake City, Utah, and in~~
5745 ~~all newspapers of general circulation published in the county or counties in which the land~~
5746 ~~affected is situated~~] on the Utah Public Notice Website as described in Section 63F-1-701.
5747 Section 137. Section **40-8-13** is amended to read:
5748 **40-8-13. Notice of intention required prior to mining operations -- Assurance of**
5749 **reclamation required in notice of intention -- When contents confidential -- Approval of**
5750 **notice of intention not required for small mining operations -- Procedure for reviewing**
5751 **notice of intention.**
5752 (1) (a) Before any operator begins mining operations, or continues mining operations
5753 pursuant to Section 40-8-23, the operator shall file a notice of intention for each individual
5754 mining operation with the division.
5755 (b) The notice of intention referred to in Subsection (1)(a) shall include:
5756 (i) identification of all owners of any interest in a mineral deposit, including any
5757 ownership interest in surface land affected by the notice;
5758 (ii) copies of underground and surface mine maps;
5759 (iii) locations of drill holes;
5760 (iv) accurate area maps of existing and proposed operations; and

5761 (v) information regarding the amount of material extracted, moved, or proposed to be
5762 moved, relating to the mining operation.
5763 (c) The notice of intention for small mining operations shall include a statement that
5764 the operator shall conduct reclamation as required by rules promulgated by the board.
5765 (d) The notice of intention for mining operations, other than small mining operations,
5766 shall include a plan for reclamation of the lands affected as required by rules promulgated by
5767 the board.
5768 (2) The division may require that the operator rehabilitate, close, or mitigate the
5769 impacts of each drill hole, shaft, or tunnel when no longer needed as part of the mining
5770 operation.
5771 (3) Information provided in the notice of intention, and its attachments relating to the
5772 location, size, or nature of the deposit that is marked confidential by the operator shall be
5773 protected as confidential information by the board and the division and is not a matter of public
5774 record unless the board or division obtains a written release from the operator, or until the
5775 mining operation has been terminated as provided in Subsection 40-8-21(2).
5776 (4) (a) Within 30 days from the receipt of a notice of intention, the division shall
5777 complete its review of the notice and shall make further inquiries, inspections, or examinations
5778 that are necessary to properly evaluate the notice.
5779 (b) The division shall notify the operator of any objections to the notice and shall grant
5780 the operator a reasonable opportunity to take action that may be required to remove the
5781 objections or obtain a ruling relative to the objections from the board.
5782 (5) Except for the form and amount of surety, an approval of a notice of intention for
5783 small mining operations is not required.
5784 (6) The notice of intention for mining operations other than small mining operations,
5785 shall be reviewed as provided in this Subsection (6).
5786 (a) Within 30 days after receipt of a notice of intention or within 30 days following the
5787 last action of the operator or the division on the notice of intention, the division shall make a
5788 tentative decision to approve or disapprove the notice of intention.
5789 (b) The division shall:
5790 (i) mail the information relating to the land affected and the tentative decision to the
5791 operator; and

5792 (ii) publish the information and the decision, in abbreviated form, [~~one time only, in all~~
5793 ~~newspapers of general circulation published in the county where the land affected is situated,~~
5794 ~~and in a daily newspaper of general circulation in Salt Lake City, Utah~~] on the Utah Public
5795 Notice Website as described in Section 63F-1-701.
5796 (c) The division shall also mail a copy of the abbreviated information and tentative
5797 decision to the zoning authority of the county in which the land affected is situated and to the
5798 owner of record of the land affected.
5799 (d) (i) Any person or agency aggrieved by the tentative decision may file a request for
5800 agency action with the division.
5801 (ii) If no requests for agency action are received by the division within 30 days after the
5802 last date of publication, the tentative decision on the notice of intention is final and the division
5803 shall notify the operator.
5804 (iii) If written objections of substance are received, the division shall hold a formal
5805 adjudicative proceeding.
5806 (e) This Subsection (6) does not apply to exploration.
5807 (7) Within 30 days after receipt of a notice of intention concerning exploration
5808 operations other than small mining operations, the division will review the notice of intention
5809 and approve or disapprove it.
5810 Section 138. Section **40-10-13** is amended to read:
5811 **40-10-13. Advertisement of ownership, location, and boundaries -- Notice to**
5812 **interested agencies or bodies -- Objections -- Conference.**
5813 (1) At the time of submission of an application for a surface coal mining and
5814 reclamation permit, or revision of an existing permit pursuant to the provisions of this chapter,
5815 the applicant shall submit to the division a copy of the applicant's advertisement of the
5816 ownership, precise location, and boundaries of the land to be affected. At the time of
5817 submission the advertisement shall be placed by the applicant [~~in a local newspaper of general~~
5818 ~~circulation in the locality of the proposed surface mine~~] on the Utah Public Notice Website as
5819 described in Section 63F-1-701 at least once a week for four consecutive weeks. The division
5820 shall notify various local governmental bodies, planning agencies, and sewage and water
5821 treatment authorities of water companies in the locality in which the proposed surface mining
5822 will take place, notifying them of the operator's intention to surface mine a particularly

5823 described tract of land and indicating the application's permit number and where a copy of the
5824 proposed mining and reclamation plan may be inspected. These local bodies, agencies,
5825 authorities, or companies may submit written comments within a reasonable period established
5826 by the division on the mining applications with respect to the effects of the proposed operation
5827 on the environment which are within their area of responsibility. These comments shall
5828 immediately be transmitted to the applicant by the division and shall be made available to the
5829 public at the same locations as are the mining applications.
5830 (2) (a) Any person having an interest which is or may be adversely affected or the
5831 officer or head of any federal, state, or local governmental agency or authority shall have the
5832 right to file written objections to the proposed initial or revised application for a permit for
5833 surface coal mining and reclamation operations with the division within 30 days after the last
5834 publication of the notice. These objections shall immediately be transmitted to the applicant by
5835 the division and shall be made available to the public.
5836 (b) If written objections are filed and a conference requested, the division shall then
5837 hold a conference within a reasonable time of the receipt of the objections or request. The
5838 conference shall be informal and shall be conducted in accordance with the procedures
5839 described in this Subsection (2)(b), irrespective of the requirements of Section 63G-4-203,
5840 Administrative Procedures Act. The conference shall be held in the locality of the coal mining
5841 and reclamation operation if requested within a reasonable time after written objections or the
5842 request for an informal conference are received by the division. The date, time, and location of
5843 the conference shall be advertised by the division in a newspaper of general circulation in the
5844 locality at least two weeks prior to the scheduled conference date. The division may arrange
5845 with the applicant upon request by any party to the administrative proceeding access to the
5846 proposed mining area for the purpose of gathering information relevant to the proceeding. An
5847 electronic or stenographic record shall be made of the conference proceeding unless waived by
5848 all parties. This record shall be maintained and shall be accessible to the parties until final
5849 release of the applicant's performance bond. In the event all parties requesting the conference
5850 stipulate agreement prior to the requested conference and withdraw their request, the
5851 conference need not be held.
5852 Section 139. Section **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09)** is amended to
5853 read:

5854 **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09). Performance standards for all coal**
5855 **mining and reclamation operations -- Additional standards for steep-slope surface coal**
5856 **mining -- Variances.**
5857 (1) Any permit issued pursuant to this chapter to conduct surface coal mining shall
5858 require that the surface coal mining operations will meet all applicable performance standards
5859 of this chapter, and such other requirements as the division shall promulgate.
5860 (2) General performance standards shall be applicable to all surface coal mining and
5861 reclamation operations and shall require the operations as a minimum to:
5862 (a) Conduct surface coal mining operations so as to maximize the utilization and
5863 conservation of the solid fuel resource being recovered so that reaffecting the land in the future
5864 through surface coal mining can be minimized.
5865 (b) Restore the land affected to a condition capable of supporting the uses which it was
5866 capable of supporting prior to any mining, or higher or better uses of which there is reasonable
5867 likelihood, so long as the use or uses does not present any actual or probable hazard to public
5868 health or safety or pose any actual or probable threat of water diminution or pollution, and the
5869 permit applicant's declared proposed land use following reclamation is not deemed to be
5870 impractical or unreasonable, inconsistent with applicable land use policies and plans, involves
5871 unreasonable delay in implementation, or is violative of federal, state, or local law.
5872 (c) Except as provided in Subsection (3) with respect to all surface coal mining
5873 operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic
5874 materials) and grade in order to restore the approximate original contour of the land with
5875 highwalls, spoil piles, and depressions eliminated (unless small depressions are needed in order
5876 to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter); but
5877 in surface coal mining which is carried out at the same location over a substantial period of
5878 time where the operation transects the coal deposit and the thickness of the coal deposits
5879 relative to the volume of the overburden is large and where the operator demonstrates that the
5880 overburden and other spoil and waste materials at a particular point in the permit area or
5881 otherwise available from the entire permit area is insufficient, giving due consideration to
5882 volumetric expansion, to restore the approximate original contour, the operator, at a minimum,
5883 shall backfill, grade, and compact (where advisable) using all available overburden and other
5884 spoil and waste materials to attain the lowest practicable grade but not more than the angle of

5885 repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in
5886 order to achieve an ecologically sound land use compatible with the surrounding region. In
5887 surface coal mining where the volume of overburden is large relative to the thickness of the
5888 coal deposit and where the operator demonstrates that due to volumetric expansion the amount
5889 of overburden and other spoil and waste materials removed in the course of the mining
5890 operation is more than sufficient to restore the approximate original contour, the operator shall,
5891 after restoring the approximate contour, backfill, grade, and compact (where advisable) the
5892 excess overburden and other spoil and waste materials to attain the lowest grade but more than
5893 the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve
5894 an ecologically sound land use compatible with the surrounding region and that the overburden
5895 or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water
5896 pollution and is revegetated in accordance with the requirements of this chapter.
5897 (d) Stabilize and protect all surface areas, including spoil piles affected by the surface
5898 coal mining and reclamation operation to effectively control erosion and attendant air and
5899 water pollution.
5900 (e) Remove the topsoil from the land in a separate layer, replace it on the backfill area,
5901 or if not utilized immediately, segregate it in a separate pile from other spoil, and when the
5902 topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of
5903 the topsoil, maintain a successful cover by quick growing plant or other means thereafter so
5904 that the topsoil is preserved from wind and water erosion, remains free of any contamination by
5905 other acid or toxic material, and is in a usable condition for sustaining vegetation when restored
5906 during reclamation; except if topsoil is of insufficient quantity or of poor quality for sustaining
5907 vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then
5908 the operator shall remove, segregate, and preserve in a like manner the other strata which is
5909 best able to support vegetation.
5910 (f) Restore the topsoil or the best available subsoil which is best able to support
5911 vegetation.
5912 (g) For all prime farmlands, as identified in the rules, to be mined and reclaimed,
5913 specifications for soil removal, storage, replacement, and reconstruction, the operator shall, as a
5914 minimum, be required to:
5915 (i) segregate the A horizon of the natural soil, except where it can be shown that other

5916 available soil materials will create a final soil having a greater productive capacity, and if not
5917 utilized immediately, stockpile this material separately from other spoil, and provide needed
5918 protection from wind and water erosion or contamination by other acid or toxic material;
5919 (ii) segregate the B horizon of the natural soil, or underlying C horizons or other strata,
5920 or a combination of these horizons or other strata that are shown to be both texturally and
5921 chemically suitable for plant growth and that can be shown to be equally or more favorable for
5922 plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a
5923 root zone of comparable depth and quality to that which existed in the natural soil, and if not
5924 utilized immediately, stockpile this material separately from other spoil, and provide needed
5925 protection from wind and water erosion or contamination by other acid or toxic material;
5926 (iii) replace and regrade the root zone material described in Subsection (2)(g)(ii) above
5927 with proper compaction and uniform depth over the regraded spoil material; and
5928 (iv) redistribute and grade in a uniform manner the surface soil horizon described in
5929 Subsection (2)(g)(i).
5930 (h) Create, if authorized in the approved mining and reclamation plan and permit,
5931 permanent impoundments of water on mining sites as part of reclamation activities only when
5932 it is adequately demonstrated that:
5933 (i) the size of the impoundment is adequate for its intended purposes;
5934 (ii) the impoundment dam construction will be so designed as to achieve necessary
5935 stability with an adequate margin of safety compatible with that of structures constructed under
5936 Public Law 83-566 (16 U.S.C. 1006);
5937 (iii) the quality of impounded water will be suitable on a permanent basis for its
5938 intended use and that discharges from the impoundment will not degrade the water quality
5939 below water quality standards established pursuant to applicable federal and state law in the
5940 receiving stream;
5941 (iv) the level of water will be reasonably stable;
5942 (v) final grading will provide adequate safety and access for proposed water users; and
5943 (vi) these water impoundments will not result in the diminution of the quality or
5944 quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial,
5945 recreational, or domestic uses.
5946 (i) Conducting any augering operation associated with surface mining in a manner to

5947 maximize recoverability of mineral reserves remaining after the operation and reclamation are
5948 complete and seal all auger holes with an impervious and noncombustible material in order to
5949 prevent drainage except where the division determines that the resulting impoundment of water
5950 in the auger holes may create a hazard to the environment or the public health or safety; but the
5951 permitting authority may prohibit augering if necessary to maximize the utilization,
5952 recoverability, or conservation of the solid fuel resources or to protect against adverse water
5953 quality impacts.
5954 (j) Minimize the disturbances to the prevailing hydrologic balance at the mine site and
5955 in associated offsite areas and to the quality and quantity of water in surface and groundwater
5956 systems both during and after surface coal mining operations and during reclamation by:
5957 (i) avoiding acid or other toxic mine drainage by such measures as, but not limited to:
5958 (A) preventing or removing water from contact with toxic-producing deposits;
5959 (B) treating drainage to reduce toxic content which adversely affects downstream water
5960 upon being released to water courses; and
5961 (C) casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid
5962 or other toxic drainage from entering ground and surface waters;
5963 (ii) (A) conducting surface coal mining operations so as to prevent, to the extent
5964 possible using the best technology currently available, additional contributions of suspended
5965 solids to streamflow or runoff outside the permit area, but in no event shall contributions be in
5966 excess of requirements set by applicable state or federal law; and
5967 (B) constructing any siltation structures pursuant to this Subsection (2)(j)(ii) prior to
5968 commencement of surface coal mining operations, such structures to be certified by a qualified
5969 registered engineer to be constructed as designed and as approved in the reclamation plan;
5970 (iii) cleaning out and removing temporary or large settling ponds or other siltation
5971 structures from drainways after disturbed areas are revegetated and stabilized and depositing
5972 the silt and debris at a site and in a manner approved by the division;
5973 (iv) restoring recharge capacity of the mined area to approximate premining conditions;
5974 (v) avoiding channel deepening or enlargement in operations requiring the discharge of
5975 water from mines;
5976 (vi) preserving throughout the mining and reclamation process the essential hydrologic
5977 functions of alluvial valley floors in the arid and semiarid areas of the state; and

5978 (vii) such other actions as the division may prescribe.
5979 (k) With respect to surface disposal of mine wastes, tailings, coal processing wastes,
5980 and other waste in areas other than the mine working or excavations, stabilize all waste piles in
5981 designated areas through construction in compacted layers, including the use of incombustible
5982 and impervious materials, if necessary, and assure the final contour of the waste pile will be
5983 compatible with natural surroundings and that the site can and will be stabilized and
5984 revegetated according to the provisions of this chapter.
5985 (l) Refrain from surface coal mining within 500 feet from active and abandoned
5986 underground mines in order to prevent breakthroughs and to protect health or safety of miners;
5987 but the division shall permit an operator to mine near, through, or partially through an
5988 abandoned underground mine or closer to an active underground mine if:
5989 (i) the nature, timing, and sequencing of the approximate coincidence of specific
5990 surface mine activities with specific underground mine activities are jointly approved by the
5991 departments, divisions, and agencies concerned with surface mine reclamation and the health
5992 and safety of underground miners; and
5993 (ii) the operations will result in improved resource recovery, abatement of water
5994 pollution, or elimination of hazards to the health and safety of the public.
5995 (m) Design, locate, construct, operate, maintain, enlarge, modify, and remove or
5996 abandon, in accordance with the standards and criteria developed pursuant to the division's
5997 rules, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal
5998 processing wastes, or other liquid and solid wastes, and used either temporarily or permanently
5999 as dams or embankments.
6000 (n) Insure that all debris, acid-forming materials, toxic materials, or materials
6001 constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a
6002 manner designed to prevent contamination of ground or surface waters and that contingency
6003 plans are developed to prevent sustained combustion.
6004 (o) Insure that explosives are used only in accordance with existing state and federal
6005 law and the rules adopted by the board, which shall include provisions to:
6006 (i) provide adequate advance written notice to local governments and residents who
6007 might be affected by the use of the explosives by publication of the planned blasting schedule
6008 [~~in a newspaper of general circulation in the locality~~] <u>on the Utah Public Notice Website as</u>

6009 described in Section 63F-1-701 and by mailing a copy of the proposed blasting schedule to
6010 every resident living within 1/2 mile of the proposed blasting site and by providing daily notice
6011 to resident/occupiers in these areas prior to any blasting;
6012 (ii) maintain for a period of at least three years and make available for public
6013 inspection upon request a log detailing the location of the blasts, the pattern and depth of the
6014 drill holes, the amount of explosives used per hole, and the order and length of delay in the
6015 blasts;
6016 (iii) limit the type of explosives and detonating equipment, the size, the timing and
6017 frequency of blasts based upon the physical conditions of the site so as to prevent injury to
6018 persons, damage to public and private property outside the permit area, adverse impacts on any
6019 underground mine, and change in the course, channel, or availability of ground or surface water
6020 outside the permit area;
6021 (iv) require that all blasting operations be conducted by trained and competent persons,
6022 and to implement this requirement, the division shall promulgate rules requiring the training,
6023 examination, and certification of persons engaging in or directly responsible for blasting or the
6024 use of explosives in surface and coal mining operations; and
6025 (v) provide that upon the request of a resident or owner of a man-made dwelling or
6026 structure within 1/2 mile of any portion of the permitted area, the applicant or permittee shall
6027 conduct a preblasting survey of the structures and submit the survey to the division and a copy
6028 to the resident or owner making the request, the area of which survey shall be decided by the
6029 division and shall include such provisions as promulgated.
6030 (p) Insure that all reclamation efforts proceed in an environmentally sound manner and
6031 as contemporaneously as practicable with the surface coal mining operations; but where the
6032 applicant proposes to combine surface mining operations with underground mining operations
6033 to assure maximum practical recovery of the mineral resources, the division may grant a
6034 variance for specific areas within the reclamation plan from the requirement that reclamation
6035 efforts proceed as contemporaneously as practicable to permit underground operations prior to
6036 reclamation:
6037 (i) if the division finds in writing that:
6038 (A) the applicant has presented, as part of the permit application, specific, feasible
6039 plans for the proposed underground mining operations;

6040 (B) the proposed underground mining operations are necessary or desirable to assure
6041 maximum practical recovery of the mineral resource and will avoid multiple disturbance of the
6042 surface;
6043 (C) the applicant has satisfactorily demonstrated that the plan for the underground
6044 mining operations conforms to requirements for underground mining in the jurisdiction and
6045 that permits necessary for the underground mining operations have been issued by the
6046 appropriate authority;
6047 (D) the areas proposed for the variance have been shown by the applicant to be
6048 necessary for the implementing of the proposed underground mining operations;
6049 (E) no substantial adverse environmental damage, either onsite or offsite, will result
6050 from the delay in completion of reclamation as required by this chapter; and
6051 (F) provisions for the offsite storage of spoil will comply with Subsection (2)(v);
6052 (ii) if the board has adopted specific rules to govern the granting of the variances in
6053 accordance with the provisions of this Subsection (2)(p) and has imposed such additional
6054 requirements as considered necessary;
6055 (iii) if variances granted under this Subsection (2)(p) are to be reviewed by the division
6056 not more than three years from the date of issuance of the permit; and
6057 (iv) if liability under the bond filed by the applicant with the division pursuant to
6058 Section 40-10-15 shall be for the duration of the underground mining operations and until the
6059 requirements of this Subsection (2) and Section 40-10-16 have been fully complied with.
6060 (q) Insure that the construction, maintenance, and postmining conditions of access
6061 roads into and across the site of operations will control or prevent erosion and siltation,
6062 pollution of water, damage to fish or wildlife or their habitat, or public or private property.
6063 (r) Refrain from the construction of roads or other access ways up a stream bed or
6064 drainage channel or in such proximity to the channel so as to seriously alter the normal flow of
6065 water.
6066 (s) Establish on the regraded areas and all other lands affected, a diverse, effective, and
6067 permanent vegetative cover of the same seasonal variety native to the area of land to be
6068 affected and capable of self-regeneration and plant succession at least equal in extent of cover
6069 to the natural vegetation of the area; except that introduced species may be used in the
6070 revegetation process where desirable and necessary to achieve the approved postmining land

6071 use plan.
6072 (t) (i) Assume the responsibility for successful revegetation, as required by Subsection
6073 (2)(s), for a period of five full years after the last year of augmented seeding, fertilizing,
6074 irrigation, or other work in order to assure compliance with Subsection (2)(s), except in those
6075 areas or regions of the state where the annual average precipitation is 26 inches or less, then the
6076 operator's assumption of responsibility and liability will extend for a period of ten full years
6077 after the last year of augmented seeding, fertilizing, irrigation, or other work; but when the
6078 division approves a long-term intensive agricultural postmining land use, the applicable five or
6079 ten-year period of responsibility for revegetation shall commence at the date of initial planting
6080 for this long-term intensive, agricultural postmining land use, except when the division issues a
6081 written finding approving a long-term, intensive, agricultural postmining land use, as part of
6082 the mining and reclamation plan, the division may grant exception to the provisions of
6083 Subsection (2)(s); and
6084 (ii) on lands eligible for remining, assume the responsibility for successful revegetation
6085 for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or
6086 other work in order to assure compliance with the applicable standards, except in areas of the
6087 state where the average annual precipitation is 26 inches or less, assume the responsibility for
6088 successful revegetation for a period of five full years after the last year of augmented seeding,
6089 fertilizing, irrigation, or other work in order to assure compliance with the applicable standards.
6090 (u) Protect offsite areas from slides or damage occurring during the surface coal mining
6091 and reclamation operations and not deposit spoil material or locate any part of the operations or
6092 waste accumulations outside the permit area.
6093 (v) Place all excess spoil material resulting from coal surface mining and reclamation
6094 activities in a manner that:
6095 (i) spoil is transported and placed in a controlled manner in position for concurrent
6096 compaction and in a way to assure mass stability and to prevent mass movement;
6097 (ii) the areas of disposal are within the bonded permit areas and all organic matter shall
6098 be removed immediately prior to spoil placement;
6099 (iii) appropriate surface and internal drainage systems and diversion ditches are used so
6100 as to prevent spoil erosion and movement;
6101 (iv) the disposal area does not contain springs, natural water courses, or wet weather

6102 seeps unless lateral drains are constructed from the wet areas to the main underdrains in a
6103 manner that filtration of the water into the spoil pile will be prevented;
6104 (v) if placed on a slope, the spoil is placed upon the most moderate slope among those
6105 upon which, in the judgment of the division, the spoil could be placed in compliance with all
6106 the requirements of this chapter and shall be placed, where possible, upon or above a natural
6107 terrace, bench, or berm, if this placement provides additional stability and prevents mass
6108 movement;
6109 (vi) where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient
6110 size to prevent mass movement, is constructed;
6111 (vii) the final configuration is compatible with the natural drainage pattern and
6112 surroundings and suitable for intended uses;
6113 (viii) design of the spoil disposal area is certified by a qualified professional engineer,
6114 and to implement this requirement, the division shall promulgate rules regarding the
6115 certification of engineers in the area of spoil disposal design; and
6116 (ix) all other provisions of this chapter are met.
6117 (w) Meet such other criteria as are necessary to achieve reclamation in accordance with
6118 the purposes of this chapter, taking into consideration the physical, climatological, and other
6119 characteristics of the site.
6120 (x) To the extent possible, using the best technology currently available, minimize
6121 disturbances and adverse impacts of the operation on fish, wildlife, and related environmental
6122 values, and achieve enhancement of these resources where practicable.
6123 (y) Provide for an undisturbed natural barrier beginning at the elevation of the lowest
6124 coal seam to be mined and extending from the outslope for the distance as the division shall
6125 determine shall be retained in place as a barrier to slides and erosion.
6126 (3) (a) Where an applicant meets the requirements of Subsections (3)(b) and (c), a
6127 permit without regard to the requirement to restore to approximate original contour provided in
6128 Subsections (2)(c), (4)(b), and (4)(c) may be granted for the surface mining of coal where the
6129 mining operation will remove an entire coal seam or seams running through the upper fraction
6130 of a mountain, ridge, or hill (except as provided in this Subsection (3)) by removing all of the
6131 overburden and creating a level plateau or a gently rolling contour with no highwalls
6132 remaining, and capable of supporting postmining uses in accord with the requirements of this

6133 Subsection (3).
6134 (b) In cases where an industrial, commercial, agricultural, residential, or public facility
6135 (including recreational facilities) use is proposed for the postmining use of the affected land,
6136 the division may grant a permit for a surface mining operation of the nature described in
6137 Subsection (3)(a) pursuant to procedures and criteria set forth in the rules, including:
6138 (i) the applicant's presentation of specific plans for the proposed postmining land use
6139 which meet criteria concerning the type of use proposed;
6140 (ii) the applicant's demonstration that the proposed use would be consistent with
6141 adjacent land uses and existing state and local land use plans and programs and with other
6142 requirements of this chapter; and
6143 (iii) procedures whereby the division provides the governing body of the unit of
6144 general-purpose government in which the land is located and any state or federal agency which
6145 the division, in its discretion, determines to have an interest in the proposed use, an opportunity
6146 of not more than 60 days to review and comment on the proposed use.
6147 (c) All permits granted under the provisions of this Subsection (3) shall be reviewed
6148 not more than three years from the date of issuance of the permit, unless the applicant
6149 affirmatively demonstrates that the proposed development is proceeding in accordance with the
6150 terms of the approved schedule and reclamation plan.
6151 (4) The following performance standards shall be applicable to steep-slope surface coal
6152 mining and shall be in addition to those general performance standards required by this section;
6153 but the provisions of this Subsection (4) shall not apply to those situations in which an operator
6154 is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered
6155 through which the mining operation is to proceed, leaving a plain or predominantly flat area or
6156 where an operator is in compliance with provisions of Subsection (3):
6157 (a) Insure that when performing surface coal mining on steep slopes, no debris,
6158 abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the
6159 downslope below the bench or mining cut; but spoil material in excess of that required for the
6160 reconstruction of the approximate original contour under the provisions of Subsection (2)(c) or
6161 this Subsection (4) shall be permanently stored pursuant to Subsection 40-10-17(2)(v).
6162 (b) Complete backfilling with spoil material shall be required to cover completely the
6163 highwall and return the site to the appropriate original contour, which material will maintain

