

UTAH PUBLIC NOTICE WEBSITE

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Kevin S. Garn

Cosponsors:	Jon J. Greiner	Karen W. Morgan
Gregory S. Bell	David P. Hinkins	Wayne L. Niederhauser
Curtis S. Bramble	Scott K. Jenkins	Ralph Okerlund
D. Chris Buttars	Sheldon L. Killpack	Luz Robles
Allen M. Christensen	Daniel R. Liljenquist	Howard A. Stephenson
Margaret Dayton	Karen Mayne	Michael G. Waddoups

LONG TITLE

General Description:

This bill amends provisions of the Utah Code to allow posting of legal notices on a website.

Highlighted Provisions:

This bill:

- amends provisions of the Utah Code to allow posting of legal notices on a website;
- and
- makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill coordinates with H.B. 67, Public Hearings on Property Tax Increases by providing substantive and technical changes.

This bill coordinates with S.B. 65, Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions, by providing substantive, superseding, and technical changes.

31 This bill coordinates with S.B. 73, Unincorporated Areas Amendments, by providing
32 substantive and technical changes

33 This bill coordinates with S.B. 209, Land Use, Development, and Management Act
34 Amendments, providing substantive and technical changes.

35 **Utah Code Sections Affected:**

36 **AMENDS:**

37 **3-1-7**, as last amended by Laws of Utah 1994, Chapter 204

38 **4-17-7**, as last amended by Laws of Utah 1985, Chapter 18

39 **4-30-5**, as enacted by Laws of Utah 1979, Chapter 2

40 **6-1-5**, Utah Code Annotated 1953

41 **7-1-704**, as last amended by Laws of Utah 2008, Chapter 382

42 **7-1-706**, as last amended by Laws of Utah 1997, Chapter 91

43 **7-1-709**, as last amended by Laws of Utah 1995, Chapter 49

44 **7-2-6**, as last amended by Laws of Utah 1994, Chapter 200

45 **7-7-10**, as last amended by Laws of Utah 2003, Chapter 327

46 **8-5-6**, as last amended by Laws of Utah 2002, Chapter 123

47 **9-3-409**, as last amended by Laws of Utah 2005, Chapter 105

48 **9-8-805**, as renumbered and amended by Laws of Utah 1992, Chapter 241

49 **10-2-108**, as repealed and reenacted by Laws of Utah 1997, Chapter 389

50 **10-2-111**, as repealed and reenacted by Laws of Utah 1997, Chapter 389

51 **10-2-114**, as last amended by Laws of Utah 2008, Chapter 19

52 **10-2-115**, as last amended by Laws of Utah 2000, Chapter 1

53 **10-2-116**, as enacted by Laws of Utah 1997, Chapter 389

54 **10-2-125**, as last amended by Laws of Utah 2008, Chapters 16 and 19

55 **10-2-406**, as last amended by Laws of Utah 2007, Chapter 329

56 **10-2-407**, as last amended by Laws of Utah 2003, Chapter 211

57 **10-2-415**, as last amended by Laws of Utah 2001, Chapter 206

58 **10-2-418**, as last amended by Laws of Utah 2007, Chapters 329 and 378

59 **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329
60 **10-2-501**, as last amended by Laws of Utah 2003, Chapter 279
61 **10-2-502.5**, as renumbered and amended by Laws of Utah 2003, Chapter 279
62 **10-2-607**, as last amended by Laws of Utah 1993, Chapter 227
63 **10-2-703**, as enacted by Laws of Utah 1977, Chapter 48
64 **10-2-708**, as enacted by Laws of Utah 1977, Chapter 48
65 **10-3-818**, as last amended by Laws of Utah 2008, Chapter 250
66 **10-5-108**, as last amended by Laws of Utah 2001, Chapter 178
67 **10-6-113**, as enacted by Laws of Utah 1979, Chapter 26
68 **10-6-152**, as last amended by Laws of Utah 1993, Chapter 4
69 **10-7-16**, as last amended by Laws of Utah 2002, Chapter 90
70 **10-7-19**, Utah Code Annotated 1953
71 **10-8-2**, as last amended by Laws of Utah 2008, Chapters 3 and 382
72 **10-9a-204**, as enacted by Laws of Utah 2005, Chapter 254
73 **10-9a-205**, as enacted by Laws of Utah 2005, Chapter 254
74 **10-9a-208**, as last amended by Laws of Utah 2006, Chapter 240
75 **10-18-203**, as enacted by Laws of Utah 2001, Chapter 83
76 **10-18-302**, as last amended by Laws of Utah 2008, Chapter 382
77 **10-18-303**, as enacted by Laws of Utah 2001, Chapter 83
78 **11-13-219**, as last amended by Laws of Utah 2005, Chapter 105
79 **11-14-202**, as last amended by Laws of Utah 2006, Chapter 83
80 **11-14-315**, as last amended by Laws of Utah 2006, Chapter 83
81 **11-14-316**, as last amended by Laws of Utah 2006, Chapter 83
82 **11-14-318**, as enacted by Laws of Utah 2008, Chapter 21
83 **11-14a-1**, as last amended by Laws of Utah 2007, Chapter 329
84 **11-17-16**, as last amended by Laws of Utah 1988, Third Special Session, Chapter 1
85 **11-27-4**, as enacted by Laws of Utah 1981, Chapter 43
86 **11-27-5**, as enacted by Laws of Utah 1981, Chapter 43

87 **11-30-5**, as last amended by Laws of Utah 1997, Chapter 84
88 **11-32-10**, as enacted by Laws of Utah 1987, Chapter 143
89 **11-32-11**, as enacted by Laws of Utah 1987, Chapter 143
90 **11-39-103**, as last amended by Laws of Utah 2007, Chapter 329
91 **11-42-202**, as enacted by Laws of Utah 2007, Chapter 329
92 **11-42-301**, as enacted by Laws of Utah 2007, Chapter 329
93 **11-42-402**, as enacted by Laws of Utah 2007, Chapter 329
94 **11-42-404**, as enacted by Laws of Utah 2007, Chapter 329
95 **11-42-604**, as enacted by Laws of Utah 2007, Chapter 329
96 **13-31-302**, as enacted by Laws of Utah 1998, Chapter 349
97 **13-44-202**, as enacted by Laws of Utah 2006, Chapter 343
98 **16-4-206**, as enacted by Laws of Utah 2007, Chapter 367
99 **16-4-303**, as enacted by Laws of Utah 2007, Chapter 367
100 **16-4-312**, as enacted by Laws of Utah 2007, Chapter 367
101 **16-6a-103**, as enacted by Laws of Utah 2000, Chapter 300
102 **16-6a-704**, as enacted by Laws of Utah 2000, Chapter 300
103 **16-6a-814**, as last amended by Laws of Utah 2006, Chapter 228
104 **16-6a-1407**, as last amended by Laws of Utah 2008, Chapter 364
105 **16-10a-103**, as last amended by Laws of Utah 2008, Chapter 364
106 **16-10a-1407**, as last amended by Laws of Utah 2008, Chapter 364
107 **16-16-1209**, as enacted by Laws of Utah 2008, Chapter 363
108 **17-27a-204**, as enacted by Laws of Utah 2005, Chapter 254
109 **17-27a-205**, as enacted by Laws of Utah 2005, Chapter 254
110 **17-27a-208**, as last amended by Laws of Utah 2006, Chapter 240
111 **17-27a-306**, as last amended by Laws of Utah 2008, Chapter 250
112 **17-27a-404**, as renumbered and amended by Laws of Utah 2005, Chapter 254
113 **17-30-6**, as last amended by Laws of Utah 1993, Chapter 234
114 **17-36-12**, as last amended by Laws of Utah 1979, Chapter 62

115 **17-36-25**, as enacted by Laws of Utah 1975, Chapter 22
116 **17-36-26**, as enacted by Laws of Utah 1975, Chapter 22
117 **17-36-40**, as enacted by Laws of Utah 1983, Chapter 73
118 **17-41-302**, as last amended by Laws of Utah 2006, Chapter 194
119 **17-41-304**, as last amended by Laws of Utah 2006, Chapter 194
120 **17-41-405**, as last amended by Laws of Utah 2006, Chapter 194
121 **17-52-101**, as last amended by Laws of Utah 2001, Chapter 241
122 **17-53-208**, as last amended by Laws of Utah 2006, Chapter 192
123 **17A-3-914**, as last amended by Laws of Utah 1991, Chapter 5
124 **17A-3-915**, as renumbered and amended by Laws of Utah 1990, Chapter 186
125 **17B-1-211**, as renumbered and amended by Laws of Utah 2007, Chapter 329
126 **17B-1-304**, as renumbered and amended by Laws of Utah 2007, Chapter 329
127 **17B-1-306**, as last amended by Laws of Utah 2008, Chapters 54, 182, and 360
128 **17B-1-313**, as enacted by Laws of Utah 2007, Chapter 329
129 **17B-1-413**, as renumbered and amended by Laws of Utah 2007, Chapter 329
130 **17B-1-417**, as renumbered and amended by Laws of Utah 2007, Chapter 329
131 **17B-1-512**, as renumbered and amended by Laws of Utah 2007, Chapter 329
132 **17B-1-609**, as renumbered and amended by Laws of Utah 2007, Chapter 329
133 **17B-1-643**, as last amended by Laws of Utah 2008, Chapter 360
134 **17B-1-1204**, as enacted by Laws of Utah 2007, Chapter 329
135 **17B-1-1307**, as renumbered and amended by Laws of Utah 2007, Chapter 329
136 **17C-1-601**, as renumbered and amended by Laws of Utah 2006, Chapter 359
137 **17C-2-108**, as renumbered and amended by Laws of Utah 2006, Chapter 359
138 **17C-2-403**, as renumbered and amended by Laws of Utah 2006, Chapter 359
139 **17C-3-107**, as enacted by Laws of Utah 2006, Chapter 359
140 **17C-3-303**, as enacted by Laws of Utah 2006, Chapter 359
141 **17C-4-106**, as enacted by Laws of Utah 2006, Chapter 359
142 **17C-4-202**, as last amended by Laws of Utah 2007, Chapter 364

143 **17C-4-302**, as enacted by Laws of Utah 2006, Chapter 359
144 **17D-1-205**, as enacted by Laws of Utah 2008, Chapter 360
145 **17D-2-601**, as enacted by Laws of Utah 2008, Chapter 360
146 **17D-3-305**, as enacted by Laws of Utah 2008, Chapter 360
147 **19-2-109**, as renumbered and amended by Laws of Utah 1991, Chapter 112
148 **19-5-110**, as renumbered and amended by Laws of Utah 1991, Chapter 112
149 **19-6-712**, as enacted by Laws of Utah 1993, Chapter 283
150 **20A-3-201**, as last amended by Laws of Utah 2006, Chapter 326
151 **20A-3-603**, as last amended by Laws of Utah 2008, Chapter 53
152 **20A-3-604**, as enacted by Laws of Utah 2006, Chapter 264
153 **20A-5-101**, as last amended by Laws of Utah 2007, Chapters 238 and 329
154 **20A-5-405**, as last amended by Laws of Utah 2007, Chapter 75
155 **20A-7-204.1**, as last amended by Laws of Utah 2005, Chapter 236
156 **20A-9-203**, as last amended by Laws of Utah 2008, Chapters 13, 19, and 225
157 **23-21-1.5**, as last amended by Laws of Utah 1998, Chapter 218
158 **24-1-4**, as last amended by Laws of Utah 2004, Chapter 296
159 **26-8a-405.3**, as last amended by Laws of Utah 2008, Chapter 382
160 **26-8a-406**, as last amended by Laws of Utah 2003, Chapter 213
161 **26-19-6**, as last amended by Laws of Utah 2004, Chapter 72
162 **31A-2-303**, as last amended by Laws of Utah 1987, Chapter 161
163 **31A-27a-406**, as enacted by Laws of Utah 2007, Chapter 309
164 **38-2-3.2**, as last amended by Laws of Utah 2007, Chapter 306
165 **38-8-3**, as last amended by Laws of Utah 1984, Chapter 66
166 **38-13-204**, as enacted by Laws of Utah 2005, Chapter 187
167 **39-1-15**, Utah Code Annotated 1953
168 **40-6-10**, as last amended by Laws of Utah 2008, Chapter 382
169 **40-8-8**, as last amended by Laws of Utah 2002, Chapter 194
170 **40-8-10**, as last amended by Laws of Utah 1987, Chapter 161

171 **40-8-13**, as last amended by Laws of Utah 2003, Chapter 35
172 **40-10-13**, as last amended by Laws of Utah 2008, Chapter 382
173 **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09)**, as last amended by Laws of Utah 2004,
174 Chapter 230
175 **40-10-27**, as last amended by Laws of Utah 1997, Chapter 135
176 **41-1a-1103**, as last amended by Laws of Utah 2005, Chapter 56
177 **47-2-4**, as last amended by Laws of Utah 2000, Chapter 75
178 **48-2c-1306**, as last amended by Laws of Utah 2008, Chapter 364
179 **52-4-202**, as last amended by Laws of Utah 2008, Chapters 234 and 360
180 **53A-3-202**, as last amended by Laws of Utah 2007, Chapter 375
181 **53A-3-402**, as last amended by Laws of Utah 2007, Chapter 92
182 **53A-18-104**, as enacted by Laws of Utah 1988, Chapter 2
183 **53A-19-102**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
184 **53A-19-104**, as enacted by Laws of Utah 1988, Chapter 2
185 **53B-3-107**, as last amended by Laws of Utah 1997, Chapter 116
186 **53B-7-101.5**, as enacted by Laws of Utah 2001, Chapter 186
187 **54-4-27**, Utah Code Annotated 1953
188 **54-7-17**, as last amended by Laws of Utah 1987, Chapter 161
189 **54-8-10**, as enacted by Laws of Utah 1969, Chapter 157
190 **54-8-16**, as enacted by Laws of Utah 1969, Chapter 157
191 **54-8-23**, as enacted by Laws of Utah 1969, Chapter 157
192 **57-1-25**, as last amended by Laws of Utah 2002, Chapter 209
193 **57-11-11**, as last amended by Laws of Utah 2000, Chapter 86
194 **59-2-918**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
195 **59-2-919**, as last amended by Laws of Utah 2008, Chapters 231 and 301
196 **59-2-924**, as last amended by Laws of Utah 2008, Chapters 61, 118, 231, 236, 330,
197 360, and 382
198 **59-2-926**, as last amended by Laws of Utah 2008, Chapter 330

199 **59-2-1303**, as last amended by Laws of Utah 1999, Chapter 207
200 **59-2-1309**, as last amended by Laws of Utah 1997, Chapter 360
201 **59-2-1310**, as last amended by Laws of Utah 1995, Chapter 198
202 **59-2-1332**, as last amended by Laws of Utah 1997, Chapter 143
203 **59-2-1332.5**, as last amended by Laws of Utah 2002, Chapter 30
204 **59-2-1351**, as last amended by Laws of Utah 2000, Chapter 75
205 **59-12-402**, as last amended by Laws of Utah 2008, Chapter 384
206 **59-12-1001**, as last amended by Laws of Utah 2008, Chapters 382 and 384
207 **59-12-1102**, as last amended by Laws of Utah 2008, Chapters 237, 382, and 384
208 **63B-1-317**, as renumbered and amended by Laws of Utah 2003, Chapter 86
209 **63B-1a-501**, as enacted by Laws of Utah 2003, Chapter 2
210 **63B-2-116**, as last amended by Laws of Utah 2005, Chapter 105
211 **63B-2-216**, as last amended by Laws of Utah 2005, Chapter 105
212 **63B-3-116**, as last amended by Laws of Utah 2005, Chapter 105
213 **63B-3-216**, as last amended by Laws of Utah 2005, Chapter 105
214 **63B-4-116**, as last amended by Laws of Utah 2005, Chapter 105
215 **63B-5-116**, as last amended by Laws of Utah 2005, Chapter 105
216 **63B-6-116**, as last amended by Laws of Utah 2005, Chapter 105
217 **63B-6-216**, as last amended by Laws of Utah 2005, Chapter 105
218 **63B-6-416**, as last amended by Laws of Utah 2005, Chapter 105
219 **63B-7-116**, as last amended by Laws of Utah 2005, Chapter 105
220 **63B-7-216**, as last amended by Laws of Utah 2005, Chapter 105
221 **63B-7-416**, as last amended by Laws of Utah 2005, Chapter 105
222 **63B-8-116**, as last amended by Laws of Utah 2005, Chapter 105
223 **63B-8-216**, as last amended by Laws of Utah 2005, Chapter 105
224 **63B-8-416**, as last amended by Laws of Utah 2005, Chapter 105
225 **63B-10-116**, as last amended by Laws of Utah 2005, Chapter 105
226 **63B-11-116**, as last amended by Laws of Utah 2005, Chapter 105

227 **63B-11-216**, as last amended by Laws of Utah 2005, Chapter 105
228 **63B-11-316**, as last amended by Laws of Utah 2005, Chapter 105
229 **63B-11-516**, as last amended by Laws of Utah 2005, Chapter 105
230 **63C-7-306**, as enacted by Laws of Utah 1997, Chapter 136
231 **63G-6-401**, as renumbered and amended by Laws of Utah 2008, Chapter 382
232 **63G-9-303**, as renumbered and amended by Laws of Utah 2008, Chapter 382
233 **63H-1-403**, as enacted by Laws of Utah 2007, Chapter 23
234 **63H-1-701**, as enacted by Laws of Utah 2007, Chapter 23
235 **63H-1-801**, as enacted by Laws of Utah 2007, Chapter 23
236 **67-4a-402**, as last amended by Laws of Utah 2007, Chapter 18
237 **67-4a-403**, as last amended by Laws of Utah 2007, Chapter 18
238 **72-3-108**, as last amended by Laws of Utah 2000, Chapter 324
239 **72-5-105**, as last amended by Laws of Utah 2006, Chapter 101
240 **72-6-108**, as last amended by Laws of Utah 2008, Chapter 382
241 **73-1-4**, as last amended by Laws of Utah 2008, Chapters 380 and 382
242 **73-1-16**, Utah Code Annotated 1953
243 **73-3-6**, as last amended by Laws of Utah 2003, Chapter 99
244 **73-3-12**, as last amended by Laws of Utah 2008, Chapters 52 and 311
245 **73-3a-107**, as last amended by Laws of Utah 2003, Chapter 99
246 **73-4-3**, as last amended by Laws of Utah 2007, Chapter 136
247 **73-4-4**, as last amended by Laws of Utah 2007, Chapter 136
248 **73-4-9**, Utah Code Annotated 1953
249 **73-5-14**, Utah Code Annotated 1953
250 **73-5-15**, as last amended by Laws of Utah 2008, Chapters 360 and 382
251 **73-6-2**, Utah Code Annotated 1953
252 **75-1-401**, as last amended by Laws of Utah 1977, Chapter 194
253 **75-3-801**, as last amended by Laws of Utah 1992, Chapter 179
254 **75-7-508**, as last amended by Laws of Utah 2007, Chapter 64

255 **76-8-809**, as enacted by Laws of Utah 1973, Chapter 196
256 **76-10-530**, as last amended by Laws of Utah 2003, Chapter 203
257 **77-24a-5**, as last amended by Laws of Utah 2005, Chapter 126
258 **78A-6-109**, as renumbered and amended by Laws of Utah 2008, Chapter 3
259 **78B-5-613**, as enacted by Laws of Utah 2008, Chapter 3

260 ENACTS:

261 **45-1-101**, Utah Code Annotated 1953

262 RENUMBERS AND AMENDS:

263 **45-1-201**, (Renumbered from 45-1-1, Utah Code Annotated 1953)
264 **45-1-202**, (Renumbered from 45-1-2, as last amended by Laws of Utah 2003, Chapter
265 292)
266 **45-1-301**, (Renumbered from 45-1-4, as enacted by Laws of Utah 1971, Chapter 108)
267 **45-1-302**, (Renumbered from 45-1-5, as enacted by Laws of Utah 1971, Chapter 108)
268 **45-1-303**, (Renumbered from 45-1-6, as enacted by Laws of Utah 1971, Chapter 108)
269 **45-1-304**, (Renumbered from 45-1-7, as enacted by Laws of Utah 1971, Chapter 108)

270

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

272 Section 1. Section **3-1-7** is amended to read:

273 **3-1-7. Amendments to articles of incorporation.**

274 (1) An association may amend its articles of incorporation by the affirmative vote of a
275 majority of the members voting at:

276 (a) a regular meeting; or
277 (b) a special meeting called for that purpose.

278 (2) Written notice of the proposed amendment and of the time and place of the
279 meeting shall be provided to the members of the association by any one of the following
280 procedures:

281 (a) by mail at the last-known address at least ten days prior to the meeting;
282 (b) by personal delivery at least ten days prior to the meeting; or

(c) by publication not less than ten days or more than 60 days prior to the meeting;

(i) in a periodical published by or for the association, to which substantially all of its members are subscribers[;] or;

(ii) in a newspaper or newspapers whose combined circulation is general in the territory in which the association operates[-]; and

(iii) as required in Section 45-1-101.

(3) In addition to one of the means set forth in Subsection (2), the association may give notice by any method established pursuant to the articles of incorporation or bylaws of the association.

(4) The bylaws may require that the notice period be longer than ten days.

(5) An amendment affecting the preferential rights of any outstanding preferred stock may not be adopted until the written consent of the holders of a majority of the outstanding preference shares has been obtained.

(6) After an amendment has been adopted, articles of amendment shall be:

(a) prepared, in duplicate, setting forth the amendment and the fact of the adoption;

(b) signed and acknowledged by the president, chair, vice president, or vice chair and by the secretary or treasurer; and

(c) filed in the same manner as the original articles of incorporation.

Section 2. Section ~~4-17-7~~ is amended to read:

4-17-7. Notice of noxious weeds to be published annually in county -- Notice to particular property owners to control noxious weeds -- Methods of prevention or control specified -- Failure to control noxious weeds considered public nuisance.

(1) Each county weed control board before May 1 of each year shall post a general notice of the noxious weeds within the county in at least three public places within the county and publish the same notice on;

(a) at least three occasions in a newspaper or other publication of general circulation within the county[-]; and

(b) as required in Section 45-1-101.

(2) If the county weed control board determines that particular property within the county requires prompt and definite attention to prevent or control noxious weeds, it shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action should be taken on the property. Methods of prevention or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock.

(3) An owner or person in possession of property who fails to take action to control or prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance.

Section 3. Section **4-30-5** is amended to read:

4-30-5. Hearing on license application -- Notice of hearing.

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

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

(2) Notice of the hearing shall be published 14 days before the scheduled hearing date:
(i) in a daily or weekly newspaper of general circulation within the city or town where the hearing is scheduled[;]; and

(ii) as required in Section 45-1-101.

Section 4. Section **6-1-5** is amended to read:

6-1-5. Notice of assignment.

The assignee shall forthwith give notice of such assignment ~~[by publication in some]~~:

(1) (a) by publication once a week for six weeks:

(i) in a newspaper published in the county[;]; or[, if none,]

(ii) if there is not a newspaper as described in Subsection (1)(a)(i), in a newspaper
[having] of general circulation [therein, which notice shall be published at least once a week
for six weeks, and shall forthwith send a notice] in the county; and

(b) by publication as required in Section 45-1-101 for six weeks; and

(2) by mail to each creditor of whom he shall be informed, directed to his usual place
of residence, requiring such creditor to present to him within three months thereafter his
claims under oath.

Section 5. Section **7-1-704** is amended to read:

7-1-704. Authorization required to engage in business -- Exemptions --
Procedure.

(1) (a) An institution subject to the jurisdiction of the department may maintain an
office in this state or engage in the activities of a financial institution in this state only if it is
authorized to do so by the department.

(b) This Subsection (1) does not apply to:

(i) any person who is lawfully engaging in the activities of a financial institution in
this state on July 1, 1981, unless the institution was not subject to the jurisdiction of the
department before that date;

(ii) an application to establish a branch or additional office; or

(iii) the establishment of a service corporation or service organization.

(2) An applicant for authorization to become an institution subject to the jurisdiction
of the department shall pay to the department the appropriate filing fee, as provided in Section
7-1-401, and shall file with the commissioner:

(a) its undertaking to pay all expenses incurred in conducting any administrative
proceedings forming part of the department's consideration of the application;

(b) its proposed articles of incorporation and by-laws;

(c) an application in a form prescribed by the commissioner that includes all
information the commissioner requires about the source of the proposed original capital and
about the identity, personal history, business background and experience, financial condition,

and participation in any litigation or administrative proceeding of the organizers, the proposed members of the board of directors, and the principal officers; and

(d) any other information the commissioner requires.

(3) In addition to the requirements of Title 63G, Chapter 4, Administrative Procedures Act, the commissioner shall, at the expense of the applicant:

(a) (i) give notice of the application by publication in three successive issues of a newspaper of general circulation in the county where the principal place of business is to be established; and

(ii) give notice of the application by publication as required in Section 45-1-101; and

(b) give notice of the application to other institutions subject to the jurisdiction of the department in a manner and to an extent the commissioner considers appropriate;

(c) cause the appropriate supervisor to make a careful investigation and examination of the following:

(i) the character, reputation, and financial standing and ability of the organizers;

(ii) the character, financial responsibility, experience, and business qualifications of those proposed as officers;

(iii) the character and standing in the community of those proposed as directors, principal stockholders, or owners;

(iv) the need in the service area where the institution would be located, giving particular consideration to the adequacy of existing financial facilities and the effect the proposed institution would have on existing institutions in the area;

(v) the ability of the proposed service area to support the proposed institution, including the extent and nature of existing competition, the economic history and future prospects of the community, and the opportunity for profitable employment of financial institution funds; and

(vi) other facts and circumstances bearing on the proposed institution that the supervisor considers relevant.

(4) (a) The supervisor shall submit findings and recommendations in writing to the

commissioner.

(b) The application, any additional information furnished by the applicant, and the findings and recommendations of the supervisor may be inspected by any person at the department's office, except those portions of the application or report the commissioner declares to be confidential, pursuant to the applicant's request, in order to prevent a clearly unwarranted invasion of privacy.

(5) (a) If a hearing is held, the applicant shall publish notice of the hearing at the applicant's expense;

(i) in a newspaper of general circulation within the county where the proposed institution is to be located at least once a week for three successive weeks before the date of hearing[-]; and

(ii) as required in Section 45-1-101 for three weeks before the date of the hearing.

(b) The notice shall include the date, time, and place of the hearing and any other information required by the commissioner.

(c) The commissioner shall act on the record before him within 30 days after receipt of the transcript of the hearing.

(6) If no hearing is held, the commissioner may, within 90 days of acceptance of the application as complete, approve or disapprove the application based on the papers filed with him, together with the supervisor's findings and recommendations.

(7) (a) The commissioner may not approve the application unless the commissioner finds that the applicant has established by the preponderance of the evidence that:

(i) in light of the need for financial services in the area, the adequacy of existing facilities, and the effect the proposed institution would have on existing institutions in the area, the public need and convenience will be promoted by the establishment of the proposed institution;

(ii) in light of the ability of the proposed service area to support the proposed institution, including the extent and nature of existing competition, the economic history and future prospects of the community, and the opportunity for profitable employment of financial

institution funds, conditions in the service area in which the proposed institution would transact business afford reasonable promise of a successful operation;

(iii) the institution is being formed only for legitimate purposes allowed by the laws of this state;

(iv) the proposed capital equals or exceeds the required minimum and is adequate in light of current and prospective conditions;

(v) if the applicant is seeking authority to accept deposits, the deposits will be insured or guaranteed by an agency of the federal government;

(vi) the proposed officers and directors have sufficient experience, ability, and standing to afford reasonable promise of a successful operation;

(vii) the name of the proposed financial institution does not resemble the name of any other institution transacting business in this state so closely as to cause confusion;

(viii) the applicants have complied with all of the provisions of law; and

(ix) no properly managed and soundly operated existing institutions offering substantially similar services in the service area to which the application relates will be unduly injured by approval of the application.

(b) The commissioner may condition approval of the application on the institution's acceptance of requirements or conditions with respect to insurance that the commissioner considers necessary to protect depositors.

(8) (a) The commissioner shall provide written findings and conclusions on the application.

(b) Upon approving an application, the commissioner shall:

(i) endorse the approval on the articles of incorporation;

(ii) file one copy with the Division of Corporations and Commercial Code;

(iii) retain one file copy; and

(iv) return one copy to the applicant within ten days after the date of the commissioner's decision approving the application.

(c) Upon disapproving an application, the commissioner shall mail notice of the

disapproval to the applicant within ten days.

(d) The commissioner may approve an application subject to conditions the commissioner considers appropriate to protect the public interest and carry out the purposes of this title.

(e) The commissioner shall give written notice of the decision to all persons who have filed a protest to the application.

(9) Upon approval of an application for authorization to conduct a business subject to the jurisdiction of the department, the commissioner shall issue a license, permit, or other appropriate certificate of authority if:

(a) except in the case of credit unions, all of the capital of the institution being formed has been paid in; and

(b) all the conditions and other requirements for approval of the application have been met.

(10) (a) Any approval by the commissioner of an application under this section is considered revoked unless the business is open and operating within one year from the date of the approval.

(b) The commissioner, on written application made before the expiration of that period, and for good cause shown, may extend the date for activation for additional periods not to exceed six months each.

(11) No person may obtain, for the purpose of resale, a certificate of approval to operate any institution under the jurisdiction of the department.

(12) The commissioner may approve an application without any notice to other financial institutions to respond to an emergency arising from the insolvency of an existing institution or to prevent the failure of an existing institution if the commissioner makes the findings required by Subsection (7).

Section 6. Section **7-1-706** is amended to read:

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

(1) Except as provided in Sections 7-1-704 and 7-1-705, by filing a request for agency

479 action with the commissioner, any person may request the commissioner to:

480 (a) issue any rule or order;

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

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

483 (2) Within ten days of receipt of the request, the commissioner shall, at the applicant's
484 expense, cause a supervisor to make a careful investigation of the facts relevant or material to
485 the request.

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

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

492 (4) (a) If a hearing is held concerning the request, the commissioner shall publish
493 notice of the hearing at the applicant's expense;

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

496 (ii) as required in Section 45-1-101 for three weeks before the date of the hearing.

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

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

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

503 (i) the application;

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

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

506 (b) The commissioner shall act on the request by issuing findings of fact, conclusions,

and an order, and shall mail a copy of each to:

(i) the applicant;

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

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

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

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

(b) protect its shareholders or members; and

(c) carry out the purposes of this title.

Section 7. Section **7-1-709** is amended to read:

7-1-709. Branches -- Discontinuance of operation.

(1) A Utah depository institution or out-of-state depository institution authorized to do business in this state may discontinue operation of a branch upon resolution of its board of directors.

(2) Upon adopting the resolution, the institution shall file an application with the commissioner specifying:

(a) the location of the branch to be discontinued;

(b) the date of the proposed discontinuance;

(c) the reasons for closing the branch; and

(d) the extent to which the public need and convenience or service to members would still be adequately met.

(3) (a) Upon filing its application with the commissioner, the institution shall publish notice of the discontinuance;

(i) in a newspaper serving the area once a week for two consecutive weeks[-]; and

(ii) as required by Section 45-1-101 for two weeks.

(b) The commissioner may approve the application after a reasonable comment period following publication.

(4) An out-of-state depository institution with a branch in Utah is not subject to the

requirements of this section if the branch to be closed is located outside of Utah.

Section 8. Section **7-2-6** is amended to read:

7-2-6. Possession by commissioner -- Notice -- Presentation, allowance, and disallowance of claims -- Objections to claims.

(1) (a) Possession of an institution by the commissioner commences when notice of taking possession is:

(i) posted in each office of the institution located in this state; or

(ii) delivered to a controlling person or officer of the institution.

(b) All notices, records, and other information regarding possession of an institution by the commissioner may be kept confidential, and all court records and proceedings relating to the commissioner's possession may be sealed from public access if:

(i) the commissioner finds it is in the best interests of the institution and its depositors not to notify the public of the possession by the commissioner;

(ii) the deposit and withdrawal of funds and payment to creditors of the institution is not suspended, restricted, or interrupted; and

(iii) the court approves.

(2) (a) (i) Within 15 days after taking possession of an institution or other person under the jurisdiction of the department, the commissioner shall publish a notice to all persons who may have claims against the institution or other person to file proof of their claims with the commissioner before a date specified in the notice.

(ii) The filing date shall be at least 90 days after the date of the first publication of the notice.

(iii) The notice shall be published:

(A) (I) in a newspaper of general circulation in each city or county in which the institution or other person, or any subsidiary or service corporation of the institution, maintains an office[~~-. The notice shall be~~]; and

(II) published again approximately 30 days and 60 days after the date of the first publication[~~:-~~]; and

563 (B) as required in Section 45-1-101 for 60 days.

564 (b) (i) Within 60 days of taking possession of a depository institution, the
565 commissioner shall send a similar notice to all persons whose identity is reflected in the books
566 or records of the institution as depositors or other creditors, secured or unsecured, parties to
567 litigation involving the institution pending at the date the commissioner takes possession of
568 the institution, and all other potential claimants against the institution whose identity is
569 reasonably ascertainable by the commissioner from examination of the books and records of
570 the institution. No notice is required in connection with accounts or other liabilities of the
571 institution that will be paid in full or be fully assumed by another depository institution or trust
572 company. The notice shall specify a filing date for claims against the institution not less than
573 60 days after the date of mailing. Claimants whose claims against the institution have been
574 assumed by another depository institution or trust company pursuant to a merger or purchase
575 and assumption agreement with the commissioner, or a federal deposit insurance agency
576 appointed as receiver or liquidator of the institution, shall be notified of the assumption of
577 their claims and the name and address of the assuming party within 60 days after the claim is
578 assumed. Unless a purchase and assumption or merger agreement requires otherwise, the
579 assuming party shall give all required notices. Notice shall be mailed to the address appearing
580 in the books and records of the institution.

581 (ii) Inadvertent or unintentional failure to mail a notice to any person entitled to
582 written notice under this paragraph does not impose any liability on the commissioner or any
583 receiver or liquidator appointed by him beyond the amount the claimant would be entitled to
584 receive if the claim had been timely filed and allowed. The commissioner or any receiver or
585 liquidator appointed by him are not liable for failure to mail notice unless the claimant
586 establishes that it had no knowledge of the commissioner taking possession of the institution
587 until after all opportunity had passed for obtaining payment through filing a claim with the
588 commissioner, receiver, or liquidator.

589 (c) Upon good cause shown, the court having supervisory jurisdiction may extend the
590 time in which the commissioner may serve any notice required by this chapter.

(d) The commissioner has the sole power to adjudicate any claim against the institution, its property or other assets, tangible or intangible, and to settle or compromise claims within the priorities set forth in Section 7-2-15. Any action of the commissioner is subject to judicial review as provided in Subsection (9).

(e) A receiver or liquidator of the institution appointed by the commissioner has all the duties, powers, authority, and responsibilities of the commissioner under this section. All claims against the institution shall be filed with the receiver or liquidator within the applicable time specified in this section and the receiver or liquidator shall adjudicate the claims as provided in Subsection (2)(d).

(f) The procedure established in this section is the sole remedy of claimants against an institution or its assets in the possession of the commissioner.

(3) With respect to a claim which appears in the books and records of an institution or other person in the possession of the commissioner as a secured claim, which, for purposes of this section is a claim that constitutes an enforceable, perfected lien, evidenced in writing, on the assets or other property of the institution:

(a) The commissioner shall allow or disallow each secured claim filed on or before the filing date within 30 days after receipt of the claim and shall notify each secured claimant by certified mail or in person of the basis for, and any conditions imposed on, the allowance or disallowance.

(b) For all allowed secured claims, the commissioner shall be bound by the terms, covenants, and conditions relating to the assets or other property subject to the claim, as set forth in the note, bond, or other security agreement which evidences the secured claim, unless the commissioner has given notice to the claimant of his intent to abandon the assets or other property subject to the secured claim at the time the commissioner gave the notice described in Subsection (3)(a).

(c) No petition for lifting the stay provided by Section 7-2-7 may be filed with respect to a secured claim before the claim has been filed and allowed or disallowed by the commissioner in accordance with Subsection (3)(a).

(4) With respect to all other claims other than secured claims:

(a) Each claim filed on or before the filing date shall be allowed or disallowed within 180 days after the final publication of notice.

(b) If notice of disallowance is not served upon the claimant by the commissioner within 210 days after the date of final publication of notice, the claim is considered disallowed.

(c) The rights of claimants and the amount of a claim shall be determined as of the date the commissioner took possession of the institution under this chapter. Claims based on contractual obligations of the institution in existence on the date of possession may be allowed unless the obligation of the institution is dependent on events occurring after the date of possession, or the amount or worth of the claim cannot be determined before any distribution of assets of the institution is made to claimants having the same priority under Section 7-2-15.

(d) (i) An unliquidated claim against the institution, including claims based on alleged torts for which the institution would have been liable on the date the commissioner took possession of the institution and any claims for a right to an equitable remedy for breach of performance by the institution, may be filed in an estimated amount. The commissioner may disallow or allow the claim in an amount determined by the commissioner, settle the claim in an amount approved by the court, or, in his discretion, refer the claim to the court designated by Section 7-2-2 for determination in accordance with procedures designated by the court. If the institution held on the date of possession by the commissioner a policy of insurance that would apply to the liability asserted by the claimant, the commissioner, or any receiver appointed by him may assign to the claimant all rights of the institution under the insurance policy in full satisfaction of the claim.

(ii) If the commissioner finds there are or may be issues of fact or law as to the validity of a claim, liquidated or unliquidated, or its proper allowance or disallowance under the provisions of this chapter, he may appoint a hearing examiner to conduct a hearing and to prepare and submit recommended findings of fact and conclusions of law for final consideration by the commissioner. The hearing shall be conducted as provided in rules or

647 regulations issued by the commissioner. The decision of the commissioner shall be based on
648 the record before the hearing examiner and information the commissioner considers relevant
649 and shall be subject to judicial review as provided in Subsection (9).

650 (e) A claim may be disallowed if it is based on actions or documents intended to
651 deceive the commissioner or any receiver or liquidator appointed by him.

652 (f) The commissioner may defer payment of any claim filed on behalf of a person who
653 was at any time in control of the institution within the meaning of Section 7-1-103, pending
654 the final determination of all claims of the institution against that person.

655 (g) The commissioner or any receiver appointed by him may disallow a claim that
656 seeks a dollar amount if it is determined by the court having jurisdiction under Section 7-2-2
657 that the commissioner or receiver or conservator will not have any assets with which to pay the
658 claim under the priorities established by Section 7-2-15.

659 (h) The commissioner may adopt rules to establish such alternative dispute resolution
660 processes as may be appropriate for the resolution of claims filed against an institution under
661 this chapter.

662 (i) In establishing alternative dispute resolution processes, the commissioner shall
663 strive for procedures that are expeditious, fair, independent, and low cost. The commissioner
664 shall seek to develop incentives for claimants to participate in the alternative dispute
665 resolution process.

666 (j) The commissioner may establish both binding and nonbinding processes, which
667 may be conducted by any government or private party, but all parties, including the claimant
668 and the commissioner or any receiver appointed by him, must agree to the use of the process
669 in a particular case.

670 (5) Claims filed after the filing date are disallowed, unless:

671 (a) the claimant who did not file his claim timely demonstrates that he did not have
672 notice or actual knowledge of the proceedings in time to file a timely proof of claim; and

673 (b) proof of the claim was filed prior to the last distribution of assets. For the purpose
674 of this subsection only, late filed claims may be allowed if proof was filed before the final

distribution of assets of the institution to claimants of the same priority and are payable only out of the remaining assets of the institution.

(c) A late filed claim may be disallowed under any other provision of this section.

(6) Debts owing to the United States or to any state or its subdivisions as a penalty or forfeiture are not allowed, except for the amount of the pecuniary loss sustained by the act, transaction, or proceeding out of which the penalty or forfeiture arose.

(7) Except as otherwise provided in Subsection 7-2-15(1)(a), interest accruing on any claim after the commissioner has taken possession of an institution or other person under this chapter may be disallowed.

(8) A claim against an institution or its assets based on a contract or agreement may be disallowed unless the agreement: (a) is in writing; (b) is otherwise a valid and enforceable contract; and (c) has continuously, from the time of its execution, been an official record of the institution. The requirements of this Subsection (8) do not apply to claims for goods sold or services rendered to an institution in the ordinary course of business by trade creditors who do not customarily use written agreements or other documents.

(9) (a) Objection to any claim allowed or disallowed may be made by any depositor or other claimant by filing a written objection with the commissioner within 30 days after service of the notice of allowance or disallowance. The commissioner shall present the objection to the court for hearing and determination upon written notice to the claimant and to the filing party. The notice shall set forth the time and place of hearing. After the 30-day period, no objection may be filed. This Subsection (9) does not apply to secured claims allowed under Subsection (3).

(b) The hearing shall be based on the record before the commissioner and any additional evidence the court allowed to provide the parties due process of law.

(c) The court may not reverse or otherwise modify the determination of the commissioner with respect to the claim unless it finds the determination of the commissioner to be arbitrary, capricious, or otherwise contrary to law. The burden of proof is on the party objecting to the determination of the commissioner.

(d) An appeal from any final judgment of the court with respect to a claim may be taken as provided by law by the claimant, the commissioner, or any person having standing to object to the allowance or disallowance of the claim.

(10) If a claim against the institution has been asserted in any judicial, administrative, or other proceeding pending at the time the commissioner took possession of the institution under this chapter or under Chapter 19, Acquisition of Failing Depository Institutions or Holding Companies, the claimant shall file copies of all documents of record in the pending proceeding with the commissioner within the time for filing claims as provided in Subsection (2). Such a claim shall be allowed or disallowed within 90 days of the receipt of the complete record of the proceedings. No application to lift the stay of a pending proceeding shall be filed until the claim has been allowed or disallowed. The commissioner may petition the court designated by Section 7-2-2 to lift the stay to determine whether the claim should be allowed or disallowed.

(11) All claims allowed by the commissioner and not disallowed or otherwise modified by the court under Subsection (9), if not paid within 30 days after allowance, shall be evidenced by a certificate payable only out of the assets of the institution in the possession of the commissioner, subject to the priorities set forth in Section 7-2-15. This provision does not apply to a secured claim allowed by the commissioner under Subsection (3)(a).

Section 9. Section **7-7-10** is amended to read:

7-7-10. Meetings of mutual association members -- Voting -- Notice.

(1) (a) An annual meeting of the members of each mutual association shall be held at the time and place fixed in the bylaws of the association.

(b) Special meetings may be called as provided in the bylaws.

(2) (a) The members entitled to vote at any meeting of the members shall be those who are members of record at the end of the calendar month next preceding the date of the meeting of members, except those who have ceased to be members.

(b) The number of votes that a member is entitled to cast shall be determined in accordance with the books on the date determinative of entitlement to vote.

- 731 (3) In the determination of all questions requiring action by the members, each
732 member shall be entitled to cast:
- 733 (a) one vote; and
 - 734 (b) any additional vote that the member may cast under the bylaws of the association.
- 735 (4) (a) (i) Subject to Subsection (4)(a)(ii), at any meeting of the members, voting may
736 be:
- 737 (A) in person; or
 - 738 (B) by proxy.
- 739 (ii) Notwithstanding Subsection (4)(a)(i), a proxy is not eligible to be voted at any
740 meeting unless the proxy has been filed with the secretary of the association, for verification,
741 at least five days before the date of the meeting.
- 742 (b) Every proxy shall:
- 743 (i) be in writing;
 - 744 (ii) be signed by the member or the member's duly authorized attorney in fact; and
 - 745 (iii) continue in force from year to year:
 - 746 (A) when filed with the secretary;
 - 747 (B) if so specified in the proxy; and
 - 748 (C) until:
 - 749 (I) revoked by a writing duly delivered to the secretary; or
 - 750 (II) superseded by subsequent proxies.
- 751 (5) (a) At an annual meeting or at any special meeting of the members, any number of
752 members present in person or by proxy eligible to be voted constitutes a quorum.
- 753 (b) A majority of all votes cast at any meeting of members shall determine any
754 question unless this chapter specifically provides otherwise.
- 755 (6) (a) No notice of annual meetings of members need be given to members.
- 756 (b) Subject to Subsection (6)(c), notice of each special meeting of members shall:
- 757 (i) state:
 - 758 (A) the purpose for which the meeting is called;

(B) the place of the meeting; and

(C) the time when the meeting shall convene; and

(ii) (A) be published:

(I) once a week for two consecutive calendar weeks (in each instance, on any day of the week) before the date on which the special meeting shall convene~~[; and (H)]~~, in a newspaper of general circulation in the county in which the home office of the association is located; and

(II) as required in Section 45-1-101 for two calendar weeks before the date on which the special meeting shall convene; and

(B) be posted in a conspicuous place in all offices of the association during the 30 days immediately preceding the date on which the special meeting convenes.

(c) No notice need be given of a meeting if all the members entitled to vote, vote in favor of an action at the meeting of the members.

Section 10. Section **8-5-6** is amended to read:

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

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

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

(3) If the owner cannot be personally served with the resolution of the municipal

council or cemetery maintenance district board as required in Subsection (2), the municipal council or cemetery maintenance district board shall publish its resolution;

(a) (i) for three successive weeks in a newspaper of general circulation within the county; and

(ii) in accordance with Section 45-1-101 for three weeks; and

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

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

Section 11. Section **9-3-409** is amended to read:

9-3-409. Actions on validity or enforceability of bonds -- Time for bringing action.

(1) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this chapter or the security for them, any such bond reciting in substance that it has been issued by the authority in connection with the Utah Science Center shall be conclusively ~~[deemed]~~ considered to have been issued for that purpose.

(2) (a) After receiving notice described in Subsection (2)(a)(ii), a person may contest:

(i) (A) the legality of a resolution;

(B) notice of bonds to be issued; or

(C) a provision made for the security and payment of the bonds; and

~~[(2) For]~~ (ii) for a period of 30 days after the publication of the resolution authorizing the bonds, or a notice of bonds to be issued by the authority containing those items described in Section 11-14-316;

(A) in a newspaper having general circulation in the area of operation~~[-any person may contest the legality of the resolution authorizing any bonds, notice of bonds to be issued,~~

or any provisions made for the security and payment of the bonds.]; or

(B) as required in Section 45-1-101.

(b) After the 30-day period no one has any cause of action to contest the regularity, formality, or legality of the notice of bonds to be issued or the bonds for any cause whatsoever.

Section 12. Section **9-8-805** is amended to read:

9-8-805. Collecting institutions -- Perfecting title -- Notice.

(1) (a) Any collecting institution wishing to perfect title in any repositied materials held by it shall send, by registered mail, a notice containing the information required by this section to the last-known address of the last-known owner of the property.

(b) The collecting institution shall publish a notice containing the information required by this section [~~at least once per week for two consecutive weeks in a newspaper of general circulation in the county where the collecting institution is located if~~]:

(i) if:

[(i)] (A) the owner or the address of the owner of the repositied materials is unknown;

[(ii)] (B) the mailed notice is returned to the collecting institution without a forwarding address; or

[(iii)] (C) the owner does not claim the repositied materials within 90 days after the notice was mailed[-]; and

(ii) (A) by publication at least once per week for two consecutive weeks in a newspaper of general circulation in the county where the collection institution is located; and

(B) by publication in accordance with Section 45-1-101 for two weeks.