6164 stability following mining and reclamation.
6165 (c) The operator may not disturb land above the top of the highwall unless the division
6166 finds that the disturbance will facilitate compliance with the environmental protection
6167 standards of this section; but the land disturbed above the highwall shall be limited to that
6168 amount necessary to facilitate this compliance.
6169 (d) For the purposes of this Subsection (4), "steep slope" means any slope above 20
6170 degrees or such lesser slope as may be defined by the division after consideration of soil,
6171 climate, and other characteristics of an area.
6172 (5) The board shall promulgate specific rules to govern the granting of variances from
6173 the requirement to restore to approximate original contour provided in Subsection (4)(b)
6174 pursuant to procedures and criteria set forth in those rules including:
6175 (a) written request by the surface owner concerning the proposed use;
6176 (b) approval of the proposed use as an equal or better economic or public use; and
6177 (c) approval of the proposed use as improving the watershed control in the area and as
6178 using only such amount of spoil as is necessary to achieve the planned postmining land use.
6179 (6) Subsection (2)(t)(ii) is repealed September 30, 2009.
6180 Section 140. Section **40-10-27** is amended to read:
6181 **40-10-27. Entry upon land adversely affected by past coal mining practices --**
6182 **Conducting of studies or exploratory work -- State acquisition of land -- Lien -- Waste**
6183 **disposal fund -- Water pollution control and treatment plants.**
6184 (1) (a) If the board, after notice and hearing, makes a finding of fact as provided in
6185 Subsection (1)(b), the agents, employees, or contractors of the division shall have the right to
6186 enter property adversely affected by past coal mining practices and any other property to have
6187 access to property adversely affected by past coal mining practices to do whatever is necessary
6188 or expedient to restore, reclaim, abate, control, or prevent the adverse effects.
6189 (b) The board shall find that:
6190 (i) land or water resources have been adversely affected by past coal mining practices;
6191 (ii) the adverse effects are at a stage where, in the public interest, action to restore,
6192 reclaim, abate, control, or prevent should be taken; and
6193 (iii) the owners of the land or water resources where entry must be made to restore,
6194 reclaim, abate, control, or prevent the adverse effects of past coal mining practices:

6195 (A) are not known;
6196 (B) are not readily available; or
6197 (C) will not give permission for the state or its political subdivisions, their agents,
6198 employees, or contractors to enter upon the property to restore, reclaim, abate, control, or
6199 prevent the adverse effects of past coal mining practices.
6200 (c) Notice of the division's right to enter the property shall be:
6201 (i) given by mail, if the owners are known; and
6202 (ii) posted upon the premises and advertised [~~once in a newspaper of general~~
6203 ~~circulation in the county in which the land lies~~] on the Utah Public Notice Website as described
6204 in Section 63F-1-701, if the owners are not known.
6205 (d) This entry shall be construed as an exercise of the police power for the protection of
6206 public health, safety, and general welfare and may not be construed as an act of condemnation
6207 of property nor of trespass on it.
6208 (e) The monies expended for this work and the benefits accruing to the premises
6209 entered upon shall be chargeable against the land and shall mitigate or offset any claim in or
6210 any action brought by any owner of any interest in these premises for any alleged damages by
6211 virtue of the entry.
6212 (f) This Subsection (1) is not intended to create new rights of action or eliminate
6213 existing immunities.
6214 (2) (a) The agents, employees, or contractors of the division may enter upon any
6215 property for the purpose of conducting studies or exploratory work to determine the existence
6216 of adverse effects of past coal mining practices and to determine the feasibility of restoration,
6217 reclamation, abatement, control, or prevention of these adverse effects.
6218 (b) This entry shall be construed as an exercise of the police power for the protection of
6219 public health, safety, and general welfare and may not be construed as an act of condemnation
6220 of property or trespass on it.
6221 (3) The state may acquire any land by purchase, donation, or condemnation which is
6222 adversely affected by past coal mining practices if the board, after notice and hearing,
6223 determines that acquisition of this land is necessary to successful reclamation and that:
6224 (a) the acquired land, after restoration, reclamation, abatement, control, or prevention
6225 of the adverse effects of past coal mining practices, will serve recreation and historic purposes,

6226 conservation and reclamation purposes, or provide open space benefits; and
6227 (b) (i) permanent facilities such as a treatment plant or a relocated stream channel will
6228 be constructed on the land for the restoration, reclamation, abatement, control, or prevention of
6229 the adverse effects of past coal mining practices; or
6230 (ii) acquisitions of coal refuse disposal sites and all coal refuse on the sites will serve
6231 the purposes of this chapter or that public ownership is desirable to meet emergency situations
6232 and prevent recurrences of the adverse effects of past coal mining practices.
6233 (4) (a) Title to all lands acquired under this section shall be in the name of the state.
6234 (b) The price paid for land acquired under this section shall reflect the market value of
6235 the land as adversely affected by past coal mining practices.
6236 (5) (a) If land acquired under this section is considered suitable for industrial,
6237 commercial, residential, or recreational development, the division, in conjunction with the
6238 Division of Forestry, Fire and State Lands, may sell this land by public sale under a system of
6239 competitive bidding, at not less than fair market value, and under any other rules promulgated
6240 to insure that the land is put to proper use consistent with local and state land use plans.
6241 (b) (i) The state, when requested after appropriate public notice, shall hold a public
6242 hearing with the appropriate notice, in the counties or appropriate political subdivisions of the
6243 state in which lands acquired under this section are located.
6244 (ii) The hearing shall be held at a time which shall afford local citizens and
6245 governments the maximum opportunity to participate in the decision concerning the use or
6246 disposition of the lands after restoration, reclamation, abatement, control, or prevention of the
6247 adverse effects of past coal mining practices.
6248 (6) (a) The state, through the division and the Division of Forestry, Fire and State
6249 Lands, shall have the authority to accept lands acquired and reclaimed by the Secretary of the
6250 Interior pursuant to Section 407(h) of Public Law 95-87.
6251 (b) The division has the authority to accept grants from the Secretary to carry out the
6252 purposes of Section 407(h) of Public Law 95-87.
6253 (7) (a) Within six months after the completion of projects to restore, reclaim, abate,
6254 control, or prevent adverse effects of past coal mining practices on privately owned land, the
6255 division shall itemize the monies expended and may file a statement of those expenses in the
6256 office of the county recorder of the county in which the land lies, together with a notarized

6257 appraisal by an independent appraiser of the value of the land before the restoration,
6258 reclamation, abatement, control, or prevention of adverse effects of past coal mining practices
6259 if the monies expended result in a significant increase in property value.
6260 (b) This statement shall constitute a lien upon the land described in it.
6261 (c) The lien may not exceed the amount determined by the appraisal to be the increase
6262 in the market value of the land as a result of the restoration, reclamation, abatement, control, or
6263 prevention of the adverse effects of past coal mining practices.
6264 (d) A lien may not be filed against the property of any person, in accordance with this
6265 subsection who owned the surface prior to May 2, 1977, and who neither consented to nor
6266 participated in nor exercised control over the mining operation which necessitated the
6267 reclamation performed.
6268 (8) (a) The landowner may proceed to petition within 60 days after the filing of the lien
6269 to determine the increase in the market value of the land as a result of the restoration,
6270 reclamation, abatement, control, or prevention of the adverse effects of past coal mining
6271 practices.
6272 (b) The amount reported to be the increase in value of the premises shall constitute the
6273 amount of the lien and shall be recorded with the statement provided for in Subsection (7).
6274 (c) Any party aggrieved by the decision may appeal as provided by law.
6275 (9) (a) The lien provided in this section shall be recorded in the office of the county
6276 recorder of the county in which the land lies.
6277 (b) The statement shall constitute a lien upon the land as of the date of the expenditure
6278 of the monies and shall have priority as a lien second only to the lien of real estate taxes
6279 imposed upon the land.
6280 (10) (a) The division may fill any voids, seal any abandoned tunnels, shafts, and
6281 entryways, and reclaim surface impacts of underground or surface mines which the division
6282 determines could endanger life and property, constitute a hazard to the public health and safety,
6283 or degrade the environment.
6284 (b) The division may make expenditures and carry out the purposes of this section
6285 without regard to the provisions of Subsections 40-10-25(2) and (3) only after all reclamation
6286 with respect to abandoned coal lands or coal development impacts have been met, except for
6287 those reclamation projects relating to the protection of the public health or safety.

6288 (c) In those instances where mine waste piles are being reworked for conservation
6289 purposes, the incremental costs of disposing of the wastes from these operations by filling
6290 voids and sealing tunnels may be eligible for funding if the disposal of these wastes meets the
6291 purposes of this section.
6292 (d) The division may acquire by purchase, donation, easement, or otherwise those
6293 interests in land it determines necessary to carry out the provisions of this section.
6294 (11) (a) The division may request the attorney general, who is hereby authorized to
6295 initiate, in addition to any other remedies provided for in this chapter, in any court of
6296 competent jurisdiction, an action in equity for an injunction to restrain any interference with the
6297 exercise of the right to enter or to conduct any work provided in this section.
6298 (b) (i) The division, in conjunction with appropriate state agencies as determined in the
6299 rules, may construct and operate plants for the control and treatment of water pollution
6300 resulting from mine drainage.
6301 (ii) The extent of this control and treatment of water pollution may be dependent upon
6302 the ultimate use of the water.
6303 (iii) This Subsection (11) may not be construed to repeal or supersede any portion of
6304 the federal Water Pollution Control Act, 33 U.S.C. Sec. 1151 et seq., and no control or
6305 treatment under this subsection shall in any way be less than that required under the federal
6306 Water Pollution Control Act.
6307 (iv) The construction of a plant may include major interceptors and other facilities
6308 appurtenant to the plant.
6309 (c) The division may transfer funds to other appropriate state agencies, in order to carry
6310 out the reclamation activities authorized by this chapter.
6311 Section 141. Section **41-1a-1103** is amended to read:
6312 **41-1a-1103. Sale.**
6313 (1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
6314 recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the
6315 division is unable to determine the owner or lienholder through reasonable efforts, the division
6316 shall sell the vehicle, vessel, or outboard motor.
6317 (2) The sale shall:
6318 (a) be held in the form of a public auction at the place of storage; and

6319 (b) at the discretion of the division, be conducted by:
6320 (i) an authorized representative of the division; or
6321 (ii) a public garage, impound lot, or impound yard that:
6322 (A) is authorized by the division;
6323 (B) meets the standards under Subsection 41-1a-1101(4); and
6324 (C) complies with the requirements of Section 72-9-603.
6325 (3) At least five days prior to the date set for sale, the division shall publish a notice of
6326 sale [~~in a newspaper of general statewide circulation~~] on the Utah Public Notice Website as
6327 described in Section 63F-1-701 setting forth the date, time, and place of sale and a description
6328 of the vehicle, vessel, or outboard motor to be sold.
6329 (4) At the time of sale the division or other person authorized to conduct the sale shall
6330 tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the
6331 vehicle, vessel, or outboard motor.
6332 (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this
6333 section shall be distributed as provided under Section 41-1a-1104.
6334 (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under
6335 Section 41-1a-1101 and subsequently released by the division fails to take possession of the
6336 vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30
6337 days from the date of release, the division shall renotify the owner or lienholder and sell the
6338 vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of
6339 the notice.
6340 Section 142. Section **47-2-4** is amended to read:
6341 **47-2-4. Elimination by the county executive -- Notice of intention.**
6342 The county executive may provide for the elimination of abandoned horses in the
6343 respective counties in the following manner:
6344 They shall cause notice to be published at least once a week for three successive weeks
6345 [~~in some newspaper of general circulation published in the county~~] on the Utah Public Notice
6346 Website as described in Section 63F-1-701, and the notice shall also be posted in at least five
6347 public places outside of the county seat on public highways in such county, and in three public
6348 places at the county seat, one of which shall be at the front door of the courthouse. The notices
6349 posted outside of the county seat shall be posted not less than two miles apart, and all posted

6350 notices shall be posted at least 30 days before the date which the county executive shall fix for
6351 the beginning of the elimination of abandoned horses from the range in such county as
6352 hereinafter provided. [~~If no newspaper is published in the county, publication in a newspaper~~
6353 ~~shall not be required.~~]
6354 The notice shall be substantially in the following form:
6355 Notice is hereby given that in accordance with the provisions of law the county
6356 executive of ____ County, Utah, will proceed to eliminate abandoned horses from the open
6357 range in said county, and that beginning on _____(month\day\year), a drive will be held,
6358 and all abandoned horses running upon the open range will, under the direction and supervision
6359 of the county executive, be eliminated. All owners of horses running upon the open range are
6360 hereby given notice to file with the county executive a description of the horses, and the brands
6361 or marks thereon.
6362 Dated this _____(month\day\year).
6363 By order of the county executive of ____ County, Utah.
6364 _____
6365 County Clerk.
6366 Section 143. Section **48-2c-1306** is amended to read:
6367 **48-2c-1306. Disposition of claims by publication.**
6368 (1) A dissolved company in winding up may publish notice of its dissolution and
6369 request that persons with claims against the company present them in accordance with the
6370 notice.
6371 (2) The notice contemplated in Subsection (1) must:
6372 (a) be published once a week for three successive weeks [~~in a newspaper of general~~
6373 ~~circulation in the county where the dissolved company's principal office is or, if it has no~~
6374 ~~principal office in this state, Salt Lake County~~] on the Utah Public Notice Website as described
6375 in Section 63F-1-701;
6376 (b) describe the information that must be included in a claim and provide an address to
6377 which written notice of any claim must be given to the company;
6378 (c) state the deadline, which may not be fewer than 120 days after the first date of
6379 publication of the notice, by which the dissolved company must receive the claim; and
6380 (d) state that, unless sooner barred by another statute limiting actions, the claim will be

6381 barred if not received by the deadline.
6382 (3) If the dissolved company publishes a [~~newspaper~~] notice on the Utah Public Notice
6383 Website as described in Section 63F-1-701 in accordance with Subsection (2), then unless
6384 sooner barred under Section 48-2c-1305 or under another statute limiting actions, the claim of
6385 any claimant against the dissolved company is barred if:
6386 (a) the claim is not received by the dissolved company by the deadline; or
6387 (b) the dissolved company delivers to the claimant written notice of rejection of the
6388 claim within 90 days after receipt of the claim and the claimant whose claim was rejected by
6389 the dissolved company does not commence a proceeding to enforce the claim within 90 days
6390 after the effective date of the rejection notice.
6391 (4) Claims which are not rejected by the dissolved company in writing within 90 days
6392 after receipt of the claim by the dissolved company shall be considered approved.
6393 (5) (a) For purposes of this section, "claim" means any claim, including claims of this
6394 state whether known or unknown, due or to become due, absolute or contingent, liquidated or
6395 unliquidated, founded on contract, tort, or other legal basis, or otherwise.
6396 (b) For purposes of this section and Section 48-2c-1305, a proceeding to enforce a
6397 claim means a civil action or an arbitration under an agreement for binding arbitration between
6398 the dissolved company and the claimant.
6399 Section 144. Section **52-4-202** is amended to read:
6400 **52-4-202. Public notice of meetings -- Emergency meetings.**
6401 (1) A public body shall give not less than 24 hours public notice of each meeting
6402 including the meeting:
6403 (a) agenda;
6404 (b) date;
6405 (c) time; and
6406 (d) place.
6407 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
6408 regular meetings that are scheduled in advance over the course of a year shall give public
6409 notice at least once each year of its annual meeting schedule as provided in this section.
6410 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
6411 the scheduled meetings.

6412 (3) (a) Public notice shall be satisfied by:
6413 (i) posting written notice:
6414 (A) at the principal office of the public body, or if no principal office exists, at the
6415 building where the meeting is to be held; and
6416 (B) beginning October 1, 2008 and except as provided in Subsection (3)(b), on the
6417 Utah Public Notice Website created under Section 63F-1-701; and
6418 (ii) providing notice to:
6419 (A) [~~at least one newspaper of general circulation within the geographic jurisdiction of~~
6420 ~~the public body~~] the Utah Public Notice Website as described in Section 63F-1-701; or
6421 (B) a local media correspondent.
6422 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local
6423 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a
6424 special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged,
6425 but not required, to post written notice on the Utah Public Notice Website, if the municipality
6426 or district has a current annual budget of less than $1 million.
6427 [~~(c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by~~
6428 ~~providing notice to a newspaper or local media correspondent under the provisions of~~
6429 ~~Subsection 63F-1-701(4)(d).~~]
6430 (4) A public body is encouraged to develop and use additional electronic means to
6431 provide notice of its meetings under Subsection (3).
6432 (5) (a) The notice requirement of Subsection (1) may be disregarded if:
6433 (i) because of unforeseen circumstances it is necessary for a public body to hold an
6434 emergency meeting to consider matters of an emergency or urgent nature; and
6435 (ii) the public body gives the best notice practicable of:
6436 (A) the time and place of the emergency meeting; and
6437 (B) the topics to be considered at the emergency meeting.
6438 (b) An emergency meeting of a public body may not be held unless:
6439 (i) an attempt has been made to notify all the members of the public body; and
6440 (ii) a majority of the members of the public body approve the meeting.
6441 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
6442 provide reasonable specificity to notify the public as to the topics to be considered at the

6443 meeting. Each topic shall be listed under an agenda item on the meeting agenda.
6444 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
6445 member of the public body, a topic raised by the public may be discussed during an open
6446 meeting, even if the topic raised by the public was not included in the agenda or advance public
6447 notice for the meeting.
6448 (c) Except as provided in Subsection (5), relating to emergency meetings, a public
6449 body may not take final action on a topic in an open meeting unless the topic is:
6450 (i) listed under an agenda item as required by Subsection (6)(a); and
6451 (ii) included with the advance public notice required by this section.
6452 Section 145. Section **53A-3-202** is amended to read:
6453 **53A-3-202. Compensation for services -- Additional per diem -- Approval of**
6454 **expenses.**
6455 (1) Each member of a local school board, except the student member, shall receive
6456 compensation for services and for necessary expenses in accordance with board compensation
6457 schedules adopted by the local school board in accordance with the provisions of this section.
6458 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its
6459 board compensation schedules, the board shall set a time and place for a public hearing at
6460 which all interested persons shall be given an opportunity to be heard.
6461 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
6462 seven days prior to the meeting by:
6463 (a) publication at least once [~~in a newspaper published in the county where the school~~
6464 ~~district is situated and generally circulated within the school district~~] on the Utah Public Notice
6465 Website as described in Section 63F-1-701; and
6466 (b) posting a notice:
6467 (i) at each school within the school district;
6468 (ii) in at least three other public places within the school district; and
6469 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.
6470 (4) After the conclusion of the public hearing, the local school board may adopt or
6471 amend its board compensation schedules.
6472 (5) Each member shall submit an itemized account of necessary travel expenses for
6473 board approval.

6474 (6) A local school board may, without following the procedures described in
6475 [~~Subsection~~] Subsections (2) and (3), continue to use the compensation schedule that was in
6476 effect prior to July 1, 2007 until, at the discretion of the board, the compensation schedule is
6477 amended or a new compensation schedule is adopted.
6478 Section 146. Section **53A-3-402** is amended to read:
6479 **53A-3-402. Powers and duties generally.**
6480 (1) Each local school board shall:
6481 (a) implement the core curriculum utilizing instructional materials that best correlate to
6482 the core curriculum and graduation requirements;
6483 (b) administer tests, required by the State Board of Education, which measure the
6484 progress of each student, and coordinate with the state superintendent and State Board of
6485 Education to assess results and create plans to improve the student's progress which shall be
6486 submitted to the State Office of Education for approval;
6487 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
6488 students that need remediation and determine the type and amount of federal, state, and local
6489 resources to implement remediation;
6490 (d) develop early warning systems for students or classes failing to make progress;
6491 (e) work with the State Office of Education to establish a library of documented best
6492 practices, consistent with state and federal regulations, for use by the local districts; and
6493 (f) implement training programs for school administrators, including basic
6494 management training, best practices in instructional methods, budget training, staff
6495 management, managing for learning results and continuous improvement, and how to help
6496 every child achieve optimal learning in core academics.
6497 (2) Local school boards shall spend minimum school program funds for programs and
6498 activities for which the State Board of Education has established minimum standards or rules
6499 under Section 53A-1-402.
6500 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
6501 and equipment and construct, erect, and furnish school buildings.
6502 (b) School sites or buildings may only be conveyed or sold on board resolution
6503 affirmed by at least two-thirds of the members.
6504 (4) (a) A board may participate in the joint construction or operation of a school

6505 attended by children residing within the district and children residing in other districts either
6506 within or outside the state.
6507 (b) Any agreement for the joint operation or construction of a school shall:
6508 (i) be signed by the president of the board of each participating district;
6509 (ii) include a mutually agreed upon pro rata cost; and
6510 (iii) be filed with the State Board of Education.
6511 (5) A board may establish, locate, and maintain elementary, secondary, and applied
6512 technology schools.
6513 (6) A board may enroll children in school who are at least five years of age before
6514 September 2 of the year in which admission is sought.
6515 (7) A board may establish and support school libraries.
6516 (8) A board may collect damages for the loss, injury, or destruction of school property.
6517 (9) A board may authorize guidance and counseling services for children and their
6518 parents or guardians prior to, during, or following enrollment of the children in schools.
6519 (10) (a) A board shall administer and implement federal educational programs in
6520 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.
6521 (b) Federal funds are not considered funds within the school district budget under Title
6522 53A, Chapter 19, School District Budgets.
6523 (11) (a) A board may organize school safety patrols and adopt rules under which the
6524 patrols promote student safety.
6525 (b) A student appointed to a safety patrol shall be at least ten years old and have written
6526 parental consent for the appointment.
6527 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
6528 of a highway intended for vehicular traffic use.
6529 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
6530 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
6531 the program by virtue of the organization, maintenance, or operation of a school safety patrol.
6532 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
6533 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
6534 devises, or bequests that are made for educational purposes.
6535 (b) These contributions are not subject to appropriation by the Legislature.

6536 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
6537 citations for violations of Subsection 76-10-105(2).
6538 (b) A person may not be appointed to serve as a compliance officer without the
6539 person's consent.
6540 (c) A teacher or student may not be appointed as a compliance officer.
6541 (14) A board shall adopt bylaws and rules for its own procedures.
6542 (15) (a) A board shall make and enforce rules necessary for the control and
6543 management of the district schools.
6544 (b) All board rules and policies shall be in writing, filed, and referenced for public
6545 access.
6546 (16) A board may hold school on legal holidays other than Sundays.
6547 (17) (a) Each board shall establish for each school year a school traffic safety
6548 committee to implement this Subsection (17).
6549 (b) The committee shall be composed of one representative of:
6550 (i) the schools within the district;
6551 (ii) the Parent Teachers' Association of the schools within the district;
6552 (iii) the municipality or county;
6553 (iv) state or local law enforcement; and
6554 (v) state or local traffic safety engineering.
6555 (c) The committee shall:
6556 (i) receive suggestions from parents, teachers, and others and recommend school traffic
6557 safety improvements, boundary changes to enhance safety, and school traffic safety program
6558 measures;
6559 (ii) review and submit annually to the Department of Transportation and affected
6560 municipalities and counties a child access routing plan for each elementary, middle, and junior
6561 high school within the district;
6562 (iii) consult the Utah Safety Council and the Division of Family Health Services and
6563 provide training to all school children in kindergarten through grade six, within the district, on
6564 school crossing safety and use; and
6565 (iv) help ensure the district's compliance with rules made by the Department of
6566 Transportation under Section 41-6a-303.

6567 (d) The committee may establish subcommittees as needed to assist in accomplishing
6568 its duties under Subsection (17)(c).
6569 (e) The board shall require the school community council of each elementary, middle,
6570 and junior high school within the district to develop and submit annually to the committee a
6571 child access routing plan.
6572 (18) (a) Each school board shall adopt and implement a comprehensive emergency
6573 response plan to prevent and combat violence in its public schools, on school grounds, on its
6574 school vehicles, and in connection with school-related activities or events.
6575 (b) The board shall implement its plan by July 1, 2000.
6576 (c) The plan shall:
6577 (i) include prevention, intervention, and response components;
6578 (ii) be consistent with the student conduct and discipline policies required for school
6579 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
6580 (iii) require inservice training for all district and school building staff on what their
6581 roles are in the emergency response plan; and
6582 (iv) provide for coordination with local law enforcement and other public safety
6583 representatives in preventing, intervening, and responding to violence in the areas and activities
6584 referred to in Subsection (18)(a).
6585 (d) The State Board of Education, through the state superintendent of public
6586 instruction, shall develop comprehensive emergency response plan models that local school
6587 boards may use, where appropriate, to comply with Subsection (18)(a).
6588 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
6589 Education that its plan has been practiced at the school level and presented to and reviewed by
6590 its teachers, administrators, students, and their parents and local law enforcement and public
6591 safety representatives.
6592 (19) (a) Each local school board may adopt an emergency response plan for the
6593 treatment of sports-related injuries that occur during school sports practices and events.
6594 (b) The plan may be implemented by each secondary school in the district that has a
6595 sports program for students.
6596 (c) The plan may:
6597 (i) include emergency personnel, emergency communication, and emergency

6598 equipment components;
6599 (ii) require inservice training on the emergency response plan for school personnel who
6600 are involved in sports programs in the district's secondary schools; and
6601 (iii) provide for coordination with individuals and agency representatives who:
6602 (A) are not employees of the school district; and
6603 (B) would be involved in providing emergency services to students injured while
6604 participating in sports events.
6605 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
6606 review the plan each year and make revisions when required to improve or enhance the plan.
6607 (e) The State Board of Education, through the state superintendent of public
6608 instruction, shall provide local school boards with an emergency plan response model that local
6609 boards may use to comply with the requirements of this Subsection (19).
6610 (20) A board shall do all other things necessary for the maintenance, prosperity, and
6611 success of the schools and the promotion of education.
6612 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:
6613 (i) hold a public hearing, as defined in Section 10-9a-103; and
6614 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).
6615 (b) The notice of a public hearing required under Subsection (21)(a) shall:
6616 (i) indicate the:
6617 (A) school or schools under consideration for closure or boundary change; and
6618 (B) date, time, and location of the public hearing; and
6619 (ii) at least ten days prior to the public hearing, be:
6620 (A) published [~~in a newspaper of general circulation in the area~~] on the Utah Public
6621 Notice Website as described in Section 63F-1-701; and
6622 (B) posted in at least three public locations within the municipality or on the district's
6623 official website.
6624 Section 147. Section **53A-18-104** is amended to read:
6625 **53A-18-104. Testing validity of bonds to be refunded -- Procedure.**
6626 If considered advisable by the local school board, the validity of any bonds intended to
6627 be refunded may be determined in the following manner:
6628 (1) The board shall have published once a week for two successive weeks [~~in a~~

6629 ~~newspaper published in the school district, or if there is no such newspaper,~~] on the Utah
6630 Public Notice Website as described in Section 63F-1-701 and post for a like period in three
6631 public and conspicuous places in the district, a notice describing with sufficient particularity
6632 for identification the bond or bonds intended to be refunded.
6633 (2) The notice shall require any person objecting to the legality, regularity, or validity
6634 of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before
6635 the board at a specified place within the district on a specified day and time.
6636 (3) The time may not be less than 14 nor more than 60 days after the first publication
6637 or posting of the notice.
6638 (4) The notice shall require the person to appear at the meeting with his objections in
6639 writing, duly verified.
6640 (5) The board shall convene at the time and place specified in the notice and receive all
6641 objections as prescribed in Subsection (4).
6642 (6) The objections shall be filed with and preserved by the board.
6643 (7) If no written objections are presented at the time and place specified in the notice,
6644 the board shall so certify.
6645 (8) All persons are then prohibited from questioning in any manner or proceeding the
6646 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness
6647 represented by the bonds, and the board may then refund the bonds.
6648 (9) Any person filing a written objection under Subsection (4) shall, within 20 days
6649 after the filing, commence appropriate legal proceedings against the board and others as may be
6650 proper parties, in the district court for the county in which the school district is situated, to
6651 challenge and determine the legality, regularity, and validity of the bond or bonds, their issue
6652 and sale, or the indebtedness represented by them.
6653 (10) Failure to commence the proceedings within 20 days bars the person filing
6654 objections from questioning, in any manner or proceeding, the legality, regularity, or validity of
6655 the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.
6656 (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the
6657 court, the board may refund the bonds.
6658 Section 148. Section **53A-19-102** is amended to read:
6659 **53A-19-102. Local school boards budget procedures.**

6660 (1) Prior to June 22 of each year, each local school board shall adopt a budget and
6661 make appropriations for the next fiscal year. If the tax rate in the proposed budget exceeds the
6662 certified tax rate defined in Section 59-2-924, the board shall comply with Sections 59-2-918
6663 and 59-2-919 in adopting the budget, except as provided by Section 53A-17a-133.
6664 (2) Prior to the adoption of a budget containing a tax rate which does not exceed the
6665 certified tax rate, the board shall hold a public hearing, as defined in Section 10-9a-103, on the
6666 proposed budget. In addition to complying with Title 52, Chapter 4, Open and Public Meetings
6667 Act, in regards to the hearing, the board shall do the following:
6668 (a) publish the required [~~newspaper~~] notice at least ten days prior to the hearing on the
6669 Utah Public Notice Website as described in Section 63F-1-701; and
6670 (b) file a copy of the proposed budget with the board's business administrator for public
6671 inspection at least ten days prior to the hearing.
6672 (3) The board shall file a copy of the adopted budget with the state auditor and the
6673 State Board of Education.
6674 Section 149. Section **53A-19-104** is amended to read:
6675 **53A-19-104. Limits on appropriations -- Estimated expendable revenue.**
6676 (1) A local school board may not make any appropriation in excess of its estimated
6677 expendable revenue, including undistributed reserves, for the following fiscal year.
6678 (2) In determining the estimated expendable revenue, any existing deficits arising
6679 through excessive expenditures from former years are deducted from the estimated revenue for
6680 the ensuing year to the extent of at least 10% of the entire tax revenue of the district for the
6681 previous year.
6682 (3) In the event of financial hardships, the board may deduct from the estimated
6683 expendable revenue for the ensuing year, by fund, at least 25% of the deficit amount.
6684 (4) All estimated balances available for appropriations at the end of the fiscal year shall
6685 revert to the funds from which they were appropriated and shall be fund balances available for
6686 appropriation in the budget of the following year.
6687 (5) A local school board may reduce a budget appropriation at its regular meeting if
6688 notice of the proposed action is given to all board members and the district superintendent at
6689 least one week prior to the meeting.
6690 (6) An increase in an appropriation may not be made by the board unless the following

6691 steps are taken:
6692 (a) the board receives a written request from the district superintendent that sets forth
6693 the reasons for the proposed increase;
6694 (b) notice of the request is published [~~in a newspaper of general circulation within the~~
6695 ~~school district~~] on the Utah Public Notice Website as described in Section 63F-1-701 at least
6696 one week prior to the board meeting at which the request will be considered; and
6697 (c) the board holds a public hearing on the request prior to the board's acting on the
6698 request.
6699 Section 150. Section **53B-3-107** is amended to read:
6700 **53B-3-107. Traffic violations -- Notice of rule or regulation.**
6701 (1) It is a violation of this section for any person to operate or park a vehicle upon any
6702 property owned or controlled by a state institution of higher education contrary to posted signs
6703 authorized by the published rules and regulations of the institution or to block or impede traffic
6704 through or on any of these properties.
6705 (2) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is
6706 published [~~in one issue of a newspaper of general circulation in the county or counties in which~~
6707 ~~the institution and the campus or facility is located~~] on the Utah Public Notice Website as
6708 described in Section 63F-1-701.
6709 Section 151. Section **53B-7-101.5** is amended to read:
6710 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**
6711 (1) If an institution within the State System of Higher Education listed in Section
6712 53B-1-102 considers increasing tuition rates for undergraduate students in the process of
6713 preparing or implementing its budget, it shall hold a meeting to receive public input and
6714 response on the issue.
6715 (2) The institution shall advertise the hearing required under Subsection (1) using the
6716 following procedure:
6717 (a) The institution shall advertise its intent to consider an increase in student tuition
6718 rates in the institution's student newspaper and on the Utah Public Notice Website as described
6719 in Section 63F-1-701.
6720 (b) The advertisement shall be run twice during a period of ten days prior to the
6721 meeting.

6722 (c) The advertisement shall state that the institution will meet on a certain day, time,
6723 and place fixed in the advertisement, which shall not be less than seven days after the day the
6724 second advertisement is published, for the purpose of hearing comments regarding the
6725 proposed increase and to explain the reasons for the proposed increase.
6726 (3) The form and content of the notice shall be substantially as follows:
6727 "NOTICE OF PROPOSED TUITION INCREASE
6728 The (name of the higher education institution) is proposing to increase student tuition
6729 rates. This would be an increase of _____ %, which is an increase of $_____ per semester
6730 for a full-time resident undergraduate student. All concerned students and citizens are invited
6731 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."
6732 (4) (a) The institution shall provide the following information to those in attendance at
6733 the meeting required under Subsection (1):
6734 (i) the current year's student enrollment for:
6735 (A) the State System of Higher Education, if a systemwide increase is being
6736 considered; or
6737 (B) the institution, if an increase is being considered for just a single institution;
6738 (ii) total tuition revenues for the current school year;
6739 (iii) projected student enrollment growth for the next school year and projected tuition
6740 revenue increases from that anticipated growth; and
6741 (iv) a detailed accounting of how and where the increased tuition revenues would be
6742 spent.
6743 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
6744 down into majors or departments if the proposed tuition increases are department or major
6745 specific.
6746 (5) If the institution does not make a final decision on the proposed tuition increase at
6747 the meeting, it shall announce the date, time, and place of the meeting where that determination
6748 shall be made.
6749 Section 152. Section **54-4-27** is amended to read:
6750 **54-4-27. Payment of dividends -- Notice -- Restraint.**
6751 No gas or electric corporation doing business in this state shall pay any dividend upon
6752 its common stock prior to thirty days after the date of the declaration of such dividend by the

6753 board of directors of such utility corporation. Within five days after the declaration of such
6754 dividend the management of such corporation shall notify the utilities commission in writing of
6755 the declaration of said dividend, the amount thereof, the date fixed for payment of the same,
6756 and shall also cause to be published a notice [~~in a newspaper having general circulation in the~~
6757 ~~city or town where its principal place of business is located~~] on the Utah Public Notice Website
6758 as described in Section 63F-1-701, stating in substance the contents of the notice herein
6759 required to be given the utilities commission. If the commission, after investigation, shall find
6760 that the capital of any such corporation is being impaired or that its service to the public is
6761 likely to become impaired or is in danger of impairment, it may issue an order directing such
6762 utility corporation to refrain from the payment of said dividend until such impairment is made
6763 good or danger of impairment is avoided. The district court of any county in which said utility
6764 is doing business in this state is authorized upon a suit by the commission to enforce the order
6765 of the commission, and empowered to issue a restraining order pending final determination of
6766 the action.
6767 Section 153. Section **54-7-17** is amended to read:
6768 **54-7-17. Stay of commission's order or decision pending appeal.**
6769 (1) A petition for judicial review does not stay or suspend the operation of the order or
6770 decision of the commission.
6771 (2) (a) The court may stay or suspend, in whole or in part, the operation of the
6772 commission's order or decision after at least three days' notice and after a hearing.
6773 (b) If the court stays or suspends the order or decision of the commission, the order
6774 shall contain a specific finding, based upon evidence submitted to the court and identified by
6775 reference, that:
6776 (i) great or irreparable damage will result to the petitioner absent suspension or a stay
6777 of the order; and
6778 (ii) specifies the nature of the damage.
6779 (3) (a) The court's order staying or suspending the decision of the commission is not
6780 effective until a supersedeas bond is executed, filed with, and approved by the commission (or
6781 approved, on review, by the court).
6782 (b) The bond shall be payable to the state [~~of Utah~~], and shall be sufficient in amount
6783 and security to insure the prompt payment by the party petitioning for the review of:

6784 (i) all damages caused by the delay in the enforcement of the order or decision of the
6785 commission; and
6786 (ii) all moneys that any person or corporation is compelled to pay, pending the review
6787 proceedings, for transportation, transmission, product, commodity, or service in excess of the
6788 charges fixed by the order or decision of the commission.
6789 (c) Whenever necessary to insure the prompt payment of damages and any
6790 overcharges, the court may order the party petitioning for a review to give additional security or
6791 to increase the supersedeas bond.
6792 (4) (a) When the court stays or suspends the order or decision of the commission in any
6793 matter affecting rates, fares, tolls, rentals, charges, or classifications, it shall order the public
6794 utility affected to pay into court, or into some bank or trust company paying interest on
6795 deposits, all sums of money collected by the public utility that are greater than the sum a person
6796 would have paid if the order or decision of the commission had not been stayed or suspended.
6797 (b) (i) Upon the final decision by the court, the public utility shall refund all moneys
6798 collected by it that are greater than those authorized by the court's final decision, together with
6799 interest if the moneys were deposited in a bank or trust company, to the persons entitled to the
6800 refund.
6801 (ii) The commission shall prescribe the methods for distributing the refund.
6802 (c) (i) If any of the refund money has not been claimed within one year from the final
6803 decision of the court, the commission shall publish notice of the refund once per week for two
6804 successive weeks [~~in a newspaper of general circulation printed and published in the city and~~
6805 ~~county of Salt Lake, and in any other newspapers that the commission designates~~] on the Utah
6806 Public Notice Website as described in Section 63F-1-701.
6807 (ii) The notice shall state the names of the persons entitled to the moneys and the
6808 amount due each person.
6809 (iii) All moneys not claimed within three months after the publication of the notice
6810 shall be paid by the public utility into the General Fund.
6811 (5) When the court stays or suspends any order or decision lowering any rate, fare, toll,
6812 rental, charge, or classification, after the execution and approval of the supersedeas bond, the
6813 commission shall order the public utility affected to keep accounts, verified by oath, that show:
6814 (a) the amounts being charged or received by the public utility; and

6815 (b) the names and addresses of the persons to whom overcharges will be refundable.
6816 Section 154. Section **54-8-10** is amended to read:
6817 **54-8-10. Public hearing -- Notice -- Publication.**
6818 Such notice shall be published in full one time [~~in a newspaper of general circulation in~~
6819 ~~the district or if there be no such newspaper, by publication in a newspaper of general~~
6820 ~~circulation in the county, city, or town in which said district is located~~] on the Utah Public
6821 Notice Website as described in Section 63F-1-701 and by posting in not less than three public
6822 places in such district. A copy of such notice shall be mailed by certified mail to the last known
6823 address of each owner of land within the proposed district whose property will be assessed for
6824 the cost of the improvement. The address to be used for said purpose shall be that last
6825 appearing on the real property assessment rolls of the county wherein said property is located.
6826 In addition, a copy of such notice shall be addressed to "Owner" and shall be so mailed
6827 addressed to the street number of each piece of improved property to be affected by the
6828 assessment. Mailed notices and the published notice shall state where a copy of the resolution
6829 creating the district will be available for inspection by any interested parties.
6830 Section 155. Section **54-8-16** is amended to read:
6831 **54-8-16. Notice of assessment -- Publication.**
6832 After the preparation of the aforesaid resolution, notice of a public hearing on the
6833 proposed assessments shall be given. Such notice shall be published one time [~~in a newspaper~~
6834 ~~in which the first notice of hearing was published~~] on the Utah Public Notice Website as
6835 described in Section 63F-1-701 at least twenty days before the date fixed for the hearing and
6836 shall be mailed by certified mail not less than fifteen days prior to the date fixed for such
6837 hearing to each owner of real property whose property will be assessed for part of the cost of
6838 the improvement at the last known address of such owner using for such purpose the names
6839 and addresses appearing on the last completed real property assessment rolls of the county
6840 wherein said affected property is located. In addition, a copy of such notice shall be addressed
6841 to "Owner" and shall be so mailed addressed to the street number of each piece of improved
6842 property to be affected by such assessment. Each notice shall state that at the specified time and
6843 place, the governing body will hold a public hearing upon the proposed assessments and shall
6844 state that any owner of any property to be assessed pursuant to the resolution will be heard on
6845 the question of whether his property will be benefited by the proposed improvement to the

6846 amount of the proposed assessment against his property and whether the amount assessed
6847 against his property constitutes more than his proper proportional share of the total cost of the
6848 improvement. The notice shall further state where a copy of the resolution proposed to be
6849 adopted levying the assessments against all real property in the district will be on file for public
6850 inspection, and that subject to such changes and corrections therein as may be made by the
6851 governing body, it is proposed to adopt the resolution at the conclusion of the hearing. A
6852 published notice shall describe the boundaries or area of the district with sufficient particularity
6853 to permit each owner of real property therein to ascertain that his property lies in the district.
6854 The mailed notice may refer to the district by name and date of creation and shall state the
6855 amount of the assessment proposed to be levied against the real property of the person to whom
6856 the notice is mailed.
6857 Section 156. Section **54-8-23** is amended to read:
6858 **54-8-23. Objection to amount of assessment -- Civil action -- Litigation to**
6859 **question or attack proceedings or legality of bonds.**
6860 No special assessment levied under this chapter shall be declared void, nor shall any
6861 such assessment or part thereof be set aside in consequence of any error or irregularity
6862 permitted or appearing in any of the proceedings under this chapter, but any party feeling
6863 aggrieved by any such special assessment or proceeding may bring a civil action to cause such
6864 grievance to be adjudicated if such action is commenced prior to the expiration of the period
6865 specified in this section. The burden of proof to show that such special assessment or part
6866 thereof is invalid, inequitable or unjust shall rest upon the party who brings such suit. Any such
6867 litigation shall not be regarded as an appeal within the meaning of the prohibition contained in
6868 Section 54-8-18. Every person whose property is subject to such special assessment and who
6869 fails to appear during the public hearings on said assessments to raise his objection to such tax
6870 shall be deemed to have waived all objections to such levy except the objection that the
6871 governing body lacks jurisdiction to levy such tax.
6872 For a period of twenty days after the governing body has adopted the enactment
6873 authorizing the assessment, any taxpayer in the district shall have the right to institute litigation
6874 for the purpose of questioning or attacking the proceedings pursuant to which the assessments
6875 have been authorized subject to the provisions of the preceding paragraph. Whenever any
6876 enactment authorizing the issuance of any bonds pursuant to the improvement contemplated

6877 shall have been adopted such resolution shall be published once [~~in a newspaper in which the~~
6878 ~~original notice of hearing was published~~] on the Utah Public Notice Website as described in
6879 Section 63F-1-701. For a period of twenty days thereafter, any person whose property shall
6880 have been assessed and any taxpayer in the district shall have the right to institute litigation for
6881 the purpose of questioning or attacking the legality of such bonds. After the expiration of such
6882 twenty-day period, all proceedings theretofore had by the governing body, the bonds to be
6883 issued pursuant thereto, and the special assessments from which such bonds are to be paid,
6884 shall become incontestable, and no suit attacking or questioning the legality thereof may be
6885 instituted in this state, and no court shall have the authority to inquire into such matters.
6886 Section 157. Section **57-1-25** is amended to read:
6887 **57-1-25. Notice of trustee's sale -- Description of property -- Time and place of**
6888 **sale.**
6889 (1) The trustee shall give written notice of the time and place of sale particularly
6890 describing the property to be sold:
6891 (a) by publication of the notice:
6892 (i) at least three times;
6893 (ii) once a week for three consecutive weeks;
6894 (iii) the last publication to be at least ten days but not more than 30 days before the date
6895 the sale is scheduled; and
6896 (iv) [~~in a newspaper having a general circulation in each county in which the property~~
6897 ~~to be sold, or some part of the property to be sold, is situated~~] on the Utah Public Notice
6898 Website as described in Section 63F-1-701; and
6899 (b) by posting the notice:
6900 (i) at least 20 days before the date the sale is scheduled; and
6901 (ii) (A) in some conspicuous place on the property to be sold; and
6902 (B) at the office of the county recorder of each county in which the trust property, or
6903 some part of it, is located.
6904 (2) (a) The sale shall be held at the time and place designated in the notice of sale.
6905 (b) The time of sale shall be between the hours of 8 a.m. and 5 p.m.
6906 (c) The place of sale shall be clearly identified in the notice of sale under Subsection
6907 (1) and shall be at a courthouse serving the county in which the property to be sold, or some

6908 part of the property to be sold, is located.
6909 (3) The notice of sale shall be in substantially the following form:
6910 Notice of Trustee's Sale
6911 The following described property will be sold at public auction to the highest bidder,
6912 payable in lawful money of the United States at the time of sale, at (insert location of sale)
6913 _____on _____(month\day\year), at __.m. of said day, for the purpose of
6914 foreclosing a trust deed originally executed by ____ (and ____, his wife,) as trustors, in favor
6915 of ____, covering real property located at ____, and more particularly described as:
6916 (Insert legal description)
6917 The current beneficiary of the trust deed is _____ and the record
6918 owners of the property as of the recording of the notice of default are _____ and
6919 _____.
6920 Dated _____(month\day\year). _____
6921 Trustee
6922 Section 158. Section **57-11-11** is amended to read:
6923 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**
6924 **Intervention by division in suits -- General powers of division.**
6925 (1) The division shall prescribe reasonable rules which shall be adopted, amended, or
6926 repealed only after a public hearing with notice thereof published once [~~in a newspaper or~~
6927 ~~newspapers with statewide circulation~~] on the Utah Public Notice Website as described in
6928 Section 63F-1-701 and sent to any nonprofit organization which files a written request for
6929 notice with the division; said notice shall be published and sent not less than 20 days prior to
6930 the hearing. The rules shall include but need not be limited to:
6931 (a) provisions for advertising standards to assure full and fair disclosure;
6932 (b) provisions for escrow or trust agreements, performance bonds, or other means
6933 reasonably necessary to assure that all improvements referred to in the application for
6934 registration and advertising will be completed and that purchasers will receive the interest in
6935 land contracted for. These provisions, however, shall not be required if the city or county in
6936 which the subdivision is located requires similar means of assurance of a nature and in an
6937 amount no less adequate than is required under said rules;
6938 (c) provisions for operating procedures;

6939 (d) provisions for a shortened form of registration in cases where the division
6940 determines that the purposes of this act do not require a subdivision to be registered pursuant to
6941 an application containing all the information required by Section 57-11-6 or do not require that
6942 the public offering statement contain all the information required by Section 57-11-7; and
6943 (e) other rules necessary and proper to accomplish the purpose of this act.
6944 (2) The division by rule or order, after reasonable notice, may require the filing of
6945 advertising material relating to subdivided lands prior to its distribution, provided that the
6946 division must approve or reject any advertising material within 15 days from the receipt thereof
6947 or the material shall be considered approved.
6948 (3) If it appears that a person has engaged or is about to engage in an act or practice
6949 constituting a violation of a provision of this act or a rule or order hereunder, the agency, with
6950 or without prior administrative proceedings, may bring an action in the district court of the
6951 district where said person maintains his residence or a place of business or where said act or
6952 practice has occurred or is about to occur, to enjoin the acts or practices and to enforce
6953 compliance with this act or any rule or order hereunder. Upon proper showing, injunctive relief
6954 or temporary restraining orders shall be granted, and a receiver or conservator may be
6955 appointed. The division shall not be required to post a bond in any court proceedings.
6956 (4) The division shall be allowed to intervene in a suit involving subdivided lands,
6957 either as a party or as an amicus curiae, where it appears that the interpretation or
6958 constitutionality of any provision of law will be called into question. In any suit by or against a
6959 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice
6960 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,
6961 constitute grounds for the division withholding any approval required by this [~~act~~] .
6962 (5) The division may:
6963 (a) accept registrations filed in other states or with the federal government;
6964 (b) contract with public agencies or qualified private persons in this state or other
6965 jurisdictions to perform investigative functions;
6966 (c) accept grants-in-aid from any source.
6967 (6) The division shall cooperate with similar agencies in other jurisdictions to establish
6968 uniform filing procedures and forms, uniform public offering statements, advertising standards,
6969 rules, and common administrative practices.

6970 Section 159. Section **59-2-918** is amended to read:
6971 **59-2-918. Advertisement of proposed tax increase -- Notice -- Contents.**
6972 (1) (a) Except as provided in Subsection (1)(b), a taxing entity may not budget an
6973 increased amount of ad valorem tax revenue exclusive of revenue from new growth as defined
6974 in Subsection 59-2-924(4) unless it advertises its intention to do so at the same time that it
6975 advertises its intention to fix its budget for the forthcoming fiscal year.
6976 (b) (i) Notwithstanding Subsection (1)(a), a taxing entity is not required to meet the
6977 advertisement or hearing requirements of this section if:
6978 (A) the taxing entity is expressly exempted by law from complying with the
6979 requirements of this section; or
6980 (B) the increased amount of ad valorem tax revenue results from a tax rate increase that
6981 is exempted under Subsection 59-2-919(2)(a)(ii)(B) from the advertisement and hearing
6982 requirements of Section 59-2-919.
6983 (ii) Notwithstanding Subsection (1)(a), a taxing entity is not required to meet the
6984 advertisement requirements of this section if:
6985 (A) Section 53A-17a-133 allows the taxing entity to budget an increased amount of ad
6986 valorem property tax revenue without having to comply with the advertisement requirements of
6987 this section; or
6988 (B) the taxing entity:
6989 (I) collected less than $20,000 in ad valorem tax revenues for the previous fiscal year;
6990 and
6991 (II) sets a budget during the current fiscal year of less than $20,000 of ad valorem tax
6992 revenues.
6993 (2) (a) For taxing entities operating under a July 1 through June 30 fiscal year, the
6994 advertisement required by this section may be [~~combined~~] posted with the advertisement
6995 required by Section 59-2-919.
6996 (b) For taxing entities operating under a January 1 through December 31 fiscal year,
6997 the advertisement required by this section shall meet the [~~size, type, placement, and frequency~~]
6998 website posting requirements established under Section 59-2-919.
6999 (3) The form of the advertisement required by this section shall meet the [~~size, type,~~
7000 ~~placement, and frequency~~] website posting requirements established under Section 59-2-919

7001 and shall be substantially as follows:
7002 "NOTICE OF PROPOSED TAX INCREASE
7003 (NAME OF TAXING ENTITY)
7004 The (name of the taxing entity) is proposing to increase its property tax revenue.
7005 ● If the proposed budget is approved, this would be an increase of _____% above
7006 the (name of the taxing entity) property tax budgeted revenue for the prior year.
7007 ● The (name of the taxing entity) tax on a (insert the average value of a residence
7008 in the taxing entity rounded to the nearest thousand dollars) residence would
7009 increase from $_____ to $_____, which is $_____ per year.
7010 ● The (name of the taxing entity) tax on a (insert the value of a business having
7011 the same value as the average value of a residence in the taxing entity) business
7012 would increase from $_____ to $_____, which is $_____ per year.
7013 All concerned citizens are invited to a public hearing on the tax increase.
7014 PUBLIC HEARING
7015 Date/Time: (date) (time)
7016 Location: (name of meeting place and address of meeting place)
7017 To obtain more information regarding the tax increase, citizens may contact the (name
7018 of the taxing entity) at (phone number of taxing entity)."
7019 (4) If a final decision regarding the budgeting of an increased amount of ad valorem tax
7020 revenue is not made at the public hearing described in Subsection (3), the taxing entity shall
7021 announce at the public hearing the scheduled time and place for consideration and adoption of
7022 the proposed budget increase.
7023 (5) (a) Each taxing entity operating under the January 1 through December 31 fiscal
7024 year shall by March 1 notify the county of the date, time, and place of the public hearing at
7025 which the budget for the following fiscal year will be considered.
7026 (b) The county shall include the information described in Subsection (5)(a) with the tax
7027 notice.
7028 (6) A taxing entity shall hold a public hearing under this section beginning at or after 6
7029 p.m.
7030 Section 160. Section **59-2-919** is amended to read:
7031 **59-2-919. Resolution proposing tax increases -- Notice -- Contents of notice of**

7032 **proposed tax increase -- Personal mailed notice in addition to advertisement -- Contents**
7033 **of personal mailed notice -- Hearing -- Dates.**
7034 (1) A tax rate in excess of the certified tax rate may not be levied until a resolution has
7035 been approved by the taxing entity in accordance with this section.
7036 (2) (a) (i) The taxing entity shall advertise its intent to exceed the certified tax rate [~~in a~~
7037 ~~newspaper or combination of newspapers of general circulation in the taxing entity~~] on the
7038 Utah Public Notice Website as described in Section 63F-1-701.
7039 (ii) Notwithstanding Subsection (2)(a)(i), a taxing entity is not required to meet the
7040 advertisement or hearing requirements of this section if:
7041 (A) the taxing entity is expressly exempted by law from complying with the
7042 requirements of this section; or
7043 (B) (I) the taxing entity is a party to an interlocal agreement under Title 11, Chapter 13,
7044 Interlocal Cooperation Act, that creates an interlocal entity to provide fire protection,
7045 emergency, and emergency medical services;
7046 (II) the tax rate increase is approved by the taxing entity's voters at an election held for
7047 that purpose on or before December 31, 2010;
7048 (III) the purpose of the tax rate increase is to pay for fire protection, emergency, and
7049 emergency medical services provided by the interlocal entity; and
7050 (IV) at least 30 days before its annual budget hearing, the taxing entity:
7051 (Aa) adopts a resolution certifying that the taxing entity will dedicate all revenue from
7052 the tax rate increase exclusively to pay for fire protection, emergency, and emergency medical
7053 services provided by the interlocal entity and that the amount of other revenues, independent of
7054 the revenue generated from the tax rate increase, that the taxing entity spends for fire
7055 protection, emergency, and emergency medical services each year after the tax rate increase
7056 will not decrease below the amount spent by the taxing entity during the year immediately
7057 before the tax rate increase without a corresponding decrease in the taxing entity's property tax
7058 revenues used in calculating the taxing entity's certified tax rate; and
7059 (Bb) sends a copy of the resolution to the commission.
7060 (iii) The exception under Subsection (2)(a)(ii)(B) from the advertisement and hearing
7061 requirements of this section does not apply to an increase in a taxing entity's tax rate that occurs
7062 after December 31, 2010, even if the tax rate increase is approved by the taxing entity's voters

7063 before that date.
7064 (iv) Notwithstanding Subsection (2)(a)(i), a taxing entity is not required to meet the
7065 advertisement requirements of this section if:
7066 (A) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that
7067 certified tax rate without having to comply with the advertisement requirements of this section;
7068 or
7069 (B) the taxing entity:
7070 (I) collected less than $20,000 in ad valorem tax revenues for the previous fiscal year;
7071 and
7072 (II) sets a budget during the current fiscal year of less than $20,000 of ad valorem tax
7073 revenues.
7074 (b) The advertisement described in this section shall[~~:~~] be published on the Utah Public
7075 Notice Website as described in Section 63F-1-701.
7076 [~~(i) be no less than 1/4 page in size;~~]
7077 [~~(ii) use type no smaller than 18 point; and~~]
7078 [~~(iii) be surrounded by a 1/4-inch border.~~]
7079 [~~(c) The advertisement described in this section may not be placed in that portion of the~~
7080 ~~newspaper where legal notices and classified advertisements appear.~~]
7081 [~~(d) It is the intent of the Legislature that:~~]
7082 [~~(i) whenever possible, the advertisement described in this section appear in a~~
7083 ~~newspaper that is published at least one day per week; and~~]
7084 [~~(ii) the newspaper or combination of newspapers selected:~~]
7085 [~~(A) be of general interest and readership in the taxing entity; and~~]
7086 [~~(B) not be of limited subject matter.~~]
7087 [~~(e)~~] (c) The advertisement described in this section shall[~~: (i) be run once each week~~
7088 ~~for the two weeks preceding the adoption of the final budget; and (ii)~~] state that the taxing
7089 entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not
7090 less than seven days after the day the first advertisement is published, for the purpose of
7091 hearing comments regarding any proposed increase and to explain the reasons for the proposed
7092 increase.
7093 [~~(f)~~] (d) The meeting on the proposed increase may coincide with the hearing on the

7094 proposed budget of the taxing entity.
7095 (3) The form and content of the notice shall be substantially as follows:
7096 "NOTICE OF PROPOSED TAX INCREASE
7097 (NAME OF TAXING ENTITY)
7098 The (name of the taxing entity) is proposing to increase its property tax revenue.
7099 ● If the proposed budget is approved, this would be an increase of _____% above
7100 the (name of the taxing entity) property tax budgeted revenue for the prior year.
7101 ● The (name of the taxing entity) tax on a (insert the average value of a residence
7102 in the taxing entity rounded to the nearest thousand dollars) residence would
7103 increase from $_____ to $_____, which is $_____ per year.
7104 ● The (name of the taxing entity) tax on a (insert the value of a business having
7105 the same value as the average value of a residence in the taxing entity) business
7106 would increase from $_____ to $_____, which is $_____ per year.
7107 (Name of taxing entity) property tax revenue from new growth and other sources will
7108 increase from $_____ to $_____.
7109 All concerned citizens are invited to a public hearing on the tax increase.
7110 PUBLIC HEARING
7111 Date/Time: (date) (time)
7112 Location: (name of meeting place and address of meeting place)
7113 To obtain more information regarding the tax increase, citizens may contact the (name
7114 of the taxing entity) at (phone number of taxing entity)."
7115 (4) The commission:
7116 (a) shall adopt rules governing the joint use of one advertisement under this section or
7117 Section 59-2-918 by two or more taxing entities; and
7118 (b) may, upon petition by any taxing entity, authorize either:
7119 (i) the use [~~of weekly newspapers in counties having both daily and weekly newspapers~~
7120 ~~where the weekly newspaper would provide equal or greater notice to the taxpayer~~] <u>of the Utah</u>
7121 <u>Public Notice Website as described in Section 63F-1-701</u>; or
7122 (ii) the use of a commission-approved direct notice to each taxpayer if the:
7123 (A) cost of the advertisement would cause undue hardship; and
7124 (B) direct notice is different and separate from that provided for in Section 59-2-919.1.