(2) The notices required by this section shall include:

(a) the name, if known, and the last-known address, if any, of the last-known owner of the repositied materials;

(b) a description of the repositied materials;

(c) the name of the collecting institution that has possession of the repositied materials and a person within that institution whom the owner may contact; and

(d) a statement that if the repositied materials are not claimed within 90 days from the

date that the notice is published [~~in the newspaper for the second time~~] in accordance with Subsection (1)(b), the repositied materials are considered to be abandoned and become the property of the collecting institution.

(3) If no one has claimed the repositied materials within 90 days after the date that the notice is published [~~in the newspaper for the second time,~~] in accordance with Subsection (1)(b), the repositied materials are considered to be abandoned and are the property of the collecting institution.

Section 13. Section **10-2-108** is amended to read:

10-2-108. Public hearings on feasibility study results -- Notice of hearings.

(1) If the results of the feasibility study or supplemental feasibility study meet the requirements of Subsection 10-2-109(3), the county legislative body shall, at its next regular meeting after receipt of the results of the feasibility study or supplemental feasibility study, schedule at least two public hearings to be held:

(a) within the following 60 days;

(b) at least seven days apart;

(c) in geographically diverse locations within the proposed city; and

(d) for the purpose of allowing:

(i) the feasibility consultant to present the results of the study; and

(ii) the public to become informed about the feasibility study results and to ask questions about those results of the feasibility consultant.

(2) (a) (i) The county clerk shall publish notice of the public hearings required under Subsection (1):

(A) at least once a week for three successive weeks in a newspaper of general circulation within the proposed city[:]; and

(B) in accordance with Section 45-1-101 for three weeks.

(ii) The last publication of notice required under Subsection (2)(a)(i)(A) shall be at least three days before the first public hearing required under Subsection (1).

(b) (i) If, under Subsection (2)(a)(i)(A), there is no newspaper of general circulation

within the proposed city, the county clerk shall post at least one notice of the hearings per 1,000 population in conspicuous places within the proposed city that are most likely to give notice of the hearings to the residents of the proposed city.

(ii) The clerk shall post the notices under Subsection (2)(b)(i) at least seven days before the first hearing under Subsection (1).

(c) The notice under Subsections (2)(a) and (b) shall include the feasibility study summary under Subsection 10-2-106(3)(b) and shall indicate that a full copy of the study is available for inspection and copying at the office of the county clerk.

Section 14. Section **10-2-111** is amended to read:

10-2-111. Incorporation election.

(1) At the next special election date under Section 20A-1-204 more than 45 days after the county legislative body's receipt of the certified petition or certified modified petition under Subsection 10-2-110(1)(b)(i), the county legislative body shall hold an election on the proposed incorporation.

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

(i) in a newspaper of general circulation within the area proposed to be incorporated at least once a week for three successive weeks[-]; and

(ii) in accordance with Section 45-1-101 for three weeks.

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

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

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

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

and

(iv) the feasibility study summary under Subsection 10-2-106(3)(b) and a statement that a full copy of the study is available for inspection and copying at the office of the county clerk.

(c) The last publication of notice required under Subsection (2)(a) shall occur at least one day but no more than seven days before the election.

(d) (i) [~~H~~] In accordance with Subsection (2)(a)(i), if there is no newspaper of general circulation within the proposed city, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the proposed city that are most likely to give notice of the election to the voters of the proposed city.

(ii) The clerk shall post the notices under Subsection (2)(d)(i) at least seven days before the election under Subsection (1).

Section 15. Section **10-2-114** is amended to read:

10-2-114. Determination of number of council members -- Determination of election districts -- Hearings and notice.

(1) If the incorporation proposal passes, the petition sponsors shall, within 25 days of the canvass of the election under Section 10-2-111:

(a) if the voters at the incorporation election choose the council-mayor form of government, determine the number of council members that will constitute the council of the future city;

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

(c) determine the initial terms of the mayor and members of the city council so that:

(i) the mayor and approximately half the members of the city council are elected to serve an initial term, of no less than one year, that allows their successors to serve a full four-year term that coincides with the schedule established in Subsection 10-3-205(1); and

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

(d) submit in writing to the county legislative body the results of the sponsors' determinations under Subsections (1)(a), (b), and (c).

(2) (a) Before making a determination under Subsection (1)(a), (b), or (c), the petition sponsors shall hold a public hearing within the future city on the applicable issues under

Subsections (1)(a), (b), and (c).

(b) (i) The petition sponsors shall publish notice of the public hearing under Subsection (2)(a);

(A) in a newspaper of general circulation within the future city at least once a week for two successive weeks before the hearing[-]; and

(B) in accordance with Section 45-1-101 for two weeks before the hearing.

(ii) The last publication of notice under Subsection (2)(b)(i)(A) shall be at least three days before the public hearing under Subsection (2)(a).

(c) (i) [Hf] In accordance with Subsection (2)(b)(i)(A), if there is no newspaper of general circulation within the future city, the petition sponsors shall post at least one notice of the hearing per 1,000 population in conspicuous places within the future city that are most likely to give notice of the hearing to the residents of the future city.

(ii) The petition sponsors shall post the notices under Subsection (2)(c)(i) at least seven days before the hearing under Subsection (2)(a).

Section 16. Section **10-2-115** is amended to read:

10-2-115. Notice of number of commission or council members to be elected and of district boundaries -- Declaration of candidacy for city office.

(1) (a) Within 20 days of the county legislative body's receipt of the information under Subsection 10-2-114(1)(d), the county clerk shall publish ~~[in a newspaper of general circulation within the future city a]~~, in accordance with Subsection (1)(b), notice containing:

(i) the number of commission or council members to be elected for the new city;

(ii) if some or all of the commission or council members are to be elected by district, a description of the boundaries of those districts as designated by the petition sponsors under Subsection 10-2-114(1)(b);

(iii) information about the deadline for filing a declaration of candidacy for those seeking to become candidates for mayor or city commission or council; and

(iv) information about the length of the initial term of each of the city officers, as determined by the petition sponsors under Subsection 10-2-114(1)(c).

(b) The notice under Subsection (1)(a) shall be published;

(i) in a newspaper of general circulation within the future city at least once a week for two successive weeks[-]; and

(ii) in accordance with Section 45-1-101 for two weeks.

(c) (i) [Hf] In accordance with Subsection (1)(b)(i), if there is no newspaper of general circulation within the future city, the county clerk shall post at least one notice per 1,000 population in conspicuous places within the future city that are most likely to give notice to the residents of the future city.

(ii) The notice under Subsection (1)(c)(i) shall contain the information required under Subsection (1)(a).

(iii) The petition sponsors shall post the notices under Subsection (1)(c)(i) at least seven days before the deadline for filing a declaration of candidacy under Subsection (2).

(2) Notwithstanding Subsection 20A-9-203(2)(a), each person seeking to become a candidate for mayor or city commission or council of a city incorporating under this part shall, within 45 days of the incorporation election under Section 10-2-111, file a declaration of candidacy with the clerk of the county in which the future city is located.

Section 17. Section **10-2-116** is amended to read:

10-2-116. Election of officers of new city.

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

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

(b) hold a final election.

(2) Each election under Subsection (1) shall be:

(a) appropriate to the form of government chosen by the voters at the incorporation election;

(b) consistent with the voters' decision about whether to elect commission or council members by district and, if applicable, consistent with the boundaries of those districts as determined by the petition sponsors; and

(c) consistent with the sponsors' determination of the number of commission or council members to be elected and the length of their initial term.

(3) (a) Subject to Subsection (3)(b) and except as provided in Subsection (5), the primary election under Subsection (1)(a) shall be held at the earliest of the next:

- (i) regular general election under Section 20A-1-201;
- (ii) municipal primary election under Section 20A-9-404;
- (iii) municipal general election under Section 20A-1-202; or
- (iv) special election under Section 20A-1-204.

(b) Notwithstanding Subsection (3)(a), the primary election under Subsection (1)(a) may not be held until 75 days after the incorporation election under Section 10-2-111.

(4) Except as provided in Subsection (5), the final election under Subsection (1)(b) shall be held at the next special election date under Section 20A-1-204:

- (a) after the primary election; or
- (b) if there is no primary election, more than 75 days after the incorporation election under Section 10-2-111.

(5) Notwithstanding Subsections (3) and (4), the county legislative body may hold the primary and final elections required under Subsection (1) on the dates provided for the next municipal primary election under Section 20A-9-404 and the next municipal general election under Section 20A-1-202, respectively, after the incorporation election, if:

- (a) with the results under Subsection 10-2-114(1)(d), the petition sponsors submit to the county legislative body a written request to that effect; and
- (b) the incorporation election under Section 10-2-111 took place in February or May of an odd-numbered year.

(6) (a) (i) The county clerk shall publish notice of an election under this section; (A) at least once a week for two successive weeks in a newspaper of general circulation within the future city[-]; and

(B) in accordance with Section 45-1-101 for two weeks.

(ii) The later notice under Subsection (6)(a)(i) shall be at least one day but no more

than seven days before the election.

(b) (i) ~~[H]~~ In accordance with Subsection (6)(a)(i)(A), if there is no newspaper of general circulation within the future city, the county clerk shall post at least one notice of the election per 1,000 population in conspicuous places within the future city that are most likely to give notice of the election to the voters.

(ii) The county clerk shall post the notices under Subsection (6)(b)(i) at least seven days before each election under Subsection (1).

(7) Until the city is incorporated, the county clerk is the election officer for all purposes in an election of officers of the city approved at an incorporation election.

Section 18. Section **10-2-125** is amended to read:

10-2-125. Incorporation of a town.

(1) As used in this section:

(a) "Assessed value," with respect to agricultural land, means the value at which the land would be assessed without regard to a valuation for agricultural use under Section 59-2-503.

(b) "Financial feasibility study" means a study to determine:

(i) the projected revenues for the proposed town during the first three years after incorporation; and

(ii) the projected costs, including overhead, that the proposed town will incur in providing governmental services during the first three years after incorporation.

(c) "Municipal service" means a publicly provided service that is not provided on a countywide basis.

(d) "Nonurban" means having a residential density of less than one unit per acre.

(2) (a) (i) A contiguous area of a county not within a municipality, with a population of at least 100 but less than 1,000, may incorporate as a town as provided in this section.

(ii) An area within a county of the first class is not contiguous for purposes of Subsection (2)(a)(i) if:

(A) the area includes a strip of land that connects geographically separate areas; and

1039 (B) the distance between the geographically separate areas is greater than the average
1040 width of the strip of land connecting the geographically separate areas.

1041 (b) The population figure under Subsection (2)(a) shall be determined:

1042 (i) as of the date the incorporation petition is filed; and

1043 (ii) by the Utah Population Estimates Committee within 20 days after the county
1044 clerk's certification under Subsection (6) of a petition filed under Subsection (4).

1045 (3) (a) The process to incorporate an area as a town is initiated by filing a request for a
1046 public hearing with the clerk of the county in which the area is located.

1047 (b) Each request for a public hearing under Subsection (3)(a) shall:

1048 (i) be signed by the owners of at least five separate parcels of private real property,
1049 each owned by a different owner, located within the area proposed to be incorporated; and

1050 (ii) be accompanied by an accurate map or plat depicting the boundary of the
1051 proposed town.

1052 (c) Within ten days after a request for a public hearing is filed under Subsection (3)(a),
1053 the county clerk shall, with the assistance of other county officers from whom the clerk
1054 requests assistance, determine whether the petition complies with the requirements of
1055 Subsection (3)(b).

1056 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with
1057 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written
1058 notice of the rejection to the signers of the request.

1059 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the
1060 requirements of Subsection (3)(b), the clerk shall:

1061 (A) schedule and arrange for a public hearing to be held:

1062 (I) (Aa) at a public facility located within the boundary of the proposed town; or

1063 (Bb) if there is no public facility within the boundary of the proposed town, at another
1064 nearby public facility or at the county seat; and

1065 (II) within 20 days after the clerk provides the last notice required under Subsection
1066 (3)(e)(i)(B); and

1067 (B) subject to Subsection (3)(e)(ii), give notice of the public hearing on the proposed
1068 incorporation by:

1069 (I) posting notice of the public hearing on the county's Internet website, if the county
1070 has an Internet website; and

1071 (II) (Aa) (Ii) publishing notice of the public hearing at least once a week for two
1072 consecutive weeks in a newspaper of general circulation within the proposed town; ~~[or]~~ and

1073 (Iiii) publishing notice of the public hearing in accordance with Section 45-1-101 for
1074 two weeks; or

1075 (Bb) in accordance with Subsection (3)(e)(i)(B)(II)(Aa)(Ii), if there is no newspaper of
1076 general circulation within the proposed town, posting notice of the public hearing in at least
1077 five conspicuous public places within the proposed town.

1078 (ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,
1079 Subsection (3)(e)(i)(B)(II)(Bb) and the first publishing of notice required under Subsection
1080 (3)(e)(i)(B)(II)(Aa), if applicable, shall occur no later than ten days after the clerk determines
1081 that a request complies with the requirements of Subsection (3)(b).

1082 (iii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the chair
1083 of the county commission or council, or the chair's designee, to:

1084 (A) introduce the concept of the proposed incorporation to the public;

1085 (B) allow the public to review the map or plat of the boundary of the proposed town;

1086 (C) allow the public to ask questions and become informed about the proposed
1087 incorporation; and

1088 (D) allow the public to express their views about the proposed incorporation,
1089 including their views about the boundary of the area proposed to be incorporated.

1090 (4) (a) At any time within three months after the public hearing under Subsection
1091 (3)(e), a petition to incorporate the area as a town may be filed with the clerk of the county in
1092 which the area is located.

1093 (b) Each petition under Subsection (4)(a) shall:

1094 (i) be signed by:

- 1095 (A) the owners of private real property that:
- 1096 (I) is located within the area proposed to be incorporated;
- 1097 (II) covers a majority of the total private land area within the area;
- 1098 (III) is equal in assessed value to more than 1/2 of the assessed value of all private real
- 1099 property within the area; and
- 1100 (IV) consists, in number of parcels, of at least 1/3 of the number of all parcels of
- 1101 private real property within the area proposed to be incorporated; and
- 1102 (B) a majority of all registered voters within the area proposed to be incorporated as a
- 1103 town, according to the official voter registration list maintained by the county on the date the
- 1104 petition is filed;
- 1105 (ii) designate as sponsors at least five of the property owners who have signed the
- 1106 petition, one of whom shall be designated as the contact sponsor, with the mailing address of
- 1107 each owner signing as a sponsor;
- 1108 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
- 1109 licensed surveyor, showing a legal description of the boundary of the proposed town; and
- 1110 (iv) substantially comply with and be circulated in the following form:
- 1111 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
- 1112 town)
- 1113 To the Honorable County Legislative Body of (insert the name of the county in which
- 1114 the proposed town is located) County, Utah:
- 1115 We, the undersigned owners of real property and registered voters within the area
- 1116 described in this petition, respectfully petition the county legislative body for the area
- 1117 described in this petition to be incorporated as a town. Each of the undersigned affirms that
- 1118 each has personally signed this petition and is an owner of real property or a registered voter
- 1119 residing within the described area, and that the current residence address of each is correctly
- 1120 written after the signer's name. The area proposed to be incorporated as a town is described as
- 1121 follows: (insert an accurate description of the area proposed to be incorporated).
- 1122 (c) A petition under this Subsection (4) may not describe an area that includes some or

1123 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

1124 (i) was filed before the filing of the petition; and

1125 (ii) is still pending on the date the petition is filed.

1126 (d) A petition may not be filed under this section if the private real property owned by
1127 the petition sponsors, designated under Subsection (4)(b)(ii), cumulatively exceeds 40% of the
1128 total private land area within the area proposed to be incorporated as a town.

1129 (e) A signer of a petition under this Subsection (4) may withdraw or, after withdrawn,
1130 reinstate the signer's signature on the petition:

1131 (i) at any time until the county clerk certifies the petition under Subsection (6); and

1132 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

1133 (5) (a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town
1134 an area located within a county of the first class, the county clerk shall deliver written notice of
1135 the proposed incorporation:

1136 (i) to each owner of private real property owning more than 1% of the assessed value
1137 of all private real property within the area proposed to be incorporated as a town; and

1138 (ii) within seven calendar days after the date on which the petition is filed.

1139 (b) A private real property owner described in Subsection (5)(a)(i) may exclude all or
1140 part of the owner's property from the area proposed to be incorporated as a town by filing a
1141 notice of exclusion:

1142 (i) with the county clerk; and

1143 (ii) within ten calendar days after receiving the clerk's notice under Subsection (5)(a).

1144 (c) The county legislative body shall exclude from the area proposed to be
1145 incorporated as a town the property identified in the notice of exclusion under Subsection
1146 (5)(b) if:

1147 (i) the property:

1148 (A) is nonurban; and

1149 (B) does not and will not require a municipal service; and

1150 (ii) exclusion will not leave an unincorporated island within the proposed town.

1151 (d) If the county legislative body excludes property from the area proposed to be
1152 incorporated as a town, the county legislative body shall send written notice of the exclusion to
1153 the contact sponsor within five days after the exclusion.

1154 (6) Within 20 days after the filing of a petition under Subsection (4), the county clerk
1155 shall:

1156 (a) with the assistance of other county officers from whom the clerk requests
1157 assistance, determine whether the petition complies with the requirements of Subsection (4);
1158 and

1159 (b) (i) if the clerk determines that the petition complies with those requirements:

1160 (A) certify the petition and deliver the certified petition to the county legislative body;
1161 and

1162 (B) mail or deliver written notification of the certification to:

1163 (I) the contact sponsor;

1164 (II) if applicable, the chair of the planning commission of each township in which any
1165 part of the area proposed for incorporation is located; and

1166 (III) the Utah Population Estimates Committee; or

1167 (ii) if the clerk determines that the petition fails to comply with any of those
1168 requirements, reject the petition and notify the contact sponsor in writing of the rejection and
1169 the reasons for the rejection.

1170 (7) (a) (i) A petition that is rejected under Subsection (6)(b)(ii) may be amended to
1171 correct a deficiency for which it was rejected and then refiled with the county clerk.

1172 (ii) A valid signature on a petition filed under Subsection (4)(a) may be used toward
1173 fulfilling the signature requirement of Subsection (4)(b) for the same petition that is amended
1174 under Subsection (7)(a)(i) and then refiled with the county clerk.

1175 (b) If a petition is amended and refiled under Subsection (7)(a)(i) after having been
1176 rejected by the county clerk under Subsection (6)(b)(ii):

1177 (i) the amended petition shall be considered as a newly filed petition; and

1178 (ii) the amended petition's processing priority is determined by the date on which it is

1179 refiled.

1180 (8) (a) (i) The legislative body of a county with which a petition is filed under
1181 Subsection (4) may, at its option and upon the petition being certified under Subsection (6),
1182 commission and pay for a financial feasibility study.

1183 (ii) If the county legislative body chooses to commission a financial feasibility study,
1184 the county legislative body shall:

1185 (A) within 20 days after the incorporation petition is certified, select and engage a
1186 feasibility consultant; and

1187 (B) require the feasibility consultant to complete the financial feasibility study and
1188 submit written results of the study to the county legislative body no later than 30 days after the
1189 feasibility consultant is engaged to conduct the financial feasibility study.

1190 (b) The county legislative body shall approve a petition proposing the incorporation of
1191 a town and hold an election for town officers, as provided in Subsection (9), if:

1192 (i) the county clerk has certified the petition under Subsection (6); and

1193 (ii) (A) (I) the county legislative body has commissioned a financial feasibility study
1194 under Subsection (8)(a); and

1195 (II) the results of the financial feasibility study show that the average annual amount of
1196 revenues described in Subsection (1)(b)(i) does not exceed the average annual amount of costs
1197 described in Subsection (1)(b)(ii) by more than 10%; or

1198 (B) the county legislative body chooses not to commission a financial feasibility study.

1199 (c) (i) If the county legislative body commissions a financial feasibility study under
1200 Subsection (8)(a) and the results of the financial feasibility study show that the average annual
1201 amount of revenues described in Subsection (1)(b)(i) exceeds the average annual amount of
1202 costs described in Subsection (1)(b)(ii) by more than 10%, the county legislative body may:

1203 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial
1204 feasibility study show that the average annual amount of revenues described in Subsection
1205 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%
1206 or more;

1207 (B) approve the petition and hold an election for town officers, as provided in
1208 Subsection (9); or

1209 (C) (I) with the consent of the petition sponsors:

1210 (Aa) impose conditions to mitigate the fiscal inequities identified in the financial
1211 feasibility study; or

1212 (Bb) alter the boundaries of the area proposed to be incorporated as a town to
1213 approximate the boundaries necessary to prevent the average annual amount of revenues
1214 described in Subsection (1)(b)(i) from exceeding the average annual amount of costs described
1215 in Subsection (1)(b)(ii); and

1216 (II) approve the incorporation petition and hold an election for town officers, as
1217 provided in Subsection (9).

1218 (ii) A county legislative body intending to deny a petition under Subsection
1219 (8)(c)(i)(A) shall deny the petition within 20 days after the feasibility consultant submits the
1220 written results of the financial feasibility study.

1221 (d) Each town that incorporates pursuant to a petition approved after the county
1222 legislative body imposes conditions under Subsection (8)(c)(i)(C)(I) shall comply with those
1223 conditions.

1224 (9) (a) The legislative body of the county in which the proposed new town is located
1225 shall hold the election for town officers provided for in Subsection (8) within:

1226 (i) 45 days after the petition is certified, for an election under Subsection (8)(b)(ii)(B);

1227 (ii) 45 days after the feasibility consultant submits the written results of the financial
1228 feasibility study, for an election under Subsection (8)(b)(ii)(A) or (8)(c)(i)(B); or

1229 (iii) 60 days after the feasibility consultant submits the written results of the financial
1230 feasibility study, for an election under Subsection (8)(c)(i)(C).

1231 (b) The officers elected at an election under Subsection (9)(a) shall take office:

1232 (i) at noon on the first Monday in January next following the election, if the election is
1233 held on a regular general or municipal general election date; or

1234 (ii) at noon on the first day of the month next following the effective date of the

1235 incorporation under Subsection (12), if the election of officers is held on any other date.

1236 (10) Each newly incorporated town shall operate under the five-member council form
1237 of government as defined in Section 10-3b-102.

1238 (11) (a) Within seven days after the canvass of the election of town officers under
1239 Subsection (9), the mayor-elect of the new town shall file at least three copies of the articles of
1240 incorporation of the new town with the lieutenant governor.

1241 (b) The articles of incorporation shall meet the requirements of Subsection
1242 10-2-119(2).

1243 (12) A new town is incorporated:

1244 (a) on December 31 of the year in which the lieutenant governor issues a certificate of
1245 entity creation for the town under Section 67-1a-6.5, if the election of town officers under
1246 Subsection (9) is held on a regular general or municipal general election date; or

1247 (b) on the last day of the month during which the lieutenant governor issues a
1248 certificate of entity creation for the town under Section 67-1a-6.5, if the election of town
1249 officers under Subsection (9) is held on any other date.

1250 (13) For each petition filed before March 5, 2008:

1251 (a) the petition is subject to and governed by the law in effect at the time the petition
1252 was filed; and

1253 (b) the law in effect at the time the petition was filed governs in all administrative and
1254 judicial proceedings relating to the petition.

1255 Section 19. Section **10-2-406** is amended to read:

1256 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

1257 (1) After receipt of the notice of certification from the city recorder or town clerk
1258 under Subsection 10-2-405(2)(c)(i), the municipal legislative body shall:

1259 (a) (i) publish a notice;

1260 (A) at least once a week for three successive weeks, beginning no later than ten days
1261 after receipt of the notice of certification, in a newspaper of general circulation within:

1262 [~~(A)~~] (I) the area proposed for annexation; and

1263 ~~[(B)]~~ (II) the unincorporated area within 1/2 mile of the area proposed for annexation;
1264 ~~[or]~~ and

1265 (B) in accordance with Section 45-1-101, for three weeks, beginning no later than ten
1266 days after receipt of the notice of certification; and

1267 (ii) in accordance with Subsection (1)(a)(i)(A), if there is no newspaper of general
1268 circulation within those areas, post written notices in conspicuous places within those areas
1269 that are most likely to give notice to residents within those areas; and

1270 (b) within 20 days of receipt of the notice of certification under Subsection
1271 10-2-405(2)(c)(i), mail written notice to each affected entity.

1272 (2) (a) The notice under Subsections (1)(a) and (b) shall:

1273 (i) state that a petition has been filed with the municipality proposing the annexation
1274 of an area to the municipality;

1275 (ii) state the date of the municipal legislative body's receipt of the notice of
1276 certification under Subsection 10-2-405(2)(c)(i);

1277 (iii) describe the area proposed for annexation in the annexation petition;

1278 (iv) state that the complete annexation petition is available for inspection and copying
1279 at the office of the city recorder or town clerk;

1280 (v) state in conspicuous and plain terms that the municipality may grant the petition
1281 and annex the area described in the petition unless, within the time required under Subsection
1282 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission
1283 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
1284 municipality;

1285 (vi) state the address of the commission or, if a commission has not yet been created in
1286 the county, the county clerk, where a protest to the annexation petition may be filed;

1287 (vii) state that the area proposed for annexation to the municipality will also
1288 automatically be annexed to a local district providing fire protection, paramedic, and
1289 emergency services, as provided in Section 17B-1-416, if:

1290 (A) the proposed annexing municipality is entirely within the boundaries of a local

1291 district:

1292 (I) that provides fire protection, paramedic, and emergency services; and

1293 (II) in the creation of which an election was not required because of Subsection

1294 17B-1-214(3)(c); and

1295 (B) the area proposed to be annexed to the municipality is not already within the

1296 boundaries of the local district; and

1297 (viii) state that the area proposed for annexation to the municipality will be

1298 automatically withdrawn from a local district providing fire protection, paramedic, and

1299 emergency services, as provided in Subsection 17B-1-502(2), if:

1300 (A) the petition proposes the annexation of an area that is within the boundaries of a

1301 local district:

1302 (I) that provides fire protection, paramedic, and emergency services; and

1303 (II) in the creation of which an election was not required because of Subsection

1304 17B-1-214(3)(c); and

1305 (B) the proposed annexing municipality is not within the boundaries of the local

1306 district.

1307 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a

1308 written protest in terms of the actual date rather than by reference to the statutory citation.

1309 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection

1310 (1)(a) for a proposed annexation of an area within a county of the first class shall include a

1311 statement that a protest to the annexation petition may be filed with the commission by

1312 property owners if it contains the signatures of the owners of private real property that:

1313 (i) is located in the unincorporated area within 1/2 mile of the area proposed for

1314 annexation;

1315 (ii) covers at least 25% of the private land area located in the unincorporated area

1316 within 1/2 mile of the area proposed for annexation; and

1317 (iii) is equal in value to at least 15% of all real property located in the unincorporated

1318 area within 1/2 mile of the area proposed for annexation.

1319 Section 20. Section **10-2-407** is amended to read:

1320 **10-2-407. Protest to annexation petition -- Township planning commission**
1321 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

1322 (1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

1323 (i) the legislative body or governing board of an affected entity; or

1324 (ii) for a proposed annexation of an area within a county of the first class, the owners
1325 of private real property that:

1326 (A) is located in the unincorporated area within 1/2 mile of the area proposed for
1327 annexation;

1328 (B) covers at least 25% of the private land area located in the unincorporated area
1329 within 1/2 mile of the area proposed for annexation; and

1330 (C) is equal in value to at least 15% of all real property located in the unincorporated
1331 area within 1/2 mile of the area proposed for annexation.

1332 (b) (i) A planning commission of a township located in a county of the first class may
1333 recommend to the legislative body of the county in which the township is located that the
1334 county legislative body file a protest against a proposed annexation under this part of an area
1335 located within the township.

1336 (ii) (A) The township planning commission shall communicate each recommendation
1337 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days of the city
1338 recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)
1339 (c)(i).

1340 (B) At the time the recommendation is communicated to the county legislative body
1341 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy
1342 of the recommendation to the legislative body of the proposed annexing municipality and to
1343 the contact sponsor.

1344 (2) (a) Each protest under Subsection (1)(a) shall:

1345 (i) be filed:

1346 (A) no later than 30 days after the municipal legislative body's receipt of the notice of

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

(B) (I) in a county that has already created a commission under Section 10-2-409, with the commission; or

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

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

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

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

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

(c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall immediately notify the county legislative body of the protest and shall deliver the protest to the boundary commission within five days of its creation under Subsection 10-2-409(1)(b).

(d) Each protest of a proposed annexation of an area located in a county of the first class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and (b):

(i) indicate the typed or printed name and current residence address of each owner signing the protest; and

(ii) designate one of the signers of the protest as the contact person and state the mailing address of the contact person.

(3) (a) (i) If a protest is filed under this section:

(A) the municipal legislative body may, at its next regular meeting after expiration of the deadline under Subsection (2)(a)(i)(A) and, for a proposed annexation of an area located in

1375 a county of the first class, except as provided in Subsection (3)(a)(iii), deny the annexation
1376 petition; or

1377 (B) if the municipal legislative body does not deny the annexation petition under
1378 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the
1379 annexation petition until after receipt of the commission's notice of its decision on the protest
1380 under Section 10-2-416.

1381 (ii) If a municipal legislative body denies an annexation petition under Subsection
1382 (3)(a)(i)(A), the municipal legislative body shall, within five days of the denial, send notice of
1383 the denial in writing to:

1384 (A) the contact sponsor of the annexation petition;

1385 (B) the commission;

1386 (C) each entity that filed a protest; and

1387 (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an
1388 area located in a county of the first class, the contact person.

1389 (iii) A municipal legislative body may not deny an annexation petition proposing to
1390 annex an area located in a county of the first class if:

1391 (A) the petition contains the signatures of the owners of private real property that:

1392 (I) is located within the area proposed for annexation;

1393 (II) covers a majority of the private land area within the area proposed for annexation;

1394 and

1395 (III) is equal in value to at least 1/2 of the value of all private real property within the
1396 area proposed for annexation;

1397 (B) the population in the area proposed for annexation does not exceed 10% of the
1398 population of the proposed annexing municipality;

1399 (C) the property tax rate for municipal services in the area proposed to be annexed is
1400 higher than the property tax rate of the proposed annexing municipality; and

1401 (D) all annexations by the proposed annexing municipality during the year that the
1402 petition was filed have not increased the municipality's population by more than 20%.

1403 (b) (i) If no timely protest is filed under this section, the municipal legislative body
1404 may, subject to Subsection (3)(b)(ii), grant the petition and, by ordinance, annex the area that
1405 is the subject of the annexation petition.

1406 (ii) Before granting an annexation petition under Subsection (3)(b)(i), the municipal
1407 legislative body shall:

1408 (A) hold a public hearing; and

1409 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

1410 (I) (Aa) publish notice of the hearing in a newspaper of general circulation within the
1411 municipality and the area proposed for annexation; or

1412 [~~(H)~~] (Bb) if there is no newspaper of general circulation in those areas, post written
1413 notices of the hearing in conspicuous places within those areas that are most likely to give
1414 notice to residents within those areas~~[-]; and~~

1415 (II) publish notice of the hearing in accordance with Section 45-1-101.

1416 Section 21. Section **10-2-415** is amended to read:

1417 **10-2-415. Public hearing -- Notice.**

1418 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet
1419 the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
1420 located in a county of the first class, the commission shall hold a public hearing within 30
1421 days of receipt of the feasibility study or supplemental feasibility study results.

1422 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

1423 (A) require the feasibility consultant to present the results of the feasibility study and,
1424 if applicable, the supplemental feasibility study;

1425 (B) allow those present to ask questions of the feasibility consultant regarding the
1426 study results; and

1427 (C) allow those present to speak to the issue of annexation.

1428 (iii) (A) The commission shall:

1429 (I) publish notice of each hearing under Subsection (1)(a)(i):

1430 (Aa) at least once a week for two successive weeks in a newspaper of general

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

(Bb) in accordance with Section 45-1-101 for two weeks; and

(II) send written notice of the hearing to the municipal legislative body of the proposed annexing municipality, the contact sponsor on the annexation petition, each entity that filed a protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.

(B) [H] In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the commission shall give the notice required under that subsection by posting notices, at least seven days before the hearing, in conspicuous places within those areas that are most likely to give notice of the hearing to the residents of those areas.

(C) The [notices] notice under Subsections (1)(a)(iii)(A) and (B) shall include the feasibility study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy of the study is available for inspection and copying at the office of the commission.

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

(ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the commission chair shall cause notice of the hearing to be published in a newspaper of general circulation within the area proposed for annexation.

(B) Each notice under Subsection (1)(b)(ii)(A) shall:

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

(II) briefly summarize the nature of the protest; and

(III) state that a copy of the protest is on file at the commission's office.

(iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to time, but no continued hearing may be held later than 60 days after the original hearing date.

(iv) In considering protests, the commission shall consider whether the proposed

1459 annexation:

1460 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the
1461 annexation policy plan of the proposed annexing municipality;

1462 (B) conflicts with the annexation policy plan of another municipality; and

1463 (C) if the proposed annexation includes urban development, will have an adverse tax
1464 consequence on the remaining unincorporated area of the county.

1465 (2) (a) The commission shall record each hearing under this section by electronic
1466 means.

1467 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if
1468 applicable, information received at the hearing, and the written decision of the commission
1469 shall constitute the record of the hearing.

1470 Section 22. Section **10-2-418** is amended to read:

1471 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
1472 **Hearing.**

1473 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an
1474 unincorporated area under this section without an annexation petition if:

1475 (i) (A) the area to be annexed consists of one or more unincorporated islands within or
1476 unincorporated peninsulas contiguous to the municipality;

1477 (B) the majority of each island or peninsula consists of residential or commercial
1478 development;

1479 (C) the area proposed for annexation requires the delivery of municipal-type services;
1480 and

1481 (D) the municipality has provided most or all of the municipal-type services to the
1482 area for more than one year; or

1483 (ii) (A) the area to be annexed consists of one or more unincorporated islands within
1484 or unincorporated peninsulas contiguous to the municipality, each of which has fewer than
1485 800 residents; and

1486 (B) the municipality has provided one or more municipal-type services to the area for

1487 at least one year.

1488 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
1489 portion of an island or peninsula under this section, leaving unincorporated the remainder of
1490 the unincorporated island or peninsula, if:

1491 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body
1492 determines that not annexing the entire unincorporated island or peninsula is in the
1493 municipality's best interest; and

1494 (ii) for an annexation of one or more unincorporated islands under Subsection
1495 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,
1496 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

1497 (2) (a) The legislative body of each municipality intending to annex an area under this
1498 section shall:

1499 (i) adopt a resolution indicating the municipal legislative body's intent to annex the
1500 area, describing the area proposed to be annexed;

1501 (ii) ~~[(A)]~~ publish notice;

1502 (A) (I) at least once a week for three successive weeks in a newspaper of general
1503 circulation within the municipality and the area proposed for annexation; or

1504 ~~[(B)]~~ (II) if there is no newspaper of general circulation in the areas described in
1505 Subsection (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those
1506 areas that are most likely to give notice to the residents of those areas; and

1507 (B) in accordance with Section 45-1-101 for three weeks;

1508 (iii) send written notice to the board of each local district and special service district
1509 whose boundaries contain some or all of the area proposed for annexation and to the
1510 legislative body of the county in which the area proposed for annexation is located; and

1511 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the
1512 adoption of the resolution under Subsection (2)(a)(i).

1513 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

1514 (i) state that the municipal legislative body has adopted a resolution indicating its

1515 intent to annex the area proposed for annexation;

1516 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

1517 (iii) describe the area proposed for annexation; and

1518 (iv) except for an annexation that meets the property owner consent requirements of

1519 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will

1520 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written

1521 protests to the annexation are filed by the owners of private real property that:

1522 (A) is located within the area proposed for annexation;

1523 (B) covers a majority of the total private land area within the entire area proposed for

1524 annexation; and

1525 (C) is equal in value to at least 1/2 the value of all private real property within the

1526 entire area proposed for annexation.

1527 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be

1528 within 14 days of the municipal legislative body's adoption of a resolution under Subsection

1529 (2)(a)(i).

1530 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the

1531 municipal legislative body may adopt an ordinance annexing the area proposed for annexation

1532 under this section unless, at or before the hearing, written protests to the annexation have been

1533 filed with the city recorder or town clerk, as the case may be, by the owners of private real

1534 property that:

1535 (i) is located within the area proposed for annexation;

1536 (ii) covers a majority of the total private land area within the entire area proposed for

1537 annexation; and

1538 (iii) is equal in value to at least 1/2 the value of all private real property within the

1539 entire area proposed for annexation.

1540 (b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a

1541 municipality may adopt an ordinance annexing the area proposed for annexation under this

1542 section without allowing or considering protests under Subsection (3)(a) if the owners of at

least 75% of the total private land area within the entire area proposed for annexation, representing at least 75% of the value of the private real property within the entire area proposed for annexation, have consented in writing to the annexation.

(ii) Upon adoption of an annexation ordinance under Subsection (3)(b)(i), the area annexed shall be conclusively presumed to be validly annexed.

(4) (a) If protests are timely filed that comply with Subsection (3), the municipal legislative body may not adopt an ordinance annexing the area proposed for annexation, and the annexation proceedings under this section shall be considered terminated.

(b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an unincorporated island regarding which protests have been filed and proceeding under Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

Section 23. Section **10-2-419** is amended to read:

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

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

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

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

(ii) hold a public hearing on the proposed adjustment no less than 60 days after the adoption of the resolution under Subsection (2)(a)(i); and

(iii) (A) publish notice;

(I) at least once a week for three successive weeks in a newspaper of general circulation within the municipality; or

~~[(B)]~~ (II) if there is no newspaper of general circulation within the municipality, post at least one notice per 1,000 population in places within the municipality that are most likely to give notice to residents of the municipality~~[-]; and~~

1571 (B) in accordance with Section 45-1-101 for three weeks.
1572 (b) The notice required under Subsection (2)(a)(iii) shall:
1573 (i) state that the municipal legislative body has adopted a resolution indicating the
1574 municipal legislative body's intent to adjust a boundary that the municipality has in common
1575 with another municipality;
1576 (ii) describe the area proposed to be adjusted;
1577 (iii) state the date, time, and place of the public hearing required under Subsection
1578 (2)(a)(ii);
1579 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
1580 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
1581 protests to the adjustment are filed by the owners of private real property that:
1582 (A) is located within the area proposed for adjustment;
1583 (B) covers at least 25% of the total private land area within the area proposed for
1584 adjustment; and
1585 (C) is equal in value to at least 15% of the value of all private real property within the
1586 area proposed for adjustment; ~~and~~
1587 (v) state that the area that is the subject of the boundary adjustment will, because of
1588 the boundary adjustment, be automatically annexed to a local district providing fire protection,
1589 paramedic, and emergency services, as provided in Section 17B-1-416, if:
1590 (A) the municipality to which the area is being added because of the boundary
1591 adjustment is entirely within the boundaries of a local district:
1592 (I) that provides fire protection, paramedic, and emergency services; and
1593 (II) in the creation of which an election was not required because of Subsection
1594 17B-1-214(3)(c); and
1595 (B) the municipality from which the area is being taken because of the boundary
1596 adjustment is not within the boundaries of the local district; and
1597 (vi) state that the area proposed for annexation to the municipality will be
1598 automatically withdrawn from a local district providing fire protection, paramedic, and

1599 emergency services, as provided in Subsection 17B-1-502(2), if:

1600 (A) the municipality to which the area is being added because of the boundary
1601 adjustment is not within the boundaries of a local district:

1602 (I) that provides fire protection, paramedic, and emergency services; and

1603 (II) in the creation of which an election was not required because of Subsection
1604 17B-1-214(3)(c); and

1605 (B) the municipality from which the area is being taken because of the boundary
1606 adjustment is entirely within the boundaries of the local district.

1607 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be
1608 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
1609 (2)(a)(i).

1610 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal
1611 legislative body may adopt an ordinance adjusting the common boundary unless, at or before
1612 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with
1613 the city recorder or town clerk, as the case may be, by the owners of private real property that:

1614 (a) is located within the area proposed for adjustment;

1615 (b) covers at least 25% of the total private land area within the area proposed for
1616 adjustment; and

1617 (c) is equal in value to at least 15% of the value of all private real property within the
1618 area proposed for adjustment.

1619 (4) The municipal legislative body shall comply with the requirements of Section
1620 10-2-425 as if the boundary change were an annexation.

1621 (5) An ordinance adopted under Subsection (3) becomes effective when each
1622 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
1623 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an
1624 annexation.

1625 Section 24. Section **10-2-501** is amended to read:

1626 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**

Requirements upon filing request.

(1) As used in this part "petitioners" means persons who:

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

(b) have signed a request for disconnection proposing to disconnect that area from the municipality.

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

(b) Each request for disconnection shall:

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

(ii) give the reasons for the proposed disconnection;

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

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

(3) Upon filing the request for disconnection, petitioners shall:

(a) cause notice of the request to be published;

(i) once a week for three consecutive weeks in a newspaper of general circulation within the municipality; and

(ii) in accordance with Section 45-1-101 for three weeks;

(b) cause notice of the request to be mailed to each owner of real property located within the area proposed to be disconnected; and

(c) deliver a copy of the request to the legislative body of the county in which the area proposed for disconnection is located.

Section 25. Section **10-2-502.5** is amended to read:

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

(1) Within 30 calendar days after the last publication of notice required under Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed

for disconnection is located shall hold a public hearing.

(2) At least seven calendar days before the hearing date, the municipal legislative body shall provide notice of the public hearing:

(a) in writing to the petitioners and to the legislative body of the county in which the area proposed for disconnection is located; and

(b) by publishing a notice:

(i) (A) in a newspaper of general circulation within the municipality; or

(B) if there is ~~[none]~~ no newspaper as described in Subsection (2)(b)(i)(A), then by posting notice of the hearing in at least three public places within the municipality; and

(ii) as required in Section 45-1-101.

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

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

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

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

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

(i) petitioners; or

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

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

Section 26. Section **10-2-607** is amended to read:

10-2-607. Notice of election.

If the county legislative bodies find that the resolution or petition for consolidation and their attachments substantially conform with the requirements of this part, they shall give notice of the election for consolidation to the electors of each municipality which would become part of the consolidated municipality by publication;

(a) in a newspaper having a general circulation within the boundaries of each municipality to be consolidated at least once a week for four consecutive weeks prior to the election on the question of consolidation[-]; and

(b) in accordance with Section 45-1-101 for four consecutive weeks.

Section 27. Section **10-2-703** is amended to read:

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

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

(a) petition; and

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

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

(a) (i) for at least once a week for a period of one month in a newspaper having general circulation in the municipality[-]; or

(ii) if there is ~~[none, then]~~ not a newspaper as described in Subsection (2)(a), by posting in at least three public places in the municipality~~[-, notice of the petition and of the date the election is to be held to determine the question of dissolution.]; and~~

(b) in accordance with Section 45-1-101 for one month.

Section 28. Section **10-2-708** is amended to read:

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

When ~~[any]~~ a municipality has been dissolved, the clerk of the court shall cause a notice thereof to be published:

(1) in a newspaper having a general circulation in the county in which the municipality is located at least once a week for four consecutive weeks[-]; and

(2) in accordance with Section 45-1-101 for four weeks.

Section 29. Section **10-3-818** is amended to read:

10-3-818. Salaries in municipalities.

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

1711 compensation or compensation schedules enacted after public hearing.

1712 (2) Upon its own motion the governing body may review or consider the compensation
1713 of any officer or officers of the municipality or a salary schedule applicable to any officer or
1714 officers of the city for the purpose of determining whether or not it should be adopted,
1715 changed, or amended. In the event that the governing body decides that the compensation or
1716 compensation schedules should be adopted, changed, or amended, it shall set a time and place
1717 for a public hearing at which all interested persons shall be given an opportunity to be heard.

1718 (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least
1719 seven days ~~[prior thereto]~~ before the meeting by publication:

1720 (i) at least once in a newspaper published in the county within which the municipality
1721 is situated and generally circulated in the municipality~~[-]; and~~ and

1722 (ii) as required in Section 45-1-101.

1723 (b) If there is ~~[no such newspaper]~~ not a newspaper as described in Subsection
1724 (3)(a)(i), then notice shall be given by posting this notice in three public places in the
1725 municipality.

1726 (4) After the conclusion of the public hearing, the governing body may enact an
1727 ordinance fixing, changing, or amending the compensation of any elective or appointive
1728 officer of the municipality or adopting a compensation schedule applicable to any officer or
1729 officers.

1730 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality
1731 establishing a salary or compensation schedule for its elective or appointive officers and any
1732 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the
1733 municipality has enacted an ordinance pursuant to the provisions of this chapter.

1734 (6) The compensation of all municipal officers shall be paid at least monthly out of the
1735 municipal treasury provided that municipalities having 1,000 or fewer population may by
1736 ordinance provide for the payment of its statutory officers less frequently. None of the
1737 provisions of this chapter shall be considered as limiting or restricting the authority to any
1738 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article

1739 XI, Section 5, to determine the salaries of its elective and appointive officers or employees.

1740 Section 30. Section **10-5-108** is amended to read:

1741 **10-5-108. Budget hearing -- Notice -- Adjustments.**

1742 (1) Prior to the adoption of the final budget, each town council shall hold a public
1743 hearing to receive public comment.

1744 (2) The council shall provide notice of the place, purpose, and time of the public
1745 hearing by publishing notice at least seven days before the hearing;

1746 (a) (i) at least once in a newspaper of general circulation in the town[~~;~~but]; or

1747 (ii) if there is no newspaper of general circulation, then by posting the notice in three
1748 public places at least 48 hours prior to the hearing[~~;~~]; and

1749 (b) as required in Section 45-1-101.

1750 (3) After the hearing, the council, subject to Section 10-5-110, may adjust
1751 expenditures and revenues in conformity with this chapter.

1752 Section 31. Section **10-6-113** is amended to read:

1753 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1754 At the meeting at which each tentative budget is adopted, the governing body shall
1755 establish the time and place of a public hearing to consider its adoption and shall order that
1756 notice [~~thereof~~] of the public hearing be published at least seven days prior to the hearing;

1757 (1) (a) in at least one issue of a newspaper of general circulation published in the
1758 county in which the city is located[~~;~~If no such newspaper is published,]; or

1759 (b) if there is not a newspaper as described in Subsection (1)(a), then the notice
1760 required by this section may be posted in three public places within the city[~~;~~]; and

1761 (2) as required in Section 45-1-101.

1762 Section 32. Section **10-6-152** is amended to read:

1763 **10-6-152. Notice that audit completed and available for inspection.**

1764 Within ten days following the receipt of the audit report furnished by the independent
1765 auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall;

1766 (1) prepare and publish;

(a) (i) at least twice in a newspaper of general circulation published within the county, a notice to the public that the audit of the city has been completed ~~[and a copy thereof may be inspected at the office of the city auditor or recorder. If]; or~~

(ii) if a newspaper of general circulation is not published within the county, the notice required by this section may be posted in three public places~~[-]; and~~

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

(2) make a copy of the notice described in Subsection (1)(a) available for inspection at the office of the city auditor or recorder.

Section 33. Section **10-7-16** is amended to read:

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

(1) (a) Before holding an election under Subsection 10-7-15(1)(a)(ii), the municipal legislative body shall open to bid the sale or lease of the property mentioned in Section 10-7-15.