7125 (5) (a) The taxing entity, after holding a hearing as provided in this section, may adopt
7126 a resolution levying a tax rate in excess of the certified tax rate.
7127 (b) If a resolution adopting a tax rate is not adopted on the day of the public hearing,
7128 the scheduled time and place for consideration and adoption of the resolution shall be
7129 announced at the public hearing.
7130 (c) If a resolution adopting a tax rate is to be considered at a day and time that is more
7131 than two weeks after the public hearing described in Subsection 59-2-919.1(2)(c)(v), a taxing
7132 entity, other than a taxing entity described in Subsection (2)(a)(ii), shall advertise the date of
7133 the proposed adoption of the resolution in the same manner as provided under Subsections (2)
7134 and (3).
7135 (6) (a) All hearings described in this section shall be open to the public.
7136 (b) The governing body of a taxing entity conducting a hearing shall permit all
7137 interested parties desiring to be heard an opportunity to present oral testimony within
7138 reasonable time limits.
7139 (7) (a) Each taxing entity shall notify the county legislative body by March 1 of each
7140 year of the date, time, and place a public hearing is held by the taxing entity pursuant to this
7141 section.
7142 (b) A taxing entity may not schedule a hearing described in this section at the same
7143 time as another overlapping taxing entity in the same county, but all taxing entities in which the
7144 power to set tax levies is vested in the same governing board or authority may consolidate the
7145 required hearings into one hearing.
7146 (c) The county legislative body shall resolve any conflicts in hearing dates and times
7147 after consultation with each affected taxing entity.
7148 (8) A taxing entity shall hold a public hearing under this section beginning at or after 6
7149 p.m.
7150 Section 161. Section **59-2-924** is amended to read:
7151 **59-2-924. Report of valuation of property to county auditor and commission --**
7152 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**
7153 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**
7154 (1) Before June 1 of each year, the county assessor of each county shall deliver to the
7155 county auditor and the commission the following statements:

7156 (a) a statement containing the aggregate valuation of all taxable real property assessed
7157 by a county assessor in accordance with Part 3, County Assessment, for each taxing entity; and
7158 (b) a statement containing the taxable value of all personal property assessed by a
7159 county assessor in accordance with Part 3, County Assessment, from the prior year end values.
7160 (2) The county auditor shall, on or before June 8, transmit to the governing body of
7161 each taxing entity:
7162 (a) the statements described in Subsections (1)(a) and (b);
7163 (b) an estimate of the revenue from personal property;
7164 (c) the certified tax rate; and
7165 (d) all forms necessary to submit a tax levy request.
7166 (3) (a) The "certified tax rate" means a tax rate that will provide the same ad valorem
7167 property tax revenues for a taxing entity as were budgeted by that taxing entity for the prior
7168 year.
7169 (b) For purposes of this Subsection (3):
7170 (i) "Ad valorem property tax revenues" do not include:
7171 (A) collections from redemptions;
7172 (B) interest;
7173 (C) penalties; and
7174 (D) revenue received by a taxing entity from personal property that is:
7175 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
7176 (II) semiconductor manufacturing equipment.
7177 (ii) "Aggregate taxable value of all property taxed" means:
7178 (A) the aggregate taxable value of all real property assessed by a county assessor in
7179 accordance with Part 3, County Assessment, for the current year;
7180 (B) the aggregate taxable year end value of all personal property assessed by a county
7181 assessor in accordance with Part 3, County Assessment, for the prior year; and
7182 (C) the aggregate taxable value of all real and personal property assessed by the
7183 commission in accordance with Part 2, Assessment of Property, for the current year.
7184 (c) (i) Except as otherwise provided in this section, the certified tax rate shall be
7185 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the
7186 taxing entity by the amount calculated under Subsection (3)(c)(ii).

7187 (ii) For purposes of Subsection (3)(c)(i), the legislative body of a taxing entity shall
7188 calculate an amount as follows:
7189 (A) calculate for the taxing entity the difference between:
7190 (I) the aggregate taxable value of all property taxed; and
7191 (II) any redevelopment adjustments for the current calendar year;
7192 (B) after making the calculation required by Subsection (3)(c)(ii)(A), calculate an
7193 amount determined by increasing or decreasing the amount calculated under Subsection
7194 (3)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for the
7195 equalization period for the three calendar years immediately preceding the current calendar
7196 year;
7197 (C) after making the calculation required by Subsection (3)(c)(ii)(B), calculate the
7198 product of:
7199 (I) the amount calculated under Subsection (3)(c)(ii)(B); and
7200 (II) the percentage of property taxes collected for the five calendar years immediately
7201 preceding the current calendar year; and
7202 (D) after making the calculation required by Subsection (3)(c)(ii)(C), calculate an
7203 amount determined by subtracting from the amount calculated under Subsection (3)(c)(ii)(C)
7204 any new growth as defined in this section:
7205 (I) within the taxing entity; and
7206 (II) for the following calendar year:
7207 (Aa) for new growth from real property assessed by a county assessor in accordance
7208 with Part 3, County Assessment and all property assessed by the commission in accordance
7209 with Section 59-2-201, the current calendar year; and
7210 (Bb) for new growth from personal property assessed by a county assessor in
7211 accordance with Part 3, County Assessment, the prior calendar year.
7212 (iii) For purposes of Subsection (3)(c)(ii)(A), the aggregate taxable value of all
7213 property taxed:
7214 (A) except as provided in Subsection (3)(c)(iii)(B) or (3)(c)(ii)(C), is as defined in
7215 Subsection (3)(b)(ii);
7216 (B) does not include the total taxable value of personal property contained on the tax
7217 rolls of the taxing entity that is:

7218 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
7219 (II) semiconductor manufacturing equipment; and
7220 (C) for personal property assessed by a county assessor in accordance with Part 3,
7221 County Assessment, the taxable value of personal property is the year end value of the personal
7222 property contained on the prior year's tax rolls of the entity.
7223 (iv) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after
7224 January 1, 2007, the value of taxable property does not include the value of personal property
7225 that is:
7226 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
7227 County Assessment; and
7228 (B) semiconductor manufacturing equipment.
7229 (v) For purposes of Subsection (3)(c)(ii)(C)(II), for calendar years beginning on or after
7230 January 1, 2007, the percentage of property taxes collected does not include property taxes
7231 collected from personal property that is:
7232 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
7233 County Assessment; and
7234 (B) semiconductor manufacturing equipment.
7235 (vi) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after
7236 January 1, 2009, the value of taxable property does not include the value of personal property
7237 that is within the taxing entity assessed by a county assessor in accordance with Part 3, County
7238 Assessment.
7239 (vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7240 the commission may prescribe rules for calculating redevelopment adjustments for a calendar
7241 year.
7242 (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7243 the commission shall make rules determining the calculation of ad valorem property tax
7244 revenues budgeted by a taxing entity.
7245 (ii) For purposes of Subsection (3)(d)(i), ad valorem property tax revenues budgeted by
7246 a taxing entity shall be calculated in the same manner as budgeted property tax revenues are
7247 calculated for purposes of Section 59-2-913.
7248 (e) The certified tax rates for the taxing entities described in this Subsection (3)(e) shall

7249 be calculated as follows:
7250 (i) except as provided in Subsection (3)(e)(ii), for new taxing entities the certified tax
7251 rate is zero;
7252 (ii) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:
7253 (A) in a county of the first, second, or third class, the levy imposed for municipal-type
7254 services under Sections 17-34-1 and 17-36-9; and
7255 (B) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
7256 purposes and such other levies imposed solely for the municipal-type services identified in
7257 Section 17-34-1 and Subsection 17-36-3(22); and
7258 (iii) for debt service voted on by the public, the certified tax rate shall be the actual
7259 levy imposed by that section, except that the certified tax rates for the following levies shall be
7260 calculated in accordance with Section 59-2-913 and this section:
7261 (A) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
7262 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and
7263 (B) levies to pay for the costs of state legislative mandates or judicial or administrative
7264 orders under Section 59-2-1604.
7265 (f) (i) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be
7266 established at that rate which is sufficient to generate only the revenue required to satisfy one
7267 or more eligible judgments, as defined in Section 59-2-102.
7268 (ii) The ad valorem property tax revenue generated by the judgment levy shall not be
7269 considered in establishing the taxing entity's aggregate certified tax rate.
7270 (g) The ad valorem property tax revenue generated by the capital outlay levy described
7271 in Section 53A-16-107 within a taxing entity in a county of the first class:
7272 (i) may not be considered in establishing the school district's aggregate certified tax
7273 rate; and
7274 (ii) shall be included by the commission in establishing a certified tax rate for that
7275 capital outlay levy determined in accordance with the calculation described in Subsection
7276 59-2-913(3).
7277 (4) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:
7278 (i) the taxable value of real property assessed by a county assessor contained on the
7279 assessment roll;

7280 (ii) the taxable value of real and personal property assessed by the commission; and
7281 (iii) the taxable year end value of personal property assessed by a county assessor
7282 contained on the prior year's assessment roll.
7283 (b) For purposes of Subsection (4)(a)(i), the taxable value of real property on the
7284 assessment roll does not include new growth as defined in Subsection (4)(c).
7285 (c) "New growth" means:
7286 (i) the difference between the increase in taxable value of the following property of the
7287 taxing entity from the previous calendar year to the current year:
7288 (A) real property assessed by a county assessor in accordance with Part 3, County
7289 Assessment; and
7290 (B) property assessed by the commission under Section 59-2-201; plus
7291 (ii) the difference between the increase in taxable year end value of personal property
7292 of the taxing entity from the year prior to the previous calendar year to the previous calendar
7293 year; minus
7294 (iii) the amount of an increase in taxable value described in Subsection (4)(e).
7295 (d) For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the
7296 taxing entity does not include the taxable value of personal property that is:
7297 (i) contained on the tax rolls of the taxing entity if that property is assessed by a county
7298 assessor in accordance with Part 3, County Assessment; and
7299 (ii) semiconductor manufacturing equipment.
7300 (e) Subsection (4)(c)(iii) applies to the following increases in taxable value:
7301 (i) the amount of increase to locally assessed real property taxable values resulting
7302 from factoring, reappraisal, or any other adjustments; or
7303 (ii) the amount of an increase in the taxable value of property assessed by the
7304 commission under Section 59-2-201 resulting from a change in the method of apportioning the
7305 taxable value prescribed by:
7306 (A) the Legislature;
7307 (B) a court;
7308 (C) the commission in an administrative rule; or
7309 (D) the commission in an administrative order.
7310 (f) For purposes of Subsection (4)(a)(ii), the taxable year end value of personal

7311 property on the prior year's assessment roll does not include:
7312 (i) new growth as defined in Subsection (4)(c); or
7313 (ii) the total taxable year end value of personal property contained on the prior year's
7314 tax rolls of the taxing entity that is:
7315 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and
7316 (B) semiconductor manufacturing equipment.
7317 (5) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.
7318 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
7319 auditor of:
7320 (i) its intent to exceed the certified tax rate; and
7321 (ii) the amount by which it proposes to exceed the certified tax rate.
7322 (c) The county auditor shall notify all property owners of any intent to exceed the
7323 certified tax rate in accordance with [~~Subsection~~] Section 59-2-919[~~(3)~~].
7324 Section 162. Section **59-2-926** is amended to read:
7325 **59-2-926. Proposed tax increase by state -- Notice -- Contents -- Dates.**
7326 If the state authorizes a levy pursuant to Section 53A-17a-135 that exceeds the certified
7327 revenue levy as defined in Section 53A-17a-103 or authorizes a levy pursuant to Section
7328 59-2-1602 that exceeds the certified revenue levy as defined in Section 59-2-102, the state shall
7329 publish a notice no later than ten days after the last day of the annual legislative general session
7330 that meets the following requirements:
7331 (1) The Office of the Legislative Fiscal Analyst shall advertise that the state authorized
7332 a levy that generates revenue in excess of the previous year's ad valorem tax revenue, plus new
7333 growth, but exclusive of revenue from collections from redemptions, interest, and penalties [~~in~~
7334 ~~a newspaper of general circulation in the state. The advertisement shall be no less than 1/4~~
7335 ~~page in size and the type used shall be no smaller than 18 point, and surrounded by a 1/4-inch~~
7336 ~~border. The advertisement may not be placed in that portion of the newspaper where legal~~
7337 ~~notices and classified advertisements appear~~] on the Utah Public Notice Website as described
7338 in Section 63F-1-701. The advertisement shall be run once.
7339 (2) The form and content of the notice shall be substantially as follows:
7340 "NOTICE OF TAX INCREASE
7341 The state has budgeted an increase in its property tax revenue from $_____ to

7342 $_____ or ____%. The increase in property tax revenues will come from the following
7343 sources (include all of the following provisions):
7344 (a) $_____ of the increase will come from (provide an explanation of the cause
7345 of adjustment or increased revenues, such as reappraisals or factoring orders);
7346 (b) $_____ of the increase will come from natural increases in the value of the
7347 tax base due to (explain cause of new growth, such as new building activity, annexation, etc.);
7348 (c) a home valued at $100,000 in the state of Utah which based on last year's (levy for
7349 the basic state-supported school program, levy for the Property Tax Valuation Agency Fund, or
7350 both) paid $_____ in property taxes would pay the following:
7351 (i) $_____ if the state of Utah did not budget an increase in property tax revenue
7352 exclusive of new growth; and
7353 (ii) $_____ under the increased property tax revenues exclusive of new growth
7354 budgeted by the state of Utah."
7355 Section 163. Section **59-2-1303** is amended to read:
7356 **59-2-1303. Seizure and sale -- Method and procedure.**
7357 Unless taxes or uniform fees on personal property assessed by the county assessor are
7358 paid or secured as provided under Section 59-2-1302, the assessor or, if this duty has been
7359 reassigned in an ordinance under Section 17-16-5.5, the treasurer shall collect the taxes,
7360 including accrued interest and penalties, by seizure or seizure and subsequent sale of any
7361 personal property owned by the person against whom the tax is assessed. The assessor or
7362 treasurer, as the case may be, may seize that personal property on which a delinquent property
7363 tax or uniform fee exists at any time in order to protect a county's interest in that personal
7364 property. The sale of personal property shall be made in the following manner:
7365 (1) (a) For all personal property, except manufactured homes and mobile homes as
7366 provided in Subsection (1)(b), the sale shall be made:
7367 (i) at public auction;
7368 (ii) of a sufficient amount of property to pay the taxes, or uniform fees and interest,
7369 penalties, and costs;
7370 (iii) when practicable, in the city, town, or precinct where the property was seized; and
7371 (iv) after one week's notice of the time and place of the sale, given by publication [~~in a~~
7372 ~~newspaper having general circulation in the county, or~~] on the Utah Public Notice Website as

7373 described in Section 63F-1-701, and by posting in three public places in the county.
7374 (b) For manufactured homes and mobile homes that are used as a residence and that are
7375 listed on the personal property roll of the county, the sale shall be made:
7376 (i) at public auction;
7377 (ii) when practicable, in the city, town, or precinct where the property was seized;
7378 (iii) no sooner than one year after the taxes on the property became delinquent as
7379 determined in Section 59-2-1302;
7380 (iv) after publication of the date, time, and place of sale [~~in a newspaper having general~~
7381 ~~circulation in the county~~] on the Utah Public Notice Website as described in Section
7382 63F-1-701, once in each of two successive weeks immediately preceding the date of the sale;
7383 and
7384 (v) after notification, sent by certified mail at least ten days prior to the first date of
7385 publication of the sale [~~in a newspaper~~] on the Utah Public Notice Website as described in
7386 Section 63F-1-701, to the owner of the manufactured home or mobile home, all lien holders of
7387 record, and any other person known by the assessor to have an interest in the manufactured
7388 home or mobile home, of the date, time, and place of the sale.
7389 (2) For seizing or selling personal property the assessor or treasurer, as the case may
7390 be, may charge in each case the actual and necessary expenses for travel and seizing, handling,
7391 keeping, selling, or caring for that property.
7392 (3) Upon payment of the price bid for any personal property sold under this section, the
7393 delivery of the property, with a bill of sale, vests title in the purchaser.
7394 (4) All sale proceeds in excess of taxes, or uniform fees and interest, penalties, and
7395 costs shall be returned to the owner of the personal property, and until claimed shall be
7396 deposited in the county treasury and made subject to the order of the owner, the owner's heirs,
7397 or assigns.
7398 (5) The unsold portion of any property may be left at the place of sale at the risk of the
7399 owner.
7400 (6) If there is no acceptable purchaser of the property, the property shall be declared the
7401 property of the county. The county executive may sell or rent any property held in the name of
7402 the county at any time after the sale upon terms determined by the county legislative body.
7403 Section 164. Section **59-2-1309** is amended to read:

7404 **59-2-1309. Publication of delinquency -- Seizure and sale -- Redemption --**
7405 **Distribution of proceeds.**
7406 (1) On or before December 15 of each year, the commission shall publish [~~in a~~
7407 ~~newspaper having general circulation in the state~~] on the Utah Public Notice Website as
7408 described in Section 63F-1-701 a list of the delinquent rail car companies and state-assessed
7409 commercial vehicles. The list shall contain the names of the owners, when known, and a
7410 general description of the property assessed as to which the taxes are delinquent, and the
7411 amount of the delinquent taxes. The commission shall publish with the list a notice that unless
7412 the delinquent taxes, together with the penalty, are paid before December 21, the property of
7413 the delinquent or so much of it as may be necessary to pay the amount of the taxes, penalty, and
7414 interest at the rate prescribed in Section 59-1-402 from December 31 to the date of sale, shall
7415 be seized and sold for taxes, interest, and costs, the sale to be made at any time and place at the
7416 discretion of the commission. The provisions of law governing the seizure and sale by county
7417 treasurers of personal property for delinquent taxes shall apply to sales made by the
7418 commission under this section, except that notice of the time and place of the sale shall be
7419 given by publication [~~in a newspaper of general circulation in the state~~] on the Utah Public
7420 Notice Website as described in Section 63F-1-701.
7421 (2) Property seized by the commission pursuant to this section may be redeemed, at
7422 any time prior to the sale, by payment of the full amount of taxes due from the delinquent
7423 together with all penalties, interest, and the costs then accrued.
7424 (3) All sums collected by the commission upon the sale or redemption of property
7425 pursuant to this section shall be immediately distributed as follows:
7426 (a) all interest, penalties, and costs to the appropriate county treasurer; and
7427 (b) any excess over the taxes, penalties, interest, and cost shall be deposited with the
7428 state treasurer subject to the order of the owner of the property sold, or the owner's heirs or
7429 assigns.
7430 Section 165. Section **59-2-1310** is amended to read:
7431 **59-2-1310. Collection by seizure and sale -- Procedure -- Costs.**
7432 (1) The treasurer shall collect the taxes delinquent on personal property assessed by the
7433 commission as determined by the assessor, except when sufficient real estate is liable for the
7434 tax, by seizure and sale of any personal property owned by the delinquent taxpayer.

7435 (2) The sale shall be at public auction, and of a sufficient amount of property to pay the
7436 taxes and costs, and when practicable shall be made in the city, town, or precinct where seized.
7437 (3) The sale shall be made after one week's notice of the time and place of the sale,
7438 given by publication [~~in a newspaper having general circulation in the county, or~~] on the Utah
7439 Public Notice Website as described in Section 63F-1-701, and by posting in three public places
7440 in the county.
7441 (4) For seizing or selling personal property the treasurer may charge in each case the
7442 actual and necessary expenses for travel and seizing, handling, keeping, selling, or caring for
7443 property so seized or sold.
7444 (5) On payment of the price bid for any personal property sold, its delivery, with a bill
7445 of sale, vests title in the purchaser.
7446 (6) All excess of the proceeds of any sale over the taxes and costs shall be returned to
7447 the owner of the property sold, and until claimed shall be deposited in the county treasury and
7448 disposed of under Title 67, Chapter 4a, Unclaimed Property Act, subject to the order of the
7449 owner, or the owner's heirs or assigns.
7450 (7) If there is no acceptable purchaser of the property, the property shall be declared the
7451 property of the county. The county executive may sell or rent any property held in the name of
7452 the county at any time after the sale upon terms determined by the county legislative body.
7453 (8) The unsold portion of any property may be left at the place of sale at the risk of the
7454 owner.
7455 Section 166. Section **59-2-1332** is amended to read:
7456 **59-2-1332. Extension of date of delinquency.**
7457 (1) The county legislative body may, upon a petition of not less than 100 taxpayers or
7458 upon its own motion for good cause, by proclamation, extend the date when taxes become
7459 delinquent from November 30 to noon on December 30. If the county legislative body so
7460 extends this date, the county legislative body shall publish a notice of the proclamation
7461 covering this extension [~~in a newspaper of general circulation in the county in~~] on the Utah
7462 Public Notice Website as described in Section 63F-1-701 at least two [~~issues~~] different times
7463 before November 1 of the year in which the taxes are to be paid.
7464 (2) In all cases where the county legislative body extends the date when taxes become
7465 delinquent, the date for the selling of property to the county for delinquent taxes shall be

7466 extended 30 days from the dates provided by law.
7467 Section 167. Section **59-2-1332.5** is amended to read:
7468 **59-2-1332.5. Mailing notice of delinquency or publication of delinquent list --**
7469 **Contents -- Notice -- Definitions.**
7470 (1) The county treasurer shall provide notice of delinquency in the payment of property
7471 taxes:
7472 (a) except as provided in Subsection (4), on or before December 31 of each calendar
7473 year; and
7474 (b) in a manner described in Subsection (2).
7475 (2) A notice of delinquency in the payment of property taxes shall be provided by:
7476 (a) (i) mailing a written notice, postage prepaid:
7477 (A) to each delinquent taxpayer; and
7478 (B) that includes the information required by Subsection (3)(a); and
7479 (ii) making available to the public a list of delinquencies in the payment of property
7480 taxes:
7481 (A) by electronic means; and
7482 (B) that includes the information required by Subsection (3)(b); or
7483 (b) publishing a list of delinquencies in the payment of property taxes:
7484 (i) [~~in one issue of a newspaper having general circulation in the county~~] on the Utah
7485 Public Notice Website as described in Section 63F-1-701;
7486 (ii) that lists each delinquency in alphabetical order by:
7487 (A) the last name of the delinquent taxpayer; or
7488 (B) if the delinquent taxpayer is a business entity, the name of the business entity; and
7489 (iii) that includes the information required by Subsection (3)(b).
7490 (3) (a) A written notice of delinquency in the payment of property taxes described in
7491 Subsection (2)(a)(i) shall include:
7492 (i) a statement that delinquent taxes are due;
7493 (ii) the amount of delinquent taxes due, not including any penalties imposed in
7494 accordance with this chapter;
7495 (iii) (A) the name of the delinquent taxpayer; or
7496 (B) if the delinquent taxpayer is a business entity, the name of the business entity;

7497 (iv) (A) a description of the delinquent property; or
7498 (B) the property identification number of the delinquent property;
7499 (v) a statement that a penalty shall be imposed in accordance with this chapter; and
7500 (vi) a statement that interest accrues as of January 1 following the date of the
7501 delinquency unless before January 16 the following are paid:
7502 (A) the delinquent taxes; and
7503 (B) the penalty.
7504 (b) The list of delinquencies described in Subsection (2)(a)(ii) or (2)(b) shall include:
7505 (i) the amount of delinquent taxes due, not including any penalties imposed in
7506 accordance with this chapter;
7507 (ii) (A) the name of the delinquent taxpayer; or
7508 (B) if the delinquent taxpayer is a business entity, the name of the business entity;
7509 (iii) (A) a description of the delinquent property; or
7510 (B) the property identification number of the delinquent property;
7511 (iv) a statement that a penalty shall be imposed in accordance with this chapter; and
7512 (v) a statement that interest accrues as of January 1 following the date of the
7513 delinquency unless before January 16 the following are paid:
7514 (A) the delinquent taxes; and
7515 (B) the penalty.
7516 (4) Notwithstanding Subsection (1)(a), if the county legislative body extends the date
7517 when taxes become delinquent under Subsection 59-2-1332(1), the notice of delinquency in the
7518 payment of property taxes shall be provided on or before January 10.
7519 (5) (a) In addition to the notice of delinquency in the payment of property taxes
7520 required by Subsection (1), a county treasurer may in accordance with this Subsection (5) mail
7521 a notice that property taxes are delinquent:
7522 (i) to:
7523 (A) a delinquent taxpayer;
7524 (B) an owner of record of the delinquent property;
7525 (C) any other interested party that requests notice; or
7526 (D) a combination of Subsections (5)(a)(i)(A) through (C); and
7527 (ii) at any time that the county treasurer considers appropriate.

7528 (b) A notice mailed in accordance with this Subsection (5):
7529 (i) shall include the information required by Subsection (3)(a); and
7530 (ii) may include any information that the county treasurer finds is useful to the owner
7531 of record of the delinquent property in determining:
7532 (A) the status of taxes owed on the delinquent property;
7533 (B) any penalty that is owed on the delinquent property;
7534 (C) any interest charged under Section 59-2-1331 on the delinquent property; or
7535 (D) any related matters concerning the delinquent property.
7536 (6) As used in this section, "business entity" means:
7537 (a) an association;
7538 (b) a corporation;
7539 (c) a limited liability company;
7540 (d) a partnership;
7541 (e) a trust; or
7542 (f) a business entity similar to Subsections (6)(a) through (e).
7543 Section 168. Section **59-2-1351** is amended to read:
7544 **59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.**
7545 (1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor
7546 shall select a date for the tax sale for all real property on which a delinquency exists that was
7547 not previously redeemed and upon which the period of redemption is expiring in the nearest tax
7548 sale.
7549 (b) The tax sale shall be conducted in May or June of the current year.
7550 (2) Notice of the tax sale shall be provided as follows:
7551 (a) sent by certified and first class mail to the last-known recorded owner, the occupant
7552 of any improved property, and all other interests of record, as of the preceding March 15, at
7553 their last-known address; and
7554 (b) published four times [~~in a newspaper published and having general circulation in~~
7555 ~~the county~~] on the Utah Public Notice Website as described in Section 63F-1-701, once in each
7556 of four successive weeks immediately preceding the date of sale; [~~or~~] and
7557 (c) [~~if no newspaper is published in the county,~~] posted in five public places in the
7558 county, as determined by the auditor, at least 25 but no more than 30 days prior to the date of

7559 sale.
7560 (3) The notice shall be in substantially the following form:
7561 NOTICE OF TAX SALE
7562 Notice is hereby given that on _____(month\day\year), at __ o'clock __. m., at
7563 the front door of the county courthouse in ____ County, Utah, I will offer for sale at public
7564 auction and sell to the highest bidder for cash, under the provisions of Section 59-2-1351.1, the
7565 following described real property located in the county and now delinquent and subject to tax
7566 sale. A bid for less than the total amount of taxes, interest, penalty, and administrative costs
7567 which are a charge upon the real estate will not be accepted.
7568 (Here describe the real estate)
7569 IN WITNESS WHEREOF I have hereunto set my hand and official seal on
7570 _____(month\day\year).
7571 _____
7572 County Auditor
7573 _____
7574 County
7575 (4) (a) The notice sent by certified mail in accordance with Subsection (2)(a) shall
7576 include:
7577 (i) the name and last-known address of the last-known recorded owner of the property
7578 to be sold;
7579 (ii) the parcel, serial, or account number of the delinquent property; and
7580 (iii) the legal description of the delinquent property.
7581 (b) The notice published [~~in a newspaper~~] on the Utah Public Notice Website as
7582 described in Section 63F-1-701 in accordance with Subsection (2)(b) shall include:
7583 (i) the name and last-known address of the last-known recorded owner of each parcel
7584 of property to be sold; and
7585 (ii) the street address or the parcel, serial, or account number of the delinquent parcels.
7586 Section 169. Section **59-12-402** is amended to read:
7587 **59-12-402. Additional resort communities sales and use tax -- Base -- Rate --**
7588 **Collection fees -- Resolution and voter approval requirements -- Election requirements --**
7589 **Notice requirements -- Ordinance requirements.**

7590 (1) (a) Subject to Subsections (2) through (6), the governing body of a municipality in
7591 which the transient room capacity as defined in Section 59-12-405 is greater than or equal to
7592 66% of the municipality's permanent census population may, in addition to the sales tax
7593 authorized under Section 59-12-401, impose an additional resort communities sales tax in an
7594 amount that is less than or equal to .5% on the transactions described in Subsection
7595 59-12-103(1) located within the municipality.
7596 (b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not
7597 impose a tax under this section on:
7598 (i) the sale of:
7599 (A) a motor vehicle;
7600 (B) an aircraft;
7601 (C) a watercraft;
7602 (D) a modular home;
7603 (E) a manufactured home; or
7604 (F) a mobile home;
7605 (ii) the sales and uses described in Section 59-12-104 to the extent the sales and uses
7606 are exempt from taxation under Section 59-12-104; and
7607 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and
7608 food ingredients.
7609 (c) For purposes of this Subsection (1), the location of a transaction shall be
7610 determined in accordance with Sections 59-12-211 through 59-12-215.
7611 (d) A municipality imposing a tax under this section shall impose the tax on amounts
7612 paid or charged for food and food ingredients if the food and food ingredients are sold as part
7613 of a bundled transaction attributable to food and food ingredients and tangible personal
7614 property other than food and food ingredients.
7615 (2) (a) An amount equal to the total of any costs incurred by the state in connection
7616 with the implementation of Subsection (1) which exceed, in any year, the revenues received by
7617 the state from its collection fees received in connection with the implementation of Subsection
7618 (1) shall be paid over to the state General Fund by the cities and towns which impose the tax
7619 provided for in Subsection (1).
7620 (b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among

7621 those cities and towns according to the amount of revenue the respective cities and towns
7622 generate in that year through imposition of that tax.
7623 (3) To impose an additional resort communities sales tax under this section, the
7624 governing body of the municipality shall:
7625 (a) pass a resolution approving the tax; and
7626 (b) except as provided in Subsection (6), obtain voter approval for the tax as provided
7627 in Subsection (4).
7628 (4) To obtain voter approval for an additional resort communities sales tax under
7629 Subsection (3)(b), a municipality shall:
7630 (a) hold the additional resort communities sales tax election during:
7631 (i) a regular general election; or
7632 (ii) a municipal general election; and
7633 (b) publish notice of the election:
7634 (i) 15 days or more before the day on which the election is held; and
7635 (ii) [~~in a newspaper of general circulation in the municipality~~] on the Utah Public
7636 Notice Website as described in Section 63F-1-701.
7637 (5) An ordinance approving an additional resort communities sales tax under this
7638 section shall provide an effective date for the tax as provided in Section 59-12-403.
7639 (6) (a) Except as provided in Subsection (6)(b), a municipality is not subject to the
7640 voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the
7641 municipality imposed a license fee or tax on businesses based on gross receipts pursuant to
7642 Section 10-1-203.
7643 (b) The exception from the voter approval requirements in Subsection (6)(a) does not
7644 apply to a municipality that, on or before January 1, 1996, imposed a license fee or tax on only
7645 one class of businesses based on gross receipts pursuant to Section 10-1-203.
7646 Section 170. Section **59-12-1001** is amended to read:
7647 **59-12-1001. Authority to impose tax for highways or to fund a system for public**
7648 **transit -- Base -- Rate -- Ordinance requirements -- Voter approval requirements --**
7649 **Election requirements -- Notice of election requirements -- Exceptions to voter approval**
7650 **requirements -- Enactment or repeal of tax -- Effective date -- Notice requirements.**
7651 (1) (a) A city or town in which the transactions described in Subsection 59-12-103(1)

7652 are not subject to a sales and use tax under Section 59-12-501 may as provided in this part
7653 impose a sales and use tax of:
7654 (i) beginning on January 1, 1998, and ending on December 31, 2007, .25% on the
7655 transactions described in Subsection 59-12-103(1) located within the city or town; or
7656 (ii) beginning on January 1, 2008, .30% on the transactions described in Subsection
7657 59-12-103(1) located within the city or town.
7658 (b) Notwithstanding Subsection (1)(a), a city or town may not impose a tax under this
7659 section on:
7660 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses
7661 are exempt from taxation under Section 59-12-104; and
7662 (ii) except as provided in Subsection (1)(d), amounts paid or charged for food and food
7663 ingredients.
7664 (c) For purposes of this Subsection (1), the location of a transaction shall be
7665 determined in accordance with Sections 59-12-211 through 59-12-215.
7666 (d) A city or town imposing a tax under this section shall impose the tax on amounts
7667 paid or charged for food and food ingredients if the food and food ingredients are sold as part
7668 of a bundled transaction attributable to food and food ingredients and tangible personal
7669 property other than food and food ingredients.
7670 (2) (a) A city or town imposing a tax under this part may use the revenues generated by
7671 the tax:
7672 (i) for the construction and maintenance of highways under the jurisdiction of the city
7673 or town imposing the tax;
7674 (ii) subject to Subsection (2)(b), to fund a system for public transit; or
7675 (iii) for a combination of the purposes described in Subsections (2)(a)(i) and (ii).
7676 (b) (i) For purposes of Subsection (2)(a)(ii) and except as provided in Subsection
7677 (2)(b)(ii), "public transit" is as defined in Section 17B-2a-802.
7678 (ii) Notwithstanding Subsection (2)(b)(i), "public transit" does not include a fixed
7679 guideway system.
7680 (3) To impose a tax under this part, the governing body of the city or town shall:
7681 (a) pass an ordinance approving the tax; and
7682 (b) except as provided in Subsection (7) or (8), obtain voter approval for the tax as

7683 provided in Subsection (4).
7684 (4) To obtain voter approval for a tax under Subsection (3)(b), a city or town shall:
7685 (a) hold an election during:
7686 (i) a regular general election; or
7687 (ii) a municipal general election; and
7688 (b) publish notice of the election:
7689 (i) 15 days or more before the day on which the election is held; and
7690 (ii) [~~in a newspaper of general circulation in the city or town~~] on the Utah Public
7691 Notice Website as described in Section 63F-1-701.
7692 (5) An ordinance approving a tax under this part shall provide an effective date for the
7693 tax as provided in Subsection (6).
7694 (6) (a) For purposes of this Subsection (6):
7695 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part
7696 4, Annexation.
7697 (ii) "Annexing area" means an area that is annexed into a city or town.
7698 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after April 1, 2008, a city
7699 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:
7700 (A) on the first day of a calendar quarter; and
7701 (B) after a 90-day period beginning on the date the commission receives notice meeting
7702 the requirements of Subsection (6)(b)(ii) from the city or town.
7703 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:
7704 (A) that the city or town will enact or repeal a tax under this part;
7705 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);
7706 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and
7707 (D) if the city or town enacts the tax described in Subsection (6)(b)(ii)(A), the rate of
7708 the tax.
7709 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:
7710 (A) that begins after the effective date of the enactment of the tax; and
7711 (B) if the billing period for the transaction begins before the effective date of the
7712 enactment of the tax under Subsection (1).
7713 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

7714 (A) that began before the effective date of the repeal of the tax; and
7715 (B) if the billing period for the transaction begins before the effective date of the repeal
7716 of the tax imposed under Subsection (1).
7717 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7718 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
7719 Subsection (6)(b)(i) takes effect:
7720 (A) on the first day of a calendar quarter; and
7721 (B) beginning 60 days after the effective date of the enactment or repeal under
7722 Subsection (6)(b)(i).
7723 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7724 commission may by rule define the term "catalogue sale."
7725 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
7726 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
7727 part for an annexing area, the enactment or repeal shall take effect:
7728 (A) on the first day of a calendar quarter; and
7729 (B) after a 90-day period beginning on the date the commission receives notice meeting
7730 the requirements of Subsection (6)(e)(ii) from the city or town that annexes the annexing area.
7731 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:
7732 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
7733 repeal of a tax under this part for the annexing area;
7734 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
7735 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and
7736 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).
7737 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:
7738 (A) that begins after the effective date of the enactment of the tax; and
7739 (B) if the billing period for the transaction begins before the effective date of the
7740 enactment of the tax under Subsection (1).
7741 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
7742 (A) that began before the effective date of the repeal of the tax; and
7743 (B) if the billing period for the transaction begins before the effective date of the repeal
7744 of the tax imposed under Subsection (1).

7745 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7746 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
7747 Subsection (6)(e)(i) takes effect:
7748 (A) on the first day of a calendar quarter; and
7749 (B) beginning 60 days after the effective date of the enactment or repeal under
7750 Subsection (6)(e)(i).
7751 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7752 commission may by rule define the term "catalogue sale."
7753 (7) (a) Except as provided in Subsection (7)(b), a city or town is not subject to the
7754 voter approval requirements of Subsection (3)(b) if:
7755 (i) on or before January 1, 1996, the city or town imposed a license fee or tax on
7756 businesses based on gross receipts pursuant to Section 10-1-203; or
7757 (ii) the city or town:
7758 (A) on or before June 30, 2002, obtained voter approval in accordance with Subsection
7759 (3)(b) to impose a tax under this part for a purpose described in Subsection (2)(a)(i); and
7760 (B) on or after July 1, 2002, uses the revenues generated by a tax under this part for a
7761 purpose described in Subsection (2)(a).
7762 (b) The exception from the voter approval requirements in Subsection (7)(a)(i) does not
7763 apply to a city or town that, on or before January 1, 1996, imposed a license fee or tax on only
7764 one class of businesses based on gross receipts pursuant to Section 10-1-203.
7765 (8) A city or town is not subject to the voter approval requirements of Subsection
7766 (3)(b) if:
7767 (a) on December 31, 2007, the city or town imposes a tax of .25% under this section;
7768 and
7769 (b) on or after January 1, 2008, the city or town increases the tax rate under this section
7770 to .30%.
7771 Section 171. Section **59-12-1102** is amended to read:
7772 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**
7773 **Administration -- Enactment or repeal of tax -- Effective date -- Notice requirements.**
7774 (1) (a) (i) Subject to Subsections (2) through (5), and in addition to any other tax
7775 authorized by this chapter, a county may impose by ordinance a county option sales and use tax

7776 of .25% upon the transactions described in Subsection 59-12-103(1).
7777 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
7778 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are
7779 exempt from taxation under Section 59-12-104.
7780 (b) For purposes of this Subsection (1), the location of a transaction shall be
7781 determined in accordance with Sections 59-12-211 through 59-12-215.
7782 (c) The county option sales and use tax under this section shall be imposed:
7783 (i) upon transactions that are located within the county, including transactions that are
7784 located within municipalities in the county; and
7785 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
7786 January:
7787 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
7788 ordinance is adopted on or before May 25; or
7789 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
7790 ordinance is adopted after May 25.
7791 (d) Notwithstanding Subsection (1)(c)(ii), the county option sales and use tax under
7792 this section shall be imposed:
7793 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before
7794 September 4, 1997; or
7795 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997
7796 but after September 4, 1997.
7797 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
7798 county shall hold two public hearings on separate days in geographically diverse locations in
7799 the county.
7800 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
7801 time of no earlier than 6 p.m.
7802 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven
7803 days after the day the first advertisement required by Subsection (2)(c) is published.
7804 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county
7805 shall advertise [~~in a newspaper of general circulation in the county~~] <u>on the Utah Public Notice</u>
7806 <u>Website as described in Section 63F-1-701</u>:

7807 (A) its intent to adopt a county option sales and use tax;
7808 (B) the date, time, and location of each public hearing; and
7809 (C) a statement that the purpose of each public hearing is to obtain public comments
7810 regarding the proposed tax.
7811 (ii) The advertisement shall be published once each week for the two weeks preceding
7812 the earlier of the two public hearings.
7813 [~~(iii) The advertisement shall be no less than 1/8 page in size, and the type used shall~~
7814 ~~be no smaller than 18 point and surrounded by a 1/4-inch border.~~]
7815 [~~(iv) The advertisement may not be placed in that portion of the newspaper where legal~~
7816 ~~notices and classified advertisements appear.~~]
7817 [~~(v) Whenever possible:~~]
7818 [~~(A) the advertisement shall appear in a newspaper that is published at least five days a~~
7819 ~~week, unless the only newspaper in the county is published less than five days a week; and~~]
7820 [~~(B) the newspaper selected shall be one of general interest and readership in the~~
7821 ~~community, and not one of limited subject matter.~~]
7822 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
7823 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
7824 6, Local Referenda - Procedures.
7825 (3) (a) If the aggregate population of the counties imposing a county option sales and
7826 use tax under Subsection (1) is less than 75% of the state population, the tax levied under
7827 Subsection (1) shall be distributed to the county in which the tax was collected.
7828 (b) If the aggregate population of the counties imposing a county option sales and use
7829 tax under Subsection (1) is greater than or equal to 75% of the state population:
7830 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
7831 the county in which the tax was collected; and
7832 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
7833 (1) in each county shall be distributed proportionately among all counties imposing the tax,
7834 based on the total population of each county.
7835 (c) If the amount to be distributed annually to a county under Subsection (3)(b)(ii),
7836 when combined with the amount distributed to the county under Subsection (3)(b)(i), does not
7837 equal at least $75,000, then:

7838 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall
7839 be increased so that, when combined with the amount distributed to the county under
7840 Subsection (3)(b)(i), the amount distributed annually to the county is $75,000; and
7841 (ii) the amount to be distributed annually to all other counties under Subsection
7842 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
7843 Subsection (3)(c)(i).
7844 (d) The commission shall establish rules to implement the distribution of the tax under
7845 Subsections (3)(a), (b), and (c).
7846 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
7847 shall be administered, collected, and enforced in accordance with:
7848 (i) the same procedures used to administer, collect, and enforce the tax under:
7849 (A) Part 1, Tax Collection; or
7850 (B) Part 2, Local Sales and Use Tax Act; and
7851 (ii) Chapter 1, General Taxation Policies.
7852 (b) Notwithstanding Subsection (4)(a), a tax under this part is not subject to
7853 Subsections 59-12-205(2) through (6).
7854 (c) Notwithstanding Subsection (4)(a), the fee charged by the commission under
7855 Section 59-12-206 shall be based on the distribution amounts resulting after all the applicable
7856 distribution calculations under Subsection (3) have been made.
7857 (5) (a) For purposes of this Subsection (5):
7858 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,
7859 Annexation to County.
7860 (ii) "Annexing area" means an area that is annexed into a county.
7861 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a
7862 county enacts or repeals a tax under this part:
7863 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or
7864 (II) the repeal shall take effect on the first day of a calendar quarter; and
7865 (B) after a 90-day period beginning on the date the commission receives notice meeting
7866 the requirements of Subsection (5)(b)(ii) from the county.
7867 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:
7868 (A) that the county will enact or repeal a tax under this part;

7869 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);
7870 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and
7871 (D) if the county enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the
7872 tax.
7873 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:
7874 (A) that begins after the effective date of the enactment of the tax; and
7875 (B) if the billing period for the transaction begins before the effective date of the
7876 enactment of the tax under Subsection (1).
7877 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
7878 (A) that began before the effective date of the repeal of the tax; and
7879 (B) if the billing period for the transaction begins before the effective date of the repeal
7880 of the tax imposed under Subsection (1).
7881 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7882 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
7883 Subsection (5)(b)(i) takes effect:
7884 (A) on the first day of a calendar quarter; and
7885 (B) beginning 60 days after the effective date of the enactment or repeal under
7886 Subsection (5)(b)(i).
7887 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7888 commission may by rule define the term "catalogue sale."
7889 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs
7890 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
7891 part for an annexing area, the enactment or repeal shall take effect:
7892 (A) on the first day of a calendar quarter; and
7893 (B) after a 90-day period beginning on the date the commission receives notice meeting
7894 the requirements of Subsection (5)(e)(ii) from the county that annexes the annexing area.
7895 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:
7896 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or
7897 repeal of a tax under this part for the annexing area;
7898 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);
7899 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

7900 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).
7901 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:
7902 (A) that begins after the effective date of the enactment of the tax; and
7903 (B) if the billing period for the transaction begins before the effective date of the
7904 enactment of the tax under Subsection (1).
7905 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
7906 (A) that began before the effective date of the repeal of the tax; and
7907 (B) if the billing period for the transaction begins before the effective date of the repeal
7908 of the tax imposed under Subsection (1).
7909 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
7910 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
7911 Subsection (5)(e)(i) takes effect:
7912 (A) on the first day of a calendar quarter; and
7913 (B) beginning 60 days after the effective date of the enactment or repeal under
7914 Subsection (5)(e)(i).
7915 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
7916 commission may by rule define the term "catalogue sale."
7917 Section 172. Section **63B-1-317** is amended to read:
7918 **63B-1-317. Publication of resolution or other proceeding -- Contest of**
7919 **proceedings -- Mandamus to compel official to sign obligations.**
7920 (1) The authority may provide for the publication of any resolution it adopts for the
7921 authorization of obligations under this part [~~in one issue of a newspaper having general~~
7922 ~~circulation in this state~~] on the Utah Public Notice Website as described in Section 63F-1-701.
7923 (2) In case of resolution or other proceeding providing for the issuance of obligations
7924 under this part, the authority may, in lieu of publishing the entire resolution or other
7925 proceeding, publish a notice of obligations to be issued, titled as such, containing:
7926 (a) the name of the authority;
7927 (b) the purpose of the issue;
7928 (c) the type of obligations and the principal amount to be issued;
7929 (d) the maximum maturity of the obligations;
7930 (e) the maximum net effective rate of interest payable on the issue of obligations;

7931 (f) the maximum discount from par which is to be permitted if the obligations may be
7932 sold at a discount below par value; and
7933 (g) the times and place where a copy of the resolution or other proceeding may be
7934 examined, during regular business hours, for a period of at least 30 days after the publication of
7935 the notice.
7936 (3) (a) For a period of 30 days after the date of publication under Subsection (1) or (2),
7937 any interested person may contest the legality of the resolution, of the obligations authorized by
7938 it, or any of the provisions made for the security and payment of these obligations.
7939 (b) After this period, no one shall have any cause of action to contest the regularity,
7940 formality, or legality of same for any cause whatsoever, except as provided in Subsection (4).
7941 (4) (a) If any official required to sign the obligations refuses to sign them because the
7942 official alleges that the obligations to be signed are illegal, the authority may bring an original
7943 action in the supreme court for a writ of mandamus requiring the official to sign the
7944 obligations.
7945 (b) Because of the importance of the facilities construction and acquisition program
7946 provided for in this part, the Utah Supreme Court shall:
7947 (i) give this action precedence over any other matters pending before the court; and
7948 (ii) consider and determine these matters at the earliest possible time.
7949 Section 173. Section **63B-1a-501** is amended to read:
7950 **63B-1a-501. Publication of resolution or notice -- Limitation on actions to contest**
7951 **legality.**
7952 (1) The commission may either:
7953 (a) publish once [~~in a newspaper having general circulation in Utah~~] <u>on the Utah Public</u>
7954 <u>Notice Website as described in Section 63F-1-701</u> any resolution adopted by it; or
7955 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
7956 titled as such, containing:
7957 (i) the purpose of the bond issue;
7958 (ii) the type of bonds and the maximum principal amount that may be issued;
7959 (iii) the maximum number of years over which the bonds may mature;
7960 (iv) the maximum interest rate that the bonds may bear, if any;
7961 (v) the maximum discount from par, expressed as a percentage of principal amount, at

7962 which the bonds may be sold; and
7963 (vi) that a copy of the resolution or other proceedings may be examined at the office of
7964 the state treasurer during regular business hours for at least 30 days after the publication of the
7965 notice.
7966 (2) For 30 days after the date of publication, any interested person may contest:
7967 (a) the legality of the resolution;
7968 (b) any of the bonds authorized under it; or
7969 (c) any of the provisions made for the repayment of the bonds.
7970 (3) After 30 days, a person may not, for any cause, contest:
7971 (a) the legality of the resolution;
7972 (b) any of the bonds authorized under the resolution; or
7973 (c) any of the provisions made for the security and repayment of the bonds.
7974 Section 174. Section **63B-2-116** is amended to read:
7975 **63B-2-116. Publication of resolution or notice -- Limitation on actions to contest**
7976 **legality.**
7977 (1) The commission may:
7978 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
7979 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
7980 63F-1-701; or
7981 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
7982 titled as such, containing the information required in Subsection 11-14-316(2).
7983 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
7984 (i) the legality of the resolution;
7985 (ii) any of the bonds authorized under it; or
7986 (iii) any of the provisions made for the security and repayment of the bonds.
7987 (b) After 30 days, a person may not contest the legality of the resolution, any of the
7988 bonds authorized under it, or any of the provisions made for the security and repayment of the
7989 bonds for any cause.
7990 Section 175. Section **63B-2-216** is amended to read:
7991 **63B-2-216. Publication of resolution or notice -- Limitation on actions to contest**
7992 **legality.**

7993 (1) The commission may:
7994 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
7995 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
7996 63F-1-701; or
7997 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
7998 titled as such, containing the information required by Subsection 11-14-316(2).
7999 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8000 (i) the legality of the resolution;
8001 (ii) any of the bonds authorized under it; or
8002 (iii) any of the provisions made for the security and repayment of the bonds.
8003 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8004 bonds authorized under it, or any of the provisions made for the security and repayment of the
8005 bonds for any cause.
8006 Section 176. Section **63B-3-116** is amended to read:
8007 **63B-3-116. Publication of resolution or notice -- Limitation on actions to contest**
8008 **legality.**
8009 (1) The commission may:
8010 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8011 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8012 63F-1-701; or
8013 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8014 titled as such, containing the information required in Subsection 11-14-316(2).
8015 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8016 (i) the legality of the resolution;
8017 (ii) any of the bonds authorized under it; or
8018 (iii) any of the provisions made for the security and repayment of the bonds.
8019 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8020 bonds authorized under it, or any of the provisions made for the security and repayment of the
8021 bonds for any cause.
8022 Section 177. Section **63B-3-216** is amended to read:
8023 **63B-3-216. Publication of resolution or notice -- Limitation on actions to contest**

8024 **legality.**
8025 (1) The commission may:
8026 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8027 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8028 63F-1-701; or
8029 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8030 titled as such, containing the information required by Subsection 11-14-316(2).
8031 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8032 (i) the legality of the resolution;
8033 (ii) any of the bonds authorized under it; or
8034 (iii) any of the provisions made for the security and repayment of the bonds.
8035 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8036 bonds authorized under it, or any of the provisions made for the security and repayment of the
8037 bonds for any cause.
8038 Section 178. Section **63B-4-116** is amended to read:
8039 **63B-4-116. Publication of resolution or notice -- Limitation on actions to contest**
8040 **legality.**
8041 (1) The commission may:
8042 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8043 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8044 63F-1-701; or
8045 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8046 titled as such, containing the information required in Subsection 11-14-316(2).
8047 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8048 (i) the legality of the resolution;
8049 (ii) any of the bonds authorized under it; or
8050 (iii) any of the provisions made for the security and repayment of the bonds.
8051 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8052 bonds authorized under it, or any of the provisions made for the security and repayment of the
8053 bonds for any cause.
8054 Section 179. Section **63B-5-116** is amended to read:

8055 **63B-5-116. Publication of resolution or notice -- Limitation on actions to contest**
8056 **legality.**
8057 (1) The commission may:
8058 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8059 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8060 63F-1-701; or
8061 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8062 titled as such, containing the information required in Subsection 11-14-316(2).
8063 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8064 (i) the legality of the resolution;
8065 (ii) any of the bonds authorized under it; or
8066 (iii) any of the provisions made for the security and repayment of the bonds.
8067 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8068 bonds authorized under it, or any of the provisions made for the security and repayment of the
8069 bonds for any cause.
8070 Section 180. Section **63B-6-116** is amended to read:
8071 **63B-6-116. Publication of resolution or notice -- Limitation on actions to contest**
8072 **legality.**
8073 (1) The commission may:
8074 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8075 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8076 63F-1-701; or
8077 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8078 titled as such, containing the information required in Subsection 11-14-316(2).
8079 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8080 (i) the legality of the resolution;
8081 (ii) any of the bonds authorized under it; or
8082 (iii) any of the provisions made for the security and repayment of the bonds.
8083 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8084 bonds authorized under it, or any of the provisions made for the security and repayment of the
8085 bonds for any cause.