(b) (i) The municipal legislative body shall cause notice of the bid process to be given by publication for at least three consecutive weeks;

(A) in a newspaper published or having general circulation in the city or town~~[-, giving a general description of the property to be sold or leased, and specifying the time when sealed bids for the property, or for a lease on the property, will be received, and the time when and the place where the bids will be opened.]; and~~

(B) as required in Section 45-1-101.

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

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

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

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

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

1795 system, or an equivalent proven history.

1796 (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to
1797 receive any bid submitted for the sale or lease of the electrical works and plant.

1798 (c) A municipal legislative body may not receive a bid unless the municipal legislative
1799 body determines that the bid is submitted by a responsible bidder.

1800 Section 34. Section **10-7-19** is amended to read:

1801 **10-7-19. Election to authorize -- Notice -- Ballots.**

1802 (1) The board of commissioners or city council of any city or the board of trustees of
1803 any incorporated town is authorized to aid and encourage the building of railroads by granting
1804 to any railroad company for depot or other railroad purposes real property of such city or
1805 incorporated town, not necessary for municipal or public purposes, upon such limitations and
1806 conditions as the board of commissioners, council or board of trustees may prescribe;
1807 provided, however, that no such grant shall be made to any railroad company unless the
1808 question of making it has been submitted to the qualified electors of the city or town at the
1809 next municipal election, or special election to be called for that purpose by the board of
1810 commissioners, city council or town board.

1811 (2) If the question is submitted at a special election, it shall be held as nearly as
1812 practicable in conformity with the general election laws of the state.

1813 (3) Notice of ~~[such election]~~ an election described in Subsection (2) shall be given by
1814 publication;

1815 (a) (i) in ~~[some]~~ a newspaper published or having general circulation in the city or
1816 town once a week for four weeks prior ~~[thereto;]~~ to the election; or

1817 (ii) if there is ~~[no such newspaper]~~ not a newspaper as described in Subsection
1818 (3)(a)(i), then by posting notices[-]; and

1819 (b) in accordance with Section 45-1-101 for four weeks prior to the election.

1820 (4) The board of commissioners, city council or town board shall cause ballots to be
1821 printed and furnished to the qualified electors, which shall read: "For the proposed grant for
1822 depot or other railroad purposes: Yes. No."

(5) If a majority of the qualified electors voting thereon shall have voted in favor of such grant, the board of commissioners, city council or town board shall then proceed to convey the property to the railroad company.

Section 35. Section **10-8-2** is amended to read:

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

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

(i) appropriate money for corporate purposes only;

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

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

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

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

(b) A municipality may:

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

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

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

(c) Each municipality that intends to acquire property by eminent domain under Subsection (1)(b) shall, upon the first contact with the owner of the property sought to be

acquired, deliver to the owner a copy of a booklet or other materials provided by the Office of the Property Rights Ombudsman, created under Section 13-43-201, dealing with the property owner's rights in an eminent domain proceeding.

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

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

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

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

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

(b) The criteria for a determination under this Subsection (3) shall be established by the municipality's legislative body. A determination of value received, made by the municipality's legislative body, shall be presumed valid unless it can be shown that the determination was arbitrary, capricious, or illegal.

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

(d) (i) Prior to the municipal legislative body making any decision to appropriate any funds for a corporate purpose under this section, a public hearing shall be held.

(ii) Notice of the hearing described in Subsection (3)(d)(i) shall be published;

(A) (I) in a newspaper of general circulation at least 14 days ~~[prior to]~~ before the date of the hearing~~[-or-]; or~~ or

1879 (II) if there is no newspaper of general circulation, by posting notice in at least three
1880 conspicuous places within the municipality for the same time period[-]; and

1881 (B) in accordance with Section 45-1-101, at least 14 days before the date of the
1882 hearing.

1883 (e) A study shall be performed before notice of the public hearing is given and shall be
1884 made available at the municipality for review by interested parties at least 14 days
1885 immediately prior to the public hearing, setting forth an analysis and demonstrating the
1886 purpose for the appropriation. In making the study, the following factors shall be considered:

1887 (i) what identified benefit the municipality will receive in return for any money or
1888 resources appropriated;

1889 (ii) the municipality's purpose for the appropriation, including an analysis of the way
1890 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,
1891 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1892 (iii) whether the appropriation is necessary and appropriate to accomplish the
1893 reasonable goals and objectives of the municipality in the area of economic development, job
1894 creation, affordable housing, blight elimination, job preservation, the preservation of historic
1895 structures and property, and any other public purpose.

1896 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,
1897 to make an appropriation.

1898 (ii) The appeal shall be filed within 30 days after the date of that decision, to the
1899 district court.

1900 (iii) Any appeal shall be based on the record of the proceedings before the legislative
1901 body.

1902 (iv) A decision of the municipal legislative body shall be presumed to be valid unless
1903 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1904 (g) The provisions of this Subsection (3) apply only to those appropriations made after
1905 May 6, 2002.

1906 (h) This section applies only to appropriations not otherwise approved pursuant to

1907 Title 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6,
1908 Uniform Fiscal Procedures Act for Utah Cities.

1909 (4) (a) Before a municipality may dispose of a significant parcel of real property, the
1910 municipality shall:

1911 (i) provide reasonable notice of the proposed disposition at least 14 days before the
1912 opportunity for public comment under Subsection (4)(a)(ii); and

1913 (ii) allow an opportunity for public comment on the proposed disposition.

1914 (b) Each municipality shall, by ordinance, define what constitutes:

1915 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1916 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1917 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire
1918 real property for the purpose of expanding the municipality's infrastructure or other facilities
1919 used for providing services that the municipality offers or intends to offer shall provide written
1920 notice, as provided in this Subsection (5), of its intent to acquire the property if:

1921 (i) the property is located:

1922 (A) outside the boundaries of the municipality; and

1923 (B) in a county of the first or second class; and

1924 (ii) the intended use of the property is contrary to:

1925 (A) the anticipated use of the property under the general plan of the county in whose
1926 unincorporated area or the municipality in whose boundaries the property is located; or

1927 (B) the property's current zoning designation.

1928 (b) Each notice under Subsection (5)(a) shall:

1929 (i) indicate that the municipality intends to acquire real property;

1930 (ii) identify the real property; and

1931 (iii) be sent to:

1932 (A) each county in whose unincorporated area and each municipality in whose
1933 boundaries the property is located; and

1934 (B) each affected entity.

1935 (c) A notice under this Subsection (5) is a protected record as provided in Subsection
1936 63G-2-305(7).

1937 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality
1938 previously provided notice under Section 10-9a-203 identifying the general location within the
1939 municipality or unincorporated part of the county where the property to be acquired is located.

1940 (ii) If a municipality is not required to comply with the notice requirement of
1941 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide
1942 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real
1943 property.

1944 Section 36. Section **10-9a-204** is amended to read:

1945 **10-9a-204. Notice of public hearings and public meetings to consider general**
1946 **plan or modifications.**

1947 (1) Each municipality shall provide:

1948 (a) notice of the date, time, and place of the first public hearing to consider the
1949 original adoption or any modification of all or any portion of a general plan; and

1950 (b) notice of each public meeting on the subject.

1951 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten
1952 calendar days before the public hearing and shall be:

1953 (a) (i) published in a newspaper of general circulation in the area; and

1954 (ii) published as required in Section 45-1-101;

1955 (b) mailed to each affected entity; and

1956 (c) posted:

1957 (i) in at least three public locations within the municipality; or

1958 (ii) on the municipality's official website.

1959 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1960 before the meeting and shall be:

1961 (a) (i) submitted to a newspaper of general circulation in the area; and

1962 (ii) published as required in Section 45-1-101; and

1963 (b) posted:

1964 (i) in at least three public locations within the municipality; or

1965 (ii) on the municipality's official website.

1966 Section 37. Section **10-9a-205** is amended to read:

1967 **10-9a-205. Notice of public hearings and public meetings on adoption or**

1968 **modification of land use ordinance.**

1969 (1) Each municipality shall give:

1970 (a) notice of the date, time, and place of the first public hearing to consider the

1971 adoption or any modification of a land use ordinance; and

1972 (b) notice of each public meeting on the subject.

1973 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

1974 (a) mailed to each affected entity at least ten calendar days before the public hearing;

1975 (b) posted:

1976 (i) in at least three public locations within the municipality; or

1977 (ii) on the municipality's official website; and

1978 (c) (i) (A) published in a newspaper of general circulation in the area at least ten

1979 calendar days before the public hearing; ~~[or]~~ and

1980 (B) published in accordance with Section 45-1-101, at least ten calendar days before

1981 the public hearing; or

1982 (ii) mailed at least three days before the public hearing to:

1983 (A) each property owner whose land is directly affected by the land use ordinance

1984 change; and

1985 (B) each adjacent property owner within the parameters specified by municipal

1986 ordinance.

1987 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours

1988 before the meeting and shall be posted:

1989 (a) in at least three public locations within the municipality; or

1990 (b) on the municipality's official website.

1991 Section 38. Section **10-9a-208** is amended to read:

1992 **10-9a-208. Hearing and notice for proposal to vacate, alter, or amend a public**
1993 **street or right-of-way.**

1994 For any proposal to vacate, alter, or amend a public street or right-of-way, the land use
1995 authority shall hold a public hearing and shall give notice of the date, place, and time of the
1996 hearing by:

1997 (1) mailing notice as required in Section 10-9a-207;

1998 (2) mailing notice to each affected entity; and

1999 (3) ~~[(a)]~~ publishing notice;

2000 (a) (i) once a week for four consecutive weeks before the hearing in a newspaper of
2001 general circulation in the municipality in which the land subject to the petition is located; or

2002 ~~[(b)]~~ (ii) in accordance with Subsection (3)(a)(i), if there is no newspaper of general
2003 circulation in the municipality, posting the property and posting notice in three public places
2004 for four consecutive weeks before the hearing~~[-];~~ and

2005 (b) in accordance with Section 45-1-101 for four weeks before the hearing.

2006 Section 39. Section **10-18-203** is amended to read:

2007 **10-18-203. Feasibility study on providing cable television or public**
2008 **telecommunications services -- Public hearings.**

2009 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
2010 the municipality shall require the feasibility consultant to:

2011 (a) complete the feasibility study in accordance with this section;

2012 (b) submit to the legislative body by no later than 180 days from the date the
2013 feasibility consultant is hired to conduct the feasibility study:

2014 (i) the full written results of the feasibility study; and

2015 (ii) a summary of the results that is no longer than one page in length; and

2016 (c) attend the public hearings described in Subsection (4) to:

2017 (i) present the feasibility study results; and

2018 (ii) respond to questions from the public.

- 2019 (2) The feasibility study described in Subsection (1) shall at a minimum consider:
- 2020 (a) (i) if the municipality is proposing to provide cable television services to
- 2021 subscribers, whether the municipality providing cable television services in the manner
- 2022 proposed by the municipality will hinder or advance competition for cable television services
- 2023 in the municipality;
- 2024 (ii) if the municipality is proposing to provide public telecommunications services to
- 2025 subscribers, whether the municipality providing public telecommunications services in the
- 2026 manner proposed by the municipality will hinder or advance competition for public
- 2027 telecommunications services in the municipality;
- 2028 (b) whether but for the municipality any person would provide the proposed:
- 2029 (i) cable television services; or
- 2030 (ii) public telecommunications services;
- 2031 (c) the fiscal impact on the municipality of:
- 2032 (i) the capital investment in facilities that will be used to provide the proposed:
- 2033 (A) cable television services; or
- 2034 (B) public telecommunications services; and
- 2035 (ii) the expenditure of funds for labor, financing, and administering the proposed:
- 2036 (A) cable television services; or
- 2037 (B) public telecommunications services;
- 2038 (d) the projected growth in demand in the municipality for the proposed:
- 2039 (i) cable television services; or
- 2040 (ii) public telecommunications services;
- 2041 (e) the projections at the time of the feasibility study and for the next five years, of a
- 2042 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
- 2043 facilities necessary to provide the proposed:
- 2044 (i) cable television services; or
- 2045 (ii) public telecommunications services; and
- 2046 (f) the projections at the time of the feasibility study and for the next five years of the

2047 revenues to be generated from the proposed:

2048 (i) cable television services; or

2049 (ii) public telecommunications services.

2050 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),
2051 the feasibility consultant shall assume that the municipality will price the proposed cable
2052 television services or public telecommunications services consistent with Subsection
2053 10-18-303(5).

2054 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection
2055 10-18-202(3), the legislative body, at the next regular meeting after the legislative body
2056 receives the results of the feasibility study, shall schedule at least two public hearings to be
2057 held:

2058 (a) within 60 days of the meeting at which the public hearings are scheduled;

2059 (b) at least seven days apart; and

2060 (c) for the purpose of allowing:

2061 (i) the feasibility consultant to present the results of the feasibility study; and

2062 (ii) the public to:

2063 (A) become informed about the feasibility study results; and

2064 (B) ask questions of the feasibility consultant about the results of the feasibility study.

2065 (5) (a) Except as provided in Subsection (5)[(e)](b), the municipality shall publish
2066 notice of the public hearings required under Subsection (4);

2067 (i) at least once a week for three consecutive weeks in a newspaper of general
2068 circulation in the municipality[-(b) The last publication of notice required under Subsection
2069 (5)(a) shall be] and at least three days before the first public hearing required under Subsection
2070 (4)[:]; and

2071 (ii) in accordance with Section 45-1-101 for three weeks, at least three days before the
2072 first public hearing required under Subsection (4).

2073 [(e)] (b) (i) [If] In accordance with Subsection (5)(a)(i), if there is no newspaper of
2074 general circulation in the municipality, for each 1,000 residents, the municipality shall post at

least one notice of the hearings in a conspicuous place within the municipality that is likely to give notice of the hearings to the greatest number of residents of the municipality.

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

Section 40. Section **10-18-302** is amended to read:

10-18-302. Bonding authority.

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

(a) a cable television service; or

(b) a public telecommunications service.

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

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

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

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

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

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

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

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

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

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

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

2103 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
2104 revenue bond; and

2105 (C) the municipality or municipalities annually appropriate the revenues described in
2106 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

2107 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the
2108 origination, financing, or other carrying costs associated with the one or more revenue bonds
2109 issued under this section from the general funds or other enterprise funds of the municipality.

2110 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created
2111 pursuant to an agreement:

2112 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

2113 (ii) to which a municipality is a party.

2114 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or
2115 municipal entity that issues revenue bonds, or to a municipality that is a member of a
2116 municipal entity that issues revenue bonds, if:

2117 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that
2118 is a member of a municipal entity that is issuing revenue bonds has published the first notice
2119 described in Subsection (4)(b)(iii);

2120 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that
2121 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge
2122 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in
2123 this Subsection (4)(b)(ii);

2124 (iii) the municipality that is issuing the revenue bonds or the municipality that is a
2125 member of the municipal entity that is issuing the revenue bonds has:

2126 (A) held a public hearing for which public notice was given by publication of the
2127 notice;

2128 (I) in a newspaper published in the municipality or in a newspaper of general
2129 circulation within the municipality for two consecutive weeks, with the first publication being
2130 not less than 14 days before the public hearing; and

2131 (II) in accordance with Section 45-1-101 for two weeks before the public hearing; and
2132 (B) the notice identifies:
2133 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government
2134 Bonding Act;
2135 (II) the purpose for the bonds to be issued;
2136 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
2137 be pledged in any fiscal year;
2138 (IV) the maximum number of years that the pledge will be in effect; and
2139 (V) the time, place, and location for the public hearing;
2140 (iv) the municipal entity that issues revenue bonds:
2141 (A) adopts a final financing plan; and
2142 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
2143 Management Act, makes available to the public at the time the municipal entity adopts the
2144 final financing plan:
2145 (I) the final financing plan; and
2146 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
2147 Chapter 2, Government Records Access and Management Act;
2148 (v) any municipality that is a member of a municipal entity described in Subsection
2149 (4)(b)(iv):
2150 (A) not less than 30 calendar days after the municipal entity complies with Subsection
2151 (4)(b)(iv)(B), holds a final public hearing;
2152 (B) provides notice, at the time the municipality schedules the final public hearing, to
2153 any person who has provided to the municipality a written request for notice; and
2154 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
2155 interested parties; and
2156 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004,
2157 not more than 50% of the average annual debt service of all revenue bonds described in this
2158 section to provide service throughout the municipality or municipal entity may be paid from

2159 the revenues described in Subsection (3)(a)(ii).

2160 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
2161 to a municipality that issues revenue bonds if:

2162 (a) the municipality that is issuing the revenue bonds has:

2163 (i) held a public hearing for which public notice was given by publication of the notice
2164 in a newspaper published in the municipality or in a newspaper of general circulation within
2165 the municipality for two consecutive weeks, with the first publication being not less than 14
2166 days before the public hearing; and

2167 (ii) the notice identifies:

2168 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
2169 Bonding Act;

2170 (B) the purpose for the bonds to be issued;

2171 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
2172 be pledged in any fiscal year;

2173 (D) the maximum number of years that the pledge will be in effect; and

2174 (E) the time, place, and location for the public hearing; and

2175 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2176 more than 50% of the average annual debt service of all revenue bonds described in this
2177 section to provide service throughout the municipality or municipal entity may be paid from
2178 the revenues described in Subsection (3)(a)(ii).

2179 (6) A municipality that issues bonds pursuant to this section may not make or grant
2180 any undue or unreasonable preference or advantage to itself or to any private provider of:

2181 (a) cable television services; or

2182 (b) public telecommunications services.

2183 Section 41. Section **10-18-303** is amended to read:

2184 **10-18-303. General operating limitations.**

2185 A municipality that provides a cable television service or a public telecommunications
2186 service under this chapter is subject to the operating limitations of this section.

- 2187 (1) A municipality that provides a cable television service shall comply with:
- 2188 (a) the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.; and
- 2189 (b) the regulations issued by the Federal Communications Commission under the
- 2190 Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.
- 2191 (2) A municipality that provides a public telecommunications service shall comply
- 2192 with:
- 2193 (a) the Telecommunications Act of 1996, Pub. L. 104-104;
- 2194 (b) the regulations issued by the Federal Communications Commission under the
- 2195 Telecommunications Act of 1996, Pub. L. 104-104;
- 2196 (c) Section 54-8b-2.2 relating to:
- 2197 (i) the interconnection of essential facilities; and
- 2198 (ii) the purchase and sale of essential services; and
- 2199 (d) the rules made by the Public Service Commission of Utah under Section
- 2200 54-8b-2.2.
- 2201 (3) A municipality may not cross subsidize its cable television services or its public
- 2202 telecommunications services with:
- 2203 (a) tax dollars;
- 2204 (b) income from other municipal or utility services;
- 2205 (c) below-market rate loans from the municipality; or
- 2206 (d) any other means.
- 2207 (4) (a) A municipality may not make or grant any undue or unreasonable preference or
- 2208 advantage to itself or to any private provider of:
- 2209 (i) cable television services; or
- 2210 (ii) public telecommunications services.
- 2211 (b) A municipality shall apply without discrimination as to itself and to any private
- 2212 provider the municipality's ordinances, rules, and policies, including those relating to:
- 2213 (i) obligation to serve;
- 2214 (ii) access to public rights of way;

2215 (iii) permitting;
2216 (iv) performance bonding;
2217 (v) reporting; and
2218 (vi) quality of service.

2219 (c) Subsections (4)(a) and (b) do not supersede the exception for a rural telephone
2220 company in Section 251 of the Telecommunications Act of 1996, Pub. L. 104-104.

2221 (5) In calculating the rates charged by a municipality for a cable television service or a
2222 public telecommunications service, the municipality:

2223 (a) shall include within its rates an amount equal to all taxes, fees, and other
2224 assessments that would be applicable to a similarly situated private provider of the same
2225 services, including:

2226 (i) federal, state, and local taxes;
2227 (ii) franchise fees;
2228 (iii) permit fees;
2229 (iv) pole attachment fees; and
2230 (v) fees similar to those described in Subsections (5)(a)(i) through (iv); and

2231 (b) may not price any cable television service or public telecommunications service at
2232 a level that is less than the sum of:

2233 (i) the actual direct costs of providing the service;
2234 (ii) the actual indirect costs of providing the service; and
2235 (iii) the amount determined under Subsection (5)(a).

2236 (6) (a) A municipality that provides cable television services or public
2237 telecommunications services shall establish and maintain a comprehensive price list of all
2238 cable television services or public telecommunications services offered by the municipality.

2239 (b) The price list required by Subsection (6)(a) shall:

2240 (i) include all terms and conditions relating to the municipality providing each cable
2241 television service or public telecommunications service offered by the municipality;
2242 (ii) (A) be published in a newspaper having general circulation in the municipality;

2243 and
2244 (B) be published in accordance with Section 45-1-101; and
2245 (iii) be available for inspection:
2246 (A) at a designated office of the municipality; and
2247 (B) during normal business hours.
2248 (c) At least five days before the date a change to a municipality's price list becomes
2249 effective, the municipality shall:
2250 (i) notify the following of the change:
2251 (A) all subscribers to the services for which the price list is being changed; and
2252 (B) any other persons requesting notification of any changes to the municipality's
2253 price list; and
2254 (ii) (A) publish notice in a newspaper of general circulation in the municipality[-];
2255 and
2256 (B) publish notice in accordance with Section 45-1-101.
2257 (d) [Hf] In accordance with Subsection (6)(c)(ii)(A), if there is no newspaper of general
2258 circulation in the municipality, the municipality shall publish the notice required by this
2259 Subsection (6) in a newspaper of general circulation that is nearest the municipality.
2260 (e) A municipality may not offer a cable television service or a public
2261 telecommunications service except in accordance with the prices, terms, and conditions set
2262 forth in the municipality's price list.
2263 (7) A municipality may not offer to provide or provide cable television services or
2264 public telecommunications services to a subscriber that does not reside within the geographic
2265 boundaries of the municipality.
2266 (8) (a) A municipality shall keep accurate books and records of the municipality's:
2267 (i) cable television services; and
2268 (ii) public telecommunications services.
2269 (b) The books and records required to be kept under Subsection (8)(a) are subject to
2270 legislative audit to verify the municipality's compliance with the requirements of this chapter

2271 including:

2272 (i) pricing;

2273 (ii) recordkeeping; and

2274 (iii) antidiscrimination.

2275 (9) A municipality may not receive distributions from the Universal Public

2276 Telecommunications Service Support Fund established in Section 54-8b-15.

2277 Section 42. Section **11-13-219** is amended to read:

2278 **11-13-219. Publication of resolutions or agreements -- Contesting legality of**

2279 **resolution or agreement.**

2280 (1) As used in this section:

2281 (a) "Enactment" means:

2282 (i) a resolution adopted or proceedings taken by a governing body under the authority

2283 of this chapter, and includes a resolution, indenture, or other instrument providing for the

2284 issuance of bonds; and

2285 (ii) an agreement or other instrument that is authorized, executed, or approved by a

2286 governing body under the authority of this chapter.

2287 (b) "Governing body" means:

2288 (i) the legislative body of a public agency; and

2289 (ii) the governing body of an interlocal entity created under this chapter.

2290 (c) "Notice of bonds" means the notice authorized by Subsection (3)(d).

2291 (d) "Notice of agreement" means the notice authorized by Subsection (3)(c).

2292 (e) "Official newspaper" means the newspaper selected by a governing body under

2293 Subsection (4)(b) to publish its enactments.

2294 (2) Any enactment taken or made under the authority of this chapter is not subject to

2295 referendum.

2296 (3) (a) A governing body need not publish any enactment taken or made under the

2297 authority of this chapter.

2298 (b) A governing body may provide for the publication of any enactment taken or made

2299 by it under the authority of this chapter according to the publication requirements established
2300 by this section.

2301 (c) (i) If the enactment is an agreement, document, or other instrument, or a resolution
2302 or other proceeding authorizing or approving an agreement, document, or other instrument, the
2303 governing body may, instead of publishing the full text of the agreement, resolution, or other
2304 proceeding, publish a notice of agreement containing:

2305 (A) the names of the parties to the agreement;

2306 (B) the general subject matter of the agreement;

2307 (C) the term of the agreement;

2308 (D) a description of the payment obligations, if any, of the parties to the agreement;

2309 and

2310 (E) a statement that the resolution and agreement will be available for review at the
2311 governing body's principal place of business during regular business hours for 30 days after
2312 the publication of the notice of agreement.

2313 (ii) The governing body shall make a copy of the resolution or other proceeding and a
2314 copy of the contract available at its principal place of business during regular business hours
2315 for 30 days after the publication of the notice of agreement.

2316 (d) If the enactment is a resolution or other proceeding authorizing the issuance of
2317 bonds, the governing body may, instead of publishing the full text of the resolution or other
2318 proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds
2319 that contains the information described in Subsection 11-14-316(2).

2320 (4) (a) If the governing body chooses to publish an enactment, notice of bonds, or
2321 notice of agreement, the governing body shall comply with the requirements of this Subsection
2322 (4).

2323 (b) If there is more than one newspaper of general circulation, or more than one
2324 newspaper, published within the boundaries of the governing body, the governing body may
2325 designate one of those newspapers as the official newspaper for all publications made under
2326 this section.

2327 (c) (i) (A) The governing body shall publish the enactment, notice of bonds, or notice
2328 of agreement in:

2329 ~~[(A)]~~ (I) the official newspaper;

2330 ~~[(B)]~~ (II) the newspaper published in the municipality in which the principal office of
2331 the governmental entity is located; or

2332 ~~[(C)]~~ (III) if no newspaper is published in that municipality, in a newspaper having
2333 general circulation in the municipality~~[-]; and~~

2334 (B) as required in Section 45-1-101.

2335 (ii) The governing body may publish the enactment, notice of bonds, or notice of
2336 agreement:

2337 (A) (I) in a newspaper of general circulation; or

2338 (II) in a newspaper that is published within the boundaries of any public agency that is
2339 a party to the enactment or agreement~~[-]; and~~

2340 (B) as required in Section 45-1-101.

2341 (5) (a) Any person in interest may contest the legality of an enactment or any action
2342 performed or instrument issued under the authority of the enactment for 30 days after the
2343 publication of the enactment, notice of bonds, or notice of agreement.

2344 (b) After the 30 days have passed, no one may contest the regularity, formality, or
2345 legality of the enactment or any action performed or instrument issued under the authority of
2346 the enactment for any cause whatsoever.

2347 Section 43. Section **11-14-202** is amended to read:

2348 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2349 (1) ~~[(a)]~~ The governing body shall ensure that~~[-(i)]~~ notice of the election is published;

2350 (a) (i) (A) once per week during three consecutive weeks in a newspaper designated in
2351 accordance with Section 11-14-316; and

2352 ~~[(ii)]~~ (B) the first publication described in Subsection (1)(a)(i)(A) occurs not less than
2353 21 nor more than 35 days before the election~~[-]; and~~

2354 ~~[(b) Notice shall be published]~~

2355 (C) in a newspaper having general circulation in the local political subdivision[-]; and
2356 (b) in accordance with Section 45-1-101 for three weeks.

2357 (2) When the debt service on the bonds to be issued will increase the property tax
2358 imposed upon the average value of a residence by an amount that is greater than or equal to
2359 \$15 per year, the governing body shall, at least seven days but not more than 30 days before
2360 the bond election, if the bond election is not held on the date of a regular primary election, a
2361 municipal primary election, a regular general election, or a municipal general election, either
2362 mail:

2363 (a) written notice of the bond election on a minimum three inch by five inch postcard
2364 to every household containing a registered voter who is eligible to vote on the bonds; or

2365 (b) a voter information pamphlet prepared by the governing body, if one is prepared,
2366 that includes the information required by Subsection (4).

2367 (3) (a) Except as provided in Subsection (3)(b), notice of the bond election need not be
2368 posted.

2369 (b) (i) In a local political subdivision where there is no newspaper of general
2370 circulation, the legislative body may require that notice of a bond election be given by posting
2371 in lieu of the publication requirements of Subsection (1)(a)(i).

2372 (ii) When the governing body imposes a posting requirement, the governing body shall
2373 ensure that notice of the bond election is posted in at least five public places in the local
2374 political subdivision at least 21 days before the election.

2375 (4) Any notice required by this section shall include:

2376 (a) the date and place of the election;

2377 (b) the hours during which the polls will be open; and

2378 (c) the title and text of the ballot proposition.

2379 (5) The governing body shall pay the costs associated with the notice required by this
2380 section.

2381 Section 44. Section **11-14-315** is amended to read:

2382 **11-14-315. Nature and validity of bonds issued -- Applicability of other statutory**

provisions -- Budget provision required -- Applicable procedures for issuance.

Bonds issued under this chapter shall have all the qualities of negotiable paper, shall be incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale. This chapter is intended to afford an alternative method for the issuance of bonds by local political subdivisions and shall not be so construed as to deprive any local political subdivision of the right to issue its bonds under authority of any other statute, but nevertheless this chapter shall constitute full authority for the issue and sale of bonds by local political subdivisions. The provisions of Section 11-1-1, Utah Code Annotated 1953, shall not be applicable to bonds issued under this chapter. Any local political subdivision subject to the provisions of any budget law shall in its annual budget make proper provision for the payment of principal and interest currently falling due on bonds issued hereunder, but no provision need be made in any such budget prior to the issuance of the bonds for the issuance thereof or for the expenditure of the proceeds thereof. No ordinance, resolution or proceeding in respect to the issuance of bonds hereunder shall be necessary except as herein specifically required, nor shall the publication of any resolution, proceeding or notice relating to the issuance of the bonds be necessary except as herein required. Any publication made hereunder may be made in any newspaper conforming to the terms hereof in which legal notices may be published under the laws of Utah, without regard to the designation thereof as the official journal or newspaper of the local political subdivision~~[-]~~, and as required in Section 45-1-101. No resolution adopted or proceeding taken hereunder shall be subject to referendum petition or to an election other than as herein required. All proceedings adopted hereunder may be adopted on a single reading at any legally convened meeting of the governing body.

Section 45. Section **11-14-316** is amended to read:

11-14-316. Publication of notice, resolution, or other proceeding -- Contest.

(1) The governing body of any local political subdivision may provide for the publication of any resolution or other proceeding adopted under this chapter:

(a) in a newspaper having general circulation in the local political subdivision~~[-]~~; and

2411 (b) as required in Section 45-1-101.

2412 (2) When publication involves a resolution or other proceeding providing for the
2413 issuance of bonds, the governing body may, in lieu of publishing the entire resolution or other
2414 proceeding, publish a notice of bonds to be issued, titled as such, containing:

2415 (a) the name of the issuer;

2416 (b) the purpose of the issue;

2417 (c) the type of bonds and the maximum principal amount which may be issued;

2418 (d) the maximum number of years over which the bonds may mature;

2419 (e) the maximum interest rate which the bonds may bear, if any;

2420 (f) the maximum discount from par, expressed as a percentage of principal amount, at
2421 which the bonds may be sold; and

2422 (g) the times and place where a copy of the resolution or other proceeding may be
2423 examined, which shall be:

2424 (i) at an office of the issuer;

2425 (ii) identified in the notice;

2426 (iii) during regular business hours of the issuer as described in the notice; and

2427 (iv) for a period of at least 30 days after the publication of the notice.

2428 (3) For a period of 30 days after the publication, any person in interest may contest:

2429 (a) the legality of such resolution or proceeding;

2430 (b) any bonds which may be authorized by such resolution or proceeding; or

2431 (c) any provisions made for the security and payment of the bonds.

2432 (4) A person shall contest the matters set forth in Subsection (3) by filing a verified
2433 written complaint in the district court of the county in which he resides within the 30-day
2434 period.

2435 (5) After the 30-day period, no person may contest the regularity, formality, or legality
2436 of the resolution or proceeding for any reason.

2437 Section 46. Section **11-14-318** is amended to read:

2438 **11-14-318. Public hearing required.**

2439 (1) Before issuing bonds authorized under this chapter, a local political subdivision
 2440 shall:

2441 (a) in accordance with Subsection (2), provide public notice of the local political
 2442 subdivision's intent to issue bonds; and

2443 (b) hold a public hearing:

2444 (i) if an election is required under this chapter:

2445 (A) no sooner than 30 days before the day on which the notice of election is published
 2446 under Section 11-14-202; and

2447 (B) no later than five business days before the day on which the notice of election is
 2448 published under Section 11-14-202; and

2449 (ii) to receive input from the public with respect to:

2450 (A) the issuance of the bonds; and

2451 (B) the potential economic impact that the improvement, facility, or property for
 2452 which the bonds pay all or part of the cost will have on the private sector.

2453 (2) A local political subdivision shall:

2454 (a) publish the notice required by Subsection (1)(a):

2455 (i) (A) once each week for two consecutive weeks in the official newspaper described
 2456 in Section 11-14-316; and

2457 ~~[(ii)]~~ (B) with the first publication being not less than 14 days before the public
 2458 hearing required by Subsection (1)(b); and

2459 ~~[(iii) on the Utah Public Notice Website created under Section 63F-1-701]~~

2460 (ii) in accordance with Section 45-1-101, no less than 14 days before the public
 2461 hearing required by Subsection (1)(b); and

2462 (b) ensure that the notice:

2463 (i) identifies:

2464 (A) the purpose for the issuance of the bonds;

2465 (B) the maximum principal amount of the bonds to be issued;

2466 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and

2467 (D) the time, place, and location of the public hearing; and
2468 (ii) informs the public that the public hearing will be held for the purposes described
2469 in Subsection (1)(b)(ii).

2470 Section 47. Section **11-14a-1** is amended to read:

2471 **11-14a-1. Notice of debt issuance.**

2472 (1) For purposes of this chapter:

2473 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
2474 and contracts with municipal building authorities.

2475 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

2476 (b) (i) "Local government entity" means a county, city, town, school district, local
2477 district, or special service district.

2478 (ii) "Local government entity" does not mean an entity created by an interlocal
2479 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
2480 \$10,000,000.

2481 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
2482 or partially to fund a rejected project.

2483 (d) "Rejected Project" means a project for which a local government entity sought
2484 voter approval for general obligation bond financing and failed to receive that approval.

2485 (2) Unless a local government entity complies with the requirements of this section, it
2486 may not adopt a new debt resolution.

2487 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2488 (i) advertise its intent to issue debt in a newspaper of general circulation~~[-or]~~:

2489 (A) (I) at least once each week for the two weeks before the meeting at which the
2490 resolution will be considered; and

2491 (II) on no less than 1/4 page or a 5 x7 inch advertisement with type size no smaller
2492 than 18 point and surrounded by a 1/4 inch border; and

2493 (B) in accordance with Section 45-1-101, for the two weeks before the meeting at
2494 which the resolution will be considered; or

2495 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least
2496 95% of the residents of the local government entity.

2497 ~~[(b) (i) The local government entity shall ensure that the advertisement is published at~~
2498 ~~least once each week for the two weeks before the meeting at which the resolution will be~~
2499 ~~considered on no less than a 1/4 page or a 5 x 7 inch advertisement with type size no smaller~~
2500 ~~than 18 point and surrounded by a 1/4 inch border.]~~

2501 ~~[(ii)]~~ (b) The local government entity shall ensure that the notice:

2502 ~~[(A)]~~ (i) except for website publication, is at least as large as the bill or other mailing
2503 that it accompanies;

2504 ~~[(B)]~~ (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2505 ~~[(C)]~~ (iii) contains the information required by Subsection (3)(c).

2506 (c) The local government entity shall ensure that the advertisement or notice described
2507 in Subsection (3)(a):

2508 (i) identifies the local government entity;

2509 (ii) states that the entity will meet on a day, time, and place identified in the
2510 advertisement or notice to hear public comments regarding a resolution authorizing the
2511 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2512 (iii) contains:

2513 (A) the name of the entity that will issue the debt;

2514 (B) the purpose of the debt; and

2515 (C) that type of debt and the maximum principal amount that may be issued;

2516 (iv) invites all concerned citizens to attend the public hearing; and

2517 (v) states that some or all of the proposed debt would fund a project whose general
2518 obligation bond financing was rejected by the voters.

2519 (4) (a) The resolution considered at the hearing shall identify:

2520 (i) the type of debt proposed to be issued;

2521 (ii) the maximum principal amount that might be issued;

2522 (iii) the interest rate;

2523 (iv) the term of the debt; and

2524 (v) how the debt will be repaid.

2525 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
2526 hearing need not be in final form and need not be adopted or rejected at the meeting at which
2527 the public hearing is held.

2528 (ii) The local government entity may not, in the final resolution, increase the
2529 maximum principal amount of debt contained in the notice and discussed at the hearing.

2530 (c) The local government entity may adopt, amend and adopt, or reject the resolution
2531 at a later meeting without re complying with the published notice requirements of this section.

2532 Section 48. Section **11-17-16** is amended to read:

2533 **11-17-16. Publication of resolutions and notice of bonds to be issued.**

2534 (1) (a) The governing body may provide for the publication of any resolution or other
2535 proceeding adopted by it under this chapter, including all resolutions providing for the sale or
2536 lease of any land by the municipality, county, or state university in connection with the
2537 establishment, acquisition, development, maintenance, and operation of an industrial park.

2538 (b) (i) The publication shall be:

2539 (A) in a newspaper qualified to carry legal notices having general circulation in the
2540 municipality or county~~[-and-];~~ or

2541 (B) in the case of a state university, in a newspaper of general circulation in the
2542 county within which the principal administrative office of the state university is located~~[-];~~ and

2543 (ii) as required in Section 45-1-101.

2544 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
2545 governing body may, in lieu of publishing the entire resolution or other proceeding, publish a
2546 notice of bonds to be issued, titled as such, containing:

2547 (a) the name of the issuer;

2548 (b) the purpose of the issue;

2549 (c) the name of the users, if known; and

2550 (d) the times and place where a copy of the resolution or other proceeding may be

examined, which shall be at an office of the issuer, identified in the notice, during regular business hours of the issuer as described in the notice and for a period of at least 30 days after the publication of the notice.

(3) For a period of 30 days after publication any person in interest may contest the legality of the resolution, proceeding, any bonds which may be authorized under them, or any provisions made for the security and payment of the bonds. After expiration of the 30-day period no person may contest the regularity, formality, or legality of the resolution, proceedings, bonds, or security provisions for any cause.

Section 49. Section **11-27-4** is amended to read:

11-27-4. Publication of resolution -- Notice of bond issue -- Contest of resolution or proceeding.

(1) The governing body of any public body may provide for the publication of any resolution or other proceeding adopted by it under this chapter:

(a) in a newspaper having general circulation in the public body[-]; and

(b) as required in Section 45-1-101.

(2) In case of a resolution or other proceeding providing for the issuance of refunding bonds (or for a combined issue of refunding bonds and bonds issued for any other purpose), the governing body may, instead of publishing the entire resolution or other proceeding, publish a notice of bonds to be issued, entitled accordingly, and containing:

(a) the name of the issuer[-];

(b) the purposes of the issue[-];

(c) the maximum principal amount which may be issued[-];

(d) the maximum number of years over which the bonds may mature[-];

(e) the maximum interest rate which the bonds may bear[-];

(f) the maximum discount from par, expressed as a percentage of principal amount, at which the bonds may be sold, and any deposit to be required in connection with the sale[-];
and

(g) the times and place where a copy of the resolution or other proceeding authorizing

the issuance of the bonds may be examined, which shall be at an office of the governing body identified in the notice, during regular business hours of the governing body as described in the notice and for a period of at least 30 days after the publication of the notice.

(3) For a period of 30 days after the publication, any person in interest shall have the right to contest the legality of the resolution or proceeding or any bonds which may be so authorized or any provisions made for the security and payment of these bonds; and after this time no person shall have any cause of action to contest the regularity, formality, or legality thereof for any cause.

Section 50. Section **11-27-5** is amended to read:

11-27-5. Negotiability of bonds -- Intent and construction of chapter -- Budget for payment of bonds -- Proceedings limited to those required by chapter -- No election required -- Application of chapter.

(1) Refunding bonds shall have all the qualities of negotiable paper, shall be incontestable in the hands of bona fide purchasers or holders for value, and shall not be invalid for any irregularity or defect in the proceedings for their issuance and sale. This chapter is intended to afford an alternative method for the issuance of refunding bonds by public bodies and shall not be so construed as to deprive any public body of the right to issue bonds for refunding purposes under authority of any other statute, but this chapter, nevertheless, shall constitute full authority for the issue and sale of refunding bonds by public bodies. Section 11-1-1 [~~and Title 66, Chapter 2~~], however, shall not be applicable to refunding bonds.

(2) Any public body subject to any budget law shall in its annual budget make proper provision for the payment of principal and interest currently falling due on refunding bonds, but no provision need be made in the budget prior to the issuance of the refunding bonds for their issuance or for the expenditure of the proceeds from them.

(3) (a) No ordinance, resolution, or proceeding concerning the issuance of refunding bonds nor the publication of any resolution, proceeding, or notice relating to the issuance of the refunding bonds shall be necessary except as specifically required by this chapter. [~~Any~~]

(b) A publication made under this chapter may be made;

(i) in any newspaper in which legal notices may be published under the laws of Utah, without regard to its designation as the official journal or newspaper of the public body[-]; and
(ii) as required in Section 45-1-101.

(4) No resolution adopted or proceeding taken under this chapter shall be subject to any referendum petition or to an election other than as required by this chapter. All proceedings adopted under this chapter may be adopted on a single reading at any legally-convened meeting of the governing body. This chapter shall apply to all bonds issued and outstanding at the time this chapter takes effect as well as to bonds issued after this chapter takes effect.

Section 51. Section **11-30-5** is amended to read:

11-30-5. Publication of order for hearing.

(1) Prior to the date set for hearing, the clerk of the court shall cause the order to be published;

(a) once each week for three consecutive weeks;

(i) in a newspaper published or of general circulation within the boundaries of the public body; or[-]

(ii) if the public body has no defined boundaries or there is no newspaper published or of general circulation within the defined boundaries, a newspaper reasonably calculated to notify all parties, which has been approved by the court[-]; and

(b) in accordance with Section 45-1-101 for three weeks.

(2) If a refunding bond is being validated, all holders of the bonds to be refunded may be made defendants to the action, in which case notice may be made, and if so made shall be considered sufficient, by mailing a copy of the order to each holder's last-known address.

(3) By publication of the order, all defendants shall have been duly served and shall be parties to the proceedings.

Section 52. Section **11-32-10** is amended to read:

11-32-10. Application to other laws and proceedings.

(1) This chapter is supplemental to all existing laws relating to the collection of

delinquent taxes by participant members.

(2) (a) No ordinance, resolution, or proceeding in respect to any transaction authorized by this chapter is necessary except as specifically required in this chapter nor is the publication of any resolution, proceeding, or notice relating to any transaction authorized by this chapter necessary except as required by this chapter. [~~Any~~]

(b) A publication made under this chapter may be made;

(i) in [~~any~~] a newspaper conforming to the terms of this chapter and in which legal notices may be published under the laws of Utah, without regard to the designation of it as the official journal or newspaper of the public body[-]; and

(ii) as required in Section 45-1-101.

(c) No resolution adopted or proceeding taken under this chapter may be subject to referendum petition or to an election other than as permitted in this chapter.

(d) All proceedings adopted under this chapter may be adopted on a single reading at any legally convened meeting of the governing body or bodies or the board of trustees of the authority as appropriate.

(3) Any formal action or proceeding taken by the governing body of a county or other public body or the board of trustees of an authority under the authority of this chapter may be taken by resolution of the governing body or the board of trustees as appropriate.

(4) This chapter shall apply to all authorities created, assignment agreements executed, and bonds issued after this chapter takes effect.

(5) All proceedings taken before the effective date of this chapter by a county or other public body in connection with the creation and operation of a financing authority are validated, ratified, approved, and confirmed.

Section 53. Section **11-32-11** is amended to read:

11-32-11. Publication of resolutions -- Notice -- Content.

(1) The governing body of any county, or the board of trustees of any financing authority, may provide for the publication of any resolution or other proceeding adopted by it under this chapter;

(a) in a newspaper having general circulation in the county[-]; and

(b) as required in Section 45-1-101.

(2) In case of a resolution or other proceeding providing for the issuance of bonds, the board of trustees of a financing authority may, in lieu of publishing the entire resolution or other proceeding, publish a notice of bonds to be issued, titled as such, containing:

(a) the name of the financing authority and the participant members;

(b) the purposes of the issue;

(c) the maximum principal amount which may be issued;

(d) the maximum number of years over which the bonds may mature;

(e) the maximum interest rate which the bonds may bear;

(f) the maximum discount from par, expressed as a percentage of principal amount, at which the bonds may be sold; and

(g) the time and place where a copy of the resolution or other proceedings authorizing the issuance of the bonds may be examined, which shall be at an office of the financing authority, identified in the notice, during regular business hours of the financing authority as described in the notice and for a period of at least 30 days after the publication of the notice.

(3) For a period of 30 days after the publication, any person in interest may contest the legality of the resolution or proceeding or any bonds or assignment agreements which may be authorized by them or any provisions made for the security and payment of the bonds or for the security and payment of the assignment agreement. After such time no person has any cause of action to contest the regularity, formality, or legality of same for any cause.

Section 54. Section **11-39-103** is amended to read:

11-39-103. Requirements for undertaking a building improvement or public works project -- Request for bids -- Authority to reject bids.

(1) If the estimated cost of the building improvement or public works project exceeds the bid limit, the local entity shall, if it determines to proceed with the building improvement or public works project:

(a) (i) request bids for completion of the building improvement or public works

2691 project by:

2692 ~~[(i)]~~ (A) publishing notice at least twice in a newspaper published or of general
2693 circulation in the local entity at least five days before opening the bids; or

2694 ~~[(ii)]~~ (B) if there is no newspaper published or of general circulation in the local entity
2695 as described in Subsection (1)(a)(i)(A), posting notice at least five days before opening the
2696 bids in at least five public places in the local entity and leaving the notice posted for at least
2697 three days; and

2698 (ii) publishing notice in accordance with Section 45-1-101, at least five days before
2699 opening the bids; and

2700 (b) except as provided in Subsection (3), enter into a contract for the completion of the
2701 building improvement or public works project with:

2702 (i) the lowest responsive responsible bidder; or

2703 (ii) for a design-build project that the local entity began formulating before March 1,
2704 2004 and with respect to which a contract is entered into before September 1, 2004, a
2705 responsible bidder that:

2706 (A) offers design-build services; and

2707 (B) satisfies the local entity's criteria relating to financial strength, past performance,
2708 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder
2709 to perform fully and in good faith the contract requirements for a design-build project.

2710 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may
2711 reject any or all bids submitted.

2712 (b) (i) The cost of a building improvement or public works project may not be divided
2713 to avoid:

2714 (A) exceeding the bid limit; and

2715 (B) subjecting the local entity to the requirements of this section.

2716 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a
2717 building improvement or public works project that would, without dividing, exceed the bid
2718 limit if the local entity complies with the requirements of this section with respect to each part

of the building improvement or public works project that results from dividing the cost.

(3) (a) The local entity may reject any or all bids submitted.

(b) If the local entity rejects all bids submitted but still intends to undertake the building improvement or public works project, the local entity shall again request bids by following the procedure provided in Subsection (1)(a).

(c) If, after twice requesting bids by following the procedure provided in Subsection (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing body may undertake the building improvement or public works project as it considers appropriate.

Section 55. Section **11-42-202** is amended to read:

11-42-202. Requirements applicable to a notice of a proposed assessment area designation.