8086 Section 181. Section **63B-6-216** is amended to read:
8087 **63B-6-216. Publication of resolution or notice -- Limitation on actions to contest**
8088 **legality.**
8089 (1) The commission may:
8090 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8091 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8092 63F-1-701; or
8093 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8094 titled as such, containing the information required by Subsection 11-14-316(2).
8095 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8096 (i) the legality of the resolution;
8097 (ii) any of the bonds authorized under it; or
8098 (iii) any of the provisions made for the security and repayment of the bonds.
8099 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8100 bonds authorized under it, or any of the provisions made for the security and repayment of the
8101 bonds for any cause.
8102 Section 182. Section **63B-6-416** is amended to read:
8103 **63B-6-416. Publication of resolution or notice -- Limitation on actions to contest**
8104 **legality.**
8105 (1) The commission may:
8106 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8107 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8108 63F-1-701; or
8109 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8110 titled as such, containing the information required in Subsection 11-14-316(2).
8111 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8112 (i) the legality of the resolution;
8113 (ii) any of the bonds authorized under it; or
8114 (iii) any of the provisions made for the security and repayment of the bonds.
8115 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8116 bonds authorized under it, or any of the provisions made for the security and repayment of the

8117 bonds for any cause.
8118 Section 183. Section **63B-7-116** is amended to read:
8119 **63B-7-116. Publication of resolution or notice -- Limitation on actions to contest**
8120 **legality.**
8121 (1) The commission may:
8122 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8123 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8124 63F-1-701; or
8125 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8126 titled as such, containing the information required in Subsection 11-14-316(2).
8127 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8128 (i) the legality of the resolution;
8129 (ii) any of the bonds authorized under it; or
8130 (iii) any of the provisions made for the security and repayment of the bonds.
8131 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8132 bonds authorized under it, or any of the provisions made for the security and repayment of the
8133 bonds for any cause.
8134 Section 184. Section **63B-7-216** is amended to read:
8135 **63B-7-216. Publication of resolution or notice -- Limitation on actions to contest**
8136 **legality.**
8137 (1) The commission may:
8138 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8139 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8140 63F-1-701; or
8141 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8142 titled as such, containing the information required by Subsection 11-14-316(2).
8143 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8144 (i) the legality of the resolution;
8145 (ii) any of the bonds authorized under it; or
8146 (iii) any of the provisions made for the security and repayment of the bonds.
8147 (b) After 30 days, a person may not contest the legality of the resolution, any of the

8148 bonds authorized under it, or any of the provisions made for the security and repayment of the
8149 bonds for any cause.
8150 Section 185. Section **63B-7-416** is amended to read:
8151 **63B-7-416. Publication of resolution or notice -- Limitation on actions to contest**
8152 **legality.**
8153 (1) The commission may:
8154 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8155 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8156 63F-1-701; or
8157 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8158 titled as such, containing the information required in Subsection 11-14-316(2).
8159 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8160 (i) the legality of the resolution;
8161 (ii) any of the bonds authorized under it; or
8162 (iii) any of the provisions made for the security and repayment of the bonds.
8163 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8164 bonds authorized under it, or any of the provisions made for the security and repayment of the
8165 bonds for any cause.
8166 Section 186. Section **63B-8-116** is amended to read:
8167 **63B-8-116. Publication of resolution or notice -- Limitation on actions to contest**
8168 **legality.**
8169 (1) The commission may:
8170 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8171 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8172 63F-1-701; or
8173 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8174 titled as such, containing the information required in Subsection 11-14-316(2).
8175 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8176 (i) the legality of the resolution;
8177 (ii) any of the bonds authorized under it; or
8178 (iii) any of the provisions made for the security and repayment of the bonds.

8179 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8180 bonds authorized under it, or any of the provisions made for the security and repayment of the
8181 bonds for any cause.
8182 Section 187. Section **63B-8-216** is amended to read:
8183 **63B-8-216. Publication of resolution or notice -- Limitation on actions to contest**
8184 **legality.**
8185 (1) The commission may:
8186 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8187 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8188 63F-1-701; or
8189 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8190 titled as such, containing the information required by Subsection 11-14-316(2).
8191 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8192 (i) the legality of the resolution;
8193 (ii) any of the bonds authorized under it; or
8194 (iii) any of the provisions made for the security and repayment of the bonds.
8195 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8196 bonds authorized under it, or any of the provisions made for the security and repayment of the
8197 bonds for any cause.
8198 Section 188. Section **63B-8-416** is amended to read:
8199 **63B-8-416. Publication of resolution or notice -- Limitation on actions to contest**
8200 **legality.**
8201 (1) The commission may:
8202 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8203 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8204 63F-1-701; or
8205 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8206 titled as such, containing the information required in Subsection 11-14-316(2).
8207 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8208 (i) the legality of the resolution;
8209 (ii) any of the bonds authorized under it; or

8210 (iii) any of the provisions made for the security and repayment of the bonds.
8211 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8212 bonds authorized under it, or any of the provisions made for the security and repayment of the
8213 bonds for any cause.
8214 Section 189. Section **63B-10-116** is amended to read:
8215 **63B-10-116. Publication of resolution or notice -- Limitation on actions to contest**
8216 **legality.**
8217 (1) The commission may:
8218 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8219 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8220 63F-1-701; or
8221 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8222 titled as such, containing the information required by Subsection 11-14-316(2).
8223 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8224 (i) the legality of the resolution;
8225 (ii) any of the bonds authorized under it; or
8226 (iii) any of the provisions made for the security and repayment of the bonds.
8227 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8228 bonds authorized under it, or any of the provisions made for the security and repayment of the
8229 bonds for any cause.
8230 Section 190. Section **63B-11-116** is amended to read:
8231 **63B-11-116. Publication of resolution or notice -- Limitation on actions to contest**
8232 **legality.**
8233 (1) The commission may:
8234 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8235 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8236 63F-1-701; or
8237 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8238 titled as such, containing the information required in Subsection 11-14-316(2).
8239 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8240 (i) the legality of the resolution;

8241 (ii) any of the bonds authorized under it; or
8242 (iii) any of the provisions made for the security and repayment of the bonds.
8243 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8244 bonds authorized under it, or any of the provisions made for the security and repayment of the
8245 bonds for any cause.
8246 Section 191. Section **63B-11-216** is amended to read:
8247 **63B-11-216. Publication of resolution or notice -- Limitation on actions to contest**
8248 **legality.**
8249 (1) The commission may:
8250 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8251 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8252 63F-1-701; or
8253 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8254 titled as such, containing the information required in Subsection 11-14-316(2).
8255 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8256 (i) the legality of the resolution;
8257 (ii) any of the bonds authorized under it; or
8258 (iii) any of the provisions made for the security and repayment of the bonds.
8259 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8260 bonds authorized under it, or any of the provisions made for the security and repayment of the
8261 bonds for any cause.
8262 Section 192. Section **63B-11-316** is amended to read:
8263 **63B-11-316. Publication of resolution or notice -- Limitation on actions to contest**
8264 **legality.**
8265 (1) The commission may:
8266 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8267 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8268 63F-1-701; or
8269 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8270 titled as such, containing the information required by Subsection 11-14-316(2).
8271 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8272 (i) the legality of the resolution;
8273 (ii) any of the bonds authorized under it; or
8274 (iii) any of the provisions made for the security and repayment of the bonds.
8275 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8276 bonds authorized under it, or any of the provisions made for the security and repayment of the
8277 bonds for any cause.
8278 Section 193. Section **63B-11-516** is amended to read:
8279 **63B-11-516. Publication of resolution or notice -- Limitation on actions to contest**
8280 **legality.**
8281 (1) The commission may:
8282 (a) publish any resolution it adopts under this chapter once [~~in a newspaper having~~
8283 ~~general circulation in Utah~~] on the Utah Public Notice Website as described in Section
8284 63F-1-701; or
8285 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8286 titled as such, containing the information required by Subsection 11-14-316(2).
8287 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8288 (i) the legality of the resolution;
8289 (ii) any of the bonds authorized under it; or
8290 (iii) any of the provisions made for the security and repayment of the bonds.
8291 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8292 bonds authorized under it, or any of the provisions made for the security and repayment of the
8293 bonds for any cause.
8294 Section 194. Section **63C-7-306** is amended to read:
8295 **63C-7-306. Publication of notice, resolution, or other proceeding -- Period for**
8296 **contesting.**
8297 (1) The executive committee of the Utah Communications Agency Network may
8298 provide for the publication of any resolution or other proceedings adopted under this chapter
8299 [~~in a newspaper of general circulation within the state~~] on the Utah Public Notice Website as
8300 described in Section 63F-1-701.
8301 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
8302 executive committee may, in lieu of publishing the entire resolution or other proceeding,

8303 publish a notice of bonds to be issued containing:
8304 (a) the name of the issuer;
8305 (b) the purpose of the issue;
8306 (c) the type of bonds and the maximum principal amount which may be issued;
8307 (d) the maximum number of years over which the bonds may mature;
8308 (e) the maximum interest rate which the bonds may bear, if any;
8309 (f) the maximum discount from par, expressed as a percentage of principal amount, at
8310 which the bonds may be sold; and
8311 (g) the times and place where a copy of the resolution or other proceeding may be
8312 examined, which shall be at the principal office of the Utah Communications Agency Network
8313 during regular business hours and for a period of at least 30 days after the publication of the
8314 notice.
8315 (3) For a period of 30 days after the publication, any person in interest may contest the
8316 legality of the resolution or proceeding, any bonds which may be authorized by the resolution
8317 or proceeding, or any provision made for the security and payment of the bonds by filing a
8318 pleading with the district court for the city in which the Utah Communications Network
8319 maintains its principal office.
8320 Section 195. Section **63F-1-701** is amended to read:
8321 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**
8322 (1) As used in this part:
8323 (a) "Division" means the Division of Archives and Records Service of the Department
8324 of Administrative Services.
8325 (b) "Public body" has the same meaning as provided under Section 52-4-103.
8326 (c) "Website" means the Utah Public Notice Website created under this section.
8327 (2) There is created the Utah Public Notice Website to be administered by the Division
8328 of Archives and Records Service.
8329 (3) The website shall consist of an Internet website provided to assist the public to find:
8330 (a) posted public notices of a public body of the state and its political subdivisions as
8331 required under Title 52, Chapter 4, Open and Public Meetings Act, and under other state
8332 statutes or state agency rules[.]; and
8333 (b) legal notices required by a state statute or a state agency rule.

8334 (4) The division, with the technical assistance of the Department of Technology
8335 Services, shall create [~~the~~] a website [~~which~~] that shall:
8336 (a) allow a public body, or other certified entity, to easily post any public notice
8337 information that the public body or other entity is required to post under statute;
8338 (b) allow the public to search the public notices by:
8339 (i) public body name;
8340 (ii) date of posting of the public notice;
8341 (iii) date of any meeting or deadline included as part of the public notice; and
8342 (iv) any other criteria approved by the division;
8343 (c) allow a person to easily post a legal notice of information that the person is required
8344 to post under statute or rule;
8345 (d) send a confirmation when the person's legal notice is successfully posted to the
8346 website;
8347 (e) allow the public to search the legal notices by:
8348 (i) name;
8349 (ii) date of posting of the notice;
8350 (iii) a general geographic location, including city or county;
8351 (iv) type of notice; and
8352 (v) any other criteria approved by the division;
8353 [~~(c)~~] (f) allow the public to search and view past, archived public notices;
8354 [~~(d)~~] (g) allow a person to subscribe to receive updates and notices associated with a
8355 public body or a particular type of public or legal notice;
8356 [~~(e)~~] (h) be easily accessible by the public from the State of Utah home page;
8357 [~~(f)~~] (i) have a unique and simplified website address;
8358 [~~(g)~~] (j) be directly accessible via a link from the main page of the official state
8359 website; and
8360 [~~(h)~~] (k) include other links, features, or functionality that will assist the public in
8361 obtaining and reviewing information in relation to public and legal notices posted on the
8362 website, as may be approved by the division.
8363 (5) The division shall be responsible for:
8364 (a) establishing and maintaining the website, including the provision of equipment,

8365 resources, and personnel as is necessary;
8366 (b) providing a mechanism for public bodies or other certified entities to have access to
8367 the website for the purpose of posting and modifying public notices; [~~and~~]
8368 (c) providing a mechanism for a person to have access to the website for the purpose of
8369 posting and modifying a legal notice; and
8370 [~~(c)~~] (d) maintaining an archive of all notices posted to the website.
8371 (6) The timing for posting and the content of the public notices posted to the website
8372 shall be the responsibility of the public body, person, or other entity posting the notice.
8373 (7) The division shall charge a person posting a legal notice a fee to cover the cost of
8374 processing and posting the legal notice in accordance with Section 63J-1-303.
8375 Section 196. Section **63G-6-401** is amended to read:
8376 **63G-6-401. Contracts awarded by sealed bidding -- Procedure.**
8377 (1) Contracts shall be awarded by competitive sealed bidding except as otherwise
8378 provided by this chapter.
8379 (2) (a) An invitation for bids shall be issued when a contract is to be awarded by
8380 competitive sealed bidding.
8381 (b) The invitation shall include a purchase description and all contractual terms and
8382 conditions applicable to the procurement.
8383 (3) (a) Public notice of the invitation for bids shall be given a reasonable time before
8384 the date set forth in the invitation for the opening of bids, in accordance with rules.
8385 (b) The notice may include publication [~~in a newspaper of general circulation~~] on the
8386 Utah Public Notice Website as described in Section 63F-1-701 a reasonable time before bid
8387 opening.
8388 (4) (a) Bids shall be opened publicly in the presence of one or more witnesses at the
8389 time and place designated in the invitation for bids.
8390 (b) The amount of each bid and any other relevant information specified by rules,
8391 together with the name of each bidder, shall be recorded.
8392 (c) The record and each bid shall be open to public inspection.
8393 (5) (a) Bids shall be unconditionally accepted without alteration or correction, except
8394 as authorized in this chapter.
8395 (b) (i) Bids shall be evaluated based on the requirements set forth in the invitation for

8396 bids, which may include criteria to determine acceptability such as inspection, testing, quality,
8397 workmanship, delivery, and suitability for a particular purpose.
8398 (ii) Those criteria that will affect the bid price and be considered in evaluation for
8399 award shall be objectively measurable.
8400 (iii) The criteria may include discounts, transportation costs, and total or life cycle
8401 costs.
8402 (c) No criteria may be used in bid evaluation that are not set forth in the invitation for
8403 bids.
8404 (6) (a) Correction or withdrawal of inadvertently erroneous bids before or after award,
8405 or cancellation of awards or contracts based on the bid mistakes, shall be permitted in
8406 accordance with rules.
8407 (b) After bid opening, no changes in bid prices or other provisions of bids prejudicial
8408 to the interest of the state or fair competition may be permitted.
8409 (c) Except as otherwise provided by rule, all decisions to permit the correction or
8410 withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by
8411 a written determination made by the chief procurement officer or the head of a purchasing
8412 agency.
8413 (7) (a) The contract shall be awarded with reasonable promptness by written notice to
8414 the lowest responsive and responsible bidder whose bid meets the requirements and criteria set
8415 forth in the invitation for bids.
8416 (b) (i) If all bids for a construction project exceed available funds as certified by the
8417 appropriate fiscal officer, and the low responsive and responsible bid does not exceed those
8418 funds by more than 5%, the chief procurement officer or the head of a purchasing agency may,
8419 in situations where time or economic considerations preclude resolicitation of work of a
8420 reduced scope, negotiate an adjustment of the bid price, including changes in the bid
8421 requirements, with the low responsive and responsible bidder in order to bring the bid within
8422 the amount of available funds.
8423 (ii) If the State Building Board establishes alternative procedures by rule under Section
8424 63A-5-103, the Division of Facilities Construction and Management need not comply with the
8425 provisions of this Subsection (7) when a bid meets the requirements of the State Building
8426 Board's rule.

8427 (8) When it is considered impractical to prepare initially a purchase description to
8428 support an award based on price, an invitation for bids may be issued requesting the
8429 submission of unpriced offers to be followed by an invitation for bids limited to those bidders
8430 whose offers have been qualified under the criteria set forth in the first solicitation.
8431 Section 197. Section **63G-9-303** is amended to read:
8432 **63G-9-303. Meeting to examine claims -- Notice of meeting.**
8433 At least 60 days preceding the meeting of each Legislature the board must hold a
8434 session for the purpose of examining the claims referred to in Section 63G-9-302, and may
8435 adjourn from time to time until the work is completed. The board must cause notice of such
8436 meeting or meetings to be published [~~in some newspaper at the seat of government and such~~
8437 ~~other newspapers as may be determined by the board~~] on the Utah Public Notice Website as
8438 described in Section 63F-1-701 for such time as the board may prescribe.
8439 Section 198. Section **63H-1-403** is amended to read:
8440 **63H-1-403. Notice of project area plan adoption -- Effective date of plan --**
8441 **Contesting the formation of the plan.**
8442 (1) (a) Upon the board's adoption of a project area plan, the board shall provide notice
8443 as provided in Subsection (1)(b) by:
8444 (i) publishing or causing to be published a notice [~~in a newspaper of general circulation~~
8445 ~~within the authority's boundaries~~] on the Utah Public Notice Website as described in Section
8446 63F-1-701; [~~or~~] and
8447 (ii) [~~if there is no newspaper of general circulation within the authority's boundaries,~~]
8448 causing a notice to be posted in at least three public places within the authority's boundaries.
8449 (b) Each notice under Subsection (1)(a) shall:
8450 (i) set forth the board resolution adopting the project area plan or a summary of the
8451 resolution; and
8452 (ii) include a statement that the project area plan is available for general public
8453 inspection and the hours for inspection.
8454 (2) The project area plan shall become effective on the date of:
8455 (a) if notice was published under Subsection (1)(a), publication of the notice; or
8456 (b) if notice was posted under Subsection (1)(a), posting of the notice.
8457 (3) The authority shall make the adopted project area plan available to the general

8458 public at its offices during normal business hours.
8459 Section 199. Section **63H-1-701** is amended to read:
8460 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**
8461 **Auditor forms -- Requirement to file form.**
8462 (1) The authority shall prepare and its board adopt an annual budget of revenues and
8463 expenditures for the authority for each fiscal year.
8464 (2) Each annual authority budget shall be adopted before June 22.
8465 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.
8466 (4) (a) Before adopting an annual budget, the authority board shall hold a public
8467 hearing on the annual budget.
8468 (b) The authority shall provide notice of the public hearing on the annual budget by:
8469 (i) publishing at least one notice [~~in a newspaper of general circulation within the~~
8470 ~~authority boundaries~~] on the Utah Public Notice Website as described in Section 63F-1-701,
8471 one week before the public hearing; [~~or~~] and
8472 (ii) [~~if there is no newspaper of general circulation within the authority boundaries,~~]
8473 posting a notice of the public hearing in at least three public places within the authority
8474 boundaries.
8475 (c) The authority shall make the annual budget available for public inspection at least
8476 three days before the date of the public hearing.
8477 (5) The state auditor shall prescribe the budget forms and the categories to be contained
8478 in each authority budget, including:
8479 (a) revenues and expenditures for the budget year;
8480 (b) legal fees; and
8481 (c) administrative costs, including rent, supplies, and other materials, and salaries of
8482 authority personnel.
8483 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a
8484 copy of the annual budget with the auditor of the county in which the authority is located, the
8485 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
8486 that levies a tax on property from which the authority collects tax increment.
8487 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
8488 state as a taxing entity is met if the authority files a copy with the State Tax Commission and

8489 the state auditor.
8490 Section 200. Section **63H-1-801** is amended to read:
8491 **63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance --**
8492 **Authority records -- Dissolution expenses.**
8493 (1) The authority may not be dissolved unless the authority has no outstanding bonded
8494 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual
8495 obligations with persons or entities other than the state.
8496 (2) Upon the dissolution of the authority, the Governor's Office of Economic
8497 Development shall publish a notice of dissolution [~~in a newspaper of general circulation in the~~
8498 ~~county in which the dissolved authority is located~~] on the Utah Public Notice Website as
8499 described in Section 63F-1-701.
8500 (3) The books, documents, records, papers, and seal of each dissolved authority shall
8501 be deposited for safekeeping and reference with the state auditor.
8502 (4) The authority shall pay all expenses of the deactivation and dissolution.
8503 Section 201. Section **67-4a-402** is amended to read:
8504 **67-4a-402. Publication of notice.**
8505 Within 12 months of the date the unclaimed property was paid or delivered to the
8506 administrator, the administrator shall:
8507 (1) cause a notice to be published once [~~in a newspaper having general circulation in~~
8508 ~~Utah~~] on the Utah Public Notice Website as described in Section 63F-1-701; and
8509 (2) ensure that the notice is in a form that is likely to attract the attention of the
8510 apparent owner of the unclaimed property.
8511 Section 202. Section **67-4a-403** is amended to read:
8512 **67-4a-403. Disposition of abandoned property -- Sale.**
8513 (1) (a) Except as provided in Subsections (2) and (3), the administrator shall:
8514 (i) within three years after the receipt of abandoned property, sell the property to the
8515 highest bidder at a public sale, which may include sale via the Internet; and
8516 (ii) if the sale is held at a specified physical location, publish notice of the sale [~~in a~~
8517 ~~newspaper of general circulation in this state~~] on the Utah Public Notice Website as described
8518 in Section 63F-1-701 at least three weeks before the sale.
8519 (b) The administrator may hold the sale in whatever city in Utah he believes will

8520 provide the most favorable market for the property.
8521 (c) The administrator may decline the highest bid and reoffer the property for sale if the
8522 bid is insufficient.
8523 (d) If the administrator determines that the probable cost of sale exceeds the value of
8524 the property, the administrator need not offer the property for sale.
8525 (e) When any person makes a claim, the administrator shall provide the person with:
8526 (i) the property delivered by the holder to the administrator; or
8527 (ii) the proceeds received from the sale.
8528 (f) The administrator may, in the administrator's discretion, deduct reasonable fees and
8529 expenses incurred from the sale.
8530 (2) (a) The administrator shall sell:
8531 (i) securities listed on an established stock exchange at prices prevailing at the time of
8532 sale on the exchange; and
8533 (ii) securities not listed on an established stock exchange:
8534 (A) over-the-counter at prices prevailing at the time of sale; or
8535 (B) by any other method the administrator considers to be in the best interest of the
8536 state.
8537 (b) The administrator may sell securities upon receipt.
8538 (c) When any person makes a claim, the administrator shall provide the person with:
8539 (i) the securities delivered to the administrator by the holder, if they still remain in the
8540 hands of the administrator; or
8541 (ii) the proceeds received from the sale.
8542 (d) The administrator may, in the administrator's discretion, deduct reasonable fees and
8543 expenses incurred from the sale.
8544 (e) A person making a claim under this section may not make any claim against the
8545 state, the holder, any transfer agent, registrar or other person acting for or on behalf of a holder
8546 for any appreciation in the value of the property occurring after delivery by the holder to the
8547 administrator.
8548 (3) (a) The purchaser of any property at any sale conducted by the administrator under
8549 the authority of this chapter takes the property free of all claims of the owner or previous
8550 holder of the property and of all persons claiming through or under them.

8551 (b) The administrator shall execute all documents necessary to complete the transfer of
8552 ownership.
8553 Section 203. Section **72-3-108** is amended to read:
8554 **72-3-108. County roads -- Vacation and narrowing.**
8555 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
8556 without petition or after petition by a property owner.
8557 (2) A county may not vacate a county road unless notice of the hearing is:
8558 (a) published [~~in a newspaper of general circulation in the county~~] on the Utah Public
8559 Notice Website as described in Section 63F-1-701 once a week for four consecutive weeks
8560 prior to the hearing; [~~or~~]
8561 (b) posted in three public places for four consecutive weeks prior to the hearing; and
8562 (c) mailed to the department and all owners of property abutting the county road.
8563 (3) The right-of-way and easements, if any, of a property owner and the franchise rights
8564 of any public utility may not be impaired by vacating or narrowing a county road.
8565 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the
8566 state's right-of-way interest in the county road is also vacated.
8567 Section 204. Section **72-5-105** is amended to read:
8568 **72-5-105. Highways, streets, or roads once established continue until abandoned**
8569 **-- Temporary closure.**
8570 (1) All public highways, streets, or roads once established shall continue to be
8571 highways, streets, or roads until abandoned or vacated by order of a highway authority having
8572 jurisdiction or by other competent authority.
8573 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
8574 proper authority with the county recorder's office, title to the vacated or abandoned highway,
8575 street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway,
8576 street, or road assessed to each of the adjoining owners.
8577 (b) Provided, however, that should a description of an owner of record extend into the
8578 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
8579 highway, street, or road shall vest in the record owner, with the remainder of the highway,
8580 street, or road vested as otherwise provided in this Subsection (2).
8581 (3) (a) In accordance with this section, a state or local highway authority may

8582 temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D
8583 road or R.S. 2477 right-of-way.
8584 (b) A temporary closure authorized under this section is not an abandonment.
8585 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
8586 following circumstances:
8587 (i) when a federal authority, or other person, provides an alternate route to an R.S.
8588 2477 right-of-way or portion of an R.S. 2477 right-of-way that is:
8589 (A) accepted by the highway authority; and
8590 (B) formalized by:
8591 (I) a federal permit; or
8592 (II) a written agreement between the federal authority or other person and the highway
8593 authority; or
8594 (ii) when a state or local highway authority determines that correction or mitigation of
8595 injury to private or public land resources is necessary on or near a class B or D road or portion
8596 of a class B or D road.
8597 (d) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
8598 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
8599 reason.
8600 (e) A temporary closure authorized under Subsection (3)(c)(ii) shall:
8601 (i) be authorized annually; and
8602 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
8603 whichever is less.
8604 (4) Prior to authorizing a temporary closure under Subsection (3), a highway authority
8605 shall:
8606 (a) hold a hearing on the proposed temporary closure;
8607 (b) provide notice of the hearing by:
8608 (i) mailing a notice to the Department of Transportation and all owners of property
8609 abutting the highway; and
8610 (ii) (A) publishing the notice [~~in a newspaper of general circulation in the county~~] on
8611 the Utah Public Notice Website as described in Section 63F-1-701 at least once a week for four
8612 consecutive weeks prior to the hearing; [~~or~~] and

8613 (B) posting the notice in three public places for at least four consecutive weeks prior to
8614 the hearing; and
8615 (c) pass an ordinance authorizing the temporary closure.
8616 (5) The right-of-way and easements, if any, of a property owner and the franchise rights
8617 of any public utility may not be impaired by a temporary closure authorized under this section.
8618 Section 205. Section **72-6-108** is amended to read:
8619 **72-6-108. Class B and C roads -- Improvement projects -- Contracts -- Retainage.**
8620 (1) A county executive for class B roads and the municipal executive for class C roads
8621 shall cause plans, specifications, and estimates to be made prior to the construction of any
8622 improvement project, as defined in Section 72-6-109, on a class B or C road if the estimated
8623 cost for any one project exceeds the bid limit as defined in Section 72-6-109 for labor,
8624 equipment, and materials.
8625 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let
8626 to the lowest responsible bidder.
8627 (b) If the estimated cost of the improvement project exceeds the bid limit for labor,
8628 equipment, and materials, the project may not be divided to permit the construction in parts,
8629 unless each part is done by contract.
8630 (3) The advertisement on bids shall be published [~~in a newspaper of general circulation~~
8631 ~~in the county in which the work is to be performed~~] on the Utah Public Notice Website as
8632 described in Section 63F-1-701 at least once a week for three consecutive weeks[~~. If there is~~
8633 ~~no newspaper of general circulation,~~] and the notice shall be posted for at least 20 days in at
8634 least five public places in the county.
8635 (4) The county or municipal executive or their designee shall receive sealed bids and
8636 open the bids at the time and place designated in the advertisement. The county or municipal
8637 executive or their designee may then award the contract but may reject any and all bids.
8638 (5) The person, firm, or corporation that is awarded a contract under this section is
8639 subject to the provisions of Title 63G, Chapter 6, Utah Procurement Code.
8640 (6) If any payment on a contract with a private contractor for construction or
8641 improvement of a class B or C road is retained or withheld, the payment shall be retained or
8642 withheld and released as provided in Section 13-8-5.
8643 Section 206. Section **73-1-4** is amended to read:

8644 **73-1-4. Reversion to the public by abandonment or forfeiture for nonuse within**
8645 **seven years -- Nonuse application.**
8646 (1) As used in this section:
8647 (a) "Public entity" means:
8648 (i) the United States;
8649 (ii) an agency of the United States;
8650 (iii) the state;
8651 (iv) a state agency;
8652 (v) a political subdivision of the state; or
8653 (vi) an agency of a political subdivision of the state.
8654 (b) "Public water supplier" means an entity that:
8655 (i) supplies water, directly or indirectly, to the public for municipal, domestic, or
8656 industrial use; and
8657 (ii) is:
8658 (A) a public entity;
8659 (B) a water corporation, as defined in Section 54-2-1, that is regulated by the Public
8660 Service Commission;
8661 (C) a community water system:
8662 (I) that:
8663 (Aa) supplies water to at least 100 service connections used by year-round residents; or
8664 (Bb) regularly serves at least 200 year-round residents; and
8665 (II) whose voting members:
8666 (Aa) own a share in the community water system;
8667 (Bb) receive water from the community water system in proportion to the member's
8668 share in the community water system; and
8669 (Cc) pay the rate set by the community water system based on the water the member
8670 receives; or
8671 (D) a water users association:
8672 (I) in which one or more public entities own at least 70% of the outstanding shares; and
8673 (II) that is a local sponsor of a water project constructed by the United States Bureau of
8674 Reclamation.

8675 (c) "Shareholder" is as defined in Section 73-3-3.5.
8676 (d) "Water company" is as defined in Section 73-3-3.5.
8677 (e) "Water supply entity" means an entity that supplies water as a utility service or for
8678 irrigation purposes and is also:
8679 (i) a municipality, water conservancy district, metropolitan water district, irrigation
8680 district, or other public agency;
8681 (ii) a water company regulated by the Public Service Commission; or
8682 (iii) any other owner of a community water system.
8683 (2) (a) When an appropriator or the appropriator's successor in interest abandons or
8684 ceases to use all or a portion of a water right for a period of seven years, the water right or the
8685 unused portion of that water right is subject to forfeiture in accordance with Subsection (2)(c),
8686 unless the appropriator or the appropriator's successor in interest files a nonuse application
8687 with the state engineer.
8688 (b) (i) A nonuse application may be filed on all or a portion of the water right,
8689 including water rights held by a water company.
8690 (ii) After giving written notice to the water company, a shareholder may file a nonuse
8691 application with the state engineer on the water represented by the stock.
8692 (c) (i) A water right or a portion of the water right may not be forfeited unless a judicial
8693 action to declare the right forfeited is commenced within 15 years from the end of the latest
8694 period of nonuse of at least seven years.
8695 (ii) If forfeiture is asserted in an action for general determination of rights in
8696 conformance with the provisions of Chapter 4, Determination of Water Rights, the 15-year
8697 limitation period shall commence to run back in time from the date the state engineer's
8698 proposed determination of rights is served upon each claimant.
8699 (iii) A decree entered in an action for general determination of rights under Chapter 4,
8700 Determination of Water Rights, shall bar any claim of forfeiture for prior nonuse against any
8701 right determined to be valid in the decree, but does not bar a claim for periods of nonuse that
8702 occur after the entry of the decree.
8703 (iv) A proposed determination by the state engineer in an action for general
8704 determination of rights under Chapter 4, Determination of Water Rights, bars a claim of
8705 forfeiture for prior nonuse against any right proposed to be valid, unless a timely objection has

8706 been filed within the time allowed in Chapter 4, Determination of Water Rights.
8707 (v) If in a judicial action a court declares a water right forfeited, on the date on which
8708 the water right is forfeited:
8709 (A) the right to use the water reverts to the public; and
8710 (B) the water made available by the forfeiture:
8711 (I) first, satisfies other water rights in the hydrologic system in order of priority date;
8712 and
8713 (II) second, may be appropriated as provided in this title.
8714 (d) This section applies whether the unused or abandoned water or a portion of the
8715 water is:
8716 (i) permitted to run to waste; or
8717 (ii) used by others without right with the knowledge of the water right holder.
8718 (e) This section does not apply to:
8719 (i) the use of water according to a lease or other agreement with the appropriator or the
8720 appropriator's successor in interest;
8721 (ii) a water right if its place of use is contracted under an approved state agreement or
8722 federal conservation fallowing program;
8723 (iii) those periods of time when a surface water or groundwater source fails to yield
8724 sufficient water to satisfy the water right;
8725 (iv) a water right when water is unavailable because of the water right's priority date;
8726 (v) a water right to store water in a surface reservoir or an aquifer, in accordance with
8727 Title 73, Chapter 3b, Groundwater Recharge and Recovery Act, if:
8728 (A) the water is stored for present or future use; or
8729 (B) storage is limited by a safety, regulatory, or engineering restraint that the
8730 appropriator or the appropriator's successor in interest cannot reasonably correct;
8731 (vi) a water right if a water user has beneficially used substantially all of the water right
8732 within a seven-year period, provided that this exemption does not apply to the adjudication of a
8733 water right in a general determination of water rights under Chapter 4, Determination of Water
8734 Rights;
8735 (vii) except as provided by Subsection (2)(g), a water right:
8736 (A) (I) owned by a public water supplier;

8737 (II) represented by a public water supplier's ownership interest in a water company; or
8738 (III) to which a public water supplier owns the right of use; and
8739 (B) conserved or held for the reasonable future water requirement of the public, which
8740 is determined according to Subsection (2)(f);
8741 (viii) a supplemental water right during a period of time when another water right
8742 available to the appropriator or the appropriator's successor in interest provides sufficient water
8743 so as to not require use of the supplemental water right; or
8744 (ix) a water right subject to an approved change application where the applicant is
8745 diligently pursuing certification.
8746 (f) (i) The reasonable future water requirement of the public is the amount of water
8747 needed in the next 40 years by the persons within the public water supplier's projected service
8748 area based on projected population growth or other water use demand.
8749 (ii) For purposes of Subsection (2)(f)(i), a community water system's projected service
8750 area:
8751 (A) is the area served by the community water system's distribution facilities; and
8752 (B) expands as the community water system expands the distribution facilities in
8753 accordance with Title 19, Chapter 4, Safe Drinking Water Act.
8754 (g) For a water right acquired by a public water supplier on or after May 5, 2008,
8755 Subsection (2)(e)(vii) applies if:
8756 (i) the public water supplier submits a change application under Section 73-3-3; and
8757 (ii) the state engineer approves the change application.
8758 (3) (a) The state engineer shall furnish a nonuse application form requiring the
8759 following information:
8760 (i) the name and address of the applicant;
8761 (ii) a description of the water right or a portion of the water right, including the point of
8762 diversion, place of use, and priority;
8763 (iii) the quantity of water;
8764 (iv) the period of use;
8765 (v) the extension of time applied for;
8766 (vi) a statement of the reason for the nonuse of the water; and
8767 (vii) any other information that the state engineer requires.

8768 (b) (i) Filing the nonuse application extends the time during which nonuse may
8769 continue until the state engineer issues an order on the nonuse application.
8770 (ii) Approval of a nonuse application protects a water right from forfeiture for nonuse
8771 from the application's filing date until the approved application's expiration date.
8772 (c) (i) Upon receipt of the application, the state engineer shall publish a notice of the
8773 application once a week for two successive weeks [~~in a newspaper of general circulation in the~~
8774 ~~county in which the source of the water supply is located and where the water is to be used~~] on
8775 the Utah Public Notice Website as described in Section 63F-1-701.
8776 (ii) The notice shall:
8777 (A) state that an application has been made; and
8778 (B) specify where the interested party may obtain additional information relating to the
8779 application.
8780 (d) Any interested person may file a written protest with the state engineer against the
8781 granting of the application:
8782 (i) within 20 days after the notice is published, if the adjudicative proceeding is
8783 informal; and
8784 (ii) within 30 days after the notice is published, if the adjudicative proceeding is
8785 formal.
8786 (e) In any proceedings to determine whether the nonuse application should be approved
8787 or rejected, the state engineer shall follow the procedures and requirements of Title 63G,
8788 Chapter 4, Administrative Procedures Act.
8789 (f) After further investigation, the state engineer may approve or reject the application.
8790 (4) (a) The state engineer shall grant a nonuse application on all or a portion of a water
8791 right for a period of time not exceeding seven years if the applicant shows a reasonable cause
8792 for nonuse.
8793 (b) A reasonable cause for nonuse includes:
8794 (i) a demonstrable financial hardship or economic depression;
8795 (ii) the initiation of water conservation or efficiency practices, or the operation of a
8796 groundwater recharge recovery program approved by the state engineer;
8797 (iii) operation of legal proceedings;
8798 (iv) the holding of a water right or stock in a mutual water company without use by any

8799 water supply entity to meet the reasonable future requirements of the public;
8800 (v) situations where, in the opinion of the state engineer, the nonuse would assist in
8801 implementing an existing, approved water management plan; or
8802 (vi) the loss of capacity caused by deterioration of the water supply or delivery
8803 equipment if the applicant submits, with the application, a specific plan to resume full use of
8804 the water right by replacing, restoring, or improving the equipment.
8805 (5) (a) Sixty days before the expiration of a nonuse application, the state engineer shall
8806 notify the applicant by mail or by any form of electronic communication through which receipt
8807 is verifiable, of the date when the nonuse application will expire.
8808 (b) An applicant may file a subsequent nonuse application in accordance with this
8809 section.
8810 Section 207. Section **73-1-16** is amended to read:
8811 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**
8812 **-- Costs -- Review.**
8813 Where any water users' association, irrigation company, canal company, ditch company,
8814 reservoir company, or other corporation of like character or purpose, organized under the laws
8815 of this state has entered into or proposes to enter into a contract with the United States for the
8816 payment by such association or company of the construction and other charges of a federal
8817 reclamation project constructed, under construction, or to be constructed within this state, and
8818 where funds for the payment of such charges are to be obtained from assessments levied upon
8819 the stock of such association or company, or where a lien is created or will be created against
8820 any of the land, property, canals, water rights or other assets of such association or company or
8821 against the land, property, canals, water rights or other assets of any stockholder of such
8822 association or company to secure the payment of construction or other charges of a reclamation
8823 project, the water users' association, irrigation company, canal company, ditch company,
8824 reservoir company or other corporation of like character or purpose may file in the district court
8825 of the county wherein is situated the office of such association or company a petition entitled
8826 "..... Water Users' Association" or "..... Company," as the case may be, "against the
8827 stockholders of said association or company and the owners and mortgagees of land within the
8828 ..... Federal Reclamation Project." No other or more specific description of the defendants
8829 shall be required. In the petition it may be stated that the water users' association, irrigation

8830 company, canal company, ditch company, reservoir company or other corporation of like
8831 character and purpose has entered into or proposes to enter into a contract with the United
8832 States, to be set out in full in said petition, with a prayer that the court find said contract to be
8833 valid, and a modification of any individual contracts between the United States and the
8834 stockholders of such association or company, or between the association or company, and its
8835 stockholders, so far as such individual contracts are at variance with the contract or proposed
8836 contract between the association or company and the United States.
8837 Thereupon a notice in the nature of a summons shall issue under the hand and seal of
8838 the clerk of said court, stating in brief outline the contents of said petition, and showing where
8839 a full copy of said contract or proposed contract may be examined, such notice to be directed to
8840 the said defendants under the same general designations, which shall be deemed sufficient to
8841 give the court jurisdiction of all matters involved and parties interested. Service shall be
8842 obtained (a) by publication of such notice once a week for three consecutive weeks (three
8843 times) [~~in a newspaper published in each county where the irrigable land of such federal~~
8844 ~~reclamation project is situated~~] on the Utah Public Notice Website as described in Section
8845 63F-1-701, and (b) by the posting at least three weeks prior to the date of the hearing on said
8846 petition of the notice and a complete copy of the said contract or proposed contract in the office
8847 of the plaintiff association or company, and at three other public places within the boundaries
8848 of such federal reclamation project. Any stockholder in the plaintiff association or company, or
8849 owner, or mortgagee of land within said federal reclamation project affected by the contract
8850 proposed to be made by such association or company, may demur to or answer said petition
8851 before the date set for such hearing or within such further time as may be allowed therefor by
8852 the court. The failure of any persons affected by the said contract to answer or demur shall be
8853 construed, so far as such persons are concerned as an acknowledgment of the validity of said
8854 contract and as a consent to the modification of said individual contracts if any with such
8855 association or company or with the United States, to the extent that such modification is
8856 required to cause the said individual contracts if any to conform to the terms of the contract or
8857 proposed contract between the plaintiff and the United States. All persons filing demurrers or
8858 answers shall be entered as defendants in said cause and their defense consolidated for hearing
8859 or trial. Upon hearing the court shall examine all matters and things in controversy and shall
8860 enter judgment and decree as the case warrants, showing how and to what extent, if any, the

8861 said individual contracts of the defendants or under which they claim are modified by the
8862 plaintiff's contract or proposed contract with the United States. In reaching his conclusion in
8863 such causes, the court shall follow a liberal interpretation of the laws, and shall disregard
8864 informalities or omissions not affecting the substantial rights of the parties, unless it is
8865 affirmatively shown that such informalities or omissions led to a different result than would
8866 have been obtained otherwise. The Code of Civil Procedure shall govern matters of pleading
8867 and practice as nearly as may be. Costs may be assessed or apportioned among contesting
8868 parties in the discretion of the trial court. Review of the judgment of the district court by the
8869 Supreme Court may be had as in other civil causes.
8870 Section 208. Section **73-3-6** is amended to read:
8871 **73-3-6. Publication of notice of application -- Corrections or amendments of**
8872 **applications.**
8873 (1) (a) When an application is filed in compliance with this title, the state engineer
8874 shall publish a notice of the application once a week for a period of two successive weeks [~~in a~~
8875 ~~newspaper of general circulation in the county in which the source of supply is located, and~~
8876 ~~where the water is to be used~~] on the Utah Public Notice Website as described in Section
8877 63F-1-701.
8878 (b) The notice shall:
8879 (i) state that an application has been made; and
8880 (ii) specify where the interested party may obtain additional information relating to the
8881 application.
8882 (c) Clerical errors, ambiguities, and mistakes that do not prejudice the rights of others
8883 may be corrected by order of the state engineer either before or after the publication of notice.
8884 (2) After publication of notice to water users, the state engineer may authorize
8885 amendments or corrections that involve a change of point of diversion, place, or purpose of use
8886 of water, only after republication of notice to water users.
8887 Section 209. Section **73-3-12** is amended to read:
8888 **73-3-12. Time limit on construction and application to beneficial use --**
8889 **Extensions -- Procedures and criteria.**
8890 (1) As used in this section:
8891 (a) "Public agency" means:

8892 (i) a public water supply agency of the state or a political subdivision of the state; or
8893 (ii) the Bureau of Reclamation.
8894 (b) "Wholesale electrical cooperative" is as defined in Section 54-2-1.
8895 (2) (a) An applicant shall construct works, if necessary, and apply the water to
8896 beneficial use within the time fixed by the state engineer.
8897 (b) Except as provided by Subsection (2)(c), the state engineer may grant an extension
8898 of time, not exceeding 50 years from the application's approval date, if the applicant shows
8899 diligence or a reasonable cause for delay.
8900 (c) The state engineer may grant an extension of time, beyond 50 years, on an
8901 application held by a public agency or a wholesale electrical cooperative if the public agency or
8902 wholesale electrical cooperative shows that the water will be needed to meet the reasonable
8903 future water or electricity requirements of the public.
8904 (d) An applicant shall file a request for an extension of time with the office of the state
8905 engineer on or before the date fixed for filing proof of appropriation.
8906 (e) The state engineer may grant an extension of time:
8907 (i) not exceeding 14 years after the approval date upon a sufficient showing; and
8908 (ii) beyond 14 years after application and publication of notice.
8909 (f) (i) The state engineer shall publish a notice of the application once a week for two
8910 successive weeks, [~~in a newspaper of general circulation, in the county in which the water~~
8911 ~~supply source is located and where the water is to be used~~] on the Utah Public Notice Website
8912 as described in Section 63F-1-701.
8913 (ii) The notice shall:
8914 (A) state that an application has been made; and
8915 (B) specify where the interested party may obtain additional information relating to the
8916 application.
8917 (g) Any person who owns a water right or holds an application from the source of
8918 supply referred to in Subsection (2)(f) may file a protest with the state engineer:
8919 (i) within 20 days after the notice is published, if the adjudicative proceeding is
8920 informal; and
8921 (ii) within 30 days after the notice is published, if the adjudicative proceeding is
8922 formal.

8923 (h) In considering an application to extend the time in which to place water to
8924 beneficial use under an approved application, the state engineer shall deny the extension of
8925 time and declare the application lapsed, unless the applicant affirmatively shows that the
8926 applicant has exercised or is exercising reasonable and due diligence in working toward
8927 completion of the appropriation.
8928 (i) (i) The state engineer shall approve the extension of time if the applicant shows
8929 reasonable and due diligence.
8930 (ii) The approved extension of time is effective so long as the applicant continues to
8931 exercise reasonable diligence in completing the appropriation.
8932 (j) (i) The state engineer shall consider the holding of an approved application by a
8933 public agency or a wholesale electrical cooperative to meet the reasonable future water or
8934 electricity requirements of the public to be reasonable and due diligence within the meaning of
8935 this section for the first 50 years.
8936 (ii) The state engineer may approve an extension of time beyond 50 years for a public
8937 agency or a wholesale electrical cooperative, if the public agency or wholesale electrical
8938 cooperative provides information that shows the water will be needed to meet the reasonable
8939 future water or electricity requirements of the public.
8940 (k) If the state engineer finds unjustified delay or lack of diligence in prosecuting the
8941 works to completion, the state engineer may:
8942 (i) deny the extension of time; or
8943 (ii) grant the request in part or upon conditions, including a reduction of the priority of
8944 all or part of the application.
8945 (3) (a) Except as provided by Subsections (3)(b) and (c), an application upon which
8946 proof has not been submitted shall lapse and have no further force or effect after the expiration
8947 of 50 years from the date of its approval.
8948 (b) If the works are constructed with which to make beneficial use of the water applied
8949 for, the state engineer may, upon showing of that fact, grant additional time beyond the 50-year
8950 period in which to make proof.
8951 (c) An application held by a public agency or a wholesale electrical cooperative to meet
8952 the reasonable future water or electricity requirements of the public, for which proof of
8953 appropriation has not been submitted, shall lapse, unless extended as provided in Subsection

8954 (2)(j).
8955 Section 210. Section **73-3a-107** is amended to read:
8956 **73-3a-107. Publication of notice of application -- Corrections or amendments of**
8957 **applications.**
8958 (1) (a) When an application is filed in accordance with Section 73-3a-106 and relevant
8959 provisions of Chapter 3, Appropriation, the state engineer shall publish a notice of the
8960 application once a week for a period of two successive weeks [~~in a newspaper of general~~
8961 ~~circulation in the county in which the water source is located and where the water is to be used~~]
8962 on the Utah Public Notice Website as described in Section 63F-1-701.
8963 (b) The notice shall:
8964 (i) state that an application has been made; and
8965 (ii) specify where the interested party may obtain additional information relating to the
8966 application.
8967 [~~(c) The notice may be published in more than one newspaper.~~]
8968 (2) Clerical errors, ambiguities, and mistakes in the application that do not prejudice
8969 the rights of others may be corrected by order of the state engineer either before or after the
8970 publication of notice.
8971 (3) If amendments or corrections to the application are made that involve a change of
8972 point of diversion, place of use, or purpose of use of water, the notice must be republished.
8973 Section 211. Section **73-4-3** is amended to read:
8974 **73-4-3. Procedure for action to determine rights -- Notice to and list of claimants**
8975 **-- Manner of giving notice of further proceedings -- Duties of engineer -- Survey -- Notice**
8976 **of completion.**
8977 (1) Upon the filing of any action by the state engineer as provided in Section 73-4-1, or
8978 by any person claiming the right to use the waters of any river system, lake, underground water
8979 basin, or other natural source of supply that involves a determination of the rights to the major
8980 part of the water of the source of supply or the rights of ten or more of the claimants of the
8981 source of supply, the clerk of the district court shall notify the state engineer that a suit has
8982 been filed.
8983 (2) (a) The state engineer then shall give notice to the claimants by publishing notice
8984 once a week for two consecutive weeks [~~in a newspaper designated by the court as most likely~~

8985 ~~to give notice to such claimants~~] on the Utah Public Notice Website as described in Section
8986 63F-1-701.
8987 (b) The notice shall state:
8988 (i) an action has been filed;
8989 (ii) the name of the action;
8990 (iii) the name and location of the court in which the action is pending; and
8991 (iv) the name or description of the water source involved.
8992 (c) Claimants to the use of water shall notify the state engineer within 90 days from the
8993 date notice is given of their names and addresses.
8994 (d) After the expiration of 90 days, the state engineer shall prepare a list that shall
8995 include the names and addresses of all claimants then of record in the state engineer's office
8996 and all claimants who have notified the state engineer of their addresses, and this list shall be
8997 certified by the state engineer as complete and filed with the clerk of the court.
8998 (e) The court upon petition may by order permit the addition of names and addresses to
8999 this list at any time during the pendency of the action, and the clerk of the court may, without
9000 court order, upon notice from the claimant note any change of address.
9001 (f) If any claimant appears in this action by an attorney, the clerk shall note on the list
9002 the address of the attorney.
9003 (g) After the list is filed by the state engineer, notice of further proceedings, after
9004 service of summons, may be given without court order by mailing a copy thereof to the persons
9005 listed at the addresses listed and by mailing a copy thereof to any attorney of record for any
9006 such person, and notice may be given to such listed persons and to all other claimants by
9007 publication in the manner and for the time prescribed by order of the district court on the Utah
9008 Public Notice Website as described in Section 63F-1-701.
9009 (3) After the statement or list is filed, the state engineer shall begin the survey of the
9010 water source and the ditches, canals, wells, tunnels, or other works diverting water therefrom.
9011 (4) (a) As soon as the survey is complete, the state engineer shall file notice of
9012 completion with the clerk and give notice by mail or by personal service to all claimants whose
9013 names appear on the list that:
9014 (i) the survey is complete;
9015 (ii) their claims are due within 90 days from the date of notice; and

9016 (iii) within 90 days after service of the notice, each claimant must file a written
9017 statement with the clerk of the court setting forth the claimant's respective claim to the use of
9018 the water.
9019 (b) Notice given by mail is complete when the notice is mailed.
9020 (5) When a suit has been filed by the state engineer as provided by Section 73-4-1, or
9021 by any person involving the major part of the waters of any river system, lake, underground
9022 water basin, or other source of supply, or the rights of ten or more of the water claimants of the
9023 source of supply, whether the suit is filed prior to or after the enactment hereof, the state
9024 engineer, upon receiving notice, shall examine the records of the state engineer's office with
9025 respect to the water source involved, and if they are incomplete to make such further
9026 investigation and survey as may be necessary for the preparation of the report and
9027 recommendation as required by Section 73-4-11.
9028 (6) In all such cases the court shall proceed to determine the water rights involved in
9029 the manner provided by this chapter, and not otherwise.
9030 Section 212. Section **73-4-4** is amended to read:
9031 **73-4-4. Summons -- Service -- Publication -- Form -- Delivery of form for**
9032 **claimant's statement.**
9033 (1) (a) Claimants whose names appear on the list prescribed by Section 73-4-3 at the
9034 time the list is filed by the state engineer with the clerk of the court shall be served with a
9035 summons issued out of the district court and served as a summons is served in other civil cases.
9036 (b) Upon the filing by the state engineer of an affidavit that the state engineer has
9037 searched the records of the state engineer's office and has listed all names as required by
9038 Section 73-4-3, and upon proof of publication of notice to all claimants to notify the state
9039 engineer of their names and addresses, summons may be served on all other persons and
9040 claimants not listed on said list by publication of summons, [~~in a newspaper or newspapers~~
9041 ~~designated by the judge of the court as most likely to give notice to the persons served~~] on the
9042 Utah Public Notice Website as described in Section 63F-1-701, five times, once each week for
9043 five successive weeks.
9044 (c) Service of summons is completed upon the date of the publication.
9045 (d) The summons shall be substantially in the following form:
9046 "In the District Court of ..... County, State of Utah, in the matter of the general

9047 adjudication of water rights in the described water source.
9048 SUMMONS
9049 The State of Utah to the said defendant:
9050 You are hereby summoned to appear and defend the above entitled action which is
9051 brought for the purpose of making a general determination of the water rights of the described
9052 water source. Upon the service of this summons upon you, you will thereafter be subject to the
9053 jurisdiction of the entitled court and it shall be your duty to follow further proceedings in the
9054 above entitled action and to protect your rights therein. When the state engineer has completed
9055 the survey you will be given a further written notice, either in person or by mail, sent to your
9056 last-known address, that you must file a water users claim in this action setting forth the nature
9057 of your claim, and said notice will specify the date upon which your water users claim is due
9058 and thereafter you must file said claim within the time set and your failure so to do will
9059 constitute a default in the premises and a judgment may be entered against you declaring and
9060 adjudging that you have no right in or to the waters of described water source."
9061 (2) At the time the said notice of completion of survey is given, the state engineer must
9062 mail or otherwise deliver a form upon which the claimant shall present in writing, as provided
9063 in the next succeeding section, all the particulars relating to the appropriation of the water of
9064 said river system or water source to which the claimant lays claim.
9065 Section 213. Section **73-4-9** is amended to read:
9066 **73-4-9. Failure to file statement -- Relief.**
9067 The filing of each statement by a claimant shall be considered notice to all persons of
9068 the claim of the party making the same, and any person failing to make and deliver such
9069 statement of claim to the clerk of the court within the time prescribed by law shall be forever
9070 barred and estopped from subsequently asserting any rights, and shall be held to have forfeited
9071 all rights to the use of the water theretofore claimed by him; provided, that any claimant, upon
9072 whom no other service of said notice shall have been made than by publication [~~in a~~
9073 ~~newspaper~~] on the Utah Public Notice Website as described in Section 63F-1-701, may apply
9074 to the court for permission to file a statement of claim after the time therefor has expired, and
9075 the court may extend the time for filing such statement, not exceeding six months from the
9076 publication of said notice; but, before said time is extended, the applicant shall give notice by
9077 publication [~~in a newspaper having general circulation~~] on the Utah Public Notice Website as