(1) Each notice required under Subsection 11-42-201(2)(a) shall:

(a) state that the local entity proposes to:

(i) designate one or more areas within the local entity's jurisdictional boundaries as an assessment area;

(ii) provide an improvement to property within the proposed assessment area; and

(iii) finance some or all of the cost of improvements by an assessment on benefitted property within the assessment area;

(b) describe the proposed assessment area by any reasonable method that allows an owner of property in the proposed assessment area to determine that the owner's property is within the proposed assessment area;

(c) describe, in a general way, the improvements to be provided to the assessment area, including:

(i) the general nature of the improvements; and

(ii) the general location of the improvements, by reference to streets or portions or extensions of streets or by any other means that the governing body chooses that reasonably describes the general location of the improvements;

- 2747 (d) a statement of the estimated cost of the improvements as determined by a project
2748 engineer;
- 2749 (e) a statement that the local entity proposes to levy an assessment on benefitted
2750 property within the assessment area to pay some or all of the cost of the improvements
2751 according to the estimated direct and indirect benefits to the property from the improvements;
- 2752 (f) a statement of the assessment method by which the assessment is proposed to be
2753 levied;
- 2754 (g) a statement of the time within which and the location at which protests against
2755 designation of the proposed assessment area or of the proposed improvements are required to
2756 be filed and the method by which the number of protests required to defeat the designation of
2757 the proposed assessment area or acquisition or construction of the proposed improvements are
2758 to be determined;
- 2759 (h) state the date, time, and place of the public hearing under Section 11-42-204;
- 2760 (i) if the governing body elects to create and fund a reserve fund under Section
2761 11-42-702, a description of how the reserve fund will be funded and replenished and how
2762 remaining money in the reserve fund is to be disbursed upon full payment of the bonds;
- 2763 (j) if the governing body intends to designate a voluntary assessment area, a property
2764 owner consent form that:
- 2765 (i) estimates the total assessment to be levied against the particular parcel of property;
- 2766 (ii) describes any additional benefits that the governing body expects the assessed
2767 property to receive from the improvements; and
- 2768 (iii) designates the date and time by which the fully executed consent form is required
2769 to be submitted to the governing body;
- 2770 (k) if the local entity intends to levy an assessment to pay operation and maintenance
2771 costs or for economic promotion activities:
- 2772 (i) a description of the operation and maintenance costs or economic promotion
2773 activities to be paid by assessments and the initial estimated annual assessment to be levied;
- 2774 (ii) a description of how the estimated assessment will be determined;

(iii) a description of how and when the governing body will adjust the assessment to reflect current operation and maintenance costs or the costs of current economic promotion activities;

(iv) a description of the method of assessment if different from the method of assessment to be used for financing any improvement; and

(v) a statement of the maximum number of years over which the assessment for operation and maintenance or economic promotion activities will be levied; and

(1) if the governing body intends to divide the proposed assessment area into zones under Subsection 11-42-201(1)(b), a description of the proposed zones.

(2) A notice required under Subsection 11-42-201(2)(a) may contain other information that the governing body considers to be appropriate, including:

(a) the amount or proportion of the cost of the improvement to be paid by the local entity or from sources other than an assessment;

(b) the estimated amount of each type of assessment for the various improvements to be financed according to the method of assessment that the governing body chooses; and

(c) provisions for any optional improvements.

(3) Each notice required under Subsection 11-42-201(2)(a) shall:

(a) (i) (A) be published in a newspaper of general circulation within the local entity's jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at least five but not more than 20 days before the deadline under Section 11-42-203 for filing protests; or

~~[(ii)]~~ (B) if there is no newspaper of general circulation within the local entity's jurisdictional boundaries, be posted in at least three public places within the local entity's jurisdictional boundaries at least 20 but not more than 35 days before the deadline under Section 11-42-203 for filing protests; and

(ii) be published in accordance with Section 45-1-101 for four weeks before the deadline under Section 11-42-203 for filing protests; and

(b) be mailed, postage prepaid, within ten days after the first publication or posting of

the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed assessment area at the property owner's mailing address.

Section 56. Section **11-42-301** is amended to read:

11-42-301. Improvements made only under contract let to lowest responsive, responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to contract requirement.

(1) Except as otherwise provided in this section, a local entity may make improvements in an assessment area only under contract let to the lowest responsive, responsible bidder for the kind of service, material, or form of construction that the local entity's governing body determines in compliance with any applicable local entity ordinances.

(2) A local entity may:

(a) divide improvements into parts;

(b) (i) let separate contracts for each part; or

(ii) combine multiple parts into the same contract; and

(c) let a contract on a unit basis.

(3) (a) A local entity may not let a contract until after publishing notice as provided in Subsection (3)(b):

(i) at least one time in a newspaper of general circulation within the boundaries of the local entity at least 15 days before the date specified for receipt of bids[-]; and

(ii) in accordance with Section 45-1-101, at least 15 days before the date specified for receipt of bids.

(b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will receive sealed bids at a specified time and place for the construction of the improvements.

(c) Notwithstanding a local entity's failure, through inadvertence or oversight, to publish the notice or to publish the notice within 15 days before the date specified for receipt of bids, the governing body may proceed to let a contract for the improvements if the local entity receives at least three sealed and bona fide bids from contractors by the time specified for the receipt of bids.

2831 (d) A local entity may publish a notice required under this Subsection (3) at the same
2832 time as a notice under Section 11-42-202.

2833 (4) (a) A local entity may accept as a sealed bid a bid that is:

2834 (i) manually sealed and submitted; or

2835 (ii) electronically sealed and submitted.

2836 (b) The governing body or project engineer shall, at the time specified in the notice
2837 under Subsection (3), open and examine the bids.

2838 (c) In open session, the governing body:

2839 (i) shall declare the bids; and

2840 (ii) may reject any or all bids if the governing body considers the rejection to be for
2841 the public good.

2842 (d) The local entity may award the contract to the lowest responsive, responsible
2843 bidder even if the price bid by that bidder exceeds the estimated costs as determined by the
2844 project engineer.

2845 (e) A local entity may in any case:

2846 (i) refuse to award a contract;

2847 (ii) obtain new bids after giving a new notice under Subsection (3);

2848 (iii) determine to abandon the assessment area; or

2849 (iv) not make some of the improvements proposed to be made.

2850 (5) A local entity is not required to let a contract as provided in this section for:

2851 (a) an improvement or part of an improvement the cost of which or the making of
2852 which is donated or contributed;

2853 (b) an improvement that consists of furnishing utility service or maintaining
2854 improvements;

2855 (c) labor, materials, or equipment supplied by the local entity;

2856 (d) the local entity's acquisition of completed or partially completed improvements in
2857 an assessment area;

2858 (e) design, engineering, and inspection costs incurred with respect to the construction

2859 of improvements in an assessment area; or

2860 (f) additional work performed in accordance with the terms of a contract duly let to the
2861 lowest responsible bidder.

2862 (6) A local entity may itself furnish utility service and maintain improvements within
2863 an assessment area.

2864 (7) (a) A local entity may acquire completed or partially completed improvements in
2865 an assessment area, but may not pay an amount for those improvements that exceeds their fair
2866 market value.

2867 (b) Upon the local entity's payment for completed or partially completed
2868 improvements, title to the improvements shall be conveyed to the local entity or another public
2869 agency.

2870 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works
2871 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an
2872 assessment area.

2873 Section 57. Section **11-42-402** is amended to read:

2874 **11-42-402. Notice of assessment and board of equalization hearing.**

2875 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

2876 (1) state:

2877 (a) that an assessment list is completed and available for examination at the offices of
2878 the local entity;

2879 (b) the total estimated or actual cost of the improvements;

2880 (c) the amount of the total estimated or actual cost of the proposed improvements to be
2881 paid by the local entity;

2882 (d) the amount of the assessment to be levied against benefitted property within the
2883 assessment area;

2884 (e) the assessment method used to calculate the proposed assessment;

2885 (f) the unit cost used to calculate the assessments shown on the assessment list, based
2886 on the assessment method used to calculate the proposed assessment; and

2887 (g) the dates, times, and place of the board of equalization hearings under Subsection
2888 11-42-401(2)(b);

2889 (2) beginning at least 20 but not more than 35 days before the first hearing of the
2890 board of equalization:

2891 (a) (i) be published at least once in a newspaper of general circulation within the local
2892 entity's jurisdictional boundaries; or

2893 ~~[(b)]~~ (ii) if there is no newspaper of general circulation within the local entity's
2894 jurisdictional boundaries, be posted in at least three public places within the local entity's
2895 jurisdictional boundaries; and

2896 (b) be published in accordance with Section 45-1-101 for 35 days before the first
2897 hearing of the board of equalization; and

2898 (3) be mailed, postage prepaid, within ten days after the first publication or posting of
2899 the notice under Subsection (2) to each owner of property to be assessed within the proposed
2900 assessment area at the property owner's mailing address.

2901 Section 58. Section **11-42-404** is amended to read:

2902 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**
2903 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**
2904 **interest.**

2905 (1) (a) After receiving a final report from a board of equalization under Subsection
2906 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection
2907 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an
2908 assessment against benefitted property within the assessment area.

2909 (b) Each local entity that levies an assessment under this chapter shall levy the
2910 assessment at one time only, unless the assessment is to pay operation and maintenance costs
2911 or the costs of economic promotion activities.

2912 (c) An assessment resolution or ordinance adopted under Subsection (1)(a):

2913 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to
2914 be assessed;

(ii) need not include the legal description or tax identification number of the parcels of property assessed in the assessment area; and

(iii) is adequate for purposes of identifying the property to be assessed within the assessment area if the assessment resolution or ordinance incorporates by reference the corrected assessment list that describes the property assessed by legal description and tax identification number.

(2) (a) Each local entity that adopts an assessment resolution or ordinance shall give notice of the adoption by:

(i) (A) publishing a copy of the resolution or ordinance once in a newspaper of general circulation within the local entity's jurisdictional boundaries; or

~~[(ii)]~~ (B) if there is no newspaper of general circulation with the local entity's jurisdictional boundaries as described in Subsection (2)(a)(i)(A), posting a copy of the resolution or ordinance in at least three public places within the local entity's jurisdictional boundaries for at least 21 days~~[-]; and~~

(ii) publishing, in accordance with Section 45-1-101, a copy of the resolution or ordinance for at least 21 days.

(b) No other publication or posting of the resolution or ordinance is required.

(3) Notwithstanding any other statutory provision regarding the effective date of a resolution or ordinance, each assessment resolution or ordinance takes effect:

(a) on the date of publication or posting of the notice under Subsection (2); or

(b) at a later date provided in the resolution or ordinance.

(4) (a) The governing body of each local entity that has adopted an assessment resolution or ordinance under Subsection (1) shall, within five days after the 25-day prepayment period under Subsection 11-42-411(6) has passed, file a notice of assessment interest with the recorder of the county in which the assessed property is located.

(b) Each notice of assessment interest under Subsection (4)(a) shall:

(i) state that the local entity has an assessment interest in the assessed property;

(ii) if the assessment is to pay operation and maintenance costs or for economic

promotion activities, state the maximum number of years over which an assessment will be payable; and

(iii) describe the property assessed by legal description and tax identification number.

(c) A local entity's failure to file a notice of assessment interest under this Subsection (4) has no affect on the validity of an assessment levied under an assessment resolution or ordinance adopted under Subsection (1).

Section 59. Section **11-42-604** is amended to read:

11-42-604. Notice regarding resolution or ordinance authorizing interim warrants or bond anticipation notes -- Complaint contesting warrants or notes -- Prohibition against contesting warrants and notes.

(1) A local entity may publish notice, as provided in Subsection (2), of a resolution or ordinance that the governing body has adopted authorizing the issuance of interim warrants or bond anticipation notes.

(2) (a) If a local entity chooses to publish notice under Subsection (1)(a), the notice shall:

(i) be published;

(A) in a newspaper of general circulation within the local entity; and

(B) as required in Section 45-1-101; and

(ii) contain:

(A) the name of the issuer of the interim warrants or bond anticipation notes;

(B) the purpose of the issue;

(C) the maximum principal amount that may be issued;

(D) the maximum length of time over which the interim warrants or bond anticipation notes may mature;

(E) the maximum interest rate, if there is a maximum rate; and

(F) the times and place where a copy of the resolution or ordinance may be examined, as required under Subsection (2)(b).

(b) The local entity shall allow examination of the resolution or ordinance authorizing

2971 the issuance of the interim warrants or bond anticipation notes at its office during regular
2972 business hours.

2973 (3) Any person may, within 30 days after publication of a notice under Subsection (1),
2974 file a verified, written complaint in the district court of the county in which the person resides,
2975 contesting the regularity, formality, or legality of the interim warrants or bond anticipation
2976 notes issued by the local entity or the proceedings relating to the issuance of the interim
2977 warrants or bond anticipation notes.

2978 (4) After the 30-day period under Subsection (3), no person may contest the regularity,
2979 formality, or legality of the interim warrants or bond anticipation notes issued by a local entity
2980 under the resolution or ordinance that was the subject of the notice under Subsection (1), or
2981 the proceedings relating to the issuance of the interim warrants or bond anticipation notes.

2982 Section 60. Section **13-31-302** is amended to read:

2983 **13-31-302. Sale of molds for payment of lien.**

2984 (1) (a) Prior to selling a mold, the molder shall send written notice by registered mail
2985 to the last-known address of the customer.

2986 (b) The notice required by Subsection (1)(a) shall include:

2987 (i) the molder's intention to sell the mold 30 days from the day the customer received
2988 the notice;

2989 (ii) the description of the mold to be sold;

2990 (iii) the time and place of the sale; and

2991 (iv) an itemized statement for the amount due the molder from the customer.

2992 (c) A molder shall publish notice of the molder's intention to sell a mold in a
2993 newspaper of general circulation covering the customer's last-known address[;] and as required
2994 in Section 45-1-101 if:

2995 (i) the receipt of the mailing of the notice described in Subsection (1)(a) is not
2996 returned; or

2997 (ii) the postal service returns the notice described in Subsection (1)(a) as being
2998 nondeliverable.

- 2999 (d) The notice provided for in Subsection (1)(c) shall include a description of the
3000 mold.
- 3001 (2) A molder may sell a mold 30 days from the later of the day:
- 3002 (a) the customer received the notice in accordance with Subsection (1)(a); or
- 3003 (b) the date the molder published the notice under Subsection (1)(c).
- 3004 (3) If from the sale of a mold under this section the molder receives an amount in
3005 excess of the amount of the lien, the excess shall be paid as follows:
- 3006 (a) to any prior lienholder known to the molder at the time of the sale; and
- 3007 (b) after paying any lienholder under Subsection (3)(a), the remainder:
- 3008 (i) if the customer's address is known at the time of sale, to the customer; or
- 3009 (ii) if the customer's address is not known at the time of sale, to the state in accordance
3010 with Title 67, Chapter 4a, Unclaimed Property Act.
- 3011 Section 61. Section **13-44-202** is amended to read:
- 3012 **13-44-202. Personal information -- Disclosure of system security breach.**
- 3013 (1) (a) A person who owns or licenses computerized data that includes personal
3014 information concerning a Utah resident shall, when the person becomes aware of a breach of
3015 system security, conduct in good faith a reasonable and prompt investigation to determine the
3016 likelihood that personal information has been or will be misused for identity theft or fraud
3017 purposes.
- 3018 (b) If an investigation under Subsection (1)(a) reveals that the misuse of personal
3019 information for identity theft or fraud purposes has occurred, or is reasonably likely to occur,
3020 the person shall provide notification to each affected Utah resident.
- 3021 (2) A person required to provide notification under Subsection (1) shall provide the
3022 notification in the most expedient time possible without unreasonable delay:
- 3023 (a) considering legitimate investigative needs of law enforcement, as provided in
3024 Subsection (4)(a);
- 3025 (b) after determining the scope of the breach of system security; and
- 3026 (c) after restoring the reasonable integrity of the system.

(3) (a) A person who maintains computerized data that includes personal information that the person does not own or license shall notify and cooperate with the owner or licensee of the information of any breach of system security immediately following the person's discovery of the breach if misuse of the personal information occurs or is reasonably likely to occur.

(b) Cooperation under Subsection (3)(a) includes sharing information relevant to the breach with the owner or licensee of the information.

(4) (a) Notwithstanding Subsection (2), a person may delay providing notification under Subsection (1) at the request of a law enforcement agency that determines that notification may impede a criminal investigation.

(b) A person who delays providing notification under Subsection (4)(a) shall provide notification in good faith without unreasonable delay in the most expedient time possible after the law enforcement agency informs the person that notification will no longer impede the criminal investigation.

(5) (a) A notification required by this section may be provided:

(i) in writing by first-class mail to the most recent address the person has for the resident;

(ii) electronically, if the person's primary method of communication with the resident is by electronic means, or if provided in accordance with the consumer disclosure provisions of 15 U.S.C. Section 7001;

(iii) by telephone, including through the use of automatic dialing technology not prohibited by other law; or

(iv) by publishing notice of the breach of system security:

(A) in a newspaper of general circulation[?]; and

(B) as required in Section 45-1-101.

(b) If a person maintains the person's own notification procedures as part of an information security policy for the treatment of personal information the person is considered to be in compliance with this chapter's notification requirements if the procedures are otherwise consistent with this chapter's timing requirements and the person notifies each

affected Utah resident in accordance with the person's information security policy in the event of a breach.

(c) A person who is regulated by state or federal law and maintains procedures for a breach of system security under applicable law established by the primary state or federal regulator is considered to be in compliance with this part if the person notifies each affected Utah resident in accordance with the other applicable law in the event of a breach.

(6) A waiver of this section is contrary to public policy and is void and unenforceable. Section 62. Section **16-4-206** is amended to read:

16-4-206. Service and publication of notice of assessment.

(1) The notice of assessment required by Section 16-4-205 shall be:

(a) personally served on each shareholder; or

(b) sent by first-class mail to each shareholder at the address shown on the corporation's records.

(2) A shareholder is responsible for providing the shareholder's current mailing address to the corporation for purposes of Subsection (1).

(3) (a) Except as provided in Subsection (3)(b), a notice of assessment shall be published;

(i) once a week for two weeks in a newspaper of general circulation in the location of the corporation's principal place of business[-]; and

(ii) in accordance with Section 45-1-101 for two weeks.

(b) A water company may elect not to publish notice under Subsection (3)(a).

Section 63. Section **16-4-303** is amended to read:

16-4-303. Service and publication of notice of sale.

(1) The notice of sale required by Section 16-4-302 shall be:

(a) personally served on each shareholder whose share is subject to sale; or

(b) sent by certified mail, return-receipt requested, to each shareholder whose share is subject to sale at the address shown on the corporation's records.

(2) A shareholder is responsible for providing the shareholder's current mailing

3083 address to the corporation for purposes of Subsection (1).

3084 (3) The notice required by Subsection (1) shall be served or mailed at least 15 days,
3085 but not more than 30 days before the day on which the sale is to occur.

3086 (4) A notice of sale shall be published;

3087 (a) once a week for two weeks in a newspaper of general circulation in the location of
3088 the corporation's principal place of business beginning at least 15 days but no more than 45
3089 days before the day on which the sale is to occur[-]; and

3090 (b) in accordance with Section 45-1-101 for 45 days before the day on which the sale
3091 is to occur.

3092 Section 64. Section **16-4-312** is amended to read:

3093 **16-4-312. Affidavit and posting of notice -- Evidence.**

3094 (1) An affidavit made by the secretary of a corporation of the mailing of a notice
3095 required by this chapter is prima facie evidence of the existence and mailing of the notice.

3096 (2) The publication of a notice under this chapter may be proved by the affidavit of;

3097 (a) the printer foreman or principal clerk of the newspaper in which the notice was
3098 published[-]; and

3099 (b) in accordance with Section 45-1-101, the website publisher or website publisher's
3100 designee charged with publishing the notice as required in Section 45-1-101.

3101 (3) The affidavit of the secretary of the corporation or the auctioneer responsible for
3102 selling shares is prima facie evidence of:

3103 (a) the time and place of sale;

3104 (b) the quantity and particular description of the shares sold;

3105 (c) to whom and for what price the shares were sold; and

3106 (d) the fact of the purchase money being paid.

3107 (4) The affidavits referenced in this section shall be filed in the corporation's office.

3108 (5) A copy of an affidavit referenced in this section is prima facie evidence of the facts
3109 contained in the affidavit if the affidavit is certified by the secretary.

3110 Section 65. Section **16-6a-103** is amended to read:

3111 **16-6a-103. Notice.**

3112 (1) Notice given under this chapter shall be in writing unless oral notice is reasonable
3113 under the circumstances.

3114 (2) (a) Notice may be communicated:

3115 (i) in person;

3116 (ii) by telephone;

3117 (iii) by any form of electronic communication; or

3118 (iv) by mail or private carrier.

3119 (b) If the forms of personal notice described in Subsection (2)(a) are impracticable,
3120 notice may be communicated by:

3121 (i) (A) a newspaper of general circulation in the county or similar governmental
3122 subdivision in which the corporation's principal or registered office is located; ~~[or]~~ and

3123 (B) as required in Section 45-1-101; or

3124 (ii) radio, television, or other form of public broadcast communication in the county or
3125 similar governmental subdivision in which the corporation's principal or registered office is
3126 located.

3127 (3) Written notice to a domestic or foreign nonprofit corporation authorized to conduct
3128 affairs in this state may be addressed to:

3129 (a) its registered agent at its registered office; or

3130 (b) the corporation's secretary at its principal office.

3131 (4) (a) Written notice by a domestic or foreign nonprofit corporation to its members, is
3132 effective as to each member when mailed, if:

3133 (i) in a comprehensible form; and

3134 (ii) addressed to the member's address shown in the domestic or foreign nonprofit
3135 corporation's current record of members.

3136 (b) If three successive notices given to a member pursuant to Subsection (5) have been
3137 returned as undeliverable, further notices to that member are not necessary until another
3138 address of the member is made known to the nonprofit corporation.

3139 (5) Except as provided in Subsection (4), written notice, if in a comprehensible form,
3140 is effective at the earliest of the following:

3141 (a) when received;

3142 (b) five days after it is mailed; or

3143 (c) on the date shown on the return receipt if:

3144 (i) sent by registered or certified mail;

3145 (ii) sent return receipt requested; and

3146 (iii) the receipt is signed by or on behalf of the addressee.

3147 (6) Oral notice is effective when communicated if communicated in a comprehensible
3148 manner.

3149 (7) Notice by publication is effective on the date of first publication.

3150 (8) A written notice or report delivered as part of a newsletter, magazine, or other
3151 publication regularly sent to members shall constitute a written notice or report if:

3152 (a) addressed or delivered to the member's address shown in the nonprofit
3153 corporation's current list of members; or

3154 (b) if two or more members are residents of the same household and have the same
3155 address in the nonprofit corporation's current list of members, addressed or delivered to one of
3156 the members at the address appearing on the current list of members.

3157 (9) (a) If this chapter prescribes notice requirements for particular circumstances, the
3158 notice requirements for the particular circumstances govern.

3159 (b) If articles of incorporation or bylaws prescribe notice requirements not inconsistent
3160 with this section or other provisions of this chapter, the notice requirements of the articles of
3161 incorporation or bylaws govern.

3162 Section 66. Section **16-6a-704** is amended to read:

3163 **16-6a-704. Notice of meeting.**

3164 (1) A nonprofit corporation shall give to each member entitled to vote at the meeting
3165 notice consistent with its bylaws of meetings of members in a fair and reasonable manner.

3166 (2) Any notice that conforms to the requirements of Subsection (3) is fair and

3167 reasonable, but other means of giving notice may also be fair and reasonable when all the
3168 circumstances are considered.

3169 (3) Notice is fair and reasonable if:

3170 (a) the nonprofit corporation notifies its members of the place, date, and time of each
3171 annual, regular, and special meeting of members:

3172 (i) no fewer than ten days before the meeting;

3173 (ii) if notice is mailed by other than first-class or registered mail, no fewer than 30
3174 days, nor more than 60 days before the meeting date; and

3175 (iii) if notice is given:

3176 (A) by newspaper as provided in Subsection 16-6a-103(2)(b)(i)(A), by publication
3177 three separate times with:

3178 ~~[(A)]~~ (I) the first of the publications no more than 60 days before the meeting date;

3179 and

3180 ~~[(B)]~~ (II) the last of the publications no fewer than ten days before the meeting date;

3181 and

3182 (B) (I) by publication in accordance with Section 45-1-101; and

3183 (II) as provided in Subsection 16-6a-103(2)(b)(i)(B), for 60 days before the meeting
3184 date;

3185 (b) the notice of an annual or regular meeting includes a description of any matter or
3186 matters that:

3187 (i) must be approved by the members; or

3188 (ii) for which the members' approval is sought under Sections 16-6a-825, 16-6a-910,
3189 16-6a-1003, 16-6a-1010, 16-6a-1102, 16-6a-1202, and 16-6a-1402; and

3190 (c) unless otherwise provided by this chapter or the bylaws, the notice of a special
3191 meeting includes a description of the purpose or purposes for which the meeting is called.

3192 (4) (a) Unless otherwise provided by the bylaws, if an annual, regular, or special
3193 meeting of members is adjourned to a different date, time, or place, notice need not be given
3194 of the new date, time, or place, if the new date, time, or place is announced at the meeting

3195 before adjournment.

3196 (b) Notwithstanding Subsection (4)(a), if a new record date for the adjourned meeting
3197 is or shall be fixed under Section 16-6a-706, notice of the adjourned meeting shall be given
3198 under this section to the members of record as of the new record date.

3199 (5) When giving notice of an annual, regular, or special meeting of members, a
3200 nonprofit corporation shall give notice of a matter a member intends to raise at the meeting if:

3201 (a) requested in writing to do so by a person entitled to call a special meeting; and

3202 (b) the request is received by the secretary or president of the nonprofit corporation at
3203 least ten days before the nonprofit corporation gives notice of the meeting.

3204 Section 67. Section **16-6a-814** is amended to read:

3205 **16-6a-814. Notice of meeting.**

3206 (1) (a) A nonprofit corporation shall give to each director entitled to vote at an annual
3207 meeting notice of the annual meeting consistent with the nonprofit corporation's bylaws in a
3208 fair and reasonable manner.

3209 (b) Notice under Subsection (1)(a) is fair and reasonable if the nonprofit corporation
3210 notifies each director of the place, date, and time of the annual meeting:

3211 (i) no fewer than ten days before the meeting, unless otherwise provided by the
3212 bylaws;

3213 (ii) if notice is mailed by other than first-class or registered mail, no fewer than 30
3214 days, nor more than 60 days before the meeting date; and

3215 (iii) if notice is given:

3216 (A) by newspaper as provided in Subsection 16-6a-103(2)(b)(i)(A), by publication
3217 three separate times with:

3218 [~~(A)~~] (I) the first of the publications no more than 60 days before the meeting date;

3219 and

3220 [~~(B)~~] (II) the last of the publications no fewer than ten days before the meeting date[-];

3221 and

3222 (B) (I) as provided in Subsection 16-6a-103(2)(b)(i)(B); and

3223 (II) for 60 days before the meeting date.

3224 (2) Unless otherwise provided in this chapter or in the bylaws, regular meetings of the
3225 board of directors may be held without notice of the date, time, place, or purpose of the
3226 meeting.

3227 (3) (a) Unless the bylaws provide for a longer or shorter period, special meetings of the
3228 board of directors shall be preceded by at least two days notice of the date, time, and place of
3229 the meeting.

3230 (b) The notice required by Subsection (3)(a) need not describe the purpose of the
3231 special meeting unless otherwise required by this chapter or the bylaws.

3232 Section 68. Section **16-6a-1407** is amended to read:

3233 **16-6a-1407. Disposition of claims by publication.**

3234 (1) A dissolved nonprofit corporation may publish notice of its dissolution and request
3235 that persons with claims against the nonprofit corporation present them in accordance with the
3236 notice.

3237 (2) The notice described in Subsection (1) shall:

3238 (a) be published:

3239 (i) one time in a newspaper of general circulation in:

3240 ~~[(+)]~~ (A) the county where:

3241 ~~[(A)]~~ (I) the dissolved nonprofit corporation's principal office is located; or

3242 ~~[(B)]~~ (II) if the dissolved nonprofit corporation has no principal office in this state, its
3243 registered office is or was last located; or

3244 ~~[(+)]~~ (B) if neither Subsection (2)(a)(i)(A) or (B) apply, Salt Lake County; and

3245 (ii) as required in Section 45-1-101;

3246 (b) describe the information that shall be included in a claim;

3247 (c) provide an address at which any claim shall be given to the nonprofit corporation;

3248 and

3249 (d) state that unless sooner barred by any other statute limiting actions, a claim will be
3250 barred if an action to enforce the claim is not commenced within three years after publication

3251 of the notice.

3252 (3) If the dissolved nonprofit corporation publishes a newspaper or website notice in
3253 accordance with Subsection (2), then unless sooner barred under Section 16-6a-1406 or under
3254 any other statute limiting actions, the claim of any claimant against the dissolved nonprofit
3255 corporation is barred unless the claimant commences an action to enforce the claim against the
3256 dissolved nonprofit corporation within three years after the publication date of the notice.

3257 (4) For purposes of this section:

3258 (a) "claim" means any claim, including claims of this state, whether:

3259 (i) known;

3260 (ii) due or to become due;

3261 (iii) absolute or contingent;

3262 (iv) liquidated or unliquidated;

3263 (v) founded on contract, tort, or other legal basis; or

3264 (vi) otherwise; and

3265 (b) an action to enforce a claim includes:

3266 (i) any civil action; and

3267 (ii) any arbitration under any agreement for binding arbitration between the dissolved
3268 nonprofit corporation and the claimant.

3269 Section 69. Section **16-10a-103** is amended to read:

3270 **16-10a-103. Notice.**

3271 (1) (a) Notice given under this chapter must be in writing unless oral notice is
3272 reasonable under the circumstances.

3273 (b) Notice by electronic transmission is written notice.

3274 (2) (a) Subject to compliance with any requirement that notice be in writing, notice
3275 may be communicated in person, by telephone, by any form of electronic transmission, or by
3276 mail or private carrier.

3277 (b) If the forms of personal notice listed in Subsection (2)(a) are impracticable, notice
3278 may be communicated:

3279 (i) (A) by a newspaper of general circulation in the county, or similar subdivision, in
3280 which the corporation's principal office is located; and
3281 (B) by publication in accordance with Section 45-1-101;
3282 (ii) by radio, television, or other form of public broadcast communication in the
3283 county or subdivision; or
3284 (iii) if the corporation has no office in this state, in the manner allowed by Subsection
3285 (2)(b)(i) or (ii) but in Salt Lake County.

3286 (3) (a) Written notice by a domestic or foreign corporation to its shareholders or
3287 directors, if in a comprehensible form, is effective as to each shareholder or director:
3288 (i) when mailed, if addressed to the shareholder's or director's address shown in the
3289 corporation's current record of the shareholder or director; or
3290 (ii) when electronically transmitted to the shareholder or director, in a manner and to
3291 an address provided by the shareholder or director in an unrevoked consent.

3292 (b) Consent under Subsection (3)(a)(ii) is considered revoked if:
3293 (i) the corporation is unable to deliver by electronic transmission two consecutive
3294 notices transmitted by the corporation based on that consent; and
3295 (ii) the corporation's inability to deliver notice by electronic transmission under
3296 Subsection (3)(b)(i) is known by the:
3297 (A) corporation's secretary;
3298 (B) an assistant secretary or transfer agent of the corporation; or
3299 (C) any other person responsible for providing notice.

3300 (c) Notwithstanding Subsection (3)(b), a corporation's failure to treat consent under
3301 Subsection (3)(a) as revoked does not invalidate any meeting or other act.

3302 (d) Delivery of a notice to shareholders may be excused in accordance with Subsection
3303 16-10a-705(5).

3304 (4) Written notice to a domestic or foreign corporation authorized to transact business
3305 in this state may be addressed to the corporation's:
3306 (a) registered agent; or

- 3307 (b) secretary at its principal office.
- 3308 (5) Except as provided in Subsection (3), written notice, if in a comprehensible form,
- 3309 is effective at the earliest of the following:
- 3310 (a) when received;
- 3311 (b) five days after it is mailed; or
- 3312 (c) on the date shown on the return receipt if sent by registered or certified mail, return
- 3313 receipt requested, and the receipt is signed by or on behalf of the addressee.
- 3314 (6) Oral notice is effective when communicated if communicated in a comprehensible
- 3315 manner.
- 3316 (7) Notice by publication is effective on the date of first publication.
- 3317 (8) (a) If this chapter prescribes notice requirements for particular circumstances,
- 3318 those requirements govern.
- 3319 (b) If articles of incorporation or bylaws prescribe notice requirements, not
- 3320 inconsistent with this section or other provisions of this chapter, those requirements govern.
- 3321 Section 70. Section **16-10a-1407** is amended to read:
- 3322 **16-10a-1407. Disposition of claims by publication -- Disposition in absence of**
- 3323 **publication.**
- 3324 (1) A dissolved corporation may publish notice of its dissolution and request that
- 3325 persons with claims against the corporation present them in accordance with the notice.
- 3326 (2) The notice contemplated in Subsection (1) must:
- 3327 (a) be published;
- 3328 (i) one time in a newspaper of general circulation in the county where the dissolved
- 3329 corporation's principal office is or was located or, if it has no principal office in this state, in
- 3330 Salt Lake County; and
- 3331 (ii) as required in Section 45-1-101;
- 3332 (b) describe the information that must be included in a claim and provide an address at
- 3333 which any claim must be given to the corporation; and
- 3334 (c) state that unless sooner barred by any other statute limiting actions, the claim will

be barred if an action to enforce the claim is not commenced within five years after the publication of the notice.

(3) If the dissolved corporation publishes a newspaper or website notice in accordance with Subsection (2), then unless sooner barred under Section 16-10a-1406 or under any other statute limiting actions, the claim of any claimant against the dissolved corporation is barred unless the claimant commences an action to enforce the claim against the dissolved corporation within five years after the publication date of the notice.

(4) (a) For purposes of this section, "claim" means any claim, including claims of this state, whether known, due or to become due, absolute or contingent, liquidated or unliquidated, founded on contract, tort, or other legal basis, or otherwise.

(b) For purposes of this section, an action to enforce a claim includes any civil action, and any arbitration under any agreement for binding arbitration between the dissolved corporation and the claimant.

(5) If a dissolved corporation does not publish a newspaper notice in accordance with Subsection (2), then unless sooner barred under Section 16-10a-1406 or under any other statute limiting actions, the claim of any claimant against the dissolved corporation is barred unless the claimant commences an action to enforce the claim against the dissolved corporation within seven years after the date the corporation was dissolved.

Section 71. Section **16-16-1209** is amended to read:

16-16-1209. Other claims against dissolved limited cooperative association.

(1) A dissolved limited cooperative association may publish notice of its dissolution and request persons having claims against the association to present them in accordance with the notice.

(2) A notice under Subsection (1) must:

(a) be published:

(i) at least once in a newspaper of general circulation in the county in which the dissolved limited cooperative association's principal office is located or, if the association does not have a principal office in this state, in the county in which the association's designated

3363 office is or was last located; and

3364 (ii) as required in Section 45-1-101;

3365 (b) describe the information required to be contained in a claim and provide an
3366 address to which the claim is to be sent; and

3367 (c) state that a claim against the association is barred unless an action to enforce the
3368 claim is commenced not later than three years after publication of the notice.

3369 (3) If a dissolved limited cooperative association publishes a notice in accordance with
3370 Subsection (2), the claim of each of the following claimants is barred unless the claimant
3371 commences an action to enforce the claim not later than three years after the first publication
3372 date of the notice:

3373 (a) a claimant that is entitled to but did not receive notice in a record under Section
3374 16-16-1208; and

3375 (b) a claimant whose claim is contingent or based on an event occurring after the
3376 effective date of dissolution.

3377 (4) A claim not barred under this section may be enforced:

3378 (a) against a dissolved limited cooperative association, to the extent of its
3379 undistributed assets; or

3380 (b) if the association's assets have been distributed in connection with winding up the
3381 association's activities against a member or holder of financial rights to the extent of that
3382 person's proportionate share of the claim or the association's assets distributed to the person in
3383 connection with the winding up, whichever is less. The person's total liability for all claims
3384 under this Subsection (4) shall not exceed the total amount of assets distributed to the person
3385 as part of the winding up of the association.

3386 Section 72. Section **17-27a-204** is amended to read:

3387 **17-27a-204. Notice of public hearings and public meetings to consider general**
3388 **plan or modifications.**

3389 (1) A county shall provide:

3390 (a) notice of the date, time, and place of the first public hearing to consider the

3391 original adoption or any modification of all or any portion of a general plan; and

3392 (b) notice of each public meeting on the subject.

3393 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten
3394 calendar days before the public hearing and shall be:

3395 (a) (i) published in a newspaper of general circulation in the area; and

3396 (ii) published in accordance with Section 45-1-101;

3397 (b) mailed to each affected entity; and

3398 (c) posted:

3399 (i) in at least three public locations within the county; or

3400 (ii) on the county's official website.

3401 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
3402 before the meeting and shall be:

3403 (a) (i) submitted to a newspaper of general circulation in the area; and

3404 (ii) published in accordance with Section 45-1-101; and

3405 (b) posted:

3406 (i) in at least three public locations within the county; or

3407 (ii) on the county's official website.

3408 Section 73. Section **17-27a-205** is amended to read:

3409 **17-27a-205. Notice of public hearings and public meetings on adoption or**
3410 **modification of land use ordinance.**

3411 (1) Each county shall give:

3412 (a) notice of the date, time, and place of the first public hearing to consider the
3413 adoption or modification of a land use ordinance; and

3414 (b) notice of each public meeting on the subject.

3415 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

3416 (a) mailed to each affected entity at least ten calendar days before the public hearing;

3417 (b) posted:

3418 (i) in at least three public locations within the county; or

3419 (ii) on the county's official website; and
3420 (c) (i) published;
3421 (A) in a newspaper of general circulation in the area at least ten calendar days before
3422 the public hearing; ~~or~~ and

3423 (B) in accordance with Section 45-1-101, at least ten calendar days before the public
3424 hearing; or

3425 (ii) mailed at least three days before the public hearing to:

3426 (A) each property owner whose land is directly affected by the land use ordinance
3427 change; and

3428 (B) each adjacent property owner within the parameters specified by county
3429 ordinance.

3430 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
3431 before the hearing and shall be posted:

3432 (a) in at least three public locations within the county; or

3433 (b) on the county's official website.

3434 Section 74. Section **17-27a-208** is amended to read:

3435 **17-27a-208. Hearing and notice for proposal to vacate, alter, or amend a public**
3436 **street or right-of-way.**

3437 For any proposal to vacate, alter, or amend a public street or right-of-way, the land use
3438 authority shall hold a public hearing and shall give notice of the date, place, and time of the
3439 hearing by:

3440 (1) mailing notice as required in Section 17-27a-207;

3441 (2) mailing notice to each affected entity; and

3442 (3) (a) publishing notice;

3443 (i) (A) once a week for four consecutive weeks before the hearing in a newspaper of
3444 general circulation in the county in which the land subject to the petition is located; or

3445 ~~[(b)]~~ (B) if there is no newspaper of general circulation in the county, posting the
3446 property and posting notice in three public places for four consecutive weeks before the

3447 hearing[-]; and

3448 (ii) in accordance with Section 45-1-101 for four weeks before the hearing.

3449 Section 75. Section **17-27a-306** is amended to read:

3450 **17-27a-306. Townships.**

3451 (1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without
3452 having received a petition under Subsection (1)(b), enact an ordinance establishing a township
3453 within the unincorporated county or dividing the unincorporated county into townships.

3454 (ii) Before enacting an ordinance under Subsection (1)(a)(i), the county legislative
3455 body shall, after providing reasonable advance notice, hold a public hearing on the proposal to
3456 establish a township or to divide the unincorporated county into townships.

3457 (b) If 25% of the private real property owners in a contiguous area of the
3458 unincorporated county petition the county legislative body to establish a township for that
3459 area, the county legislative body shall:

3460 (i) hold a public hearing to discuss the petition;

3461 (ii) (A) [at least one week before the public hearing, publish] publish, at least one
3462 week before the public hearing, notice of the petition and the time, date, and place of the
3463 public hearing at least once in a newspaper of general circulation in the county; and

3464 (B) publish, in accordance with Section 45-1-101, notice of the petition and the time,
3465 date, and place of the public hearing for one week before the public hearing; and

3466 (iii) at the public hearing, consider oral and written testimony from the public and vote
3467 on the question of whether or not to establish a township.

3468 (c) If the county legislative body establishes a township pursuant to a petition, the
3469 members of the township planning commission shall be appointed as provided in Subsection
3470 17-27a-301(3)(b) to perform the duties established in this part for the township.

3471 (d) Except as provided in Subsection (1)(e), each township shall:

3472 (i) contain:

3473 (A) at least 20% but not more than 80% of:

3474 (I) the total private land area in the unincorporated county; or

3475 (II) the total value of locally assessed taxable property in the unincorporated county; or
3476 (B) (I) in a county of the first, second, or third class, at least 5% of the total population
3477 of the unincorporated county; or

3478 (II) in a county of the fourth, fifth, or sixth class, at least 25% of the total population
3479 of the unincorporated county; or

3480 (ii) have been declared by the United States Census Bureau as a census designated
3481 place.

3482 (e) (i) (A) A township that was dissolved under Laws of Utah 1997, Chapter 389, is
3483 reinstated as a township under this part with the same boundaries and name as before the
3484 dissolution, if the former township consisted of a single, contiguous land area.

3485 (B) Notwithstanding Subsection (1)(e)(i)(A), a county legislative body may enact an
3486 ordinance establishing as a township under this part a former township that was dissolved
3487 under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to
3488 be reinstated under Subsection (1)(e)(i)(A).

3489 (C) A township reinstated under Subsection (1)(e)(i)(A) or established under
3490 Subsection (1)(e)(i)(B) shall be subject to the provisions of this part.

3491 (ii) Each planning district established under Laws of Utah 1995, Chapter 225, and
3492 each township planning district established under Laws of Utah 1997, Chapter 389, shall
3493 continue in existence as a township, subject to the provisions of this part.

3494 (f) (i) After May 1, 2002, the legislative body of each county in which a township that
3495 has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated under Subsection
3496 (1)(e)(i) is located shall review the township and determine whether its continued existence is
3497 advisable.

3498 (ii) In conducting the review required under Subsection (1)(f)(i), the county legislative
3499 body shall hold a public hearing with reasonable, advance, published notice of the hearing and
3500 the purpose of the hearing.

3501 (iii) Each township that has been reconstituted under Laws of Utah 1997, Chapter
3502 389, or reinstated or established under Subsection (1)(e)(i) and its planning commission shall

3503 continue in effect, unless, within 90 days after conducting the review and public hearing
3504 required under Subsections (1)(f)(i) and (ii), the county legislative body by ordinance
3505 dissolves the township and its planning commission.

3506 (g) A township established under this section on or after May 5, 1997, may use the
3507 word "township" in its name.

3508 (2) (a) If the county legislative body establishes a township without having received a
3509 petition, the county legislative body may:

3510 (i) assign to the countywide planning commission the duties established in this part
3511 that would have been assumed by a township planning commission designated under
3512 Subsection (2)(a)(ii); or

3513 (ii) designate a planning commission for the township.

3514 (b) (i) If the county legislative body fails to designate a planning commission for a
3515 township, 40% of the private real property owners in the area proposed to be included in the
3516 township, as shown by the last county assessment roll, may petition the county legislative
3517 body to designate and appoint a planning commission for the township.

3518 (ii) If the county legislative body determines that the petition is validly signed by 40%
3519 of the private real property owners in the township, as shown by the last county assessment
3520 roll, it shall designate and appoint a planning commission for the township.

3521 (3) (a) Except as provided in Subsection (1)(f)(iii), a county legislative body may
3522 dissolve township planning commissions created under the authority of this section only by
3523 following the procedures and requirements of this Subsection (3).

3524 (b) If 20% of the private real property owners in the county petition the county
3525 legislative body to dissolve township planning commissions and to appoint a countywide
3526 planning commission, the county legislative body shall:

3527 (i) hold a public hearing to discuss the petition;

3528 (ii) (A) ~~[at least one week before the public hearing, publish]~~ publish, at least one week
3529 before the public hearing, notice of the petition and the time, date, and place of the public
3530 hearing at least once in a newspaper of general circulation in the county; and

(B) publish, in accordance with Section 45-1-101, notice of the petition and the time, date, and place of the public hearing at least one week before the public hearing; and

(iii) at the public hearing, consider oral and written testimony from the public and vote on the question of whether or not to dissolve township planning commissions and to appoint a countywide planning commission.

(c) (i) If the county legislative body fails to dissolve township planning commissions and to appoint a countywide planning commission when petitioned to do so by private real property owners under this Subsection (3), 40% of private real property owners in the county, as shown by the last county assessment roll, may petition the county legislative body to dissolve the township planning commissions and to appoint a countywide planning commission.

(ii) If the county legislative body determines that the petition is validly signed by 40% of private real property owners in the township, as shown by the last county assessment roll, it shall dissolve the township planning commissions and appoint a countywide planning commission.

Section 76. Section **17-27a-404** is amended to read:

17-27a-404. Public hearing by planning commission on proposed general plan or amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection by legislative body.

(1) (a) After completing its recommendation for a proposed general plan, or proposal to amend the general plan, the planning commission shall schedule and hold a public hearing on the proposed plan or amendment.

(b) The planning commission shall provide notice of the public hearing, as required by Section 17-27a-204.

(c) After the public hearing, the planning commission may modify the proposed general plan or amendment.

(2) The planning commission shall forward the proposed general plan or amendment to the legislative body.

(3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body shall provide notice of its intent to consider the general plan proposal.

(b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan regarding Subsection 17-27a-401(3). The hearing procedure shall comply with this Subsection (3)(b).

(ii) The hearing format shall allow adequate time for public comment at the actual public hearing, and shall also allow for public comment in writing to be submitted to the legislative body for not fewer than 90 days after the date of the public hearing.

(c) (i) The legislative body shall give notice of the hearing in accordance with this Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(3) are complete.

(ii) Direct notice of the hearing shall be given, in writing, to the governor, members of the state Legislature, executive director of the Department of Environmental Quality, the state planning coordinator, the Resource Development Coordinating Committee, and any other citizens or entities who specifically request notice in writing.

(iii) Public notice shall be given by publication:

(A) in at least one major Utah newspaper having broad general circulation in the state~~[, and also]; and~~

(B) in at least one Utah newspaper having a general circulation focused mainly on the county where the proposed high-level nuclear waste or greater than class C radioactive waste site is to be located~~[-]; and~~

(C) as required in Section 45-1-101.

(iv) The notice ~~[in these newspapers shall be published not fewer than 180 days prior to the date of the hearing to be held under this Subsection (3);]~~ shall be published to allow reasonable time for interested parties and the state to evaluate the information regarding the provisions of Subsection 17-27a-401(3)~~[-], including:~~

(A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before

3587 the date of the hearing to be held under this Subsection (3); and

3588 (B) publication described in Subsection (3)(c)(iii)(B) for 180 days before the date of
3589 the hearing to be held under this Subsection (3).

3590 (4) (a) After the public hearing required under this section, the legislative body may
3591 make any revisions to the proposed general plan that it considers appropriate.

3592 (b) The legislative body shall respond in writing and in a substantive manner to all
3593 those providing comments as a result of the hearing required by Subsection (3).

3594 (5) (a) The county legislative body may adopt or reject the proposed general plan or
3595 amendment either as proposed by the planning commission or after making any revision the
3596 county legislative body considers appropriate.

3597 (b) If the county legislative body rejects the proposed general plan or amendment, it
3598 may provide suggestions to the planning commission for its consideration.

3599 (6) The legislative body shall adopt:

3600 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

3601 (b) a transportation and traffic circulation element as provided in Subsection
3602 17-27a-403(2)(a)(ii); and

3603 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to
3604 provide a realistic opportunity to meet estimated needs for additional moderate income
3605 housing if long-term projections for land use and development occur.

3606 Section 77. Section **17-30-6** is amended to read:

3607 **17-30-6. Examinations -- How prepared, conducted, and graded -- Notice of**
3608 **examination.**

3609 (1) (a) When necessary, the commission shall give competitive examinations to
3610 determine the qualification of applicants for positions as peace officers.

3611 (b) The examinations shall be practical in character and shall relate to matters that will
3612 fairly test the mental and physical ability and knowledge of the applicants to discharge the
3613 duties of the positions.

3614 (c) The examinations shall be prepared, conducted, and graded under the direction of

3615 the commission, or by impartial special examiners if the commission finds it necessary.

3616 (2) (a) Notice of examination shall be:

3617 (i) (A) published one time not less than 15 days [prior to] before the examination in a
3618 newspaper of general circulation in the area concerned; and [shall be]

3619 (B) published, in accordance with Section 45-1-101, for 15 days before the
3620 examination; and

3621 (ii) posted in a conspicuous place in the office of the department concerned.

3622 (b) The notice shall set forth minimum and maximum wages, physical and educational
3623 requirements, and passing grades, which shall be not less than 70%.

3624 (c) A person completing an examination shall be promptly notified by mail at his last
3625 known address of his final grade.

3626 Section 78. Section **17-36-12** is amended to read:

3627 **17-36-12. Notice of budget hearing.**

3628 (1) The governing body shall determine the time and place for the public hearing on
3629 the adoption of the budget.

3630 (2) Notice of such hearing shall be published:

3631 (a) (i) at least seven days before the hearing in at least one newspaper of general
3632 circulation within the county, if there is such a paper[; otherwise, the hearing shall be
3633 published]; or

3634 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in
3635 three conspicuous places within the county[; seven days before the hearing; and

3636 (b) in accordance with Section 45-1-101 for seven days before the hearing.

3637 Section 79. Section **17-36-25** is amended to read:

3638 **17-36-25. Budget appropriation increase.**

3639 The budget appropriation of any budgetary fund other than the general fund may be
3640 increased at any regular meeting of the governing body, provided that notice that such action
3641 will be considered is published;

3642 (1) (a) at least five days before the meeting in at least one issue of a newspaper of

general circulation in the county, if there is one[; otherwise, the notice may be published]; or

(b) if there is no newspaper as described in Subsection (1)(a), by posting it in three conspicuous places within the county[; five days before the meeting; and

(2) in accordance with Section 45-1-101 for five days before the meeting.

Section 80. Section **17-36-26** is amended to read:

17-36-26. Increase in general fund budget.

(1) (a) The budget of the general fund may be increased by resolution of the governing body, only after a duly called hearing shall have been held and all interested parties shall have been given an opportunity to be heard.

(b) Notice of such hearing shall be published at least five days before such hearing:

(i) (A) in at least one issue of a newspaper generally circulated in the county[; ~~if there is one; otherwise;~~]; or

(B) if there is not a newspaper generally circulated in the county, the hearing may be published by posting notice in three conspicuous places within the county[; and

(ii) as required in Section 45-1-101.

(2) After such public hearing the governing body may amend the general fund budget as it deems appropriate with due consideration to matters discussed at the public hearing and to revised estimates of revenues.

Section 81. Section **17-36-40** is amended to read:

17-36-40. Notice that audit complete.

(1) Within ten days after the receipt of the audit report furnished by the independent auditor, the county auditor shall prepare and publish a notice to the public that the county audit is complete:

(a) at least twice in a newspaper of general circulation within the county[; ~~a notice to the public that the county audit is complete. A copy~~]; and

(b) as required in Section 45-1-101.

(2) A copy of the county audit may be inspected at the office of the county auditor.

Section 82. Section **17-41-302** is amended to read:

17-41-302. Notice of proposal for creation of agriculture protection area or industrial protection area -- Responses.

(1) Each applicable legislative body shall provide notice of the proposal by:

(a) (i) publishing notice;

(A) in a newspaper having general circulation within:

~~[(i)]~~ (I) the same county as the land proposed for inclusion within an agriculture protection area or industrial protection area, as the case may be, if the land is within the unincorporated part of the county; or

~~[(ii)]~~ (II) the same city or town as the land proposed for inclusion within an agriculture protection area or industrial protection area, as the case may be, if the land is within a city or town; and

(ii) as required in Section 45-1-101;

(b) posting notice at five public places, designated by the county or municipal legislative body, within or near the proposed agriculture protection area or industrial protection area; and

(c) mailing written notice to each owner of land within 1,000 feet of the land proposed for inclusion within an agriculture protection area or industrial protection area.

(2) The notice shall contain:

(a) a statement that a proposal for the creation of an agriculture protection area or industrial protection area has been filed with the applicable legislative body;

(b) a statement that the proposal will be open to public inspection in the office of the applicable legislative body;

(c) a statement that any person or entity affected by the establishment of the area may, within 15 days of the date of the notice, file with the applicable legislative body:

(i) written objections to the proposal; or

(ii) a written request to modify the proposal to exclude land from or add land to the proposed agriculture protection area or industrial protection area, as the case may be;

(d) a statement that the applicable legislative body will submit the proposal to the

3699 advisory committee and to the planning commission for review and recommendations;

3700 (e) a statement that the applicable legislative body will hold a public hearing to

3701 discuss and hear public comment on:

3702 (i) the proposal to create the agriculture protection area or industrial protection area;

3703 (ii) the recommendations of the advisory committee and planning commission; and

3704 (iii) any requests for modification of the proposal and any objections to the proposal;

3705 and

3706 (f) a statement indicating the date, time, and place of the public hearing.

3707 (3) (a) Any person wishing to modify the proposal for the creation of the agriculture

3708 protection area or industrial protection area shall, within 15 days after the date of the notice,

3709 file a written request for modification of the proposal, which identifies specifically the land

3710 that should be added to or removed from the proposal.

3711 (b) Any person wishing to object to the proposal for the creation of the agriculture

3712 protection area or industrial protection area shall, within 15 days after the date of the notice,

3713 file a written objection to the creation of the agriculture protection area or industrial protection

3714 area.

3715 Section 83. Section **17-41-304** is amended to read:

3716 **17-41-304. Public hearing -- Review and action on proposal.**

3717 (1) After receipt of the written reports from the advisory committee and planning

3718 commission, or after the 45 days have expired, whichever is earlier, the county or municipal

3719 legislative body shall:

3720 (a) schedule a public hearing;

3721 (b) provide notice of the public hearing by:

3722 (i) publishing notice;

3723 (A) in a newspaper having general circulation within:

3724 [~~(A)~~] (I) the same county as the land proposed for inclusion within the agriculture

3725 protection area or industrial protection area, if the land is within the unincorporated part of the

3726 county; or

3727 ~~[(B)]~~ (II) the same city or town as the land proposed for inclusion within an agriculture
3728 protection area or industrial protection area, if the land is within a city or town; and
3729 (B) as required in Section 45-1-101;
3730 (ii) posting notice at five public places, designated by the applicable legislative body,
3731 within or near the proposed agriculture protection area or industrial protection area; and
3732 (iii) mailing written notice to each owner of land within 1,000 feet of the land
3733 proposed for inclusion within an agriculture protection area or industrial protection area; and
3734 (c) ensure that the notice includes:
3735 (i) the time, date, and place of the public hearing on the proposal;
3736 (ii) a description of the proposed agriculture protection area or industrial protection
3737 area;
3738 (iii) any proposed modifications to the proposed agriculture protection area or
3739 industrial protection area;
3740 (iv) a summary of the recommendations of the advisory committee and planning
3741 commission; and
3742 (v) a statement that interested persons may appear at the public hearing and speak in
3743 favor of or against the proposal, any proposed modifications to the proposal, or the
3744 recommendations of the advisory committee and planning commission.
3745 (2) The applicable legislative body shall:
3746 (a) convene the public hearing at the time, date, and place specified in the notice; and
3747 (b) take verbal or written testimony from interested persons.
3748 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
3749 body shall approve, modify and approve, or reject the proposal.
3750 (b) The creation of an agriculture protection area or industrial protection area is
3751 effective at the earlier of:
3752 (i) the applicable legislative body's approval of a proposal or modified proposal; or
3753 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2)
3754 if the applicable legislative body has failed to approve or reject the proposal within that time.

3755 (4) (a) In order to give constructive notice of the existence of the agriculture protection
3756 area or industrial protection area to all persons who have, may acquire, or may seek to acquire
3757 an interest in land in or adjacent to the agriculture protection area or industrial protection area,
3758 respectively, within ten days of the creation of an agriculture protection area or industrial
3759 protection area, the applicable legislative body shall file an executed document containing a
3760 legal description of the agriculture protection area or industrial protection area, as the case
3761 may be, with:

- 3762 (i) the county recorder of deeds; and
3763 (ii) the affected planning commission.

3764 (b) If the legal description of the property to be included in the agriculture protection
3765 area or industrial protection area is available through the county recorder's office, the
3766 applicable legislative body shall use that legal description in its executed document required in
3767 Subsection (4)(a).

3768 (5) Within ten days of the recording of the agriculture protection area, the applicable
3769 legislative body shall:

- 3770 (a) send written notification to the commissioner of agriculture and food that the
3771 agriculture protection area has been created; and
3772 (b) include in the notification:
3773 (i) the number of landowners owning land within the agriculture protection area;
3774 (ii) the total acreage of the area;
3775 (iii) the date of approval of the area; and
3776 (iv) the date of recording.

3777 (6) The applicable legislative body's failure to record the notice required under
3778 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the
3779 creation of an agriculture protection area.

3780 (7) The applicable legislative body may consider the cost of recording notice under
3781 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee
3782 under Subsection 17-41-301(4)(b).

Section 84. Section **17-41-405** is amended to read:

17-41-405. Eminent domain restrictions.

(1) A political subdivision having or exercising eminent domain powers may not condemn for any purpose any land within an agriculture protection area that is being used for agricultural production or any land within an industrial protection area that is being put to an industrial use unless it has obtained approval, according to the procedures and requirements of this section, from the applicable legislative body and the advisory board.

(2) Any condemnor wishing to condemn property within an agriculture protection area or industrial protection area shall file a notice of condemnation with the applicable legislative body and the agriculture protection area or industrial protection area's advisory board at least 30 days before filing an eminent domain complaint.

(3) The applicable legislative body and the advisory board shall:

(a) hold a joint public hearing on the proposed condemnation at a location within the county in which the agriculture protection area or industrial protection area is located;

(b) publish notice of the time, date, place, and purpose of the public hearing:

(i) in a newspaper of general circulation within the agriculture protection area or industrial protection area, as the case may be; and

(ii) as required in Section 45-1-101; and

(c) post notice of the time, date, place, and purpose of the public hearing in five conspicuous public places, designated by the applicable legislative body, within or near the agriculture protection area or industrial protection area, as the case may be.

(4) (a) If the condemnation is for highway purposes or for the disposal of solid or liquid waste materials, the applicable legislative body and the advisory board may approve the condemnation only if there is no reasonable and prudent alternative to the use of the land within the agriculture protection area or industrial protection area for the project.

(b) If the condemnation is for any other purpose, the applicable legislative body and the advisory board may approve the condemnation only if:

(i) the proposed condemnation would not have an unreasonably adverse effect upon

3811 the preservation and enhancement of agriculture within the agriculture protection area or of
3812 the industrial use within the industrial protection area; or

3813 (ii) there is no reasonable and prudent alternative to the use of the land within the
3814 agriculture protection area or industrial protection area for the project.

3815 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable
3816 legislative body and the advisory board shall approve or reject the proposed condemnation.

3817 (b) If the applicable legislative body and the advisory board fail to act within the 60
3818 days or such further time as the applicable legislative body establishes, the condemnation shall
3819 be considered rejected.

3820 (6) The applicable legislative body or the advisory board may request the county or
3821 municipal attorney to bring an action to enjoin any condemnor from violating any provisions
3822 of this section.

3823 Section 85. Section **17-52-101** is amended to read:

3824 **17-52-101. Definitions.**

3825 As used in this chapter:

3826 (1) "Appointment council" means a group of persons consisting of:

3827 (a) a resident of the county in which the optional plan is proposed, designated by a
3828 majority of all state senators and representatives whose districts include any part of the county
3829 in which the optional plan is proposed;

3830 (b) a resident of the county in which the optional plan is proposed, designated by the
3831 county legislative body;

3832 (c) a resident of the county in which the optional plan is proposed, designated by the
3833 petition sponsors; and

3834 (d) two other residents of the county in which the optional plan is proposed,
3835 designated by majority vote of the three other members of the appointment council.

3836 (2) "Optional plan" means a plan establishing an alternate form of government for a
3837 county as provided in Section 17-52-401.

3838 (3) "Reasonable notice" means, at a minimum:

3839 (a) ~~[(i)]~~ publication;

3840 (i) (A) in a newspaper of general circulation within the county at least once a week for
3841 at least two consecutive weeks ending no more than ten and no fewer than three days before
3842 the event that is the subject of the notice; or

3843 ~~[(i)]~~ (B) if there is no newspaper of general circulation within the county, posting at
3844 least one notice per 1,000 population within the county, for at least a week ending no more
3845 than three days before the event that is the subject of the notice, at locations throughout the
3846 county that are most likely to give actual notice to county residents; and

3847 (ii) in accordance with Section 45-1-101 for two weeks before the event that is the
3848 subject of the notice; and

3849 (b) if the county has an Internet home page, posting an electronic notice on the
3850 Internet for at least seven days immediately before the event that is the subject of the notice.

3851 (4) "Study committee" means a group of persons:

3852 (a) appointed under Section 17-52-301; and

3853 (b) charged with the duties provided in Section 17-52-303.

3854 Section 86. Section **17-53-208** is amended to read:

3855 **17-53-208. Ordinances -- Effective dates -- Publication -- Adoption of ordinances**
3856 **printed in book form.**

3857 (1) The enacting clause of all ordinances of the county legislative body shall be as
3858 follows: "The County Legislative Body of _____ County ordains as follows:".

3859 (2) Every ordinance shall be signed by the chair of the county legislative body and
3860 attested by the clerk. On the passage of all ordinances the votes of the several members of the
3861 county legislative body shall be entered on the minutes, and all ordinances shall be entered at
3862 length in the ordinance book.

3863 (3) (a) No ordinance passed by the county legislative body may take effect within less
3864 than 15 days after its passage.

3865 (b) The legislative body of each county adopting an ordinance shall, before the
3866 ordinance may take effect:

- 3867 (i) deposit a copy of the ordinance in the office of the county clerk; and
- 3868 (ii) (A) publish a short summary of the ordinance, together with a statement that a
- 3869 complete copy of the ordinance is available at the county clerk's office and with the name of
- 3870 the members voting for and against the ordinance[;];
- 3871 (I) for at least one publication in:
- 3872 ~~[(H)]~~ (Aa) a newspaper published in and having general circulation in the county, if
- 3873 there is one; or
- 3874 ~~[(H)]~~ (Bb) if there is none published in the county, in a newspaper of general
- 3875 circulation within the county; ~~[or]~~ and
- 3876 (II) as required in Section 45-1-101; or
- 3877 (B) post a complete copy of the ordinance in nine public places within the county.
- 3878 (4) Any ordinance printed by authority of the county legislative body in book form or
- 3879 electronic media, or any general revision of county ordinances printed in book form or
- 3880 electronic media, may be adopted by an ordinance making reference to the printed ordinance
- 3881 or revision if a copy of the ordinance or revision is filed in the office of the county clerk at the
- 3882 time of adoption for use and examination by the public.
- 3883 (5) Ordinances establishing rules and regulations, printed as a code in book form or
- 3884 electronic media, for the construction of buildings, the installation of plumbing, the
- 3885 installation of electric wiring, or other related or similar work may be adopted by reference to
- 3886 the code book if a copy of the code book is filed in the office of the county clerk at the time of
- 3887 the adoption of the ordinance for use and examination by the public.
- 3888 (6) Ordinances that in the opinion of the county legislative body are necessary for the
- 3889 immediate preservation of the peace, health, or safety of the county and the county's
- 3890 inhabitants may, if so provided in the ordinance, take effect immediately upon publication in
- 3891 one issue of a newspaper published in and having general circulation in the county, if there is
- 3892 one, and if there is none published in the county, then immediately after posting at the
- 3893 courthouse door.
- 3894 (7) An ordinance may take effect at a later date than provided in this section, if the

3895 ordinance so provides.

3896 (8) An order entered in the minutes of the county legislative body that an ordinance
3897 has been duly published or posted shall be prima facie proof of the publication or posting.

3898 Section 87. Section **17A-3-914** is amended to read:

3899 **17A-3-914. Supplemental to other laws -- Nonapplicability of other laws --**
3900 **Validation of existing building authorities.**

3901 (1) This part is supplemental to all existing laws relating to the acquisition, use,
3902 maintenance, management, or operation of projects by public bodies.

3903 (2) It shall not be necessary for a public body or a building authority to comply with
3904 the provisions of other laws concerning the acquisition, construction, use, and maintenance of
3905 projects, including, but not limited to, public bidding laws and the Utah Procurement Code,
3906 where the projects are acquired, expanded, or improved under this part.

3907 (3) No board, commission, or agency of the state, including the Utah Public Service
3908 Commission, shall have any jurisdiction over building authorities or projects.

3909 (4) (a) No ordinance, resolution, or proceeding in respect to any transaction authorized
3910 by this part shall be necessary except as specifically required in this part nor shall the
3911 publication of any resolution, proceeding, or notice relating to any transaction authorized by
3912 this part be necessary except as required by this part. [~~Any~~]

3913 (b) A publication made under this part may be made:

3914 (i) in [~~any~~] a newspaper conforming to the terms of this part and in which legal notices
3915 may be published under the laws of Utah, without regard to the designation of it as the official
3916 journal or newspaper of the public body[:]; and

3917 (ii) as required in Section 45-1-101.

3918 (c) No resolution adopted or proceeding taken under this part shall be subject to
3919 referendum petition or to an election other than as permitted in this part.

3920 (d) All proceedings adopted under this part may be adopted on a single reading at any
3921 legally-convened meeting of the governing body or the board of trustees of the authority as
3922 appropriate.

(5) Any formal action or proceeding taken by the governing body of a public body or the board of trustees of an authority under the authority of this part may be taken by resolution of the governing body or the board of trustees as appropriate.

(6) This part shall apply to all authorities created, projects undertaken, leasing contracts executed, and bonds issued after this part takes effect.

(7) All proceedings heretofore taken by a public body in connection with the creation and operation of a public building authority are hereby validated, ratified, approved, and confirmed.

Section 88. Section **17A-3-915** is amended to read:

17A-3-915. Publication of notice of proceedings -- Contest of proceedings.

(1) The governing body of any public body, or the board of trustees of any building authority, may provide for the publication of any resolution or other proceeding adopted by it under this part:

(a) in a newspaper having general circulation in the public body[-]; and

(b) as required in Section 45-1-101.

(2) In case of a resolution or other proceeding providing for the issuance of bonds, the board of trustees of a building authority may, in lieu of publishing the entire resolution or other proceeding, publish a notice of bonds to be issued, titled as such, containing:

(a) the name of the building authority;

(b) the purposes of the issue;

(c) the maximum principal amount which may be issued;

(d) the maximum number of years over which the bonds may mature;

(e) the maximum interest rate which the bonds may bear;

(f) the maximum discount from par, expressed as a percentage of principal amount, at which the bonds may be sold, and any deposit to be required in connection with the sale; and

(g) the time and place where a copy of the resolution or other proceedings authorizing the issuance of the bonds may be examined, which shall be at an office of the building authority, identified in the notice, during regular business hours of the building authority as

described in the notice and for a period of at least 30 days after the publication of the notice.

(3) For a period of 30 days after the publication, any person in interest shall have the right to contest the legality of the resolution or proceeding or any bonds or leasing contract which may be authorized by them or any provisions made for the security and payment of the bonds or for the security and payment of the leasing contract; and after such time no one shall have any cause of action to contest the regularity, formality, or legality of same for any cause whatsoever.

Section 89. Section **17B-1-211** is amended to read:

17B-1-211. Notice of public hearings -- Publication of resolution.

(1) Before holding a public hearing or set of public hearings under Section 17B-1-210, the legislative body of each county or municipality with which a request is filed or that adopts a resolution under Subsection 17B-1-203(1)(c) and the board of trustees of each local district that adopts a resolution under Subsection 17B-1-203(1)(d) shall:

(a) (i) (A) except as provided in ~~[Subsection]~~ Subsections (1)(a)(~~(ii)~~)(i)(B) and (1)(a)(ii), publish notice in a newspaper or combination of newspapers of general circulation within the applicable area in accordance with Subsection (2); or

~~(ii)~~ (B) if there is no newspaper or combination of newspapers of general circulation within the applicable area, post notice in accordance with Subsection (2):

(I) at least one notice per 1,000 population of that area~~;~~; and

(II) at places within the area that are most likely to provide actual notice to residents of the area; ~~[or]~~ and

(ii) publish, in accordance with Section 45-1-101, for two weeks before the hearing or the first of the set of hearings; or

(b) mail a notice to each registered voter residing within and each owner of real property located within the proposed local district.

(2) Each published notice under Subsection (1)(a)(i)(A) shall:

(a) be no less than 1/4 page in size, use type no smaller than 18 point, and be surrounded by a 1/4-inch border;

- 3979 (b) if possible, appear in a newspaper that is published at least one day per week;
3980 (c) if possible, appear in a newspaper of general interest and readership in the area and
3981 not of limited subject matter;
3982 (d) be placed in a portion of the newspaper other than where legal notices and
3983 classified advertisements appear; and
3984 (e) be run at least once each week for two successive weeks, with the final publication
3985 being no less than three and no more than ten days before the hearing or the first of the set of
3986 hearings.
- 3987 (3) Each notice required under Subsection (1) shall:
3988 (a) if the hearing or set of hearings is concerning a resolution:
3989 (i) contain the entire text or an accurate summary of the resolution; and
3990 (ii) state the deadline for filing a protest against the creation of the proposed local
3991 district;
3992 (b) clearly identify each governing body involved in the hearing or set of hearings;
3993 (c) state the date, time, and place for the hearing or set of hearings and the purposes
3994 for the hearing or set of hearings; and
3995 (d) describe or include a map of the entire proposed local district.
- 3996 (4) County or municipal legislative bodies may jointly provide the notice required
3997 under this section if all the requirements of this section are met as to each notice.
- 3998 Section 90. Section **17B-1-304** is amended to read:
3999 **17B-1-304. Appointment procedures for appointed members.**
4000 (1) The appointing authority may, by resolution, appoint persons to serve as members
4001 of a local district board by following the procedures established by this section.
4002 (2) (a) In any calendar year when appointment of a new local district board member is
4003 required, the appointing authority shall prepare a notice of vacancy that contains:
4004 (i) the positions that are vacant that must be filled by appointment;
4005 (ii) the qualifications required to be appointed to those positions;
4006 (iii) the procedures for appointment that the governing body will follow in making

4007 those appointments; and

4008 (iv) the person to be contacted and any deadlines that a person must meet who wishes
4009 to be considered for appointment to those positions.

4010 (b) The appointing authority shall:

4011 (i) post the notice of vacancy in four public places within the local district at least one
4012 month before the deadline for accepting nominees for appointment; and

4013 (ii) (A) publish the notice of vacancy:

4014 [~~(A)~~] (I) in a daily newspaper of general circulation within the local district for five
4015 consecutive days before the deadline for accepting nominees for appointment; or

4016 [~~(B)~~] (II) in a local weekly newspaper circulated within the local district in the week
4017 before the deadline for accepting nominees for appointment~~[-]; and~~

4018 (B) in accordance with Section 45-1-101 for five days before the deadline for
4019 accepting nominees for appointment.

4020 (c) The appointing authority may bill the local district for the cost of preparing,
4021 printing, and publishing the notice.

4022 (3) (a) Not sooner than two months after the appointing authority is notified of the
4023 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants
4024 who meet the qualifications established by law.

4025 (b) The appointing authority shall:

4026 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
4027 appointment;

4028 (ii) allow any interested persons to be heard; and

4029 (iii) adopt a resolution appointing a person to the local district board.

4030 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
4031 appointing authority, the appointing authority shall select the appointee from the two top
4032 candidates by lot.

4033 (4) Persons appointed to serve as members of the local district board serve four-year
4034 terms, but may be removed for cause at any time after a hearing by 2/3 vote of the appointing

4035 body.

4036 (5) At the end of each board member's term, the position is considered vacant and the
4037 appointing authority may either reappoint the old board member or appoint a new member
4038 after following the appointment procedures established in this section.

4039 (6) Notwithstanding any other provision of this section, if the appointing authority
4040 appoints one of its own members, it need not comply with the provisions of this section.

4041 Section 91. Section **17B-1-306** is amended to read:

4042 **17B-1-306. Local district board -- Election procedures.**

4043 (1) Except as provided in Subsection (11), each elected board member shall be
4044 selected as provided in this section.

4045 (2) (a) Each election of a local district board member shall be held:

4046 (i) at the same time as the municipal general election; and

4047 (ii) at polling places designated by the clerk of each county in which the local district
4048 is located.

4049 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
4050 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
4051 polling place per division of the district, designated by the district board.

4052 (ii) Each polling place designated by an irrigation district board under Subsection
4053 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection
4054 (2)(a)(ii).

4055 (3) (a) The clerk of each local district with a board member position to be filled at the
4056 next municipal general election shall provide notice of:

4057 (i) each elective position of the local district to be filled at the next municipal general
4058 election;

4059 (ii) the constitutional and statutory qualifications for each position; and

4060 (iii) the dates and times for filing a declaration of candidacy.

4061 (b) The notice required under Subsection (3)(a) shall be:

4062 (i) posted in at least five public places within the local district at least ten days before

the first day for filing a declaration of candidacy; or

(ii) (A) published in a newspaper of general circulation within the local district at least three but no more than ten days before the first day for filing a declaration of candidacy[-]; and

(B) published, in accordance with Section 45-1-101, for ten days before the first day for filing a declaration of candidacy.

(4) (a) To become a candidate for an elective local district board position, the prospective candidate shall file a declaration of candidacy in person with the local district, during office hours and not later than 5 p.m. between July 1 and July 15 of any odd-numbered year.

(b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until 5 p.m. on the following regular business day.

(c) (i) Before the filing officer may accept any declaration of candidacy, the filing officer shall:

(A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(B) require the candidate to state whether or not the candidate meets those requirements.

(ii) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy.

(iii) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall accept the declaration of candidacy.

(d) The declaration of candidacy shall substantially comply with the following form:

"I, (print name) _____, being first duly sworn, say that I reside at (Street) _____, City of _____, County of _____, State of Utah, (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications for the office of board of trustees member for _____ (state the name of the local district); that I am a candidate for that office to be voted upon at the next election, and I hereby request that my name be printed upon the official ballot for that election.

4091 (Signed) _____
 4092 Subscribed and sworn to (or affirmed) before me by _____ on this _____
 4093 day of _____, _____.
 4094 (Signed) _____
 4095 (Clerk or Notary Public)"
 4096 (e) Each person wishing to become a valid write-in candidate for an elective local
 4097 district board position is governed by Section 20A-9-601.
 4098 (f) If at least one person does not file a declaration of candidacy as required by this
 4099 section, a person shall be appointed to fill that board position by following the procedures and
 4100 requirements for appointment established in Section 20A-1-512.
 4101 (g) If only one candidate files a declaration of candidacy for a position on the board of
 4102 an irrigation district, the board need not hold an election for that position and may appoint that
 4103 candidate to the board.
 4104 (5) (a) A primary election may be held if:
 4105 (i) the election is authorized by the local district board; and
 4106 (ii) the number of candidates for a particular local board position or office exceeds
 4107 twice the number of persons needed to fill that position or office.
 4108 (b) The primary election shall be conducted:
 4109 (i) on the same date as the municipal primary election, as provided for in Section
 4110 20A-1-201.5; and
 4111 (ii) according to the procedures for municipal primary elections provided under Title
 4112 20A, Election Code.
 4113 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
 4114 candidate names to the clerk of each county in which the local district is located no later than
 4115 August 20 of the municipal election year.
 4116 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the
 4117 local district is located shall coordinate the placement of the name of each candidate for local
 4118 district office in the nonpartisan section of the municipal general election ballot with the

4119 municipal election clerk.

4120 (ii) If consolidation of the local district election ballot with the municipal general
4121 election ballot is not feasible, the county clerk shall provide for a separate local district
4122 election ballot to be administered by separate election judges at polling locations designated
4123 by the county clerk in consultation with the local district.

4124 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
4125 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

4126 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
4127 prescribe the form of the ballot for each board member election.

4128 (B) Each ballot for an election of an irrigation district board member shall be in a
4129 nonpartisan format.

4130 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

4131 (i) be a registered voter within the district, except for an election of:

4132 (A) an irrigation district board of trustees member; or

4133 (B) a basic local district board of trustees member who is elected by property owners;

4134 and

4135 (ii) meet the requirements to vote established by the district.

4136 (b) Each voter may vote for as many candidates as there are offices to be filled.

4137 (c) The candidates who receive the highest number of votes are elected.

4138 (8) Except as otherwise provided by this section, the election of local district board
4139 members is governed by Title 20A, Election Code.

4140 (9) (a) A person elected to serve on a local district board shall serve a four-year term,
4141 beginning at noon on the January 1 after the person's election.

4142 (b) A person elected shall be sworn in as soon as practical after January 1.

4143 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
4144 the county holding an election under this section for the costs of the election attributable to
4145 that local district.

4146 (b) Each irrigation district shall bear its own costs of each election it holds under this

4147 section.

4148 (11) This section does not apply to an improvement district that provides electric or
4149 gas service.

4150 (12) The provisions of Title 20A, Chapter 3, Part 3, [~~Early~~] Absentee Voting, do not
4151 apply to an election under this section.

4152 Section 92. Section **17B-1-313** is amended to read:

4153 **17B-1-313. Publication of notice of board resolution or action -- Contest period**
4154 **-- No contest after contest period.**

4155 (1) After the board of trustees of a local district adopts a resolution or takes other
4156 action on behalf of the district, the board may provide for the publication of a notice of the
4157 resolution or other action.

4158 (2) Each notice under Subsection (1) shall:

4159 (a) include, as the case may be:

4160 (i) the language of the resolution or a summary of the resolution; or

4161 (ii) a description of the action taken by the board;

4162 (b) state that:

4163 (i) any person in interest may file an action in district court to contest the regularity,
4164 formality, or legality of the resolution or action within 30 days after the date of publication;
4165 and

4166 (ii) if the resolution or action is not contested by filing an action in district court
4167 within the 30-day period, no one may contest the regularity, formality, or legality of the
4168 resolution or action after the expiration of the 30-day period; and

4169 (c) be published;

4170 (i) in a newspaper that is published or has general circulation in the district[:]; and

4171 (ii) as required in Section 45-1-101.

4172 (3) For a period of 30 days after the date of the publication, any person in interest may
4173 contest the regularity, formality, or legality of the resolution or other action by filing an action
4174 in district court.

(4) After the expiration of the 30-day period under Subsection (3), no one may contest the regularity, formality, or legality of the resolution or action for any cause.

Section 93. Section **17B-1-413** is amended to read:

17B-1-413. Hearing, notice, and protest provisions do not apply for certain petitions.

(1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a), Sections 17B-1-409 and 17B-1-410 do not apply:

(a) if the process to annex an area to a local district was initiated by:

(i) a petition under Subsection 17B-1-403(1)(a)(i);

(ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners of private real property that:

(A) is located within the area proposed to be annexed;

(B) covers at least 75% of the total private land area within the entire area proposed to be annexed and within each applicable area; and

(C) is equal in assessed value to at least 75% of the assessed value of all private real property within the entire area proposed to be annexed and within each applicable area; or

(iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered voters residing within the entire area proposed to be annexed and within each applicable area equal in number to at least 75% of the number of votes cast within the entire area proposed to be annexed and within each applicable area, respectively, for the office of governor at the last regular general election before the filing of the petition;

(b) to an annexation under Section 17B-1-415; or

(c) to a boundary adjustment under Section 17B-1-417.

(2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under Section 17B-1-405, the local district board:

(i) shall provide notice of the proposed annexation as provided in Subsection (2)(b); and

(ii) (A) may, in the board's discretion, hold a public hearing as provided in Section

4203 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and
4204 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),
4205 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is
4206 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to
4207 the local district board by an owner of property that is located within or a registered voter
4208 residing within the area proposed to be annexed who did not sign the annexation petition.

4209 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

4210 (i) be given:

4211 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
4212 certification; or

4213 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least ten but not
4214 more than 30 days before the public hearing; and

4215 (B) by:

4216 (I) posting written notice at the local district's principal office and in one or more other
4217 locations within or proximate to the area proposed to be annexed as are reasonable under the
4218 circumstances, considering the number of parcels included in that area, the size of the area, the
4219 population of the area, and the contiguousness of the area; and

4220 (II) providing written notice to:

4221 (Aa) at least one newspaper of general circulation, if there is one, within the area
4222 proposed to be annexed or to a local media correspondent; and

4223 (Bb) as required in Section 45-1-101; and

4224 (ii) contain a brief explanation of the proposed annexation and include the name of the
4225 local district, the service provided by the local district, a description or map of the area
4226 proposed to be annexed, a local district telephone number where additional information about
4227 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
4228 explanation of the right of a property owner or registered voter to request a public hearing as
4229 provided in Subsection (2)(a)(ii)(B).

4230 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is

4231 required for a public hearing under Subsection (2)(a)(ii)(A).

4232 Section 94. Section **17B-1-417** is amended to read:

4233 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
4234 **adjusting boundaries -- Notice of the adjustment -- Notice to lieutenant governor.**

4235 (1) As used in this section, "affected area" means the area located within the
4236 boundaries of one local district that will be removed from that local district and included
4237 within the boundaries of another local district because of a boundary adjustment under this
4238 section.

4239 (2) The boards of trustees of two or more local districts having a common boundary
4240 and providing the same service on the same wholesale or retail basis may adjust their common
4241 boundary as provided in this section.

4242 (3) (a) The board of trustees of each local district intending to adjust a boundary that
4243 is common with another local district shall:

4244 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4245 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
4246 after the adoption of the resolution under Subsection (3)(a)(i); and

4247 (iii) (A) [~~H~~] publish notice;

4248 (I) (Aa) once a week for two successive weeks in a newspaper of general circulation
4249 within the local district; or

4250 [~~H~~] (Bb) if there is no newspaper of general circulation within the local district, post
4251 notice in at least four conspicuous places within the local district; [~~or~~] and

4252 (II) in accordance with Section 45-1-101 for two weeks; or

4253 (B) mail a notice to each owner of property located within the affected area and to
4254 each registered voter residing within the affected area.

4255 (b) The notice required under Subsection (3)(a)(iii) shall:

4256 (i) state that the board of trustees of the local district has adopted a resolution
4257 indicating the board's intent to adjust a boundary that the local district has in common with
4258 another local district that provides the same service as the local district;

4259 (ii) describe the affected area;

4260 (iii) state the date, time, and location of the public hearing required under Subsection

4261 (3)(a)(ii);

4262 (iv) provide a local district telephone number where additional information about the

4263 proposed boundary adjustment may be obtained;

4264 (v) explain the financial and service impacts of the boundary adjustment on property

4265 owners or residents within the affected area; and

4266 (vi) state in conspicuous and plain terms that the board of trustees may approve the

4267 adjustment of the boundaries unless, at or before the public hearing under Subsection

4268 (3)(a)(ii), written protests to the adjustment are filed with the board by:

4269 (A) the owners of private real property that:

4270 (I) is located within the affected area;

4271 (II) covers at least 50% of the total private land area within the affected area; and

4272 (III) is equal in assessed value to at least 50% of the assessed value of all private real

4273 property within the affected area; or

4274 (B) registered voters residing within the affected area equal in number to at least 50%

4275 of the votes cast in the affected area for the office of governor at the last regular general

4276 election before the filing of the protests.

4277 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be

4278 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

4279 (d) The boards of trustees of the local districts whose boundaries are being adjusted

4280 may jointly:

4281 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

4282 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4283 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees

4284 may adopt a resolution approving the adjustment of the common boundary unless, at or before

4285 the public hearing, written protests to the boundary adjustment have been filed with the board

4286 by:

4287 (a) the owners of private real property that:
4288 (i) is located within the affected area;
4289 (ii) covers at least 50% of the total private land area within the affected area; and
4290 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
4291 property within the affected area; or

4292 (b) registered voters residing within the affected area equal in number to at least 50%
4293 of the votes cast in the affected area for the office of governor at the last regular general
4294 election before the filing of the protests.

4295 (5) A resolution adopted under Subsection (4) does not take effect until the board of
4296 each local district whose boundaries are being adjusted has adopted a resolution under
4297 Subsection (4).

4298 (6) (a) Within 30 days after the resolutions take effect under Subsection (5), the board
4299 of the local district whose boundaries are being adjusted to include the affected area shall file a
4300 notice with the lieutenant governor.

4301 (b) The notice required under Subsection (6)(a) shall:

4302 (i) be accompanied by:

4303 (A) a copy of each of the board resolutions approving the boundary adjustment; and

4304 (B) an accurate map depicting the affected area or a legal description of the affected
4305 area, adequate for purposes of the county assessor and recorder; and

4306 (ii) include a certification by the board of the local district whose boundaries are being
4307 adjusted to include the affected area that all requirements for the boundary adjustment have
4308 been complied with.

4309 (7) Upon the lieutenant governor's issuance of a certificate of boundary change under
4310 Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being
4311 adjusted to include the affected area, and the affected area is withdrawn from the local district
4312 whose boundaries are being adjusted to exclude the affected area.

4313 Section 95. Section **17B-1-512** is amended to read:

4314 **17B-1-512. Notice of withdrawal -- Contest period -- Judicial review.**

4315 (1) (a) The board of trustees shall file a written notice of withdrawal with the
4316 lieutenant governor:

4317 (i) within ten days after adopting a resolution approving a withdrawal under Section
4318 17B-1-510; and

4319 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
4320 automatic withdrawal under Subsection 17B-1-502(2), after receiving a copy of the municipal
4321 legislative body's resolution approving an automatic withdrawal under Subsection
4322 17B-1-502(3)(a), or after receiving notice of a withdrawal of a municipality from a local
4323 district under Section 17B-2-505.

4324 (b) The notice required under Subsection (1)(a) shall:

4325 (i) be accompanied by:

4326 (A) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, a
4327 copy of the board resolution approving the withdrawal; and

4328 (B) an accurate map depicting the boundaries of the withdrawn area or a legal
4329 description of the withdrawn area, adequate for purposes of the county assessor and recorder;
4330 and

4331 (ii) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510,
4332 include a certification by the local district board that all requirements for the withdrawal have
4333 been complied with.

4334 (2) (a) Upon the lieutenant governor's issuance of the certificate of boundary change
4335 under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic
4336 withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a
4337 local district under Section 17B-2-505, the withdrawal shall be effective, subject to the
4338 conditions of the withdrawal resolution, if applicable.

4339 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon
4340 the lieutenant governor's issuance of a certificate of boundary change under Section 67-1a-6.5.

4341 (3) (a) The local district may provide for the publication of any resolution approving or
4342 denying the withdrawal of an area;

4343 (i) in a newspaper of general circulation in the area proposed for withdrawal~~[-]; and~~
4344 (ii) as required in Section 45-1-101.

4345 (b) In lieu of publishing the entire resolution, the local district may publish a notice of
4346 withdrawal or denial of withdrawal, containing:

4347 ~~[(a)]~~ (i) the name of the local district;

4348 ~~[(b)]~~ (ii) a description of the area proposed for withdrawal;

4349 ~~[(c)]~~ (iii) a brief explanation of the grounds on which the board of trustees determined
4350 to approve or deny the withdrawal; and

4351 ~~[(d)]~~ (iv) the times and place where a copy of the resolution may be examined, which
4352 shall be at the place of business of the local district, identified in the notice, during regular
4353 business hours of the local district as described in the notice and for a period of at least 30
4354 days after the publication of the notice.

4355 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
4356 deny a withdrawal of an area from the local district by submitting a request, within 60 days
4357 after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting
4358 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees
4359 based its decision to deny the withdrawal.

4360 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
4361 trustees, the board may consider the suggestions for mitigation and adopt a resolution
4362 approving or denying the request in the same manner as provided in Section 17B-1-510 with
4363 respect to the original resolution denying the withdrawal and file a notice of the action as
4364 provided in Subsection (1).

4365 (6) (a) Any person in interest may seek judicial review of:

4366 (i) the board of trustees' decision to withdraw an area from the local district;

4367 (ii) the terms and conditions of a withdrawal; or

4368 (iii) the board's decision to deny a withdrawal.

4369 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in
4370 the district court in the county in which a majority of the area proposed to be withdrawn is

4371 located:

4372 (i) if the resolution approving or denying the withdrawal is published under
4373 Subsection (3), within 60 days after the publication or after the board of trustees' denial of the
4374 request under Subsection (5);

4375 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
4376 the resolution approving or denying the withdrawal is adopted; or

4377 (iii) if a request is submitted to the board of trustees of a local district under
4378 Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after
4379 the board adopts a resolution under Subsection (5) unless the resolution is published under
4380 Subsection (3), in which event the action must be filed within 60 days after the publication.

4381 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
4382 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

4383 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

4384 (ii) the court finds that the board materially failed to follow the procedures set forth in
4385 this part.

4386 (d) A court may award costs and expenses of an action under this section, including
4387 reasonable attorney fees, to the prevailing party.

4388 (7) After the applicable contest period under Subsection (4) or (6), no person may
4389 contest the board of trustees' approval or denial of withdrawal for any cause.

4390 Section 96. Section **17B-1-609** is amended to read:

4391 **17B-1-609. Hearing to consider adoption.**

4392 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

4393 (a) establish the time and place of a public hearing to consider its adoption; and

4394 (b) order that notice of the hearing:

4395 (i) (A) be published at least seven days [~~prior to~~] before the hearing in at least one
4396 issue of a newspaper of general circulation published in the county or counties in which the
4397 district is located; or

4398 [~~(ii)~~] (B) if no newspaper is published, be posted in three public places within the

4399 district[-]; and

4400 (ii) be published, in accordance with Section 45-1-101, at least seven days before the
4401 hearing.

4402 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
4403 shall be published in accordance with Sections 59-2-918 and 59-2-919.

4404 Section 97. Section **17B-1-643** is amended to read:

4405 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

4406 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
4407 by a local district, each local district board of trustees shall first hold a public hearing at which
4408 any interested person may speak for or against the proposal to impose a fee or to increase an
4409 existing fee.

4410 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
4411 no earlier than 6 p.m.

4412 (c) A public hearing required under this Subsection (1) may be combined with a
4413 public hearing on a tentative budget required under Section 17B-1-610.

4414 (d) Except to the extent that this section imposes more stringent notice requirements,
4415 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
4416 in holding the public hearing under Subsection (1)(a).

4417 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
4418 provided in Subsection (2)(b)(i) or (ii).

4419 (b) (i) (A) The notice required under Subsection (2)(a) shall be published:

4420 (I) (Aa) in a newspaper or combination of newspapers of general circulation in the
4421 local district, if there is a newspaper or combination of newspapers of general circulation in
4422 the local district[-]; or

4423 (Bb) if there is no newspaper or combination of newspapers of general circulation in
4424 the local district, the local district board shall post at least one notice per 1,000 population
4425 within the local district, at places within the local district that are most likely to provide actual
4426 notice to residents within the local district; and

4427 (II) as required in Section 45-1-101.
4428 (B) The notice described in Subsection (2)(b)(i)(A)(I)(Aa):
4429 (I) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
4430 point, and surrounded by a 1/4-inch border[:];
4431 ~~[(C) The notice]~~ (II) may not be placed in that portion of the newspaper where legal
4432 notices and classified advertisements appear[:];
4433 ~~[(D) It is legislative intent that,]~~
4434 (III) whenever possible, ~~[the advertisement]~~ shall appear in a newspaper that is
4435 published at least one day per week[:];
4436 ~~[(E) It is further the intent of the Legislature that the]~~
4437 (IV) shall be in a newspaper or combination of newspapers ~~[selected be]~~ of general
4438 interest and readership in the local district, and not of limited subject matter[:]; and
4439 ~~[(F) The notice]~~ (V) shall be run once each week for the two weeks preceding the
4440 hearing.
4441 ~~[(G)]~~ (ii) The notice described in Subsection (2)(b)(i)(A) shall state that the local
4442 district board intends to impose or increase a fee for a service provided by the local district
4443 and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall
4444 be not less than seven days after the day the first notice is published, for the purpose of
4445 hearing comments regarding the proposed imposition or increase of a fee and to explain the
4446 reasons for the proposed imposition or increase.
4447 ~~[(ii) (A) If there is no newspaper or combination of newspapers of general circulation~~
4448 ~~in the local district, the local district board shall post at least one notice per 1,000 population~~
4449 ~~within the local district, at places within the local district that are most likely to provide actual~~
4450 ~~notice to residents within the local district.]~~
4451 ~~[(B) Each notice under Subsection (2)(b)(ii)(A) shall comply with Subsection~~
4452 ~~(2)(b)(i)(G).]~~
4453 (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
4454 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those

4455 within the district who:

4456 (A) will be charged the fee for a district service, if the fee is being imposed for the first
4457 time; or

4458 (B) are being charged a fee, if the fee is proposed to be increased.

4459 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection
4460 (2)(b)[~~(i)(G)~~](ii).

4461 (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing
4462 fee.

4463 (d) If the hearing required under this section is combined with the public hearing
4464 required under Section 17B-1-610, the notice requirement under this Subsection (2) is
4465 satisfied if a notice that meets the requirements of Subsection (2)(b)[~~(i)(G)~~](ii) is combined
4466 with the notice required under Section 17B-1-609.

4467 (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima facie
4468 evidence that notice was properly given.

4469 (f) If no challenge is made to the notice given of a hearing required by Subsection (1)
4470 within 30 days after the date of the hearing, the notice is considered adequate and proper.

4471 (3) After holding a public hearing under Subsection (1), a local district board may:

4472 (a) impose the new fee or increase the existing fee as proposed;

4473 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
4474 then impose the new fee or increase the existing fee as adjusted; or

4475 (c) decline to impose the new fee or increase the existing fee.

4476 (4) This section applies to each new fee imposed and each increase of an existing fee
4477 that occurs on or after July 1, 1998.

4478 (5) (a) This section does not apply to an impact fee.

4479 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36,
4480 Impact Fees Act.