9078 described in Section 63F-1-701 on such river system or near the water source to all other
9079 persons interested in the water of such river system or water source, and shall make it appear to
9080 the satisfaction of the court that during the pendency of the proceedings he had no actual notice
9081 thereof in time to appear and file a statement and make proof of his claim; and all parties
9082 interested may be heard as to the matter of his actual notice of the pendency of such
9083 proceedings.
9084 Section 214. Section **73-5-14** is amended to read:
9085 **73-5-14. Determination by the state engineer of watershed to which particular**
9086 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**
9087 The state engineer shall have the power to determine for administrative and distribution
9088 purposes the watershed to which any particular stream or source of water is tributary. Said
9089 determination may be made only after publication of notice to the water users. Said publication
9090 of notice shall be made [~~in a newspaper or newspapers having general circulation in every~~
9091 ~~county in this state in which any rights might be affected~~] on the Utah Public Notice Website as
9092 described in Section 63F-1-701. The publication is to be made once each week for five
9093 consecutive weeks. It shall fix the date and place of hearing and at said hearing any water user
9094 shall be given an opportunity to appear and adduce evidence material to the determination of
9095 the question involved. The result of said determination by the state engineer shall likewise be
9096 published in the manner set forth above and said notice of the decision of the state engineer
9097 shall also notify the public that any person aggrieved by said decision may appeal from said
9098 decision as provided by Section 73-3-14; and notice shall be deemed to have been given so as
9099 to start the time for appeal upon completion of the publication of notice.
9100 Section 215. Section **73-5-15** is amended to read:
9101 **73-5-15. Groundwater management plan.**
9102 (1) As used in this section:
9103 (a) "Critical management area" means a groundwater basin in which the groundwater
9104 withdrawals consistently exceed the safe yield.
9105 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
9106 groundwater basin over a period of time without exceeding the long-term recharge of the basin
9107 or unreasonably affecting the basin's physical and chemical integrity.
9108 (2) (a) The state engineer may regulate groundwater withdrawals within a specific

9109 groundwater basin by adopting a groundwater management plan in accordance with this section
9110 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
9111 basins or aquifers.
9112 (b) The objectives of a groundwater management plan are to:
9113 (i) limit groundwater withdrawals to safe yield;
9114 (ii) protect the physical integrity of the aquifer; and
9115 (iii) protect water quality.
9116 (c) The state engineer shall adopt a groundwater management plan for a groundwater
9117 basin if more than 1/3 of the water right owners in the groundwater basin request that the state
9118 engineer adopt a groundwater management plan.
9119 (3) (a) In developing a groundwater management plan, the state engineer may consider:
9120 (i) the hydrology of the groundwater basin;
9121 (ii) the physical characteristics of the groundwater basin;
9122 (iii) the relationship between surface water and groundwater, including whether the
9123 groundwater should be managed in conjunction with hydrologically connected surface waters;
9124 (iv) the geographic spacing and location of groundwater withdrawals;
9125 (v) water quality;
9126 (vi) local well interference; and
9127 (vii) other relevant factors.
9128 (b) The state engineer shall base the provisions of a groundwater management plan on
9129 the principles of prior appropriation.
9130 (c) (i) The state engineer shall use the best available scientific method to determine
9131 safe yield.
9132 (ii) As hydrologic conditions change or additional information becomes available, safe
9133 yield determinations made by the state engineer may be revised by following the procedures
9134 listed in Subsection (5).
9135 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
9136 groundwater basin shall be limited to the basin's safe yield.
9137 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
9138 shall:
9139 (A) determine the groundwater basin's safe yield; and

9140 (B) adopt a groundwater management plan for the groundwater basin.
9141 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
9142 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
9143 groundwater basin based on the priority date of the water rights under the groundwater
9144 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
9145 different distribution.
9146 (b) When adopting a groundwater management plan for a critical management area, the
9147 state engineer shall, based on economic and other impacts to an individual water user or a local
9148 community caused by the implementation of safe yield limits on withdrawals, allow gradual
9149 implementation of the groundwater management plan.
9150 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
9151 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
9152 before or after a determination that groundwater withdrawals exceed the groundwater basin's
9153 safe yield.
9154 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
9155 law.
9156 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
9157 all of the water users in a groundwater basin does not affect the rights of water users who do
9158 not agree to the voluntary arrangement.
9159 (5) To adopt a groundwater management plan, the state engineer shall:
9160 (a) give notice as specified in Subsection (7) at least 30 days before the first public
9161 meeting held in accordance with Subsection (5)(b):
9162 (i) that the state engineer proposes to adopt a groundwater management plan;
9163 (ii) describing generally the land area proposed to be included in the groundwater
9164 management plan; and
9165 (iii) stating the location, date, and time of each public meeting to be held in accordance
9166 with Subsection (5)(b);
9167 (b) hold one or more public meetings in the geographic area proposed to be included
9168 within the groundwater management plan to:
9169 (i) address the need for a groundwater management plan;
9170 (ii) present any data, studies, or reports that the state engineer intends to consider in

9171 preparing the groundwater management plan;
9172 (iii) address safe yield and any other subject that may be included in the groundwater
9173 management plan;
9174 (iv) outline the estimated administrative costs, if any, that groundwater users are likely
9175 to incur if the plan is adopted; and
9176 (v) receive any public comments and other information presented at the public
9177 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);
9178 (c) receive and consider written comments concerning the proposed groundwater
9179 management plan from any person for a period determined by the state engineer of not less
9180 than 60 days after the day on which the notice required by Subsection (5)(a) is given;
9181 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,
9182 publish notice:
9183 (A) that a draft of the groundwater management plan has been proposed; and
9184 (B) specifying where a copy of the draft plan may be reviewed; and
9185 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of
9186 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and
9187 (e) provide notice of the adoption of the groundwater management plan.
9188 (6) A groundwater management plan shall become effective on the date notice of
9189 adoption is completed under Subsection (7), or on a later date if specified in the plan.
9190 (7) (a) A notice required by this section shall be:
9191 (i) published once a week for two successive weeks [~~in a newspaper of general~~
9192 ~~circulation in each county that encompasses a portion of the land area proposed to be included~~
9193 ~~within the groundwater management plan~~] on the Utah Public Notice Website as described in
9194 Section 63F-1-701;
9195 (ii) published conspicuously on the state engineer's Internet website; and
9196 (iii) mailed to each of the following that has within its boundaries a portion of the land
9197 area to be included within the proposed groundwater management plan:
9198 (A) county;
9199 (B) incorporated city or town;
9200 (C) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
9201 Act;

9202 (D) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;
9203 (E) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;
9204 (F) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;
9205 (G) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
9206 Water District Act;
9207 (H) special service district providing water, sewer, drainage, or flood control services,
9208 under Title 17D, Chapter 1, Special Service District Act;
9209 (I) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
9210 Conservancy District Act; and
9211 (J) conservation district, under Title 17D, Chapter 3, Conservation District Act.
9212 (b) A notice required by this section is effective upon substantial compliance with
9213 Subsections (7)(a)(i) through (iii).
9214 (8) A groundwater management plan may be amended in the same manner as a
9215 groundwater management plan may be adopted under this section.
9216 (9) The existence of a groundwater management plan does not preclude any otherwise
9217 eligible person from filing any application or challenging any decision made by the state
9218 engineer within the affected groundwater basin.
9219 (10) (a) A person aggrieved by a groundwater management plan may challenge any
9220 aspect of the groundwater management plan by filing a complaint within 60 days after the
9221 adoption of the groundwater management plan in the district court for any county in which the
9222 groundwater basin is found.
9223 (b) Notwithstanding Subsection (9), a person may challenge the components of a
9224 groundwater management plan only in the manner provided by Subsection (10)(a).
9225 (c) An action brought under this Subsection (10) is reviewed de novo by the district
9226 court.
9227 (d) A person challenging a groundwater management plan under this Subsection (10)
9228 shall join the state engineer as a defendant in the action challenging the groundwater
9229 management plan.
9230 (e) (i) Within 30 days after the day on which a person files an action challenging any
9231 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
9232 shall publish notice of the action [~~in a newspaper of general circulation in the county in which~~

9233 ~~the district court is located~~] on the Utah Public Notice Website as described in Section
9234 63F-1-701.
9235 (ii) The notice required by Subsection (10)(e)(i) shall be published once a week for two
9236 consecutive weeks.
9237 (iii) The notice required by Subsection (10)(e)(i) shall:
9238 (A) identify the groundwater management plan the person is challenging;
9239 (B) identify the case number assigned by the district court;
9240 (C) state that a person affected by the groundwater management plan may petition the
9241 district court to intervene in the action challenging the groundwater management plan; and
9242 (D) list the address for the clerk of the district court in which the action is filed.
9243 (iv) (A) Any person affected by the groundwater management plan may petition to
9244 intervene in the action within 60 days after the day on which notice is last published under
9245 Subsections (10)(e)(i) and (ii).
9246 (B) The district court's treatment of a petition to intervene under this Subsection
9247 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.
9248 (v) A district court in which an action is brought under Subsection (10)(a) shall
9249 consolidate all actions brought under that Subsection and include in the consolidated action any
9250 person whose petition to intervene is granted.
9251 (11) A groundwater management plan adopted or amended in accordance with this
9252 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative
9253 Rulemaking Act.
9254 (12) Recharge and recovery projects permitted under Chapter 3b, Groundwater
9255 Recharge and Recovery Act, are exempted from this section.
9256 (13) Nothing in this section may be interpreted to require the development,
9257 implementation, or consideration of a groundwater management plan as a prerequisite or
9258 condition to the exercise of the state engineer's enforcement powers under other law, including
9259 powers granted under Section 73-2-25.
9260 (14) A groundwater management plan adopted in accordance with this section may not
9261 apply to the dewatering of a mine.
9262 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
9263 2006, remains in force and has the same legal effect as it had on the day on which it was

9264 adopted by the state engineer.
9265 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
9266 or after May 1, 2006, the amendment is subject to this section's provisions.
9267 Section 216. Section **73-6-2** is amended to read:
9268 **73-6-2. Restoration by proclamation -- Priority of applications.**
9269 Waters withdrawn from appropriation under this chapter may be restored by
9270 proclamation of the governor upon the recommendation of the state engineer. Such
9271 proclamation shall not become effective until notice thereof has been published at least once a
9272 week for three successive weeks [~~in a newspaper of general circulation within the boundaries~~
9273 ~~of the river system or water source within which the waters so to be restored are situated~~] on
9274 the Utah Public Notice Website as described in Section 63F-1-701. Applications for
9275 appropriations shall not be filed during the time such waters are withdrawn from appropriation;
9276 provided, that after the first publication of notice aforesaid applications may be deposited with
9277 the state engineer and at the time such proclamation becomes effective the engineer shall hold
9278 public hearings, giving all applicants notice, to determine which applications so filed during
9279 the period of publication of such notice are most conducive to the public good, and shall file
9280 such applications in order of priority according to such determination.
9281 Section 217. Section **75-1-401** is amended to read:
9282 **75-1-401. Notice -- Method and time of giving.**
9283 (1) If notice of a hearing on any petition is required and except for specific notice
9284 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
9285 hearing of any petition to be given to any interested person or his attorney if he has appeared by
9286 attorney or requested that notice be sent to his attorney. Notice shall be given by the clerk
9287 posting a copy of the notice for the ten consecutive days immediately preceding the time set for
9288 the hearing in at least three public places in the county, one of which must be at the courthouse
9289 of the county[~~;~~] and:
9290 (a) (i) by the clerk mailing a copy thereof at least ten days before the time set for the
9291 hearing by certified, registered, or ordinary first class mail addressed to the person being
9292 notified at the post-office address given in his demand for notice, if any, or at his office or
9293 place of residence, if known; or
9294 [~~(b)~~] (ii) by delivering a copy thereof to the person being notified personally at least ten

9295 days before the time set for the hearing; and
9296 [~~(c)~~] (b) if the address, or identity of any person is not known and cannot be ascertained
9297 with reasonable diligence, by publishing at least once a week for three consecutive weeks a
9298 copy thereof [~~in a newspaper having general circulation in the county where the hearing is to be~~
9299 ~~held~~] on the Utah Public Notice Website as described in Section 63F-1-701, the last publication
9300 of which is to be at least ten days before the time set for the hearing.
9301 (2) The court for good cause shown may provide for a different method or time of
9302 giving notice for any hearing.
9303 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the
9304 proceeding.
9305 Section 218. Section **75-3-801** is amended to read:
9306 **75-3-801. Notice to creditors.**
9307 (1) Unless notice has already been given under this section, a personal representative
9308 upon his appointment shall publish a notice to creditors once a week for three successive weeks
9309 [~~in a newspaper of general circulation in the county~~] on the Utah Public Notice Website as
9310 described in Section 63F-1-701 announcing the personal representative's appointment and
9311 address and notifying creditors of the estate to present their claims within three months after
9312 the date of the first publication of the notice or be forever barred.
9313 (2) A personal representative may give written notice by mail or other delivery to any
9314 creditor, notifying the creditor to present his claim within 90 days from the published notice if
9315 given as provided in Subsection (1) above or within 60 days from the mailing or other delivery
9316 of the notice, whichever is later, or be forever barred. Written notice shall be the notice
9317 described in Subsection (1) above or a similar notice.
9318 (3) The personal representative shall not be liable to any creditor or to any successor of
9319 the decedent for giving or failing to give notice under this section.
9320 Section 219. Section **75-7-508** is amended to read:
9321 **75-7-508. Notice to creditors.**
9322 (1) A trustee for an inter vivos revocable trust, upon the death of the settlor, may
9323 publish a notice to creditors once a week for three successive weeks [~~in a newspaper of general~~
9324 ~~circulation in the county where the settlor resided at the time of death~~] on the Utah Public
9325 Notice Website as described in Section 63F-1-701. The notice required by this Subsection (1)

9326 must:
9327 (a) provide the trustee's name and address; and
9328 (b) notify creditors:
9329 (i) of the deceased settlor; and
9330 (ii) to present their claims within three months after the date of the first publication of
9331 the notice or be forever barred from presenting the claim.
9332 (2) A trustee shall give written notice by mail or other delivery to any known creditor
9333 of the deceased settlor, notifying the creditor to present his claim within 90 days from the
9334 published notice if given as provided in Subsection (1) or within 60 days from the mailing or
9335 other delivery of the notice, whichever is later, or be forever barred. Written notice shall be the
9336 notice described in Subsection (1) or a similar notice.
9337 (3) (a) If the deceased settlor received medical assistance, as defined in Section
9338 26-19-2, at any time after the age of 55, the trustee for an inter vivos revocable trust, upon the
9339 death of the settlor, shall mail or deliver written notice to the Director of the Office of
9340 Recovery Services, on behalf of the Department of Health, to present any claim under Section
9341 26-19-13.5 within 60 days from the mailing or other delivery of notice, whichever is later, or
9342 be forever barred.
9343 (b) If the trustee does not mail notice to the director of the Office of Recovery Services
9344 on behalf of the department in accordance with Subsection (3)(a), the department shall have
9345 one year from the death of the settlor to present its claim.
9346 (4) The trustee shall not be liable to any creditor or to any successor of the deceased
9347 settlor for giving or failing to give notice under this section.
9348 Section 220. Section **76-8-809** is amended to read:
9349 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**
9350 **-- Posting of notices.**
9351 Any individual, partnership, association, corporation, municipal corporation or state or
9352 any political subdivision thereof engaged in or preparing to engage in the manufacture,
9353 transportation or storage of any product to be used in the preparation of the United States or
9354 any of the states for defense or for war or in the prosecution of war by the United States, or in
9355 the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or
9356 any of said natural or artificial persons operating any public utility who has property so used

9357 which he or it believes will be endangered if public use and travel is not restricted or prohibited
9358 on one or more highways or parts thereof upon which the property abuts, may petition the
9359 highway commissioners of any city, town, or county to close one or more of the highways or
9360 parts thereof to public use and travel or to restrict by order the use and travel upon one or more
9361 of the highways or parts thereof.
9362 Upon receipt of the petition, the highway commissioners shall set a day for hearing and
9363 give notice thereof by publication [~~in a newspaper having general circulation in the city, town,~~
9364 ~~or county in which the property is located~~] on the Utah Public Notice Website as described in
9365 Section 63F-1-701, the publication shall be made at least seven days prior to the date set for
9366 hearing. If, after hearing, the highway commissioners determine that the public safety and the
9367 safety of the property of the petitioner so require, they shall by suitable order close to public
9368 use and travel or reasonably restrict the use of and travel upon one or more of the highways or
9369 parts thereof; provided the highway commissioners may issue written permits to travel over the
9370 highway so closed or restricted to responsible and reputable persons for a term, under
9371 conditions and in a form as the commissioners may prescribe. Appropriate notices in letters at
9372 least three inches high shall be posted conspicuously at each end of any highway so closed or
9373 restricted by an order. The highway commissioners may at any time revoke or modify any order
9374 so made.
9375 Section 221. Section **76-10-530** is amended to read:
9376 **76-10-530. Trespass with a firearm in a house of worship or private residence --**
9377 **Notice -- Penalty.**
9378 (1) A person, including a person licensed to carry a concealed firearm pursuant to Title
9379 53, Chapter 5, Part 7, Concealed Weapon Act, after notice has been given as provided in
9380 Subsection (2) that firearms are prohibited, may not knowingly and intentionally:
9381 (a) transport a firearm into:
9382 (i) a house of worship; or
9383 (ii) a private residence; or
9384 (b) while in possession of a firearm, enter or remain in:
9385 (i) a house of worship; or
9386 (ii) a private residence.
9387 (2) Notice that firearms are prohibited may be given by:

9388 (a) personal communication to the actor by:
9389 (i) the church or organization operating the house of worship;
9390 (ii) the owner, lessee, or person with lawful right of possession of the private
9391 residence; or
9392 (iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and
9393 (ii);
9394 (b) posting of signs reasonably likely to come to the attention of persons entering the
9395 house of worship or private residence;
9396 (c) announcement, by a person with authority to act for the church or organization
9397 operating the house of worship, in a regular congregational meeting in the house of worship;
9398 (d) publication in a bulletin, newsletter, worship program, or similar document
9399 generally circulated or available to the members of the congregation regularly meeting in the
9400 house of worship; or
9401 (e) publication [~~in a newspaper of general circulation in the county in which the house~~
9402 ~~of worship is located or the church or organization operating the house of worship has its~~
9403 ~~principal office in this state~~] on the Utah Public Notice Website as described in Section
9404 63F-1-701.
9405 (3) A church or organization operating a house of worship and giving notice that
9406 firearms are prohibited may:
9407 (a) revoke the notice, with or without supersedure, by giving further notice in any
9408 manner provided in Subsection (2); and
9409 (b) provide or allow exceptions to the prohibition as the church or organization
9410 considers advisable.
9411 (4) (a) (i) Within 30 days of giving or revoking any notice pursuant to Subsection
9412 (2)(c), (d), or (e), a church or organization operating a house of worship shall notify the
9413 division on a form and in a manner as the division shall prescribe.
9414 (ii) The division shall post on its website a list of the churches and organizations
9415 operating houses of worship who have given notice under Subsection (4)(a)(i).
9416 (b) Any notice given pursuant to Subsection (2)(c), (d), or (e) shall remain in effect
9417 until revoked or for a period of one year from the date the notice was originally given,
9418 whichever occurs first.

9419 (5) Nothing in this section permits an owner who has granted the lawful right of
9420 possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm
9421 in the residence.
9422 (6) A violation of this section is an infraction.
9423 Section 222. Section **77-24a-5** is amended to read:
9424 **77-24a-5. Disposition of unclaimed property.**
9425 (1) (a) If the owner of any unclaimed property cannot be determined or notified, or if
9426 he is determined and notified, and fails to appear and claim the property after three months of
9427 its receipt by the local law enforcement agency, the agency shall:
9428 (i) publish at least one notice of the intent to dispose of the unclaimed property [~~in a~~
9429 ~~newspaper of general circulation within the county~~] on the Utah Public Notice Website as
9430 described in Section 63F-1-701; and
9431 (ii) post a similar notice in a public place designated for notice within the law
9432 enforcement agency.
9433 (b) The notice shall:
9434 (i) give a general description of the item; and
9435 (ii) the date of intended disposition.
9436 (c) The agency may not dispose of the unclaimed property until at least eight days after
9437 the date of publication and posting.
9438 (2) (a) If no claim is made for the unclaimed property within nine days of publication
9439 and posting, the agency shall notify the person who turned the property over to the local law
9440 enforcement agency, if it was turned over by a person under Section 77-24a-3.
9441 (b) Except as provided in Subsection (4), if that person has complied with the
9442 provisions of this chapter, [~~he~~] the person may take the unclaimed property if [~~he~~] the person:
9443 (i) pays the costs incurred for advertising and storage; and
9444 (ii) signs a receipt for the item.
9445 (3) If the person who found the unclaimed property fails to take the property under the
9446 provisions of this chapter, the agency shall dispose of that property and any other property that
9447 is not claimed under this chapter as provided by Section 77-24-4.
9448 (4) Any person employed by a law enforcement agency who finds property may not
9449 claim or receive property under this section.

9450 Section 223. Section **78A-6-109** is amended to read:
9451 **78A-6-109. Summons -- Service and process -- Issuance and contents -- Notice to**
9452 **absent parent or guardian -- Emergency medical or surgical treatment -- Compulsory**
9453 **process for attendance of witnesses when authorized.**
9454 (1) After a petition is filed the court shall promptly issue a summons, unless the judge
9455 directs that a further investigation is needed. No summons is required as to any person who
9456 appears voluntarily or who files a written waiver of service with the clerk of the court at or
9457 prior to the hearing.
9458 (2) The summons shall contain:
9459 (a) the name of the court;
9460 (b) the title of the proceedings; and
9461 (c) except for a published summons, a brief statement of the substance of the
9462 allegations in the petition.
9463 (3) A published summons shall state:
9464 (a) that a proceeding concerning the minor is pending in the court; and
9465 (b) an adjudication will be made.
9466 (4) The summons shall require the person or persons who have physical custody of the
9467 minor to appear personally and bring the minor before the court at a time and place stated. If
9468 the person or persons summoned are not the parent, parents, or guardian of the minor, the
9469 summons shall also be issued to the parent, parents, or guardian, as the case may be, notifying
9470 them of the pendency of the case and of the time and place set for the hearing.
9471 (5) Summons may be issued requiring the appearance of any other person whose
9472 presence the court finds necessary.
9473 (6) If it appears to the court that the welfare of the minor or of the public requires that
9474 the minor be taken into custody, the court may by endorsement upon the summons direct that
9475 the person serving the summons take the minor into custody at once.
9476 (7) Subject to Subsection 78A-6-117(2)(n)(iii), upon the sworn testimony of one or
9477 more reputable physicians, the court may order emergency medical or surgical treatment that is
9478 immediately necessary for a minor concerning whom a petition has been filed pending the
9479 service of summons upon the minor's parents, guardian, or custodian.
9480 (8) A parent or guardian is entitled to the issuance of compulsory process for the

9481 attendance of witnesses on the parent's or guardian's own behalf or on behalf of the minor. A
9482 guardian ad litem or a probation officer is entitled to compulsory process for the attendance of
9483 witnesses on behalf of the minor.
9484 (9) Service of summons and process and proof of service shall be made in the manner
9485 provided in the Utah Rules of Civil Procedure.
9486 (10) Service of summons or process shall be made by the sheriff of the county where
9487 the service is to be made, or by his deputy; but upon request of the court service shall be made
9488 by any other peace officer, or by another suitable person selected by the court.
9489 (11) Service of summons in the state shall be made personally, by delivering a copy to
9490 the person summoned; provided, however, that parents of a minor living together at their usual
9491 place of abode may both be served by personal delivery to either parent of copies of the
9492 summons, one copy for each parent.
9493 (12) If the judge makes a written finding that he has reason to believe that personal
9494 service of the summons will be unsuccessful, or will not accomplish notification within a
9495 reasonable time after issuance of the summons, he may order service by registered mail, with a
9496 return receipt to be signed by the addressee only, to be addressed to the last-known address of
9497 the person to be served in the state. Service shall be complete upon return to the court of the
9498 signed receipt.
9499 (13) If the parents, parent, or guardian required to be summoned under Subsection (4)
9500 cannot be found within the state, the fact of their minor's presence within the state shall confer
9501 jurisdiction on the court in proceedings in a minor's case under this chapter as to any absent
9502 parent or guardian, provided that due notice has been given in the following manner:
9503 (a) If the address of the parent or guardian is known, due notice is given by sending
9504 him a copy of the summons by registered mail with a return receipt to be signed by the
9505 addressee only, or by personal service outside the state, as provided in the Utah Rules of Civil
9506 Procedure. Service by registered mail shall be complete upon return to the court of the signed
9507 receipt.
9508 (b) If the address or whereabouts of the parent or guardian outside the state cannot after
9509 diligent inquiry be ascertained, due notice is given by publishing a summons [~~in a newspaper~~
9510 ~~having general circulation in the county in which the proceeding is pending~~] on the Utah Public
9511 Notice Website as described in Section 63F-1-701. The summons shall be published once a

9512 week for four successive weeks. Service shall be complete on the day of the last publication.
9513 (c) Service of summons as provided in this subsection shall vest the court with
9514 jurisdiction over the parent or guardian served in the same manner and to the same extent as if
9515 the person served was served personally within the state.
9516 (14) In the case of service in the state, service completed not less than 48 hours before
9517 the time set in the summons for the appearance of the person served, shall be sufficient to
9518 confer jurisdiction. In the case of service outside the state, service completed not less than five
9519 days before the time set in the summons for appearance of the person served, shall be sufficient
9520 to confer jurisdiction.
9521 (15) Computation of periods of time under this chapter shall be made in accordance
9522 with the Utah Rules of Civil Procedure.
9523 Section 224. Section **78B-5-613** is amended to read:
9524 **78B-5-613. Proof of publication of document, notice, or order.**
9525 If a court or judge orders a document or notice published [~~in a newspaper~~] on the Utah
9526 Public Notice Website as described in Section 63F-1-701, evidence of the publication shall be
9527 made by affidavit of the publisher[~~, the publisher's foreman, or principal clerk~~] with a copy of
9528 the publication attached. The affidavit shall state the date [~~and newspaper~~] of publication on
9529 the Utah Public Notice Website as described in Section 63F-1-701.

S.B. 208 1st Sub. (Green) - Utah Public Notice Website Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill would require an appropriation from Dedicated Credits of $257,000 annually to the Division of State Archives to develop and maintain the program and website expansion required in the bill. The Division of State Archives will charge fees to cover their costs. There are potential costs savings of approximately $100,000 to state agencies which will no longer have to pay costs for certain newspaper advertisements.

	2009 Approp.	2010 Approp.	2011 Approp.	2009 Revenue	2010 Revenue	2011 Revenue
Dedicated Credits	$0	$257,000	$257,000	$0	$257,000	$257,000
Other	$0	($100,000)	($100,000)	$0	$0	$0
Total	**$0**	**$157,000**	**$157,000**	**$0**	**$257,000**	**$257,000**

Individual, Business and/or Local Impact

Local governments could see advertising costs savings of up to $500,000. Newspapers could see a decrease in advertising revenue as a result of this legislation. No impact is anticipated on individuals.