4481 Section 98. Section **17B-1-1204** is amended to read:

4482 **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**

supplemented validation petition.

(1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a validation petition, the local district that filed the petition shall:

(a) publish notice:

(i) at least once a week for three consecutive weeks in a newspaper of general circulation in the county in which the principal office of the district is located; and

(ii) in accordance with Section 45-1-101 for three weeks; and

(b) post notice in its principal office at least 21 days before the date set for the hearing.

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

(a) state the date, time, and place of the hearing on the validation petition;

(b) include a general description of the contents of the validation petition; and

(c) if applicable, state the location where a complete copy of a contract that is the subject of the validation petition may be examined.

(3) If a district amends or supplements a validation petition under Subsection 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district is not required to publish or post notice again unless required by the court.

Section 99. Section **17B-1-1307** is amended to read:

17B-1-1307. Notice of public hearing and of dissolution.

(1) Before holding a public hearing required under Section 17B-1-1306, the administrative body shall:

(a) (i) publish notice of the public hearing and of the proposed dissolution:

(A) in a newspaper of general circulation within the local district proposed to be dissolved; and

(B) in accordance with Section 45-1-101 for 30 days before the public hearing; and

(ii) post notice of the public hearing and of the proposed dissolution in at least four conspicuous places within the local district proposed to be dissolved, no less than five and no more than 30 days before the public hearing; or

(b) mail a notice to each owner of property located within the local district and to each

4511 registered voter residing within the local district.

4512 (2) Each notice required under Subsection (1) shall:

4513 (a) identify the local district proposed to be dissolved and the service it was created to
4514 provide; and

4515 (b) state the date, time, and location of the public hearing.

4516 Section 100. Section **17C-1-601** is amended to read:

4517 **17C-1-601. Annual agency budget -- Fiscal year -- Public hearing required --**
4518 **Auditor forms -- Requirement to file form.**

4519 (1) Each agency shall prepare and its board adopt an annual budget of revenues and
4520 expenditures for the agency for each fiscal year.

4521 (2) Each annual agency budget shall be adopted:

4522 (a) for an agency created by a city or town, before June 22; or

4523 (b) for an agency created by a county, before December 15.

4524 (3) The agency's fiscal year shall be the same as the fiscal year of the community that
4525 created the agency.

4526 (4) (a) Before adopting an annual budget, each agency board shall hold a public
4527 hearing on the annual budget.

4528 (b) Each agency shall provide notice of the public hearing on the annual budget by:

4529 (i) publishing;

4530 (A) (I) at least one notice in a newspaper of general circulation within the agency
4531 boundaries, one week before the public hearing; or

4532 ~~[(ii)]~~ (II) if there is no newspaper of general circulation within the agency boundaries,
4533 posting a notice of the public hearing in at least three public places within the agency
4534 boundaries~~[-]; and~~

4535 (B) in accordance with Section 45-1-101, at least one week before the public hearing.

4536 (c) Each agency shall make the annual budget available for public inspection at least
4537 three days before the date of the public hearing.

4538 (5) The state auditor shall prescribe the budget forms and the categories to be

4539 contained in each agency budget, including:

4540 (a) revenues and expenditures for the budget year;

4541 (b) legal fees; and

4542 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4543 agency personnel.

4544 (6) (a) Within 30 days after adopting an annual budget, each agency board shall file a
4545 copy of the annual budget with the auditor of the county in which the agency is located, the
4546 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
4547 that levies a tax on property from which the agency collects tax increment.

4548 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4549 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
4550 state auditor.

4551 Section 101. Section **17C-2-108** is amended to read:

4552 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
4553 **of plan -- Contesting the formation of the plan.**

4554 (1) (a) (i) Upon the community legislative body's adoption of an urban renewal project
4555 area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by~~[-(i)]~~
4556 publishing or causing to be published a notice:

4557 (A) in a newspaper of general circulation within the agency's boundaries; or

4558 ~~[(ii)]~~ (B) if there is no newspaper of general circulation within the agency's
4559 boundaries, causing a notice to be posted in at least three public places within the agency's
4560 boundaries~~[-]; and~~

4561 (ii) as required in Section 45-1-101.

4562 (b) Each notice under Subsection (1)(a) shall:

4563 (i) set forth the community legislative body's ordinance adopting the project area plan
4564 or a summary of the ordinance; and

4565 (ii) include a statement that the project area plan is available for general public
4566 inspection and the hours for inspection.

4567 (2) The project area plan shall become effective on the date of:

4568 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4569 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4570 (3) (a) For a period of 30 days after the effective date of the project area plan under
4571 Subsection (2), any person in interest may contest the project area plan or the procedure used
4572 to adopt the project area plan if the plan or procedure fails to comply with applicable statutory
4573 requirements.

4574 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
4575 project area plan or procedure used to adopt the project area plan for any cause.

4576 (4) Upon adoption of the project area plan by the community's legislative body, the
4577 agency may carry out the project area plan.

4578 (5) Each agency shall make the adopted project area plan available to the general
4579 public at its offices during normal business hours.

4580 Section 102. Section **17C-2-403** is amended to read:

4581 **17C-2-403. Notice required for continued hearing.**

4582 The board shall give notice of a hearing continued under Section 17C-2-402 by
4583 announcing at the hearing:

4584 (1) the date, time, and place the hearing will be resumed; or

4585 (2) that it is being continued to a later time and causing a notice of the continued
4586 hearing to be:

4587 (a) published;

4588 (i) (A) once in a newspaper of general circulation within the agency boundaries at least
4589 seven days before the hearing is scheduled to resume; or

4590 [(b)] (B) if there is no newspaper of general circulation, posted in at least three
4591 conspicuous places within the boundaries of the agency in which the project area or proposed
4592 project area is located[-]; and

4593 (ii) in accordance with Section 45-1-101, at least seven days before the hearing is
4594 schedule to resume.

4595 Section 103. Section **17C-3-107** is amended to read:

4596 **17C-3-107. Notice of economic development project area plan adoption --**
4597 **Effective date of plan -- Contesting the formation of the plan.**

4598 (1) (a) Upon the community legislative body's adoption of an economic development
4599 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4600 (i) (A) publishing or causing to be published a notice;

4601 (I) in a newspaper of general circulation within the agency's boundaries; or

4602 [~~(i)~~] (II) if there is no newspaper of general circulation within the agency's

4603 boundaries, causing a notice to be posted in at least three public places within the agency's

4604 boundaries[-]; and

4605 (B) as required in Section 45-1-101.

4606 (b) Each notice under Subsection (1)(a) shall:

4607 (i) set forth the community legislative body's ordinance adopting the project area plan
4608 or a summary of the ordinance; and

4609 (ii) include a statement that the project area plan is available for general public
4610 inspection and the hours for inspection.

4611 (2) The project area plan shall become effective on the date of:

4612 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4613 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4614 (3) (a) For a period of 30 days after the effective date of the project area plan under
4615 Subsection (2), any person in interest may contest the project area plan or the procedure used
4616 to adopt the project area plan if the plan or procedure fails to comply with applicable statutory
4617 requirements.

4618 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
4619 project area plan or procedure used to adopt the project area plan for any cause.

4620 (4) Upon adoption of the economic development project area plan by the community's
4621 legislative body, the agency may carry out the project area plan.

4622 (5) Each agency shall make the adopted economic development project area plan

4623 available to the general public at its offices during normal business hours.

4624 Section 104. Section **17C-3-303** is amended to read:

4625 **17C-3-303. Notice required for continued hearing.**

4626 The board shall give notice of a hearing continued under Section 17C-3-302 by
4627 announcing at the hearing:

4628 (1) the date, time, and place the hearing will be resumed; or

4629 (2) that it is being continued to a later time and causing a notice of the continued
4630 hearing to be:

4631 (a) (i) published once in a newspaper of general circulation within the agency
4632 boundaries at least seven days before the hearing is scheduled to resume; or

4633 ~~[(b)]~~ (ii) if there is no newspaper of general circulation, posted in at least three
4634 conspicuous places within the boundaries of the agency in which the project area or proposed
4635 project area is located~~[-]; and~~

4636 (b) published, in accordance with Section 45-1-101, at least seven days before the
4637 hearing is schedule to resume.

4638 Section 105. Section **17C-4-106** is amended to read:

4639 **17C-4-106. Notice of community development project area plan adoption --**
4640 **Effective date of plan -- Contesting the formation of the plan.**

4641 (1) (a) Upon the community legislative body's adoption of a community development
4642 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4643 (i) (A) publishing or causing to be published a notice in a newspaper of general
4644 circulation within the agency's boundaries; or

4645 ~~[(ii)]~~ (B) if there is no newspaper of general circulation within the agency's
4646 boundaries, causing a notice to be posted in at least three public places within the agency's
4647 boundaries~~[-]; and~~

4648 (ii) publishing or causing to be published in accordance with Section 45-1-101.

4649 (b) Each notice under Subsection (1)(a) shall:

4650 (i) set forth the community legislative body's ordinance adopting the community

4651 development project area plan or a summary of the ordinance; and

4652 (ii) include a statement that the project area plan is available for general public
4653 inspection and the hours for inspection.

4654 (2) The community development project area plan shall become effective on the date
4655 of:

4656 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4657 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4658 (3) (a) For a period of 30 days after the effective date of the community development
4659 project area plan under Subsection (2), any person in interest may contest the project area plan
4660 or the procedure used to adopt the project area plan if the plan or procedure fails to comply
4661 with applicable statutory requirements.

4662 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
4663 community development project area plan or procedure used to adopt the project area plan for
4664 any cause.

4665 (4) Upon adoption of the community development project area plan by the
4666 community's legislative body, the agency may carry out the project area plan.

4667 (5) Each agency shall make the adopted project area plan available to the general
4668 public at its offices during normal business hours.

4669 Section 106. Section **17C-4-202** is amended to read:

4670 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
4671 **community development project area plan -- Notice -- Effective date of resolution or**
4672 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
4673 **of resolution or interlocal agreement.**

4674 (1) The approval and adoption of each resolution or interlocal agreement under
4675 Subsection 17C-4-201(2) shall be in an open and public meeting.

4676 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
4677 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

4678 (i) (A) publishing or causing to be published a notice in a newspaper of general

4679 circulation within the agency's boundaries; or

4680 ~~[(ii)]~~ (B) if there is no newspaper of general circulation within the agency's
4681 boundaries, causing a notice to be posted in at least three public places within the agency's
4682 boundaries~~[-]; and~~

4683 (ii) publishing or causing to be published in accordance with Section 45-1-101.

4684 (b) Each notice under Subsection (2)(a) shall:

4685 (i) set forth a summary of the resolution or interlocal agreement; and

4686 (ii) include a statement that the resolution or interlocal agreement is available for
4687 general public inspection and the hours of inspection.

4688 (3) The resolution or interlocal agreement shall become effective on the date of:

4689 (a) if notice was published under Subsection (2)(a)(i)(A) or (ii), publication of the
4690 notice; or

4691 (b) if notice was posted under Subsection (2)(a)(B), posting of the notice.

4692 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
4693 agreement under Subsection (3), any person in interest may contest the resolution or interlocal
4694 agreement or the procedure used to adopt the resolution or interlocal agreement if the
4695 resolution or interlocal agreement or procedure fails to comply with applicable statutory
4696 requirements.

4697 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the
4698 resolution or interlocal agreement for any cause.

4699 (5) Each agency that is to receive funds under a resolution or interlocal agreement
4700 under Section 17C-4-201 and each taxing entity or public agency that approves a resolution or
4701 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or
4702 interlocal agreement, as the case may be, available at its offices to the general public for
4703 inspection and copying during normal business hours.

4704 Section 107. Section **17C-4-302** is amended to read:

4705 **17C-4-302. Notice required for continued hearing.**

4706 The board shall give notice of a hearing continued under Section 17C-4-301 by

4707 announcing at the hearing:

4708 (1) the date, time, and place the hearing will be resumed; or

4709 (2) that it is being continued to a later time and causing a notice of the continued
4710 hearing to be:

4711 (a) (i) published once in a newspaper of general circulation within the agency
4712 boundaries at least seven days before the hearing is scheduled to resume; or

4713 ~~[(b)]~~ (ii) if there is no newspaper of general circulation, posted in at least three
4714 conspicuous places within the boundaries of the agency in which the project area or proposed
4715 project area is located[-]; and

4716 (b) published, in accordance with Section 45-1-101, at least seven days before the
4717 hearing is schedule to resume.

4718 Section 108. Section **17D-1-205** is amended to read:

4719 **17D-1-205. Notice.**

4720 (1) Each notice required under Subsection 17D-1-204(1) shall:

4721 (a) state that:

4722 (i) the legislative body has adopted a resolution stating its intent to create a special
4723 service district; or

4724 (ii) a petition has been filed proposing the creation of a special service district;

4725 (b) describe the boundary of the proposed special service district;

4726 (c) generally describe each service that the special service district is proposed to
4727 provide;

4728 (d) state that taxes may be levied annually upon all taxable property within the
4729 proposed special service district;

4730 (e) state that fees or charges may be imposed to pay for some or all of the services that
4731 the special service district is proposed to provide;

4732 (f) explain the process, requirements, and timetable for filing a protest against the
4733 creation of the special service district or against a service that the special service district is
4734 proposed to provide;

(g) designate a date, time, and place for a public hearing on the proposed creation of the special service district; and

(h) except as provided in Subsection (2), be published:

(i) (A) at least once a week during three consecutive weeks[.];

[(i)] (B) not less than 21 days or more than 35 days before the date of the public hearing required under Subsection 17D-1-204(2); and

[(ii)] (C) in a newspaper of general circulation in the county or municipality by which the special service district is proposed to be created[.]; and

(ii) in accordance with Section 45-1-101 for 35 days before the date of the public hearing required under Subsection 17D-1-204(2).

(2) Notwithstanding Subsection (1)(h)(i), if the proposed special service district is located entirely within a city of the third, fourth, or fifth class or a town that has no newspaper of general circulation in the city or town, the legislative body of the city or town may provide that the notice required under Subsection 17D-1-204(1) be given by posting the notice in at least five public places in the city or town at least 21 days before the public hearing required under Subsection 17D-1-204(2).

(3) The legislative body of the county or municipality by which the special service district is proposed to be created may include in a notice under this section any other information that the legislative body considers necessary or appropriate.

Section 109. Section **17D-2-601** is amended to read:

17D-2-601. Publishing notice of local entity or local building authority resolution or other proceeding.

(1) The governing body of a local entity or the authority board of a local building authority may provide for the publication of a resolution or other proceeding adopted under this chapter by the governing body or authority board, respectively[.];

(a) in a newspaper of general circulation in the local entity[.]; and

(b) as required in Section 45-1-101.

(2) (a) If the resolution or other proceeding provides for the local building authority's

4763 issuance of bonds, the authority board may, in lieu of publishing the entire resolution or other
4764 proceeding, publish a notice of the bonds to be issued.

4765 (b) Each notice under Subsection (2)(a) shall comply with the requirements of
4766 Subsection 11-14-316(2).

4767 (c) The authority board of a local building authority publishing a notice under
4768 Subsection (2)(a) shall make a copy of the resolution or other proceeding authorizing the
4769 issuance of the local building authority bonds available for public inspection during regular
4770 business hours at the office of the local building authority for a period of at least 30 days after
4771 publication of the notice.

4772 Section 110. Section **17D-3-305** is amended to read:

4773 **17D-3-305. Setting the date of an election of the board of supervisors -- Notice of**
4774 **the election.**

4775 (1) The commission shall:

4776 (a) set the date of the election of members of the board of supervisors of a
4777 conservation district; and

4778 (b) publish notice of the election;

4779 (i) in a newspaper or other media outlet method with general circulation within the
4780 conservation district[?]; and

4781 (ii) as required in Section 45-1-101.

4782 (2) The date set for an election under Subsection (1)(a) may not be later than six
4783 weeks after the date set by the commission for the close of nominations.

4784 (3) The notice required under Subsection (1)(b) shall:

4785 (a) state:

4786 (i) the date of the election;

4787 (ii) the names of all candidates; and

4788 (iii) that a ballot request form for the election may be obtained from the commission
4789 office or from any other place that the commission designates; and

4790 (b) specify the address of the commission office or other place where a ballot request

4791 form may be obtained.

4792 Section 111. Section **19-2-109** is amended to read:

4793 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of executive**
4794 **secretary -- Adoption of emission control requirements.**

4795 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct
4796 public hearings.

4797 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
4798 quality standards shall specify the locations to which the proposed standards apply and the
4799 time, date, and place of the hearing.

4800 (c) The notice shall be:

4801 (i) (A) published at least twice in any newspaper of general circulation in the area
4802 affected; and [shall be]

4803 (B) published, in accordance with Section 45-1-101, at least 20 days before the public
4804 hearing; and

4805 (ii) mailed at least 20 days before the public hearing to the chief executive of each
4806 political subdivision of the area affected and to other persons the executive secretary has
4807 reason to believe will be affected by the standards.

4808 (d) The adoption of air quality standards or any modification or changes to air quality
4809 standards shall be by order of the executive secretary following formal action of the board with
4810 respect to the standards.

4811 (e) The order shall be published:

4812 (i) in a newspaper of general circulation in the area affected[-]; and

4813 (ii) as required in Section 45-1-101.

4814 (2) (a) The board may establish emission control requirements by rule that in its
4815 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or
4816 may vary from area to area, taking into account varying local conditions.

4817 (b) In adopting these requirements, the board shall give notice and conduct public
4818 hearings in accordance with the requirements in Subsection (1).

4819 Section 112. Section **19-5-110** is amended to read:

4820 **19-5-110. Designation by governor of areas with quality control problems --**
4821 **Classification of waters -- Adoption of standards of quality.**

4822 (1) The governor may identify and designate by boundary, or make a determination
4823 not to designate, areas within the state which, as a result of urban-industrial concentration or
4824 other factors, have substantial water quality control problems, and designate planning agencies
4825 and waste treatment management agencies for these areas.

4826 (2) The board may group the waters of the state into classes according to their present
4827 most reasonable uses, and after public hearing, upgrade and reclassify from time to time the
4828 waters of the state to the extent that it is practical and in the public interest.

4829 (3) (a) The board may establish standards of quality for each classification consistent
4830 with most reasonable present and future uses of the waters, and the standards may be
4831 modified or changed from time to time.

4832 (b) Prior to classifying waters, setting quality standards or modifying or repealing
4833 them the board shall conduct public hearings for the consideration, adoption, or amendment of
4834 the classifications of waters and standards of purity and quality.

4835 (c) The notice shall specify the waters concerning which a classification is sought to
4836 be made for which standards are sought to be adopted and the time, date, and place of the
4837 hearing.

4838 (d) The notice shall be:

4839 (i) published;

4840 (A) at least twice in a newspaper of general circulation in the area affected; and [~~shall~~
4841 ~~be~~]

4842 (B) as required in Section 45-1-101; and

4843 (ii) mailed at least 30 days before the public hearing to the chief executive of each
4844 political subdivision of the area affected and to other persons the board has reason to believe
4845 will be affected by the classification and the setting of standards.

4846 (4) (a) The adoption of standards of quality for the waters of the state and

4847 classification of the waters or any modification or change in classification shall be effectuated
4848 by an order of the board which shall be published;

4849 (i) in a newspaper of general circulation in the area affected~~[-]; and~~

4850 (ii) as required in Section 45-1-101.

4851 (b) In classifying waters and setting standards of water quality, adopting rules, or
4852 making any modification or change in classification or standards, the board shall allow and
4853 announce a reasonable time, not exceeding statutory deadlines contained in the federal Clean
4854 Water Act, for persons discharging wastes into the waters of the state to comply with the
4855 classification or standards and may, after public hearing if requested by the permittee, set and
4856 revise schedules of compliance and include these schedules within the terms and conditions of
4857 permits for the discharge of pollutants.

4858 (5) Any discharge in accord with classification or standards authorized by a permit is
4859 not pollution for the purpose of this chapter.

4860 Section 113. Section **19-6-712** is amended to read:

4861 **19-6-712. Issuance of permits -- Public comments and hearing.**

4862 (1) In considering permit applications under this part, the executive secretary shall:

4863 (a) ensure the application is complete prior to acting on it;

4864 (b) (i) publish notice of the permit application and the opportunity for public comment
4865 in;

4866 (A) a newspaper of general circulation in the state; and [~~also in~~]

4867 (B) a newspaper of general circulation in the county where the operation for which the
4868 application is submitted is located; and

4869 (ii) as required in Section 45-1-101;

4870 (c) allow the public to submit written comments to the executive secretary within 15
4871 days after date of publication;

4872 (d) consider timely submitted public comments and the criteria established in this part
4873 and by rule in determining whether to grant the permit; and

4874 (e) send a written copy of the decision to the applicant and to persons submitting

4875 timely comments under Subsection (1)(c).

4876 (2) The executive secretary's decision under this section may be appealed to the board
4877 only within the 30 days after the day the decision is mailed to the applicant.

4878 Section 114. Section **20A-3-201** is amended to read:

4879 **20A-3-201. Watchers.**

4880 (1) (a) (i) For each regular general election or statewide special election, and for each
4881 regular primary and Western States Presidential Primary, each registered political party and
4882 any person interested in a ballot proposition appearing on the ballot may appoint one person to
4883 act as a voting poll watcher to observe the casting of ballots, another person to act as a
4884 counting poll watcher to observe the counting of ballots, and another person to act as an
4885 inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

4886 (ii) Each party poll watcher shall be designated, and his selection made known to the
4887 poll workers, by an affidavit made by the county chair of each of the parties.

4888 (iii) Each issue poll watcher shall be designated, and his selection made known to the
4889 poll workers, by an affidavit made by the individual appointing him.

4890 (b) (i) For each municipal general election, municipal primary, local special election,
4891 or bond election that uses paper ballots, each candidate and any person interested in an issue
4892 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
4893 casting of ballots, another person to act as a counting poll watcher to observe the counting of
4894 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
4895 observe the securing of ballot packages.

4896 (ii) For each municipal general election, municipal primary, local special election, or
4897 bond election that uses ballot sheets, each candidate and any person interested in an issue
4898 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the
4899 casting of ballots, another person to act as a counting poll watcher to observe the counting of
4900 ballots, and another person to act as an inspecting poll watcher to inspect the condition and
4901 observe the securing of ballot packages.

4902 (iii) Each candidate poll watcher shall be designated, and his selection made known to

4903 the poll workers, by an affidavit made by the candidate appointing him.

4904 (iv) Each issue poll watcher shall be designated, and his selection made known to the
4905 poll workers, by an affidavit made by the individual appointing him.

4906 (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise
4907 absent, that poll watcher may substitute some other watcher of similar political beliefs by
4908 informing the poll workers of the substitution by affidavit.

4909 (3) Voting poll watchers may watch and observe the voting process, and may make a
4910 written memorandum, but they may not interfere in any way with the process of voting except
4911 to challenge a voter as provided in this part.

4912 (4) The counting poll watcher shall remain in the counting room, except in the case of
4913 necessity, until the close of the polls and may not divulge the progress of the count until the
4914 count is completed.

4915 (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,
4916 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other
4917 information about the count.

4918 (b) Any person who violates this subsection is guilty of a third degree felony.

4919 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to
4920 whom ballots are delivered after elections to:

4921 (a) inspect the condition of the packages containing the ballots upon their arrival; and

4922 (b) observe the placement of these packages in a safe and secure place.

4923 (7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any
4924 interested person may act as a testing watcher to observe a demonstration of logic and
4925 accuracy testing of the voting devices prior to the commencement of voting.

4926 (b) The election officer shall give prior notice of the logic and accuracy testing
4927 demonstration at least two days prior to the date of the demonstration by publishing notice of
4928 the date, time, and location of the demonstration:

4929 (i) in at least one newspaper of general circulation in the jurisdiction holding the
4930 election[-]; and

4931 (ii) as required in Section 45-1-101.

4932 (c) An election official shall provide, upon request, a copy of testing results to a
4933 testing watcher.

4934 Section 115. Section **20A-3-603** is amended to read:

4935 **20A-3-603. Early voting polling places.**

4936 (1) The election officer shall designate one or more polling places for early voting,
4937 provided that:

4938 (a) except as provided in Subsection (3), at least one polling place is open on each day
4939 that polls are open during the early voting period;

4940 (b) each polling place meets the requirements for polling places under Chapter 5,
4941 Election Administration;

4942 (c) for all elections other than local special elections, municipal primary elections, and
4943 municipal general elections, at least 10% of the voting devices at a polling place are accessible
4944 for individuals with disabilities in accordance with Public Law 107-252, the Help America
4945 Vote Act of 2002; and

4946 (d) each polling place is located in a government building or office, unless the election
4947 officer determines that, in the area designated by the election officer, there is no government
4948 building or office available that:

4949 (i) can be scheduled for use during early voting hours;

4950 (ii) has the physical facilities necessary to accommodate early voting requirements;

4951 (iii) has adequate space for voting equipment, poll workers, and voters; and

4952 (iv) has adequate security, public accessibility, and parking.

4953 (2) (a) In the event the election officer determines that the number of early voting
4954 polling places is insufficient due to the number of registered voters who are voting, the
4955 election officer may designate additional polling places during the early voting period.

4956 (b) If an additional early voting polling place is designated, the election officer shall,
4957 as soon as is reasonably possible, give notice of the dates, times, and location of the additional
4958 polling place by:

4959 (i) publishing the notice;
4960 (A) in one issue of a newspaper of general circulation in the county; and
4961 (B) as required in Section 45-1-101; and
4962 (ii) posting the notice at the additional polling place.
4963 (3) For each regular general election and regular primary election, counties of the first
4964 class shall ensure that:

4965 (a) at least one polling place is located within each Utah State Senate district that is
4966 located wholly or partially within the county; and
4967 (b) at least one polling place located within each district is open on each day that polls
4968 are open during the early voting period.

4969 Section 116. Section **20A-3-604** is amended to read:

4970 **20A-3-604. Notice of time and place of early voting.**

4971 The election officer shall give notice of the dates, times, and locations of early voting
4972 by:

4973 (1) publishing the notice;
4974 (a) in one issue of a newspaper of general circulation in the county at least five
4975 calendar days before the date that early voting begins; and
4976 (b) in accordance with Section 45-1-101, at least five calendar days before the date
4977 that early voting begins; and

4978 (2) posting the notice at each early voting polling place at least five calendar days
4979 before the date early voting begins.

4980 Section 117. Section **20A-5-101** is amended to read:

4981 **20A-5-101. Notice of election.**

4982 (1) On or before February 1 in each regular general election year, the lieutenant
4983 governor shall prepare and transmit a written notice to each county clerk that:

4984 (a) designates the offices to be filled at the regular general election;
4985 (b) identifies the dates for filing a declaration of candidacy for those offices; and
4986 (c) contains a description of any ballot propositions to be decided by the voters that

4987 have qualified for the ballot as of that date.

4988 (2) (a) No later than February 15, each county clerk shall:

4989 (i) publish a notice;

4990 (A) once in a newspaper published in that county; [~~or~~] and

4991 (B) as required in Section 45-1-101; or

4992 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to
4993 give notice of the election to the voters in each voting precinct within the county; and

4994 (B) prepare an affidavit of that posting, showing a copy of the notice and the places
4995 where the notice was posted.

4996 (b) The notice required by Subsection (2)(a) shall:

4997 (i) designate the offices to be voted on in that election in that county, other than local
4998 district offices; and

4999 (ii) identify the dates for filing a declaration of candidacy for those offices.

5000 (3) Before each election, the election officer shall give written or printed notice of:

5001 (a) the date and place of election;

5002 (b) the hours during which the polls will be open;

5003 (c) the polling places for each voting precinct; and

5004 (d) the qualifications for persons to vote in the election.

5005 (4) To provide the notice required by Subsection (3), the election officer shall publish
5006 the notice at least two days before the election;

5007 (a) in a newspaper of general circulation common to the area or in which the election
5008 is being held[-]; and

5009 (b) as required in Section 45-1-101.

5010 Section 118. Section **20A-5-405** is amended to read:

5011 **20A-5-405. Election officer to provide ballots.**

5012 (1) In jurisdictions using paper ballots, each election officer shall:

5013 (a) provide printed official paper ballots and absentee ballots for every election of
5014 public officers in which the voters, or any of the voters, within the election officer's

5015 jurisdiction participate;

5016 (b) cause the name of every candidate whose nomination has been certified to or filed
5017 with the election officer in the manner provided by law to be printed on each official paper
5018 ballot and absentee ballot;

5019 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
5020 be printed on each official paper ballot and absentee ballot;

5021 (d) ensure that the official paper ballots are printed and in the possession of the
5022 election officer before commencement of voting;

5023 (e) ensure that the absentee ballots are printed and in the possession of the election
5024 officer with sufficient time before commencement of voting;

5025 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
5026 be printed on each official paper ballot and absentee ballot;

5027 (g) allow candidates and their agents and the sponsors of ballot propositions that have
5028 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

5029 (h) cause sample ballots to be printed that are in the same form as official paper
5030 ballots and that contain the same information as official paper ballots but that are printed on
5031 different colored paper than official paper ballots;

5032 (i) ensure that the sample ballots are printed and in the possession of the election
5033 officer at least seven days before commencement of voting;

5034 (j) make the sample ballots available for public inspection by:

5035 (i) posting a copy of the sample ballot in his office at least seven days before
5036 commencement of voting;

5037 (ii) mailing a copy of the sample ballot to:

5038 (A) each candidate listed on the ballot; and

5039 (B) the lieutenant governor; and

5040 (iii) publishing a copy of the sample ballot immediately before the election;

5041 (A) in at least one newspaper of general circulation in the jurisdiction holding the
5042 election; and

5043 (B) as required in Section 45-1-101;

5044 (k) deliver at least five copies of the sample ballot to poll workers for each polling
5045 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5046 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
5047 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
5048 demands of the qualified voters in each voting precinct.

5049 (2) In jurisdictions using a punch card ballot, each election officer shall:

5050 (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot
5051 labels for every election of public officers in which the voters, or any of the voters, within the
5052 election officer's jurisdiction participate;

5053 (b) cause the name of every candidate who filed with the election officer in the manner
5054 provided by law or whose nomination has been certified to the election officer to be printed on
5055 each official ballot label;

5056 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
5057 be printed on each official ballot label;

5058 (d) ensure that the official ballot labels are printed and in the possession of the election
5059 officer before the commencement of voting;

5060 (e) ensure that the absentee ballots are printed and in the possession of the election
5061 officer with sufficient time before commencement of voting;

5062 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
5063 be printed on each official ballot label and absentee ballot;

5064 (g) allow candidates and their agents and the sponsors of ballot propositions that have
5065 qualified for the official sample ballot to inspect the official sample ballot;

5066 (h) cause sample ballots to be printed that contain the same information as official
5067 ballot labels but that are distinguishable from official ballot labels;

5068 (i) ensure that the sample ballots are printed and in the possession of the election
5069 officer at least seven days before commencement of voting;

5070 (j) make the sample ballots available for public inspection by:

- 5071 (i) posting a copy of the sample ballot in his office at least seven days before
5072 commencement of voting;
- 5073 (ii) mailing a copy of the sample ballot to:
5074 (A) each candidate listed on the ballot; and
5075 (B) the lieutenant governor; and
- 5076 (iii) publishing a copy of the sample ballot immediately before the election;
5077 (A) in at least one newspaper of general circulation in the jurisdiction holding the
5078 election; and
5079 (B) as required in Section 45-1-101;
- 5080 (k) deliver at least five copies of the sample ballot to poll workers for each polling
5081 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 5082 (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and
5083 instruction cards at the expense of the jurisdiction conducting the election.
- 5084 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer
5085 shall:
- 5086 (a) provide official ballot sheets and absentee ballot sheets for every election of public
5087 officers in which the voters, or any of the voters, within the election officer's jurisdiction
5088 participate;
- 5089 (b) cause the name of every candidate who filed with the election officer in the manner
5090 provided by law or whose nomination has been certified to or filed with the election officer to
5091 be printed on each official ballot and absentee ballot;
- 5092 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
5093 be printed on each official ballot and absentee ballot;
- 5094 (d) ensure that the official ballots are printed and in the possession of the election
5095 officer before commencement of voting;
- 5096 (e) ensure that the absentee ballots are printed and in the possession of the election
5097 officer with sufficient time before commencement of voting;
- 5098 (f) cause any ballot proposition that has qualified for the ballot as provided by law to

5099 be printed on each official ballot and absentee ballot;

5100 (g) allow candidates and their agents and the sponsors of ballot propositions that have

5101 qualified for the official sample ballot to inspect the official sample ballot;

5102 (h) cause sample ballots to be printed that contain the same information as official

5103 ballots but that are distinguishable from the official ballots;

5104 (i) ensure that the sample ballots are printed and in the possession of the election

5105 officer at least seven days before commencement of voting;

5106 (j) make the sample ballots available for public inspection by:

5107 (i) posting a copy of the sample ballot in the election officer's office at least seven days

5108 before commencement of voting;

5109 (ii) mailing a copy of the sample ballot to:

5110 (A) each candidate listed on the ballot; and

5111 (B) the lieutenant governor; and

5112 (iii) publishing a copy of the sample ballot immediately before the election;

5113 (A) in at least one newspaper of general circulation in the jurisdiction holding the

5114 election; and

5115 (B) as required in Section 45-1-101;

5116 (k) deliver at least five copies of the sample ballot to poll workers for each polling

5117 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5118 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough

5119 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting

5120 demands of the qualified voters in each voting precinct.

5121 (4) In jurisdictions using electronic ballots, each election officer shall:

5122 (a) provide official ballots for every election of public officers in which the voters, or

5123 any of the voters, within the election officer's jurisdiction participate;

5124 (b) cause the name of every candidate who filed with the election officer in the manner

5125 provided by law or whose nomination has been certified to the election officer to be displayed

5126 on each official ballot;

5127 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
5128 be displayed on each official ballot;

5129 (d) ensure that the official ballots are prepared and in the possession of the election
5130 officer before commencement of voting;

5131 (e) ensure that the absentee ballots are prepared and in the possession of the election
5132 officer with sufficient time before commencement of voting;

5133 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
5134 be printed on each official ballot and absentee ballot;

5135 (g) allow candidates and their agents and the sponsors of ballot propositions that have
5136 qualified for the official sample ballot to inspect the official sample ballot;

5137 (h) cause sample ballots to be printed that contain the same information as official
5138 ballots but that are distinguishable from official ballots;

5139 (i) ensure that the sample ballots are printed and in the possession of the election
5140 officer at least seven days before commencement of voting;

5141 (j) make the sample ballots available for public inspection by:

5142 (i) posting a copy of the sample ballot in the election officer's office at least seven days
5143 before commencement of voting;

5144 (ii) mailing a copy of the sample ballot to:

5145 (A) each candidate listed on the ballot; and

5146 (B) the lieutenant governor; and

5147 (iii) publishing a copy of the sample ballot immediately before the election;

5148 (A) in at least one newspaper of general circulation in the jurisdiction holding the
5149 election; and

5150 (B) as required in Section 45-1-101;

5151 (k) deliver at least five copies of the sample ballot to poll workers for each polling
5152 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5153 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the
5154 expense of the jurisdiction conducting the election.

5155 (5) (a) Each election officer shall, without delay, correct any error discovered in any
5156 official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the
5157 correction can be made without interfering with the timely distribution of the paper ballots,
5158 ballot labels, ballot sheets, or electronic ballots.

5159 (b) (i) If the election officer discovers an error or omission in a paper ballot, ballot
5160 label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the
5161 paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to
5162 make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets
5163 before they are distributed at the polls.

5164 (ii) If the election officer discovers an error or omission in an electronic ballot and it is
5165 not possible to correct the error or omission by revising the electronic ballot, the election
5166 officer shall direct the poll workers to post notice of each error or omission with instructions
5167 on how to correct each error or omission in a prominent position at each polling booth.

5168 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper
5169 ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may
5170 file a verified petition with the district court asserting that:

5171 (A) an error or omission has occurred in:

5172 (I) the publication of the name or description of a candidate;

5173 (II) the preparation or display of an electronic ballot; or

5174 (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets;

5175 and

5176 (B) the election officer has failed to correct or provide for the correction of the error or
5177 omission.

5178 (ii) The district court shall issue an order requiring correction of any error in a paper
5179 ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error
5180 should not be corrected if it appears to the court that the error or omission has occurred and
5181 the election officer has failed to correct it or failed to provide for its correction.

5182 (iii) A party aggrieved by the district court's decision may appeal the matter to the

5183 Utah Supreme Court within five days after the decision of the district court.

5184 Section 119. Section **20A-7-204.1** is amended to read:

5185 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated.**

5186 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of
5187 Planning and Budget and before circulating initiative petitions for signature statewide,
5188 sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as
5189 follows:

5190 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

5191 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
5192 County;

5193 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

5194 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
5195 County;

5196 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

5197 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

5198 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
5199 County.

5200 (b) Of the seven meetings, at least two of the meetings must be held in a first or
5201 second class county, but not in the same county.

5202 (2) At least three calendar days before the date of the public hearing, the sponsors
5203 shall:

5204 (a) provide written notice of the public hearing to:

5205 (i) the lieutenant governor for posting on the state's website; and

5206 (ii) each state senator, state representative, and county commission or county council
5207 member who is elected in whole or in part from the region where the public hearing will be
5208 held; and

5209 (b) publish written notice of the public hearing detailing its time, date, and location;

5210 (i) in at least one newspaper of general circulation in each county in the region where

5211 the public hearing will be held[-]; and

5212 (ii) as required in Section 45-1-101.

5213 (3) (a) During the public hearing, the sponsors shall either:

5214 (i) video tape or audio tape the public hearing and, when the hearing is complete,

5215 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

5216 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
5217 each speaker and summarizing each speaker's comments.

5218 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
5219 public.

5220 Section 120. Section **20A-9-203** is amended to read:

5221 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5222 (1) (a) (i) A person may become a candidate for any municipal office if:

5223 (A) the person is a registered voter; and

5224 (B) (I) the person has resided within the municipality in which that person seeks to
5225 hold elective office for the 12 consecutive months immediately before the date of the election;
5226 or

5227 (II) if the territory in which the person resides was annexed into the municipality, the
5228 person has resided within the annexed territory or the municipality the 12 consecutive months
5229 immediately before the date of the election.

5230 (ii) For purposes of determining whether a person meets the residency requirement of
5231 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before
5232 the election, the municipality shall be considered to have been incorporated 12 months before
5233 the date of the election.

5234 (b) In addition to the requirements of Subsection (1)(a), each candidate for a
5235 municipal council position shall, if elected from a district, be a resident of the council district
5236 from which elected.

5237 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
5238 incompetent person, any person convicted of a felony, or any person convicted of treason or a

5239 crime against the elective franchise may not hold office in this state until the right to hold
5240 elective office is restored under Section 20A-2-101.5.

5241 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
5242 become a candidate for a municipal office shall:

5243 (i) file a declaration of candidacy, in person with the city recorder or town clerk,
5244 during office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered
5245 year; and

5246 (ii) pay the filing fee, if one is required by municipal ordinance.

5247 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
5248 persons registered to vote in the municipality on the January 1 of the municipal election year.

5249 (ii) A third, fourth, or fifth class city that used the convention system to nominate
5250 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
5251 process contained in this Subsection (2)(b) in the last municipal election or a town that used
5252 the convention system to nominate candidates in the last municipal election as authorized by
5253 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last
5254 municipal election may, by ordinance, require, in lieu of the convention system, that
5255 candidates for municipal office file a nominating petition signed by a percentage of registered
5256 voters at the same time that the candidate files a declaration of candidacy.

5257 (iii) The ordinance shall specify the number of signatures that the candidate must
5258 obtain on the nominating petition in order to become a candidate for municipal office under
5259 this Subsection (2), but that number may not exceed 5% of registered voters.

5260 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5261 (i) filing a nomination petition with the city recorder or town clerk during office hours,
5262 but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and

5263 (ii) paying the filing fee, if one is required by municipal ordinance.

5264 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination
5265 petition, the filing officer shall:

5266 (i) read to the prospective candidate or person filing the petition the constitutional and

5267 statutory qualification requirements for the office that the candidate is seeking; and
5268 (ii) require the candidate or person filing the petition to state whether or not the
5269 candidate meets those requirements.

5270 (b) If the prospective candidate does not meet the qualification requirements for the
5271 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5272 (c) If it appears that the prospective candidate meets the requirements of candidacy,
5273 the filing officer shall:

5274 (i) inform the candidate that the candidate's name will appear on the ballot as it is
5275 written on the declaration of candidacy;

5276 (ii) provide the candidate with a copy of the current campaign financial disclosure
5277 laws for the office the candidate is seeking and inform the candidate that failure to comply will
5278 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5279 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide
5280 Electronic Voter Information Website Program and inform the candidate of the submission
5281 deadline under Subsection 20A-7-801(4)(a);

5282 (iv) provide the candidate with a copy of the pledge of fair campaign practices
5283 described under Section 20A-9-206 and inform the candidate that:

5284 (A) signing the pledge is voluntary; and
5285 (B) signed pledges shall be filed with the filing officer; and

5286 (v) accept the declaration of candidacy or nomination petition.

5287 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
5288 officer shall:

5289 (i) accept the candidate's pledge; and
5290 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
5291 candidate's pledge to the chair of the county or state political party of which the candidate is a
5292 member.

5293 (4) The declaration of candidacy shall substantially comply with the following form:
5294 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,

5295 County of _____, state of Utah, Zip Code _____, Telephone Number (if any) _____; that I am a
5296 registered voter; and that I am a candidate for the office of _____ (stating the term). I will meet
5297 the legal qualifications required of candidates for this office. I will file all campaign financial
5298 disclosure reports as required by law and I understand that failure to do so will result in my
5299 disqualification as a candidate for this office and removal of my name from the ballot. I
5300 request that my name be printed upon the applicable official ballots. (Signed)

5301 _____

5302 Subscribed and sworn to (or affirmed) before me by _____ on this
5303 _____(month\day\year).

5304 (Signed) _____ (Clerk or other officer qualified to administer oath)"

5305 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that
5306 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
5307 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
5308 for municipal office by submitting a petition signed by:

5309 (i) 25 residents of the municipality who are at least 18 years old; or

5310 (ii) 20% of the residents of the municipality who are at least 18 years old.

5311 (b) (i) The petition shall substantially conform to the following form:

5312 "NOMINATION PETITION

5313 The undersigned residents of (name of municipality) being 18 years old or older
5314 nominate (name of nominee) to the office of _____ for the (two or four-year term, whichever is
5315 applicable)."

5316 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5317 persons signing the petition and their addresses and telephone numbers.

5318 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
5319 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
5320 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
5321 signed by the same percentage of registered voters in the municipality as required by the
5322 ordinance passed under authority of Subsection (2)(b).

5323 (b) (i) The petition shall substantially conform to the following form:

5324 "NOMINATION PETITION

5325 The undersigned residents of (name of municipality) being 18 years old or older
5326 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
5327 whichever is applicable)."

5328 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5329 persons signing the petition and their addresses and telephone numbers.

5330 (7) If the declaration of candidacy or nomination petition fails to state whether the
5331 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
5332 the four-year term.

5333 (8) (a) The clerk shall verify with the county clerk that all candidates are registered
5334 voters.

5335 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
5336 print the candidate's name on the ballot.

5337 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
5338 clerk shall:

5339 (a) cause the names of the candidates as they will appear on the ballot to be published;

5340 (i) in at least two successive publications of a newspaper with general circulation in
5341 the municipality; and

5342 (ii) as required in Section 45-1-101; and

5343 (b) notify the lieutenant governor of the names of the candidates as they will appear on
5344 the ballot.

5345 (10) A declaration of candidacy or nomination petition filed under this section may
5346 not be amended after the expiration of the period for filing a declaration of candidacy.

5347 (11) (a) A declaration of candidacy or nomination petition filed under this section is
5348 valid unless a written objection is filed with the clerk within five days after the last day for
5349 filing.

5350 (b) If an objection is made, the clerk shall:

- 5351 (i) mail or personally deliver notice of the objection to the affected candidate
5352 immediately; and
- 5353 (ii) decide any objection within 48 hours after it is filed.
- 5354 (c) If the clerk sustains the objection, the candidate may correct the problem by
5355 amending the declaration or petition within three days after the objection is sustained or by
5356 filing a new declaration within three days after the objection is sustained.
- 5357 (d) (i) The clerk's decision upon objections to form is final.
- 5358 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
5359 prompt application is made to the district court.
- 5360 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
5361 of its discretion, agrees to review the lower court decision.
- 5362 (12) Any person who filed a declaration of candidacy and was nominated, and any
5363 person who was nominated by a nomination petition, may, any time up to 23 days before the
5364 election, withdraw the nomination by filing a written affidavit with the clerk.
- 5365 Section 121. Section **23-21-1.5** is amended to read:
- 5366 **23-21-1.5. Acquisition of real property held in private ownership -- Published**
5367 **notice and governor's approval required.**
- 5368 (1) The Division of Wildlife Resources may not acquire title to real property held in
5369 private ownership without first:
- 5370 (a) publishing a notice of the proposed acquisition:
- 5371 (i) in a newspaper of general circulation in the county in which the property is located;
5372 and
- 5373 (ii) as required in Section 45-1-101; and
- 5374 (b) obtaining the approval of the governor.
- 5375 (2) The requirements of Subsection (1) apply whether title to real property held in
5376 private ownership is acquired through a purchase, donation, or other means.
- 5377 (3) In the case of a proposed purchase of private property, the notice may be published
5378 after earnest money is paid.

- 5379 (4) The published notice shall inform the public regarding:
5380 (a) the proposed use of the land;
5381 (b) any conditions on the acquisition of the land placed by donors, the federal
5382 government, sellers, or others specifying how the land must be used;
5383 (c) any changes to existing land uses that are anticipated; and
5384 (d) the public comment submission process for comments on the proposed acquisition.
5385 (5) The governor shall:
5386 (a) submit a notification of the proposed acquisition to:
5387 (i) the county executive of the county in which the property is located;
5388 (ii) the legislators of the legislative districts in which the lands are located; and
5389 (iii) the School and Institutional Trust Lands Administration; and
5390 (b) invite those notified to submit any comments on the proposed acquisition.
5391 (6) After considering comments on the proposed acquisition, the governor may
5392 approve the acquisition in whole or in part or disapprove the acquisition.

5393 Section 122. Section **24-1-4** is amended to read:

5394 **24-1-4. Civil Procedures.**

- 5395 (1) An agency which seizes property under any provision of state law subjecting the
5396 property to forfeiture shall, as soon as practicable, but in no case more than 30 days after
5397 seizure:
5398 (a) prepare a detailed inventory of all property seized and transfer the seized property
5399 to a designated official within the agency, who shall be responsible for holding and
5400 maintaining seized property pending a court order of release or final determination of
5401 forfeiture and disposition of property under this chapter;
5402 (b) notify the prosecuting attorney for the appropriate jurisdiction who is responsible
5403 for initiating forfeiture proceedings under this chapter of the items of property seized, the
5404 place of the seizure and any persons arrested at the time of seizure; and
5405 (c) give written notice to all owners and interest holders known, or reasonably
5406 discoverable after due diligence, of:

5407 (i) the date of the seizure and the property seized;
5408 (ii) the owner's or interest holder's rights and obligations under this chapter, including
5409 the availability of hardship relief in appropriate circumstances; and
5410 (iii) a brief description of the statutory basis for the forfeiture and the judicial
5411 proceedings by which property is forfeited under this chapter.

5412 (2) (a) If the seizing agency fails to provide notice as required in Subsection (1), an
5413 owner or interest holder entitled to notice who does not receive notice may void the forfeiture
5414 with respect to the owner's or interest holder's interest in the property by bringing a motion
5415 before the appropriate district court and serving it upon the seizing agency. The motion may
5416 be brought at any time prior to the final disposition of the property under this chapter.

5417 (b) If an owner or interest holder brings a motion to void the forfeiture for lack of the
5418 notice required under Subsection (1), the court shall void the forfeiture unless the seizing
5419 agency demonstrates:

5420 (i) good cause for the failure to give notice to that owner; or
5421 (ii) that the owner otherwise had actual notice of the seizure.

5422 (3) (a) Within 60 days of any seizure, the prosecuting attorney shall file a complaint
5423 for forfeiture in the appropriate district court and serve a summons and notice of intent to seek
5424 forfeiture with a copy of the complaint upon all owners and interest holders known to the
5425 prosecuting attorney to have an interest in the property. Service shall be by one of the
5426 following methods:

5427 (i) if the owner's or interest holder's name and current address are known, either by
5428 personal service by any person qualified to serve process, by a law enforcement officer, or by
5429 certified mail, return receipt requested, to that address;

5430 (ii) if the owner's or interest holder's name and address are required by law to be on
5431 record with any state agency in order to perfect an interest in property and the owner's or
5432 interest holder's current address is not known, by mailing a copy of the notice by certified
5433 mail, return receipt requested, to the most recent address listed by any of those agencies; or

5434 (iii) if the owner's or interest holder's address is not known and is not on record as

5435 provided in Subsection (3)(a)(i) or (ii), by publication;

5436 (A) for two successive weeks in a newspaper of general circulation in the county in
5437 which the seizure occurred[-]; and

5438 (B) in accordance with Section 45-1-101 for two weeks.

5439 (b) Notice is effective upon the earlier of personal service, publication, or the mailing
5440 of a written notice.

5441 (c) The summons and notice of intent to seek forfeiture shall:

5442 (i) be addressed to the known owners and interest holders of the seized property, and
5443 to the person from whom the property was seized;

5444 (ii) contain the name, business address, and business telephone number of the
5445 prosecuting attorney seeking the forfeiture; and

5446 (iii) contain:

5447 (A) a description of the property which is the subject matter of the forfeiture
5448 proceeding;

5449 (B) notice that a complaint for forfeiture has been or will be filed;

5450 (C) the time and procedural requirements for filing an answer or claim;

5451 (D) notice of the availability of hardship or bond release of the property; and

5452 (E) notice that failure to file an answer or other claim regarding the seized property
5453 will result in a default judgment against the seized property.

5454 (d) The complaint shall describe with reasonable particularity:

5455 (i) the property which is the subject matter of the forfeiture proceeding;

5456 (ii) the date and place of seizure; and

5457 (iii) the allegations which constitute a basis for forfeiture.

5458 (4) (a) If the prosecuting attorney does not timely file a complaint for forfeiture of the
5459 property in accordance with Subsection (3), the agency shall promptly return the property to
5460 its owner and the prosecuting attorney may take no further action to effect the forfeiture of the
5461 property.

5462 (b) If the agency knows of more than one owner, it shall return the property to the

owner who was in possession at the time of the seizure.

(5) (a) In any case where the prosecuting attorney files a complaint for forfeiture of property, an owner or interest holder may file a claim and an answer to the complaint.

(b) The claim and answer shall be filed within 30 days after the complaint is served in person or by mail, or where applicable, within 30 days after publication under Subsection (3).

(6) (a) Except as otherwise provided in this chapter, forfeiture proceedings are governed by the Utah Rules of Civil Procedure.

(b) The court shall take all reasonable steps to expedite forfeiture proceedings and shall give these proceedings the same priority as is given to criminal cases.

(c) In all suits or actions brought for the civil forfeiture of any property under this chapter, the burden of proof is on the prosecuting attorney to establish, by clear and convincing evidence, to what extent, if any, property is subject to forfeiture.

(d) The right to trial by jury applies to forfeiture proceedings under this chapter.

Section 123. Section ~~26-8a-405.3~~ is amended to read:

26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Appeal rights.

(1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under Section 26-8a-405.2 shall be solicited through a request for proposal and the provisions of this section.

(b) The governing body of the political subdivision shall approve the request for proposal prior to the notice of the request for proposals under Subsection (1)(c).

(c) (i) Notice of the request for proposals [~~must~~] shall be published;

(A) at least once a week for three consecutive weeks in a newspaper of general circulation published in the county[;]; or

(B) if there is no such newspaper, then notice must be posted for at least 20 days in at least five public places in the county[;]; and

(ii) in accordance with Section 45-1-101 for at least 20 days.

(2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiations.

(b) (i) Subsequent to the published notice, and prior to selecting an applicant, the political subdivision must hold a presubmission conference with interested applicants for the purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

(ii) A political subdivision shall allow at least 90 days from the presubmission conference for the proposers to submit proposals.

(c) Subsequent to the presubmission conference, the political subdivision may issue addenda to the request for proposals. An addenda to a request for proposal must be finalized and posted by the political subdivision at least 45 days prior to the date on which the proposal must be submitted.

(d) Offerors to the request for proposals shall be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals, and revisions may be permitted after submission and before a contract is awarded for the purpose of obtaining best and final offers.

(e) In conducting discussions, there shall be no disclosures of any information derived from proposals submitted by competing offerors.

(3) (a) (i) A political subdivision may select an applicant approved by the department under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the most responsible offeror as defined in Subsection 63G-6-103(24).

(ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the political subdivision, taking into consideration price and the evaluation factors set forth in the request for proposal.

(b) The applicants who are approved under Section 26-8a-405 and who are selected under this section may be the political subdivision issuing the request for competitive sealed proposals, or any other public entity or entities, any private person or entity, or any combination thereof.

(c) A political subdivision may reject all of the competitive proposals.

(4) In seeking competitive sealed proposals and awarding contracts under this section,

5519 a political subdivision:

5520 (a) shall apply the public convenience and necessity factors listed in Subsections
5521 26-8a-408(2) through (6);

5522 (b) shall require the applicant responding to the proposal to disclose how the applicant
5523 will meet performance standards in the request for proposal;

5524 (c) may not require or restrict an applicant to a certain method of meeting the
5525 performance standards, including:

5526 (i) requiring ambulance medical personnel to also be a firefighter; or

5527 (ii) mandating that offerors use fire stations or dispatch services of the political
5528 subdivision;

5529 (d) (i) shall require an applicant to submit the proposal based on full cost accounting
5530 in accordance with generally accepted accounting principals; and

5531 (ii) if the applicant is a governmental entity, in addition to the requirements of
5532 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
5533 in compliance with the State of Utah Legal Compliance Audit Guide; and

5534 (e) shall set forth in the request for proposal:

5535 (i) the method for determining full cost accounting in accordance with generally
5536 accepted accounting principles, and require an applicant to submit the proposal based on such
5537 full cost accounting principles;

5538 (ii) guidelines established to further competition and provider accountability; and

5539 (iii) a list of the factors that will be considered by the political subdivision in the
5540 award of the contract, including by percentage, the relative weight of the factors established
5541 under this Subsection (4)(e), which may include such things as:

5542 (A) response times;

5543 (B) staging locations;

5544 (C) experience;

5545 (D) quality of care; and

5546 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

(5) (a) Notwithstanding the provisions of Subsection 63G-6-104(3), the provisions of Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies, apply to the procurement process required by this section, except as provided in Subsection (5)(c).

(b) The Procurement Appeals Board created in Section 63G-6-807 shall have jurisdiction to review and determine an appeal of an offeror under this section in the same manner as provided in Section 63G-6-810.

(c) (i) An offeror may appeal the solicitation or award as provided by the political subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror may appeal under the provisions of Subsections (5)(a) and (b).

(ii) The factual determination required by Subsection 63G-6-813(1) shall be based on whether the solicitation or award was made in accordance with the procedures set forth in this section and Section 26-8a-405.2.

(d) The determination of an issue of fact by the appeals board shall be final and conclusive unless arbitrary and capricious or clearly erroneous as provided in Section 63G-6-813.

Section 124. Section **26-8a-406** is amended to read:

26-8a-406. Ground ambulance and paramedic licenses -- Parties.

(1) When an applicant approved under Section 26-8a-404 seeks licensure under the provisions of Sections 26-8a-406 through 26-8a-409, the department shall:

(a) issue a notice of agency action to the applicant to commence an informal administrative proceeding;

(b) provide notice of the application to all interested parties; and

(c) publish notice of the application, at the applicant's expense[:];

(i) once a week for four consecutive weeks, in a newspaper of general circulation in the geographic service area that is the subject of the application[:]; and

(ii) in accordance with Section 45-1-101 for four weeks.

(2) An interested party has 30 days to object to an application.

(3) If an interested party objects, the presiding officer must join the interested party as

5575 an indispensable party to the proceeding.

5576 (4) The department may join the proceeding as a party to represent the public interest.

5577 (5) Others who may be affected by the grant of a license to the applicant may join the
5578 proceeding, if the presiding officer determines that they meet the requirement of legal
5579 standing.

5580 Section 125. Section **26-19-6** is amended to read:

5581 **26-19-6. Action by department -- Notice to recipient.**

5582 (1) (a) Within 30 days after commencing an action under Subsection 26-19-5(3), the
5583 department shall give the recipient, his guardian, personal representative, trustee, estate, or
5584 survivor, whichever is appropriate, written notice of the action by:

5585 (i) personal service or certified mail to the last known address of the person receiving
5586 the notice; or

5587 (ii) if no last-known address is available, by publishing a notice;

5588 (a) once a week for three successive weeks in a newspaper of general circulation in the
5589 county where the recipient resides[-]; and

5590 (b) in accordance with Section 45-1-101 for three weeks.

5591 (b) Proof of service shall be filed in the action.

5592 (c) The recipient may intervene in the department's action at any time before trial.

5593 (2) The notice required by Subsection (1) shall name the court in which the action is
5594 commenced and advise the recipient of:

5595 (a) the right to intervene in the proceeding;

5596 (b) the right to obtain a private attorney; and

5597 (c) the department's right to recover medical assistance directly from the third party.

5598 Section 126. Section **31A-2-303** is amended to read:

5599 **31A-2-303. Notice.**

5600 (1) If the commissioner determines that the number of persons affected by a proposed
5601 action is so great as to render it impracticable to serve each person affected with a copy of an
5602 order, notice of hearing, or other notice, the commissioner shall:

(a) provide a copy of the order, notice of hearing, or other notice to all persons who have filed with the department a general request to be informed of this type of action, or if fewer than ten persons have requested this type of notice, provide a copy to those who have and also to others affected by the notice or order so that at least ten persons receive the notice or order who are collectively representative of the class of persons whose legal status, pecuniary interests, or other substantial interests will be affected by the proposed action; and

(b) publish a copy of the order, notice of hearing, or other notice under Subsection (2).

(2) When this title requires the commissioner to publish an order, notice of hearing, or other document [~~in newspapers~~], the commissioner shall cause the notice or order to be published:

(a) at least once during each of the four weeks preceding the hearing, effective date, or other critical event, in at least two newspapers with sufficient circulation and appropriate location to best provide actual notice[-]; and

(b) in accordance with Section 45-1-101 for four weeks preceding the hearing, effective date, or other critical event.

Section 127. Section **31A-27a-406** is amended to read:

31A-27a-406. Notice to creditors and others.

(1) Unless the receivership court otherwise directs, the liquidator shall give or cause to be given notice of the liquidation order as soon as possible:

(a) by first-class mail or electronic communication as permitted by the receivership court to the following at their last-known address:

(i) all of the insurer's agents, brokers, or producers of record with a current appointment or current license to represent the insurer; and

(ii) all other agents, brokers, or producers that the liquidator considers appropriate;

(b) by first-class mail or electronic communication as permitted by the receivership court to:

(i) all current policyholders;

(ii) all pending claimants; and

5631 (iii) as determined by the receivership court, former policyholders and other creditors;
5632 and

5633 (c) by [~~one time~~] publication;

5634 (i) once in a newspaper of general circulation in:

5635 [(~~i~~)] (A) the county in which the insurer has its principal place of business; and

5636 [(~~ii~~)] (B) other locations that the liquidator considers appropriate[-]; and

5637 (ii) as required in Section 45-1-101.

5638 (2) The notice of the entry of an order of liquidation shall contain or provide directions
5639 for obtaining the following information:

5640 (a) a statement that the insurer has been placed in liquidation;

5641 (b) a statement:

5642 (i) explaining that certain acts are stayed under Section 31A-27a-108; and

5643 (ii) describing any additional injunctive relief ordered by the receivership court;

5644 (c) a statement whether, and to what extent, the insurer's policies continue in effect;

5645 (d) to the extent applicable, a statement that coverage by guaranty associations may be
5646 available for all or part of policy benefits in accordance with applicable state guaranty laws;

5647 (e) a statement of:

5648 (i) the deadline for filing claims, if established; and

5649 (ii) the requirements for filing a proof of claim pursuant to Section 31A-27a-601 on or
5650 before that date;

5651 (f) a statement of the date, time, and location of any initial status hearing scheduled at
5652 the time the notice is sent;

5653 (g) a description of the process for obtaining notice of matters before the receivership
5654 court; and

5655 (h) other information as the liquidator or the receivership court considers appropriate.

5656 (3) If notice is given in accordance with this section, the distribution of property of the
5657 insurer under this chapter is conclusive with respect to all claimants, whether or not the
5658 claimant received notice.

5659 (4) (a) Notwithstanding the other provisions of this section, the liquidator has no duty
5660 to locate any person if:

5661 (i) no address is found in the records of the insurer; or

5662 (ii) a mailing is returned to the liquidator because of inability to deliver at the address
5663 shown in the insurer's records.

5664 (b) In the circumstances described in Subsection (4)(a), the notice by publication as
5665 required by this chapter or actual notice received is sufficient notice.

5666 (c) Written certification by the liquidator or other knowledgeable person acting for the
5667 liquidator that a notice is deposited in the United States mail, postage prepaid, or that the
5668 notice is electronically transmitted is prima facie evidence of mailing and receipt.

5669 (d) A claimant has a duty to keep the liquidator informed of any change of address.

5670 (5) Notwithstanding Subsection (1):

5671 (a) upon application of the liquidator, the receivership court may find that notice by
5672 publication as required in this section is sufficient notice to those persons holding an
5673 occurrence policy:

5674 (i) that expired more than four years before the day on which the order of liquidation
5675 is entered; and

5676 (ii) under which there are no pending claims; or

5677 (b) the receivership court may order other notice to those persons that the receivership
5678 court considers appropriate.

5679 Section 128. Section **38-2-3.2** is amended to read:

5680 **38-2-3.2. Sale of unclaimed personal property.**

5681 (1) Any garments, clothing, shoes, wearing apparel or household goods, remaining in
5682 the possession of a person, on which cleaning, pressing, glazing, laundry or washing or repair
5683 work has been done or upon which alterations or repairs have been made or on which
5684 materials or supplies have been used or furnished by said person holding possession thereof,
5685 for a period of 90 days or more after the completion of such services or labors, may be sold by
5686 said person holding possession, to pay the unpaid reasonable or agreed charges therefor and

the costs of notifying the owner or owners as hereinafter provided. However, the person to whom such charges are payable and owing shall first notify the owner or owners of such property of the time and place of such sale; and provided further, that property that is to be placed in storage after any of the services or labors mentioned herein shall not be affected by the provisions of this Subsection (1).

(2) All garments, clothing, shoes, wearing apparel on which any of these services or labors mentioned in Subsection (1) have been performed and then placed in storage by agreement, and remaining in the possession of a person without the reasonable or agreed charges having been paid for a period of 12 months may be sold to pay such charges and costs of notifying the owner or owners as hereinafter provided. However, the person to whom the charges are payable and owing shall first notify the owner or owners of such property of the time and the place of sale, and provided, further, that persons operating as warehouses or warehousemen shall not be affected by this Subsection (2).

(3) (a) (i) The mailing of a properly stamped and registered letter, with a return address marked thereon, addressed to the owner or owners of the property, at their address given at the time of delivery of the property to such person to render any of the services or labors set out in this article, or if no address was so given, at their address if otherwise known, stating the time and place of sale, shall constitute notice as required in this section.

(ii) The notice required in Subsection (3)(a)(i) shall be mailed at least 20 days before the date of sale.

(iii) The cost of mailing the letter required under Subsection (3)(a)(i) shall be added to the charges.

(b) (i) If no address was given at the time of delivery of the property, or if the address of the owner or owners is not otherwise known, such person who has performed the services or labors as aforesaid shall cause to be published a notice of the time and place of sale:

(A) at least once in a daily or weekly newspaper in the city, town, and county, wherein such property was delivered to such person~~[, a notice of the time and place of sale and such notice shall be published]~~ at least 20 days before the date of sale~~[;]~~; and

5715 (B) in accordance with Section 45-1-101 for at least 20 days before the date of sale.
5716 (ii) Such notice constitutes notice as required in this section if notice cannot be mailed
5717 as provided in Subsection (3)(b)(i).
5718 (iii) The costs of one such publication shall be added to the charges.
5719 (4) (a) The person to whom the charges are payable and owing shall from the proceeds
5720 of the sale, deduct the charges due plus the costs of notifying the owner or owners and shall
5721 immediately thereafter mail to the owner or owners thereof at their address, if known, a notice
5722 of the holding of such sale and the amount of the overplus, if any, due the owner or owners.
5723 At any time within 12 months after such notice, such person shall, upon demand by the owner
5724 or owners, pay to the owner or owners such overplus in his hands.
5725 (b) If no such demand is made within such 12-month period, or, if the address of the
5726 owner or owners is unknown and no demand is made by the owner or owners within 12
5727 months after the date of sale, then such overplus shall become the property of a person who
5728 has performed the services or labors as provided in Subsection (1).
5729 (5) Each person taking advantage of this section must keep posted in a prominent
5730 place in his receiving office or offices at all times two notices which shall read as follows:
5731 "All articles, cleaned, pressed, glazed, laundered, washed, altered, or repaired, and not
5732 called for in 90 days will be sold to pay charges."
5733 "All articles stored by agreement and charges not having been paid for 12 months will
5734 be sold to pay charges."
5735 (6) The rights and benefits provided for in this section shall be and are in addition to
5736 the rights and benefits provided for in Section 38-2-4.
5737 Section 129. Section **38-8-3** is amended to read:
5738 **38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**
5739 A claim of an owner which has become due against an occupant and which is secured
5740 by the owner's lien may be satisfied as follows:
5741 (1) No enforcement action may be taken by the owner until the occupant has been in
5742 default continuously for a period of 30 days.

(2) After the occupant has been in default continuously for a period of 30 days, the owner may begin enforcement action if the occupant has been given notice in writing. The notice shall be delivered in person or sent by certified mail to the last known address of the occupant, and a copy of the notice shall, at the same time, be sent to the sheriff of the county where the self-service storage facility is located. Any lienholder with an interest in the property to be sold or otherwise disposed of, of whom the owner has knowledge either through the disclosure provision on the rental agreement or through the existence of a validly filed and perfected UCC-1 financing statement with the Division of Corporations and Commercial Code, or through other written notification, shall be included in the notice process as set forth in this section.

(3) This notice shall include:

(a) an itemized statement of the owner's claim showing the sum due at the time of the notice and the date when the sum became due;

(b) a brief and general description of the personal property subject to the lien, which description shall be reasonably adequate to permit the person notified to identify the property; except that any container including, but not limited to, a trunk, valise, or box that is locked, fastened, sealed, or tied in a manner which deters immediate access to its contents may be described as such without describing its contents;

(c) a notification of denial of access to the personal property, if such denial is permitted under the terms of the rental agreement, which notification shall provide the name, street address, and telephone number of the owner or his designated agent whom the occupant may contact to respond to the notification;

(d) a demand for payment within a specified time not less than 15 days after delivery of the notice; and

(e) a conspicuous statement that, unless the claim is paid within the time stated in the notice, the personal property will be advertised for sale or other disposition and will be sold or otherwise disposed of at a specified time and place.

(4) Any notice made under this section shall be presumed delivered when it is

5771 deposited with the United States postal service and properly addressed with postage prepaid.

5772 (5) (a) After the expiration of the time given in the notice, an advertisement of the sale
5773 or other disposition shall be published;

5774 (i) once a week for two consecutive weeks in a newspaper of general circulation in the
5775 county where the self-service storage facility is located[-]; and

5776 (ii) in accordance with Section 45-1-101 for two weeks.

5777 (b) The advertisement described in Subsection (5)(a) shall include:

5778 (i) a brief and general description of the personal property reasonably adequate to
5779 permit its identification as provided for in Subsection (3)(b); the address of the self-service
5780 storage facility and the number, if any, of the space where the personal property is located; and
5781 the name of the occupant and his last known address; and

5782 (ii) the time, place, and manner of the sale or other disposition, which sale or other
5783 disposition shall take place not sooner than 15 days after the first publication.

5784 ~~[(b) If there is no newspaper of general circulation in the county where the self-service~~
5785 ~~storage facility is located, the]~~

5786 (c) The advertisement shall also be posted at least ten days before the date of the sale
5787 or other disposition in not less than six conspicuous places in the neighborhood where the
5788 self-service storage facility is located.

5789 (6) Any sale or other disposition of the personal property shall conform to the terms of
5790 the notice provided for in this section.

5791 (7) Any sale or other disposition of the personal property shall be held at the
5792 self-service storage facility or at the nearest suitable place to where the personal property is
5793 held or stored.

5794 (8) Before any sale or other disposition of personal property under this section, the
5795 occupant may pay the amount necessary to satisfy the lien and the reasonable expenses
5796 incurred under this section and thereby redeem the personal property; upon receipt of this
5797 payment, the owner shall return the personal property, and thereafter the owner shall have no
5798 liability to any person with respect to that personal property.

(9) A purchaser in good faith of the personal property sold to satisfy a lien as provided for in this chapter takes the property free of any rights of persons against whom the lien was valid and free of any rights of a secured creditor, despite noncompliance by the owner with the requirements of this section.

(10) In the event of a sale under this section, the owner may satisfy his lien for the proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or other person in interest does not claim the balance of the proceeds within one year of the date of sale, it shall become the property of the Utah state treasurer as unclaimed property with no further claim against the owner.

(11) If the requirements of this chapter are not satisfied, if the sale of the personal property is not in conformity with the notice of sale, or if there is a willful violation of this chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any other person.

Section 130. Section **38-13-204** is amended to read:

38-13-204. Selling the aircraft.

(1) A repairman may sell an aircraft subject to a lien under this chapter if:

(a) the repairman receives a judgment in the foreclosure action filed under Section 38-13-202;

(b) the repairman gives notice to:

(i) the owner of the aircraft;

(ii) the customer as indicated on the work order for the making, altering, repairing, or performing of labor; and

(iii) all other persons claiming an interest in or lien on the aircraft:

(A) as disclosed by the records of the Federal Aviation Administration or of

5827 corresponding agencies of any state in which the aircraft appears registered; and
5828 (B) that is known by the repairman;
5829 (c) the notice required by Subsection (1)(b) is sent by certified mail at least 30 days
5830 before the proposed or scheduled date of any sale; and
5831 (d) the notice required by Subsection (1)(b) contains:
5832 (i) a description of the aircraft and its location;
5833 (ii) the name and address of each person described in Subsection (1)(b);
5834 (iii) the name, address, and telephone number of the repairman;
5835 (iv) notice:
5836 (A) that the repairman has a foreclosure judgment against the aircraft for the amount
5837 stated in the judgment;
5838 (B) of the cash sum which, if paid to the repairman would be sufficient to redeem the
5839 aircraft from the lien claimed by the repairman;
5840 (C) that the lien claimed by the repairman is subject to enforcement under this
5841 chapter; and
5842 (D) that the aircraft may be sold to satisfy the lien;
5843 (v) the date, time, and location of any proposed or scheduled sale of the aircraft;
5844 (vi) notice as to whether the sale is private or public; and
5845 (vii) notice that the owner of the aircraft or other person entitled to possession of the
5846 aircraft has a right to recover possession of the aircraft without instituting judicial proceedings
5847 by posting a bond in accordance with Section 38-13-206.
5848 (2) (a) The repairman shall at least 20 days before the proposed or scheduled date of
5849 sale of the aircraft publish the notice required by this section [~~once in a newspaper circulated~~
5850 ~~in the county where the aircraft is held~~] if:
5851 [~~(a)~~] (i) the owner of the aircraft is unknown;
5852 [~~(b)~~] (ii) the whereabouts of the owner of the aircraft cannot be determined; or
5853 [~~(c)~~] (iii) the owner of the aircraft or any person notified under Subsection (1)(b) fails
5854 to acknowledge receipt of the notice.

5855 **(b) The notice described in Subsection (2)(a) shall be:**

5856 **(i) published once at least 20 days before the proposed or scheduled date of sale of the**
5857 **aircraft in a newspaper circulated in the county where the aircraft is held; and**

5858 **(ii) published, in accordance with Section 45-1-101, at least 20 days before the**
5859 **proposed or scheduled date of sale of the aircraft.**

5860 (3) (a) An aircraft subject to lien enforcement under this chapter may be sold by the
5861 repairman at public or private sale.

5862 (b) Notwithstanding Subsection (3)(a), in the case of a private sale, every aspect of the
5863 sale, including the method, manner, time, place, and terms shall be commercially reasonable.

5864 (4) This section may not be construed to affect an owner's right to redeem the owner's
5865 aircraft from the lien at any time prior to sale by paying the amount claimed by the repairman
5866 for:

5867 (a) work performed;

5868 (b) materials;

5869 (c) interest;

5870 (d) storage fees charged; and

5871 (e) any costs incurred by the repairman for using enforcement procedures under this
5872 chapter, including ~~attorneys'~~ attorney fees.

5873 (5) The proceeds of a sale under this section shall be distributed as follows:

5874 (a) amounts owed persons having a security interest or lien on the aircraft shall be paid
5875 in the order that they have priority in accordance with Section 38-13-205; and

5876 (b) the amount remaining after the amount described in Subsection (5)(a) is paid shall
5877 be paid to the owner of the aircraft before the sale of the aircraft under this section.

5878 (6) An aircraft against which a lien is filed may not be sold earlier than the later of:

5879 (a) 45 days after the last day on which the repairman makes, alters, repairs, or
5880 performs labor on the aircraft; or

5881 (b) 30 days from the date on which the repairman sends notice of the lien in
5882 accordance with Section 38-12-102.

5883 Section 131. Section **39-1-15** is amended to read:

5884 **39-1-15. Adjutant general -- Disposition of unserviceable property.**

5885 (1) All military property of the state, which after proper inspection shall be found
5886 unserviceable, shall, under the direction of the governor, be disposed of by the adjutant general
5887 at public or private sale as he may [~~deem~~] consider advisable[~~; provided, that where such~~
5888 ~~property shall be deemed by~~].

5889 (2) (a) If the inspecting officer [~~to exceed~~] decides that the value of the property
5890 described in Subsection (1) exceeds \$50 in value, [such] the sale in accordance with
5891 Subsection (1) shall be made after [ten days' notice] notice is published:

5892 (i) ten days before the sale in a newspaper published in the county where [~~such sale is~~
5893 ~~to be made; and if~~] the sale will occur; and

5894 (ii) in accordance within Section 45-1-101 ten days before the sale.

5895 (b) If such unserviceable property shall be found by the inspecting officer to be of no
5896 actual value, it shall be destroyed under the direction of the adjutant general.

5897 Section 132. Section **40-6-10** is amended to read:

5898 **40-6-10. Procedures -- Adjudicative proceedings -- Emergency orders -- Hearing**
5899 **examiners.**

5900 (1) (a) The Board of Oil, Gas, and Mining and the Division of Oil, Gas, and Mining
5901 shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative
5902 Procedures Act, in their adjudicative proceedings.

5903 (b) The board shall enact rules governing its practice and procedure that are not
5904 inconsistent with Title 63G, Chapter 4, Administrative Procedures Act.

5905 (2) When an emergency requiring immediate action is found by the division director
5906 or any board member to exist, the division director or board member may issue an emergency
5907 order according to the requirements and procedures of Title 63G, Chapter 4, Administrative
5908 Procedures Act.

5909 (3) [~~Any~~] A notice required by this chapter, except as otherwise provided, shall be
5910 given at the election of the board either by personal service [~~or~~];

5911 (a) by one publication in a daily newspaper of general circulation in the city of Salt
5912 Lake and county of Salt Lake, Utah~~[-, and];~~

5913 (b) in all newspapers of general circulation published in the county where the land is
5914 affected, or some part of the land is situated[-]; and

5915 (c) by publication in accordance with Section 45-1-101.

5916 (4) (a) Any order made by the board is effective on issuance.

5917 (b) All rules and orders issued by the board shall be:

5918 (i) in writing;

5919 (ii) entered in full in books to be kept by the board for that purpose;

5920 (iii) indexed; and

5921 (iv) public records open for inspection at all times during reasonable office hours.

5922 (c) A copy of any rule, finding of fact, or order, certified by the board or by the
5923 division director, shall be received in evidence in all courts of this state with the same effect as
5924 the original.

5925 (5) The board may act upon its own motion or upon the petition of any interested
5926 person.

5927 (6) (a) The board may appoint a hearing examiner to take evidence and to recommend
5928 findings of fact and conclusions of law to the board.

5929 (b) Any member of the board, division staff, or any other person designated by the
5930 board may serve as a hearing examiner.

5931 (c) The board may enter an order based on the recommendations of the examiner.

5932 Section 133. Section **40-8-8** is amended to read:

5933 **40-8-8. Board authority to act -- Entry of order -- Confidential data.**

5934 (1) The board may:

5935 (a) file a notice of agency action; or

5936 (b) respond to a request for agency action initiated by an affected person.

5937 (2) (a) The board shall enter its order within 60 days after the hearing.

5938 (b) All orders entered by the board shall be:

5939 (i) entered in books to be kept by the board for that purpose;
5940 (ii) indexed; and
5941 (iii) public records open for inspection at all times during reasonable office hours.
5942 (c) Confidential data disclosed under this chapter shall be protected and not become
5943 public records, except as provided in [~~Subsection~~] Section 40-8-13[~~(2)~~].
5944 Section 134. Section **40-8-10** is amended to read:
5945 **40-8-10. Notice.**
5946 Except as otherwise provided in this chapter, any notification required by this chapter
5947 shall be:
5948 (1) given by the board or division by personal service to individuals directly affected;
5949 and
5950 (a) by one publication in a daily newspaper of general circulation in Salt Lake City,
5951 Utah[-]; and
5952 (b) in all newspapers of general circulation published in the county or counties in
5953 which the land affected is situated[-]; and
5954 (2) by publication in accordance with Section 45-1-101.
5955 Section 135. Section **40-8-13** is amended to read:
5956 **40-8-13. Notice of intention required prior to mining operations -- Assurance of**
5957 **reclamation required in notice of intention -- When contents confidential -- Approval of**
5958 **notice of intention not required for small mining operations -- Procedure for reviewing**
5959 **notice of intention.**
5960 (1) (a) Before any operator begins mining operations, or continues mining operations
5961 pursuant to Section 40-8-23, the operator shall file a notice of intention for each individual
5962 mining operation with the division.
5963 (b) The notice of intention referred to in Subsection (1)(a) shall include:
5964 (i) identification of all owners of any interest in a mineral deposit, including any
5965 ownership interest in surface land affected by the notice;
5966 (ii) copies of underground and surface mine maps;

5967 (iii) locations of drill holes;
5968 (iv) accurate area maps of existing and proposed operations; and
5969 (v) information regarding the amount of material extracted, moved, or proposed to be
5970 moved, relating to the mining operation.

5971 (c) The notice of intention for small mining operations shall include a statement that
5972 the operator shall conduct reclamation as required by rules promulgated by the board.

5973 (d) The notice of intention for mining operations, other than small mining operations,
5974 shall include a plan for reclamation of the lands affected as required by rules promulgated by
5975 the board.

5976 (2) The division may require that the operator rehabilitate, close, or mitigate the
5977 impacts of each drill hole, shaft, or tunnel when no longer needed as part of the mining
5978 operation.

5979 (3) Information provided in the notice of intention, and its attachments relating to the
5980 location, size, or nature of the deposit that is marked confidential by the operator shall be
5981 protected as confidential information by the board and the division and is not a matter of
5982 public record unless the board or division obtains a written release from the operator, or until
5983 the mining operation has been terminated as provided in Subsection 40-8-21(2).

5984 (4) (a) Within 30 days from the receipt of a notice of intention, the division shall
5985 complete its review of the notice and shall make further inquiries, inspections, or examinations
5986 that are necessary to properly evaluate the notice.

5987 (b) The division shall notify the operator of any objections to the notice and shall grant
5988 the operator a reasonable opportunity to take action that may be required to remove the
5989 objections or obtain a ruling relative to the objections from the board.

5990 (5) Except for the form and amount of surety, an approval of a notice of intention for
5991 small mining operations is not required.

5992 (6) The notice of intention for mining operations other than small mining operations,
5993 shall be reviewed as provided in this Subsection (6).

5994 (a) Within 30 days after receipt of a notice of intention or within 30 days following the

last action of the operator or the division on the notice of intention, the division shall make a tentative decision to approve or disapprove the notice of intention.

(b) The division shall:

(i) mail the information relating to the land affected and the tentative decision to the operator; and

(ii) publish the information and the decision, in abbreviated form[;];

(A) one time only, in all newspapers of general circulation published in the county where the land affected is situated[;]; and

(B) in a daily newspaper of general circulation in Salt Lake City, Utah[;]; and

(C) as required in Section 45-1-101.

(c) The division shall also mail a copy of the abbreviated information and tentative decision to the zoning authority of the county in which the land affected is situated and to the owner of record of the land affected.

(d) (i) Any person or agency aggrieved by the tentative decision may file a request for agency action with the division.

(ii) If no requests for agency action are received by the division within 30 days after the last date of publication, the tentative decision on the notice of intention is final and the division shall notify the operator.

(iii) If written objections of substance are received, the division shall hold a formal adjudicative proceeding.

(e) This Subsection (6) does not apply to exploration.

(7) Within 30 days after receipt of a notice of intention concerning exploration operations other than small mining operations, the division will review the notice of intention and approve or disapprove it.

Section 136. Section **40-10-13** is amended to read:

40-10-13. Advertisement of ownership, location, and boundaries -- Notice to interested agencies or bodies -- Objections -- Conference.

(1) (a) At the time of submission of an application for a surface coal mining and

reclamation permit, or revision of an existing permit pursuant to the provisions of this chapter, the applicant shall submit to the division a copy of the applicant's advertisement of the ownership, precise location, and boundaries of the land to be affected.

(b) At the time of submission the advertisement shall be placed by the applicant:

(i) in a local newspaper of general circulation in the locality of the proposed surface mine at least once a week for four consecutive weeks[-]; and

(ii) as required in Section 45-1-101.

(c) The division shall notify various local governmental bodies, planning agencies, and sewage and water treatment authorities of water companies in the locality in which the proposed surface mining will take place, notifying them of the operator's intention to surface mine a particularly described tract of land and indicating the application's permit number and where a copy of the proposed mining and reclamation plan may be inspected.

(d) These local bodies, agencies, authorities, or companies may submit written comments within a reasonable period established by the division on the mining applications with respect to the effects of the proposed operation on the environment which are within their area of responsibility.

(e) These comments shall immediately be transmitted to the applicant by the division and shall be made available to the public at the same locations as are the mining applications.

(2) (a) Any person having an interest which is or may be adversely affected or the officer or head of any federal, state, or local governmental agency or authority shall have the right to file written objections to the proposed initial or revised application for a permit for surface coal mining and reclamation operations with the division within 30 days after the last publication of the notice. These objections shall immediately be transmitted to the applicant by the division and shall be made available to the public.

(b) If written objections are filed and a conference requested, the division shall then hold a conference within a reasonable time of the receipt of the objections or request. The conference shall be informal and shall be conducted in accordance with the procedures described in this Subsection (2)(b), irrespective of the requirements of Section 63G-4-203,

Administrative Procedures Act. The conference shall be held in the locality of the coal mining and reclamation operation if requested within a reasonable time after written objections or the request for an informal conference are received by the division. The date, time, and location of the conference shall be advertised by the division in a newspaper of general circulation in the locality at least two weeks prior to the scheduled conference date. The division may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding. An electronic or stenographic record shall be made of the conference proceeding unless waived by all parties. This record shall be maintained and shall be accessible to the parties until final release of the applicant's performance bond. In the event all parties requesting the conference stipulate agreement prior to the requested conference and withdraw their request, the conference need not be held.

Section 137. Section **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09)** is amended to read:

40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09). Performance standards for all coal mining and reclamation operations -- Additional standards for steep-slope surface coal mining -- Variances.

(1) Any permit issued pursuant to this chapter to conduct surface coal mining shall require that the surface coal mining operations will meet all applicable performance standards of this chapter, and such other requirements as the division shall promulgate.

(2) General performance standards shall be applicable to all surface coal mining and reclamation operations and shall require the operations as a minimum to:

(a) Conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that re-affecting the land in the future through surface coal mining can be minimized.

(b) Restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is reasonable likelihood, so long as the use or uses does not present any actual or probable hazard

to public health or safety or pose any actual or probable threat of water diminution or pollution, and the permit applicant's declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of federal, state, or local law.

(c) Except as provided in Subsection (3) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials) and grade in order to restore the approximate original contour of the land with highwalls, spoil piles, and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter); but in surface coal mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit and the thickness of the coal deposits relative to the volume of the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region. In surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall, after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that the

6107 overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and
6108 water pollution and is revegetated in accordance with the requirements of this chapter.

6109 (d) Stabilize and protect all surface areas, including spoil piles affected by the surface
6110 coal mining and reclamation operation to effectively control erosion and attendant air and
6111 water pollution.

6112 (e) Remove the topsoil from the land in a separate layer, replace it on the backfill area,
6113 or if not utilized immediately, segregate it in a separate pile from other spoil, and when the
6114 topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of
6115 the topsoil, maintain a successful cover by quick growing plant or other means thereafter so
6116 that the topsoil is preserved from wind and water erosion, remains free of any contamination
6117 by other acid or toxic material, and is in a usable condition for sustaining vegetation when
6118 restored during reclamation; except if topsoil is of insufficient quantity or of poor quality for
6119 sustaining vegetation, or if other strata can be shown to be more suitable for vegetation
6120 requirements, then the operator shall remove, segregate, and preserve in a like manner the
6121 other strata which is best able to support vegetation.

6122 (f) Restore the topsoil or the best available subsoil which is best able to support
6123 vegetation.

6124 (g) For all prime farmlands, as identified in the rules, to be mined and reclaimed,
6125 specifications for soil removal, storage, replacement, and reconstruction, the operator shall, as
6126 a minimum, be required to:

6127 (i) segregate the A horizon of the natural soil, except where it can be shown that other
6128 available soil materials will create a final soil having a greater productive capacity, and if not
6129 utilized immediately, stockpile this material separately from other spoil, and provide needed
6130 protection from wind and water erosion or contamination by other acid or toxic material;

6131 (ii) segregate the B horizon of the natural soil, or underlying C horizons or other strata,
6132 or a combination of these horizons or other strata that are shown to be both texturally and
6133 chemically suitable for plant growth and that can be shown to be equally or more favorable for
6134 plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a

6135 root zone of comparable depth and quality to that which existed in the natural soil, and if not
6136 utilized immediately, stockpile this material separately from other spoil, and provide needed
6137 protection from wind and water erosion or contamination by other acid or toxic material;

6138 (iii) replace and regrade the root zone material described in Subsection (2)(g)(ii) above
6139 with proper compaction and uniform depth over the regraded spoil material; and

6140 (iv) redistribute and grade in a uniform manner the surface soil horizon described in
6141 Subsection (2)(g)(i).

6142 (h) Create, if authorized in the approved mining and reclamation plan and permit,
6143 permanent impoundments of water on mining sites as part of reclamation activities only when
6144 it is adequately demonstrated that:

6145 (i) the size of the impoundment is adequate for its intended purposes;

6146 (ii) the impoundment dam construction will be so designed as to achieve necessary
6147 stability with an adequate margin of safety compatible with that of structures constructed
6148 under Public Law 83-566 (16 U.S.C. 1006);

6149 (iii) the quality of impounded water will be suitable on a permanent basis for its
6150 intended use and that discharges from the impoundment will not degrade the water quality
6151 below water quality standards established pursuant to applicable federal and state law in the
6152 receiving stream;

6153 (iv) the level of water will be reasonably stable;

6154 (v) final grading will provide adequate safety and access for proposed water users; and

6155 (vi) these water impoundments will not result in the diminution of the quality or
6156 quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial,
6157 recreational, or domestic uses.

6158 (i) Conducting any augering operation associated with surface mining in a manner to
6159 maximize recoverability of mineral reserves remaining after the operation and reclamation are
6160 complete and seal all auger holes with an impervious and noncombustible material in order to
6161 prevent drainage except where the division determines that the resulting impoundment of
6162 water in the auger holes may create a hazard to the environment or the public health or safety;

but the permitting authority may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts.

(j) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and groundwater systems both during and after surface coal mining operations and during reclamation by:

(i) avoiding acid or other toxic mine drainage by such measures as, but not limited to:

(A) preventing or removing water from contact with toxic-producing deposits;

(B) treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses; and

(C) casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid or other toxic drainage from entering ground and surface waters;

(ii) (A) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no event shall contributions be in excess of requirements set by applicable state or federal law; and

(B) constructing any siltation structures pursuant to this Subsection (2)(j)(ii) prior to commencement of surface coal mining operations, such structures to be certified by a qualified registered engineer to be constructed as designed and as approved in the reclamation plan;

(iii) cleaning out and removing temporary or large settling ponds or other siltation structures from drainways after disturbed areas are revegetated and stabilized and depositing the silt and debris at a site and in a manner approved by the division;

(iv) restoring recharge capacity of the mined area to approximate premining conditions;

(v) avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(vi) preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the state; and

6191 (vii) such other actions as the division may prescribe.

6192 (k) With respect to surface disposal of mine wastes, tailings, coal processing wastes,
6193 and other waste in areas other than the mine working or excavations, stabilize all waste piles in
6194 designated areas through construction in compacted layers, including the use of incombustible
6195 and impervious materials, if necessary, and assure the final contour of the waste pile will be
6196 compatible with natural surroundings and that the site can and will be stabilized and
6197 revegetated according to the provisions of this chapter.

6198 (l) Refrain from surface coal mining within 500 feet from active and abandoned
6199 underground mines in order to prevent breakthroughs and to protect health or safety of miners;
6200 but the division shall permit an operator to mine near, through, or partially through an
6201 abandoned underground mine or closer to an active underground mine if:

6202 (i) the nature, timing, and sequencing of the approximate coincidence of specific
6203 surface mine activities with specific underground mine activities are jointly approved by the
6204 departments, divisions, and agencies concerned with surface mine reclamation and the health
6205 and safety of underground miners; and

6206 (ii) the operations will result in improved resource recovery, abatement of water
6207 pollution, or elimination of hazards to the health and safety of the public.

6208 (m) Design, locate, construct, operate, maintain, enlarge, modify, and remove or
6209 abandon, in accordance with the standards and criteria developed pursuant to the division's
6210 rules, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal
6211 processing wastes, or other liquid and solid wastes, and used either temporarily or permanently
6212 as dams or embankments.

6213 (n) Insure that all debris, acid-forming materials, toxic materials, or materials
6214 constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a
6215 manner designed to prevent contamination of ground or surface waters and that contingency
6216 plans are developed to prevent sustained combustion.

6217 (o) Insure that explosives are used only in accordance with existing state and federal
6218 law and the rules adopted by the board, which shall include provisions to:

6219 (i) provide adequate advance written notice to local governments and residents who
6220 might be affected by the use of the explosives by:

6221 (A) publication of the planned blasting schedule;

6222 (I) in a newspaper of general circulation in the locality; and ~~[by]~~

6223 (II) as required in Section 45-1-101; and

6224 (B) mailing a copy of the proposed blasting schedule to every resident living within
6225 1/2 mile of the proposed blasting site and by providing daily notice to resident/occupiers in
6226 these areas prior to any blasting;

6227 (ii) maintain for a period of at least three years and make available for public
6228 inspection upon request a log detailing the location of the blasts, the pattern and depth of the
6229 drill holes, the amount of explosives used per hole, and the order and length of delay in the
6230 blasts;

6231 (iii) limit the type of explosives and detonating equipment, the size, the timing and
6232 frequency of blasts based upon the physical conditions of the site so as to prevent injury to
6233 persons, damage to public and private property outside the permit area, adverse impacts on
6234 any underground mine, and change in the course, channel, or availability of ground or surface
6235 water outside the permit area;

6236 (iv) require that all blasting operations be conducted by trained and competent
6237 persons, and to implement this requirement, the division shall promulgate rules requiring the
6238 training, examination, and certification of persons engaging in or directly responsible for
6239 blasting or the use of explosives in surface and coal mining operations; and

6240 (v) provide that upon the request of a resident or owner of a man-made dwelling or
6241 structure within 1/2 mile of any portion of the permitted area, the applicant or permittee shall
6242 conduct a preblasting survey of the structures and submit the survey to the division and a copy
6243 to the resident or owner making the request, the area of which survey shall be decided by the
6244 division and shall include such provisions as promulgated.

6245 (p) Insure that all reclamation efforts proceed in an environmentally sound manner and
6246 as contemporaneously as practicable with the surface coal mining operations; but where the

6247 applicant proposes to combine surface mining operations with underground mining operations
6248 to assure maximum practical recovery of the mineral resources, the division may grant a
6249 variance for specific areas within the reclamation plan from the requirement that reclamation
6250 efforts proceed as contemporaneously as practicable to permit underground operations prior to
6251 reclamation:

6252 (i) if the division finds in writing that:

6253 (A) the applicant has presented, as part of the permit application, specific, feasible
6254 plans for the proposed underground mining operations;

6255 (B) the proposed underground mining operations are necessary or desirable to assure
6256 maximum practical recovery of the mineral resource and will avoid multiple disturbance of the
6257 surface;

6258 (C) the applicant has satisfactorily demonstrated that the plan for the underground
6259 mining operations conforms to requirements for underground mining in the jurisdiction and
6260 that permits necessary for the underground mining operations have been issued by the
6261 appropriate authority;

6262 (D) the areas proposed for the variance have been shown by the applicant to be
6263 necessary for the implementing of the proposed underground mining operations;

6264 (E) no substantial adverse environmental damage, either onsite or offsite, will result
6265 from the delay in completion of reclamation as required by this chapter; and

6266 (F) provisions for the offsite storage of spoil will comply with Subsection (2)(v);

6267 (ii) if the board has adopted specific rules to govern the granting of the variances in
6268 accordance with the provisions of this Subsection (2)(p) and has imposed such additional
6269 requirements as considered necessary;

6270 (iii) if variances granted under this Subsection (2)(p) are to be reviewed by the
6271 division not more than three years from the date of issuance of the permit; and

6272 (iv) if liability under the bond filed by the applicant with the division pursuant to
6273 Section 40-10-15 shall be for the duration of the underground mining operations and until the
6274 requirements of this Subsection (2) and Section 40-10-16 have been fully complied with.

6275 (q) Insure that the construction, maintenance, and postmining conditions of access
6276 roads into and across the site of operations will control or prevent erosion and siltation,
6277 pollution of water, damage to fish or wildlife or their habitat, or public or private property.

6278 (r) Refrain from the construction of roads or other access ways up a stream bed or
6279 drainage channel or in such proximity to the channel so as to seriously alter the normal flow of
6280 water.

6281 (s) Establish on the regraded areas and all other lands affected, a diverse, effective,
6282 and permanent vegetative cover of the same seasonal variety native to the area of land to be
6283 affected and capable of self-regeneration and plant succession at least equal in extent of cover
6284 to the natural vegetation of the area; except that introduced species may be used in the
6285 revegetation process where desirable and necessary to achieve the approved postmining land
6286 use plan.

6287 (t) (i) Assume the responsibility for successful revegetation, as required by Subsection
6288 (2)(s), for a period of five full years after the last year of augmented seeding, fertilizing,
6289 irrigation, or other work in order to assure compliance with Subsection (2)(s), except in those
6290 areas or regions of the state where the annual average precipitation is 26 inches or less, then
6291 the operator's assumption of responsibility and liability will extend for a period of ten full
6292 years after the last year of augmented seeding, fertilizing, irrigation, or other work; but when
6293 the division approves a long-term intensive agricultural postmining land use, the applicable
6294 five or ten-year period of responsibility for revegetation shall commence at the date of initial
6295 planting for this long-term intensive, agricultural postmining land use, except when the
6296 division issues a written finding approving a long-term, intensive, agricultural postmining land
6297 use, as part of the mining and reclamation plan, the division may grant exception to the
6298 provisions of Subsection (2)(s); and

6299 (ii) on lands eligible for remining, assume the responsibility for successful
6300 revegetation for a period of two full years after the last year of augmented seeding, fertilizing,
6301 irrigation, or other work in order to assure compliance with the applicable standards, except in
6302 areas of the state where the average annual precipitation is 26 inches or less, assume the

6303 responsibility for successful revegetation for a period of five full years after the last year of
6304 augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the
6305 applicable standards.

6306 (u) Protect offsite areas from slides or damage occurring during the surface coal
6307 mining and reclamation operations and not deposit spoil material or locate any part of the
6308 operations or waste accumulations outside the permit area.

6309 (v) Place all excess spoil material resulting from coal surface mining and reclamation
6310 activities in a manner that:

6311 (i) spoil is transported and placed in a controlled manner in position for concurrent
6312 compaction and in a way to assure mass stability and to prevent mass movement;

6313 (ii) the areas of disposal are within the bonded permit areas and all organic matter
6314 shall be removed immediately prior to spoil placement;

6315 (iii) appropriate surface and internal drainage systems and diversion ditches are used
6316 so as to prevent spoil erosion and movement;

6317 (iv) the disposal area does not contain springs, natural water courses, or wet weather
6318 seeps unless lateral drains are constructed from the wet areas to the main underdrains in a
6319 manner that filtration of the water into the spoil pile will be prevented;

6320 (v) if placed on a slope, the spoil is placed upon the most moderate slope among those
6321 upon which, in the judgment of the division, the spoil could be placed in compliance with all
6322 the requirements of this chapter and shall be placed, where possible, upon or above a natural
6323 terrace, bench, or berm, if this placement provides additional stability and prevents mass
6324 movement;

6325 (vi) where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient
6326 size to prevent mass movement, is constructed;

6327 (vii) the final configuration is compatible with the natural drainage pattern and
6328 surroundings and suitable for intended uses;

6329 (viii) design of the spoil disposal area is certified by a qualified professional engineer,
6330 and to implement this requirement, the division shall promulgate rules regarding the

6331 certification of engineers in the area of spoil disposal design; and

6332 (ix) all other provisions of this chapter are met.

6333 (w) Meet such other criteria as are necessary to achieve reclamation in accordance
6334 with the purposes of this chapter, taking into consideration the physical, climatological, and
6335 other characteristics of the site.

6336 (x) To the extent possible, using the best technology currently available, minimize
6337 disturbances and adverse impacts of the operation on fish, wildlife, and related environmental
6338 values, and achieve enhancement of these resources where practicable.

6339 (y) Provide for an undisturbed natural barrier beginning at the elevation of the lowest
6340 coal seam to be mined and extending from the outslope for the distance as the division shall
6341 determine shall be retained in place as a barrier to slides and erosion.

6342 (3) (a) Where an applicant meets the requirements of Subsections (3)(b) and (c), a
6343 permit without regard to the requirement to restore to approximate original contour provided
6344 in Subsections (2)(c), (4)(b), and (4)(c) may be granted for the surface mining of coal where
6345 the mining operation will remove an entire coal seam or seams running through the upper
6346 fraction of a mountain, ridge, or hill (except as provided in this Subsection (3)) by removing
6347 all of the overburden and creating a level plateau or a gently rolling contour with no highwalls
6348 remaining, and capable of supporting postmining uses in accord with the requirements of this
6349 Subsection (3).

6350 (b) In cases where an industrial, commercial, agricultural, residential, or public facility
6351 (including recreational facilities) use is proposed for the postmining use of the affected land,
6352 the division may grant a permit for a surface mining operation of the nature described in
6353 Subsection (3)(a) pursuant to procedures and criteria set forth in the rules, including:

6354 (i) the applicant's presentation of specific plans for the proposed postmining land use
6355 which meet criteria concerning the type of use proposed;

6356 (ii) the applicant's demonstration that the proposed use would be consistent with
6357 adjacent land uses and existing state and local land use plans and programs and with other
6358 requirements of this chapter; and

(iii) procedures whereby the division provides the governing body of the unit of general-purpose government in which the land is located and any state or federal agency which the division, in its discretion, determines to have an interest in the proposed use, an opportunity of not more than 60 days to review and comment on the proposed use.

(c) All permits granted under the provisions of this Subsection (3) shall be reviewed not more than three years from the date of issuance of the permit, unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.

(4) The following performance standards shall be applicable to steep-slope surface coal mining and shall be in addition to those general performance standards required by this section; but the provisions of this Subsection (4) shall not apply to those situations in which an operator is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area or where an operator is in compliance with provisions of Subsection (3):

(a) Insure that when performing surface coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the downslope below the bench or mining cut; but spoil material in excess of that required for the reconstruction of the approximate original contour under the provisions of Subsection (2)(c) or this Subsection (4) shall be permanently stored pursuant to Subsection 40-10-17(2)(v).

(b) Complete backfilling with spoil material shall be required to cover completely the highwall and return the site to the appropriate original contour, which material will maintain stability following mining and reclamation.

(c) The operator may not disturb land above the top of the highwall unless the division finds that the disturbance will facilitate compliance with the environmental protection standards of this section; but the land disturbed above the highwall shall be limited to that amount necessary to facilitate this compliance.

(d) For the purposes of this Subsection (4), "steep slope" means any slope above 20

degrees or such lesser slope as may be defined by the division after consideration of soil, climate, and other characteristics of an area.

(5) The board shall promulgate specific rules to govern the granting of variances from the requirement to restore to approximate original contour provided in Subsection (4)(b) pursuant to procedures and criteria set forth in those rules including:

- (a) written request by the surface owner concerning the proposed use;
- (b) approval of the proposed use as an equal or better economic or public use; and
- (c) approval of the proposed use as improving the watershed control in the area and as using only such amount of spoil as is necessary to achieve the planned postmining land use.

(6) Subsection (2)(t)(ii) is repealed September 30, 2009.

Section 138. Section **40-10-27** is amended to read:

40-10-27. Entry upon land adversely affected by past coal mining practices -- Conducting of studies or exploratory work -- State acquisition of land -- Lien -- Waste disposal fund -- Water pollution control and treatment plants.

(1) (a) If the board, after notice and hearing, makes a finding of fact as provided in Subsection (1)(b), the agents, employees, or contractors of the division shall have the right to enter property adversely affected by past coal mining practices and any other property to have access to property adversely affected by past coal mining practices to do whatever is necessary or expedient to restore, reclaim, abate, control, or prevent the adverse effects.

(b) The board shall find that:

- (i) land or water resources have been adversely affected by past coal mining practices;
- (ii) the adverse effects are at a stage where, in the public interest, action to restore, reclaim, abate, control, or prevent should be taken; and
- (iii) the owners of the land or water resources where entry must be made to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices:
 - (A) are not known;
 - (B) are not readily available; or
 - (C) will not give permission for the state or its political subdivisions, their agents,

employees, or contractors to enter upon the property to restore, reclaim, abate, control, or prevent the adverse effects of past coal mining practices.

(c) Notice of the division's right to enter the property shall be:

(i) if the owners are known, given by mail~~[, if the owners are known]~~; and

~~[(ii) posted upon the premises and advertised]~~

(ii) if the owners are not known:

(A) posted upon the premises; and

(B) advertised:

(I) once in a newspaper of general circulation in the county in which the land lies~~[, if the owners are not known.]; and~~

(II) as required in Section 45-1-101.

(d) This entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and may not be construed as an act of condemnation of property nor of trespass on it.

(e) The monies expended for this work and the benefits accruing to the premises entered upon shall be chargeable against the land and shall mitigate or offset any claim in or any action brought by any owner of any interest in these premises for any alleged damages by virtue of the entry.

(f) This Subsection (1) is not intended to create new rights of action or eliminate existing immunities.

(2) (a) The agents, employees, or contractors of the division may enter upon any property for the purpose of conducting studies or exploratory work to determine the existence of adverse effects of past coal mining practices and to determine the feasibility of restoration, reclamation, abatement, control, or prevention of these adverse effects.

(b) This entry shall be construed as an exercise of the police power for the protection of public health, safety, and general welfare and may not be construed as an act of condemnation of property or trespass on it.

(3) The state may acquire any land by purchase, donation, or condemnation which is

6443 adversely affected by past coal mining practices if the board, after notice and hearing,
6444 determines that acquisition of this land is necessary to successful reclamation and that:

6445 (a) the acquired land, after restoration, reclamation, abatement, control, or prevention
6446 of the adverse effects of past coal mining practices, will serve recreation and historic purposes,
6447 conservation and reclamation purposes, or provide open space benefits; and

6448 (b) (i) permanent facilities such as a treatment plant or a relocated stream channel will
6449 be constructed on the land for the restoration, reclamation, abatement, control, or prevention
6450 of the adverse effects of past coal mining practices; or

6451 (ii) acquisitions of coal refuse disposal sites and all coal refuse on the sites will serve
6452 the purposes of this chapter or that public ownership is desirable to meet emergency situations
6453 and prevent recurrences of the adverse effects of past coal mining practices.

6454 (4) (a) Title to all lands acquired under this section shall be in the name of the state.

6455 (b) The price paid for land acquired under this section shall reflect the market value of
6456 the land as adversely affected by past coal mining practices.

6457 (5) (a) If land acquired under this section is considered suitable for industrial,
6458 commercial, residential, or recreational development, the division, in conjunction with the
6459 Division of Forestry, Fire and State Lands, may sell this land by public sale under a system of
6460 competitive bidding, at not less than fair market value, and under any other rules promulgated
6461 to insure that the land is put to proper use consistent with local and state land use plans.

6462 (b) (i) The state, when requested after appropriate public notice, shall hold a public
6463 hearing with the appropriate notice, in the counties or appropriate political subdivisions of the
6464 state in which lands acquired under this section are located.

6465 (ii) The hearing shall be held at a time which shall afford local citizens and
6466 governments the maximum opportunity to participate in the decision concerning the use or
6467 disposition of the lands after restoration, reclamation, abatement, control, or prevention of the
6468 adverse effects of past coal mining practices.

6469 (6) (a) The state, through the division and the Division of Forestry, Fire and State
6470 Lands, shall have the authority to accept lands acquired and reclaimed by the Secretary of the

6471 Interior pursuant to Section 407(h) of Public Law 95-87.

6472 (b) The division has the authority to accept grants from the Secretary to carry out the
6473 purposes of Section 407(h) of Public Law 95-87.

6474 (7) (a) Within six months after the completion of projects to restore, reclaim, abate,
6475 control, or prevent adverse effects of past coal mining practices on privately owned land, the
6476 division shall itemize the monies expended and may file a statement of those expenses in the
6477 office of the county recorder of the county in which the land lies, together with a notarized
6478 appraisal by an independent appraiser of the value of the land before the restoration,
6479 reclamation, abatement, control, or prevention of adverse effects of past coal mining practices
6480 if the monies expended result in a significant increase in property value.

6481 (b) This statement shall constitute a lien upon the land described in it.

6482 (c) The lien may not exceed the amount determined by the appraisal to be the increase
6483 in the market value of the land as a result of the restoration, reclamation, abatement, control,
6484 or prevention of the adverse effects of past coal mining practices.

6485 (d) A lien may not be filed against the property of any person, in accordance with this
6486 subsection who owned the surface prior to May 2, 1977, and who neither consented to nor
6487 participated in nor exercised control over the mining operation which necessitated the
6488 reclamation performed.

6489 (8) (a) The landowner may proceed to petition within 60 days after the filing of the
6490 lien to determine the increase in the market value of the land as a result of the restoration,
6491 reclamation, abatement, control, or prevention of the adverse effects of past coal mining
6492 practices.

6493 (b) The amount reported to be the increase in value of the premises shall constitute the
6494 amount of the lien and shall be recorded with the statement provided for in Subsection (7).

6495 (c) Any party aggrieved by the decision may appeal as provided by law.

6496 (9) (a) The lien provided in this section shall be recorded in the office of the county
6497 recorder of the county in which the land lies.

6498 (b) The statement shall constitute a lien upon the land as of the date of the expenditure

6499 of the monies and shall have priority as a lien second only to the lien of real estate taxes
6500 imposed upon the land.

6501 (10) (a) The division may fill any voids, seal any abandoned tunnels, shafts, and
6502 entryways, and reclaim surface impacts of underground or surface mines which the division
6503 determines could endanger life and property, constitute a hazard to the public health and
6504 safety, or degrade the environment.

6505 (b) The division may make expenditures and carry out the purposes of this section
6506 without regard to the provisions of Subsections 40-10-25(2) and (3) only after all reclamation
6507 with respect to abandoned coal lands or coal development impacts have been met, except for
6508 those reclamation projects relating to the protection of the public health or safety.

6509 (c) In those instances where mine waste piles are being reworked for conservation
6510 purposes, the incremental costs of disposing of the wastes from these operations by filling
6511 voids and sealing tunnels may be eligible for funding if the disposal of these wastes meets the
6512 purposes of this section.

6513 (d) The division may acquire by purchase, donation, easement, or otherwise those
6514 interests in land it determines necessary to carry out the provisions of this section.

6515 (11) (a) The division may request the attorney general, who is hereby authorized to
6516 initiate, in addition to any other remedies provided for in this chapter, in any court of
6517 competent jurisdiction, an action in equity for an injunction to restrain any interference with
6518 the exercise of the right to enter or to conduct any work provided in this section.

6519 (b) (i) The division, in conjunction with appropriate state agencies as determined in
6520 the rules, may construct and operate plants for the control and treatment of water pollution
6521 resulting from mine drainage.

6522 (ii) The extent of this control and treatment of water pollution may be dependent upon
6523 the ultimate use of the water.

6524 (iii) This Subsection (11) may not be construed to repeal or supersede any portion of
6525 the federal Water Pollution Control Act, 33 U.S.C. Sec. 1151 et seq., and no control or
6526 treatment under this subsection shall in any way be less than that required under the federal

6527 Water Pollution Control Act.

6528 (iv) The construction of a plant may include major interceptors and other facilities
6529 appurtenant to the plant.

6530 (c) The division may transfer funds to other appropriate state agencies, in order to
6531 carry out the reclamation activities authorized by this chapter.

6532 Section 139. Section **41-1a-1103** is amended to read:

6533 **41-1a-1103. Sale.**

6534 (1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not
6535 recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the
6536 division is unable to determine the owner or lienholder through reasonable efforts, the division
6537 shall sell the vehicle, vessel, or outboard motor.

6538 (2) The sale shall:

6539 (a) be held in the form of a public auction at the place of storage; and

6540 (b) at the discretion of the division, be conducted by:

6541 (i) an authorized representative of the division; or

6542 (ii) a public garage, impound lot, or impound yard that:

6543 (A) is authorized by the division;

6544 (B) meets the standards under Subsection 41-1a-1101(4); and

6545 (C) complies with the requirements of Section 72-9-603.

6546 (3) At least five days prior to the date set for sale, the division shall publish a notice of
6547 sale~~[in a newspaper of general statewide circulation]~~ setting forth the date, time, and place of
6548 sale and a description of the vehicle, vessel, or outboard motor to be sold~~[:]~~:

6549 (a) in a newspaper of general statewide circulation; and

6550 (b) as required in Section 45-1-101.

6551 (4) At the time of sale the division or other person authorized to conduct the sale shall
6552 tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the
6553 vehicle, vessel, or outboard motor.

6554 (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this

6555 section shall be distributed as provided under Section 41-1a-1104.

6556 (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under
6557 Section 41-1a-1101 and subsequently released by the division fails to take possession of the
6558 vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30
6559 days from the date of release, the division shall renotify the owner or lienholder and sell the
6560 vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of
6561 the notice.

6562 Section 140. Section **45-1-101** is enacted to read:

6563 **Part 1. General Publication Requirements**

6564 **45-1-101. Legal notice publication requirements.**

6565 (1) Notwithstanding any other legal notice provision established in this Utah Code, a
6566 person required to publish legal notice:

6567 (a) until January 1, 2010, shall publish as required by the state statute establishing the
6568 notice requirement; and

6569 (b) beginning on January 1, 2010, shall publish notice:

6570 (i) in a newspaper as required by the statute establishing the notice requirement; and

6571 (ii) on a web site established by the collective efforts of Utah's newspapers.

6572 (2) Notwithstanding Subsection (1)(b), for counties of the first and second class,
6573 beginning on January 1, 2012, a person required to publish a legal notice:

6574 (a) shall publish notice on the website described in Subsection (1)(b)(ii); and

6575 (b) may publish notice in a newspaper as required by the statute establishing the notice
6576 requirement.

6577 (3) This section does not apply to a public notice published by a public body in
6578 accordance with the provisions of Section 63F-1-701.

6579 (4) A notice described in Subsections (1) and (2) includes:

6580 (a) legal notices required for judicial proceedings or by judicial decision; and

6581 (b) notices required to be made available to the public by a state statute or a state
6582 agency rule.

(5) The website described in Subsection (1)(b)(ii) may not:

(a) charge a fee to post a legal notice on the website before January 1, 2012; and

(b) charge more than \$10 to post a legal notice on the website on or after January 1, 2012.

Section 141. Section **45-1-201**, which is renumbered from Section 45-1-1 is renumbered and amended to read:

Part 2. Newspaper Publication Requirements

[45-1-1]. 45-1-201. Newspapers "of general circulation" -- Requirements.

No newspaper shall be deemed a newspaper having general circulation for the purpose of publishing any notice, advertisement or publication of any kind required by law, unless it has a bona fide subscription list of not less than two hundred subscribers in this state, and shall have been published for not less than eighteen months, and shall have been admitted in the United States mails as second-class matter for twelve months; provided, that nothing in this chapter shall invalidate the publication in a newspaper which has simply changed its name or ownership, or has simply moved its place of publication from one part of the state to another, or suspended publication on account of fire, flood or unavoidable accident not to exceed ten weeks; provided further, that nothing in this chapter shall apply to any county wherein no newspaper has been published the requisite length of time.

Section 142. Section **45-1-202**, which is renumbered from Section 45-1-2 is renumbered and amended to read:

[45-1-2]. 45-1-202. Maximum charge.

A legal rate of 30 cents per line on the basis of an eight-point line, not less than 11 ems wide, is hereby established in each city of the fourth and fifth class and each town for the publishing of any notice, advertisement, or publication of any kind required by law.

Section 143. Section **45-1-301**, which is renumbered from Section 45-1-4 is renumbered and amended to read:

Part 3. Supplemental Publication by Broadcast

[45-1-4]. 45-1-301. Notice given in broadcast -- Restrictions.

(1) Any state or other public officer who is required by law to publish any notice may supplement publication of the notice by causing the time, place and nature of the notice to be broadcast at such times and intervals as determined suitable when in his judgment, the public interest is or will be served.

(2) The material broadcast shall include only the time, place, and nature of the notice.

(3) In the broadcast of any notice or material authorized under this act, no reference by name or the use of the voice or likeness of any person who is a candidate for elective public office at the time of the broadcast shall be allowed.

(4) Notices by political subdivisions of this state shall be made only by stations whose basic broadcast coverage encompasses the county or counties in which the notice is required to be given.

Section 144. Section **45-1-302**, which is renumbered from Section 45-1-5 is renumbered and amended to read:

[45-1-5]. 45-1-302. Copy of notice broadcast retained by station.

Each station which broadcasts any notice or material under this act shall retain a copy or transcript of the text or material broadcast for a period of six months after the broadcast. The copy shall be available for public review at reasonable times and places.

Section 145. Section **45-1-303**, which is renumbered from Section 45-1-6 is renumbered and amended to read:

[45-1-6]. 45-1-303. Proof of broadcast.

Proof of publication or broadcast of the notice or other material under this act shall be by affidavit of a duly authorized representative or agent of the broadcasting station.

Section 146. Section **45-1-304**, which is renumbered from Section 45-1-7 is renumbered and amended to read:

[45-1-7]. 45-1-304. Rates of broadcasters.

Rates charged by broadcasters will be no greater than the lowest net rate charged for a like number of announcements by any other advertiser.

Section 147. Section **47-2-4** is amended to read:

47-2-4. Elimination by the county executive -- Notice of intention.

(1) The county executive may provide for the elimination of abandoned horses in the respective counties in the following manner:

~~[They]~~ (a) The county executive shall cause notice to be:

(i) (A) published at least once a week for three successive weeks in ~~[some]~~ a newspaper of general circulation published in the county~~;~~; and ~~[the notice shall also be]~~

(B) in accordance with Section 45-1-101, published for three weeks;

(ii) posted in at least five public places outside of the county seat on public highways in such county~~;~~; and

(iii) posted in three public places at the county seat, one of which shall be at the front door of the courthouse.

(b) The notices posted outside of the county seat shall be posted not less than two miles apart, and all posted notices shall be posted at least 30 days before the date which the county executive shall fix for the beginning of the elimination of abandoned horses from the range in such county as hereinafter provided.

~~[If no newspaper is published in the county, publication in a newspaper shall not be required.]~~

(2) The notice shall be substantially in the following form:

Notice is hereby given that in accordance with the provisions of law the county executive of ____ County, Utah, will proceed to eliminate abandoned horses from the open range in said county, and that beginning on _____(month\day\year), a drive will be held, and all abandoned horses running upon the open range will, under the direction and supervision of the county executive, be eliminated. All owners of horses running upon the open range are hereby given notice to file with the county executive a description of the horses, and the brands or marks thereon.

Dated this _____(month\day\year).

By order of the county executive of ____ County, Utah.

County Clerk.

6667

6668 Section 148. Section **48-2c-1306** is amended to read:6669 **48-2c-1306. Disposition of claims by publication.**

6670 (1) A dissolved company in winding up may publish notice of its dissolution and
6671 request that persons with claims against the company present them in accordance with the
6672 notice.

6673 (2) The notice contemplated in Subsection (1) [~~must~~] shall:

6674 (a) (i) be published once a week for three successive weeks in a newspaper of general
6675 circulation;

6676 (A) in the county where the dissolved company's principal office is; or[;]6677 (B) if it has no principal office in this state, Salt Lake County; and6678 (ii) be published, in accordance with Section 45-1-101, for three successive weeks;

6679 (b) describe the information that must be included in a claim and provide an address
6680 to which written notice of any claim must be given to the company;

6681 (c) state the deadline, which may not be fewer than 120 days after the first date of
6682 publication of the notice, by which the dissolved company must receive the claim; and

6683 (d) state that, unless sooner barred by another statute limiting actions, the claim will
6684 be barred if not received by the deadline.

6685 (3) If the dissolved company publishes a newspaper or website notice in accordance
6686 with Subsection (2), then unless sooner barred under Section 48-2c-1305 or under another
6687 statute limiting actions, the claim of any claimant against the dissolved company is barred if:

6688 (a) the claim is not received by the dissolved company by the deadline; or

6689 (b) the dissolved company delivers to the claimant written notice of rejection of the
6690 claim within 90 days after receipt of the claim and the claimant whose claim was rejected by
6691 the dissolved company does not commence a proceeding to enforce the claim within 90 days
6692 after the effective date of the rejection notice.

6693 (4) Claims which are not rejected by the dissolved company in writing within 90 days
6694 after receipt of the claim by the dissolved company shall be considered approved.

6695 (5) (a) For purposes of this section, "claim" means any claim, including claims of this
6696 state whether known or unknown, due or to become due, absolute or contingent, liquidated or
6697 unliquidated, founded on contract, tort, or other legal basis, or otherwise.

6698 (b) For purposes of this section and Section 48-2c-1305, a proceeding to enforce a
6699 claim means a civil action or an arbitration under an agreement for binding arbitration
6700 between the dissolved company and the claimant.

6701 Section 149. Section **52-4-202** is amended to read:

6702 **52-4-202. Public notice of meetings -- Emergency meetings.**

6703 (1) A public body shall give not less than 24 hours public notice of each meeting
6704 including the meeting:

- 6705 (a) agenda;
- 6706 (b) date;
- 6707 (c) time; and
- 6708 (d) place.

6709 (2) (a) In addition to the requirements under Subsection (1), a public body which
6710 holds regular meetings that are scheduled in advance over the course of a year shall give
6711 public notice at least once each year of its annual meeting schedule as provided in this section.

6712 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
6713 the scheduled meetings.

6714 (3) (a) Public notice shall be satisfied by:

6715 (i) posting written notice:

6716 (A) at the principal office of the public body, or if no principal office exists, at the
6717 building where the meeting is to be held; and

6718 (B) beginning October 1, 2008 and except as provided in Subsection (3)(b), on the
6719 Utah Public Notice Website created under Section 63F-1-701; and

6720 (ii) providing notice to:

6721 (A) (I) at least one newspaper of general circulation within the geographic jurisdiction
6722 of the public body; ~~[or]~~ and

6723 (II) as required in Section 45-1-101; or

6724 (B) a local media correspondent.

6725 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local
6726 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a
6727 special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged,
6728 but not required, to post written notice on the Utah Public Notice Website, if the municipality
6729 or district has a current annual budget of less than \$1 million.

6730 ~~[(c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by~~
6731 ~~providing notice to a newspaper or local media correspondent under the provisions of~~
6732 ~~Subsection 63F-1-701(4)(d).]~~

6733 (4) A public body is encouraged to develop and use additional electronic means to
6734 provide notice of its meetings under Subsection (3).

6735 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

6736 (i) because of unforeseen circumstances it is necessary for a public body to hold an
6737 emergency meeting to consider matters of an emergency or urgent nature; and

6738 (ii) the public body gives the best notice practicable of:

6739 (A) the time and place of the emergency meeting; and

6740 (B) the topics to be considered at the emergency meeting.

6741 (b) An emergency meeting of a public body may not be held unless:

6742 (i) an attempt has been made to notify all the members of the public body; and

6743 (ii) a majority of the members of the public body approve the meeting.

6744 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
6745 provide reasonable specificity to notify the public as to the topics to be considered at the
6746 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

6747 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
6748 member of the public body, a topic raised by the public may be discussed during an open
6749 meeting, even if the topic raised by the public was not included in the agenda or advance
6750 public notice for the meeting.

(c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:

(i) listed under an agenda item as required by Subsection (6)(a); and

(ii) included with the advance public notice required by this section.

Section 150. Section **53A-3-202** is amended to read:

53A-3-202. Compensation for services -- Additional per diem -- Approval of expenses.

(1) Each member of a local school board, except the student member, shall receive compensation for services and for necessary expenses in accordance with board compensation schedules adopted by the local school board in accordance with the provisions of this section.

(2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its board compensation schedules, the board shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.

(3) Notice of the time, place, and purpose of the meeting shall be provided at least seven days prior to the meeting by:

(a) (i) publication at least once in a newspaper published in the county where the school district is situated and generally circulated within the school district; and

(ii) publication in accordance with Section 45-1-101; and

(b) posting a notice:

(i) at each school within the school district;

(ii) in at least three other public places within the school district; and

(iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

(4) After the conclusion of the public hearing, the local school board may adopt or amend its board compensation schedules.

(5) Each member shall submit an itemized account of necessary travel expenses for board approval.

(6) A local school board may, without following the procedures described in

6779 [~~Subsection~~] Subsections (2) and (3), continue to use the compensation schedule that was in
6780 effect prior to July 1, 2007 until, at the discretion of the board, the compensation schedule is
6781 amended or a new compensation schedule is adopted.

6782 Section 151. Section **53A-3-402** is amended to read:

6783 **53A-3-402. Powers and duties generally.**

6784 (1) Each local school board shall:

6785 (a) implement the core curriculum utilizing instructional materials that best correlate
6786 to the core curriculum and graduation requirements;

6787 (b) administer tests, required by the State Board of Education, which measure the
6788 progress of each student, and coordinate with the state superintendent and State Board of
6789 Education to assess results and create plans to improve the student's progress which shall be
6790 submitted to the State Office of Education for approval;

6791 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
6792 students that need remediation and determine the type and amount of federal, state, and local
6793 resources to implement remediation;

6794 (d) develop early warning systems for students or classes failing to make progress;

6795 (e) work with the State Office of Education to establish a library of documented best
6796 practices, consistent with state and federal regulations, for use by the local districts; and

6797 (f) implement training programs for school administrators, including basic
6798 management training, best practices in instructional methods, budget training, staff
6799 management, managing for learning results and continuous improvement, and how to help
6800 every child achieve optimal learning in core academics.

6801 (2) Local school boards shall spend minimum school program funds for programs and
6802 activities for which the State Board of Education has established minimum standards or rules
6803 under Section 53A-1-402.

6804 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
6805 and equipment and construct, erect, and furnish school buildings.

6806 (b) School sites or buildings may only be conveyed or sold on board resolution

6807 affirmed by at least two-thirds of the members.

6808 (4) (a) A board may participate in the joint construction or operation of a school
6809 attended by children residing within the district and children residing in other districts either
6810 within or outside the state.

6811 (b) Any agreement for the joint operation or construction of a school shall:

6812 (i) be signed by the president of the board of each participating district;

6813 (ii) include a mutually agreed upon pro rata cost; and

6814 (iii) be filed with the State Board of Education.

6815 (5) A board may establish, locate, and maintain elementary, secondary, and applied
6816 technology schools.

6817 (6) A board may enroll children in school who are at least five years of age before
6818 September 2 of the year in which admission is sought.

6819 (7) A board may establish and support school libraries.

6820 (8) A board may collect damages for the loss, injury, or destruction of school property.

6821 (9) A board may authorize guidance and counseling services for children and their
6822 parents or guardians prior to, during, or following enrollment of the children in schools.

6823 (10) (a) A board shall administer and implement federal educational programs in
6824 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

6825 (b) Federal funds are not considered funds within the school district budget under Title
6826 53A, Chapter 19, School District Budgets.

6827 (11) (a) A board may organize school safety patrols and adopt rules under which the
6828 patrols promote student safety.

6829 (b) A student appointed to a safety patrol shall be at least ten years old and have
6830 written parental consent for the appointment.

6831 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
6832 of a highway intended for vehicular traffic use.

6833 (d) Liability may not attach to a school district, its employees, officers, or agents or to
6834 a safety patrol member, a parent of a safety patrol member, or an authorized volunteer

6835 assisting the program by virtue of the organization, maintenance, or operation of a school
6836 safety patrol.

6837 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
6838 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
6839 devises, or bequests that are made for educational purposes.

6840 (b) These contributions are not subject to appropriation by the Legislature.

6841 (13) (a) A board may appoint and fix the compensation of a compliance officer to
6842 issue citations for violations of Subsection 76-10-105(2).

6843 (b) A person may not be appointed to serve as a compliance officer without the
6844 person's consent.

6845 (c) A teacher or student may not be appointed as a compliance officer.

6846 (14) A board shall adopt bylaws and rules for its own procedures.

6847 (15) (a) A board shall make and enforce rules necessary for the control and
6848 management of the district schools.

6849 (b) All board rules and policies shall be in writing, filed, and referenced for public
6850 access.

6851 (16) A board may hold school on legal holidays other than Sundays.

6852 (17) (a) Each board shall establish for each school year a school traffic safety
6853 committee to implement this Subsection (17).

6854 (b) The committee shall be composed of one representative of:

6855 (i) the schools within the district;

6856 (ii) the Parent Teachers' Association of the schools within the district;

6857 (iii) the municipality or county;

6858 (iv) state or local law enforcement; and

6859 (v) state or local traffic safety engineering.

6860 (c) The committee shall:

6861 (i) receive suggestions from parents, teachers, and others and recommend school
6862 traffic safety improvements, boundary changes to enhance safety, and school traffic safety

6863 program measures;

6864 (ii) review and submit annually to the Department of Transportation and affected
6865 municipalities and counties a child access routing plan for each elementary, middle, and junior
6866 high school within the district;

6867 (iii) consult the Utah Safety Council and the Division of Family Health Services and
6868 provide training to all school children in kindergarten through grade six, within the district, on
6869 school crossing safety and use; and

6870 (iv) help ensure the district's compliance with rules made by the Department of
6871 Transportation under Section 41-6a-303.

6872 (d) The committee may establish subcommittees as needed to assist in accomplishing
6873 its duties under Subsection (17)(c).

6874 (e) The board shall require the school community council of each elementary, middle,
6875 and junior high school within the district to develop and submit annually to the committee a
6876 child access routing plan.

6877 (18) (a) Each school board shall adopt and implement a comprehensive emergency
6878 response plan to prevent and combat violence in its public schools, on school grounds, on its
6879 school vehicles, and in connection with school-related activities or events.

6880 (b) The board shall implement its plan by July 1, 2000.

6881 (c) The plan shall:

6882 (i) include prevention, intervention, and response components;

6883 (ii) be consistent with the student conduct and discipline policies required for school
6884 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;

6885 (iii) require inservice training for all district and school building staff on what their
6886 roles are in the emergency response plan; and

6887 (iv) provide for coordination with local law enforcement and other public safety
6888 representatives in preventing, intervening, and responding to violence in the areas and
6889 activities referred to in Subsection (18)(a).

6890 (d) The State Board of Education, through the state superintendent of public

6891 instruction, shall develop comprehensive emergency response plan models that local school
6892 boards may use, where appropriate, to comply with Subsection (18)(a).

6893 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
6894 Education that its plan has been practiced at the school level and presented to and reviewed by
6895 its teachers, administrators, students, and their parents and local law enforcement and public
6896 safety representatives.

6897 (19) (a) Each local school board may adopt an emergency response plan for the
6898 treatment of sports-related injuries that occur during school sports practices and events.

6899 (b) The plan may be implemented by each secondary school in the district that has a
6900 sports program for students.

6901 (c) The plan may:

6902 (i) include emergency personnel, emergency communication, and emergency
6903 equipment components;

6904 (ii) require inservice training on the emergency response plan for school personnel
6905 who are involved in sports programs in the district's secondary schools; and

6906 (iii) provide for coordination with individuals and agency representatives who:

6907 (A) are not employees of the school district; and

6908 (B) would be involved in providing emergency services to students injured while
6909 participating in sports events.

6910 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
6911 review the plan each year and make revisions when required to improve or enhance the plan.

6912 (e) The State Board of Education, through the state superintendent of public
6913 instruction, shall provide local school boards with an emergency plan response model that
6914 local boards may use to comply with the requirements of this Subsection (19).

6915 (20) A board shall do all other things necessary for the maintenance, prosperity, and
6916 success of the schools and the promotion of education.

6917 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

6918 (i) hold a public hearing, as defined in Section 10-9a-103; and

(ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

(b) The notice of a public hearing required under Subsection (21)(a) shall:

(i) indicate the:

(A) school or schools under consideration for closure or boundary change; and

(B) date, time, and location of the public hearing; and

(ii) at least ten days prior to the public hearing, be:

(A) published:

(I) in a newspaper of general circulation in the area; and

(II) as required in Section 45-1-101; and

(B) posted in at least three public locations within the municipality or on the district's official website.

Section 152. Section **53A-18-104** is amended to read:

53A-18-104. Testing validity of bonds to be refunded -- Procedure.

If considered advisable by the local school board, the validity of any bonds intended to be refunded may be determined in the following manner:

(1) The board shall ~~[have published once a week for two successive weeks in a newspaper published in the school district, or if there is no such newspaper, post for a like period in three public and conspicuous places in the district,];~~

(a) publish a notice describing with sufficient particularity for identification the bond or bonds intended to be refunded[;];

(i) once a week for two successive weeks in a newspaper published in the school district; and

(ii) as required in Section 45-1-101; and
(b) post a notice for two successive weeks in three public and conspicuous places describing with sufficient particularity for identification the bond or bonds intended to be refunded.

(2) The notice shall require any person objecting to the legality, regularity, or validity of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before

6947 the board at a specified place within the district on a specified day and time.

6948 (3) The time may not be less than 14 nor more than 60 days after the first publication
6949 or posting of the notice.

6950 (4) The notice shall require the person to appear at the meeting with his objections in
6951 writing, duly verified.

6952 (5) The board shall convene at the time and place specified in the notice and receive
6953 all objections as prescribed in Subsection (4).

6954 (6) The objections shall be filed with and preserved by the board.

6955 (7) If no written objections are presented at the time and place specified in the notice,
6956 the board shall so certify.

6957 (8) All persons are then prohibited from questioning in any manner or proceeding the
6958 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness
6959 represented by the bonds, and the board may then refund the bonds.

6960 (9) Any person filing a written objection under Subsection (4) shall, within 20 days
6961 after the filing, commence appropriate legal proceedings against the board and others as may
6962 be proper parties, in the district court for the county in which the school district is situated, to
6963 challenge and determine the legality, regularity, and validity of the bond or bonds, their issue
6964 and sale, or the indebtedness represented by them.

6965 (10) Failure to commence the proceedings within 20 days bars the person filing
6966 objections from questioning, in any manner or proceeding, the legality, regularity, or validity
6967 of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.

6968 (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the
6969 court, the board may refund the bonds.

6970 Section 153. Section **53A-19-102** is amended to read:

6971 **53A-19-102. Local school boards budget procedures.**

6972 (1) Prior to June 22 of each year, each local school board shall adopt a budget and
6973 make appropriations for the next fiscal year. If the tax rate in the proposed budget exceeds the
6974 certified tax rate defined in Section 59-2-924, the board shall comply with Sections 59-2-918

and 59-2-919 in adopting the budget, except as provided by Section 53A-17a-133.

(2) Prior to the adoption of a budget containing a tax rate which does not exceed the certified tax rate, the board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed budget. In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in regards to the hearing, the board shall do the following:

(a) publish;

(i) the required newspaper notice at least ten days [~~prior~~] before to the hearing; and

(ii) the required notice, in accordance with Section 45-1-101, at least ten days before the hearing; and

(b) file a copy of the proposed budget with the board's business administrator for public inspection at least ten days prior to the hearing.

(3) The board shall file a copy of the adopted budget with the state auditor and the State Board of Education.

Section 154. Section **53A-19-104** is amended to read:

53A-19-104. Limits on appropriations -- Estimated expendable revenue.

(1) A local school board may not make any appropriation in excess of its estimated expendable revenue, including undistributed reserves, for the following fiscal year.

(2) In determining the estimated expendable revenue, any existing deficits arising through excessive expenditures from former years are deducted from the estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of the district for the previous year.

(3) In the event of financial hardships, the board may deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of the deficit amount.

(4) All estimated balances available for appropriations at the end of the fiscal year shall revert to the funds from which they were appropriated and shall be fund balances available for appropriation in the budget of the following year.

(5) A local school board may reduce a budget appropriation at its regular meeting if notice of the proposed action is given to all board members and the district superintendent at

7003 least one week prior to the meeting.

7004 (6) An increase in an appropriation may not be made by the board unless the following
7005 steps are taken:

7006 (a) the board receives a written request from the district superintendent that sets forth
7007 the reasons for the proposed increase;

7008 (b) notice of the request is published:

7009 (i) in a newspaper of general circulation within the school district at least one week
7010 prior to the board meeting at which the request will be considered; and

7011 (ii) in accordance with Section 45-1-101, at least one week prior to the board meeting
7012 at which the request will be considered; and

7013 (c) the board holds a public hearing on the request prior to the board's acting on the
7014 request.

7015 Section 155. Section **53B-3-107** is amended to read:

7016 **53B-3-107. Traffic violations -- Notice of rule or regulation.**

7017 (1) It is a violation of this section for any person to operate or park a vehicle upon any
7018 property owned or controlled by a state institution of higher education contrary to posted signs
7019 authorized by the published rules and regulations of the institution or to block or impede
7020 traffic through or on any of these properties.

7021 (2) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is
7022 published in one issue of a newspaper of general circulation in the county or counties in which
7023 the institution and the campus or facility is located.

7024 Section 156. Section **53B-7-101.5** is amended to read:

7025 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

7026 (1) If an institution within the State System of Higher Education listed in Section
7027 53B-1-102 considers increasing tuition rates for undergraduate students in the process of
7028 preparing or implementing its budget, it shall hold a meeting to receive public input and
7029 response on the issue.

7030 (2) The institution shall advertise the hearing required under Subsection (1) using the

7031 following procedure:

7032 (a) The institution shall advertise its intent to consider an increase in student tuition
7033 rates;

7034 (i) in the institution's student newspaper[-]; and

7035 (ii) as required in Section 45-1-101.

7036 (b) The advertisement shall be run twice during a period of ten days prior to the
7037 meeting.

7038 (c) The advertisement shall state that the institution will meet on a certain day, time,
7039 and place fixed in the advertisement, which shall not be less than seven days after the day the
7040 second advertisement is published, for the purpose of hearing comments regarding the
7041 proposed increase and to explain the reasons for the proposed increase.

7042 (3) The form and content of the notice shall be substantially as follows:

7043 "NOTICE OF PROPOSED TUITION INCREASE

7044 The (name of the higher education institution) is proposing to increase student tuition
7045 rates. This would be an increase of _____ %, which is an increase of \$_____ per semester
7046 for a full-time resident undergraduate student. All concerned students and citizens are invited
7047 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

7048 (4) (a) The institution shall provide the following information to those in attendance at
7049 the meeting required under Subsection (1):

7050 (i) the current year's student enrollment for:

7051 (A) the State System of Higher Education, if a systemwide increase is being
7052 considered; or

7053 (B) the institution, if an increase is being considered for just a single institution;

7054 (ii) total tuition revenues for the current school year;

7055 (iii) projected student enrollment growth for the next school year and projected tuition
7056 revenue increases from that anticipated growth; and

7057 (iv) a detailed accounting of how and where the increased tuition revenues would be
7058 spent.

7059 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken
7060 down into majors or departments if the proposed tuition increases are department or major
7061 specific.

7062 (5) If the institution does not make a final decision on the proposed tuition increase at
7063 the meeting, it shall announce the date, time, and place of the meeting where that
7064 determination shall be made.

7065 Section 157. Section **54-4-27** is amended to read:

7066 **54-4-27. Payment of dividends -- Notice -- Restraint.**

7067 (1) No gas or electric corporation doing business in this state shall pay any dividend
7068 upon its common stock prior to thirty days after the date of the declaration of such dividend by
7069 the board of directors of such utility corporation.

7070 (2) Within five days after the declaration of such dividend the management of such
7071 corporation shall:

7072 (a) notify the utilities commission in writing of the declaration of said dividend, the
7073 amount thereof, the date fixed for payment of the same[, and shall also cause to be published a
7074 notice]; and

7075 (b) publish a notice, including the information described in Subsection (2)(a):

7076 (i) in a newspaper having general circulation in the city or town where its principal
7077 place of business is located[, stating in substance the contents of the notice herein required to
7078 be given the utilities commission.]; and

7079 (ii) as required in Section 45-1-101.

7080 (3) If the commission, after investigation, shall find that the capital of any such
7081 corporation is being impaired or that its service to the public is likely to become impaired or is
7082 in danger of impairment, it may issue an order directing such utility corporation to refrain
7083 from the payment of said dividend until such impairment is made good or danger of
7084 impairment is avoided.

7085 (4) The district court of any county in which said utility is doing business in this state
7086 is authorized upon a suit by the commission to enforce the order of the commission, and

empowered to issue a restraining order pending final determination of the action.

Section 158. Section **54-7-17** is amended to read:

54-7-17. Stay of commission's order or decision pending appeal.

(1) A petition for judicial review does not stay or suspend the operation of the order or decision of the commission.

(2) (a) The court may stay or suspend, in whole or in part, the operation of the commission's order or decision after at least three days' notice and after a hearing.

(b) If the court stays or suspends the order or decision of the commission, the order shall contain a specific finding, based upon evidence submitted to the court and identified by reference, that:

(i) great or irreparable damage will result to the petitioner absent suspension or a stay of the order; and

(ii) specifies the nature of the damage.

(3) (a) The court's order staying or suspending the decision of the commission is not effective until a supersedeas bond is executed, filed with, and approved by the commission (or approved, on review, by the court).

(b) The bond shall be payable to the state ~~[of Utah]~~, and shall be sufficient in amount and security to insure the prompt payment by the party petitioning for the review of:

(i) all damages caused by the delay in the enforcement of the order or decision of the commission; and

(ii) all moneys that any person or corporation is compelled to pay, pending the review proceedings, for transportation, transmission, product, commodity, or service in excess of the charges fixed by the order or decision of the commission.

(c) Whenever necessary to insure the prompt payment of damages and any overcharges, the court may order the party petitioning for a review to give additional security or to increase the supersedeas bond.

(4) (a) When the court stays or suspends the order or decision of the commission in any matter affecting rates, fares, tolls, rentals, charges, or classifications, it shall order the

public utility affected to pay into court, or into some bank or trust company paying interest on deposits, all sums of money collected by the public utility that are greater than the sum a person would have paid if the order or decision of the commission had not been stayed or suspended.

(b) (i) Upon the final decision by the court, the public utility shall refund all moneys collected by it that are greater than those authorized by the court's final decision, together with interest if the moneys were deposited in a bank or trust company, to the persons entitled to the refund.

(ii) The commission shall prescribe the methods for distributing the refund.

(c) (i) If any of the refund money has not been claimed within one year from the final decision of the court, the commission shall publish notice of the refund;

(A) (I) once per week for two successive weeks in a newspaper of general circulation printed and published in the city and county of Salt Lake[;]; and

(II) in any other newspapers that the commission designates[;]; and

(B) in accordance with Section 45-1-101 for two successive weeks.

(ii) The notice shall state the names of the persons entitled to the moneys and the amount due each person.

(iii) All moneys not claimed within three months after the publication of the notice shall be paid by the public utility into the General Fund.

(5) When the court stays or suspends any order or decision lowering any rate, fare, toll, rental, charge, or classification, after the execution and approval of the supersedeas bond, the commission shall order the public utility affected to keep accounts, verified by oath, that show:

(a) the amounts being charged or received by the public utility; and

(b) the names and addresses of the persons to whom overcharges will be refundable.

Section 159. Section **54-8-10** is amended to read:

54-8-10. Public hearing -- Notice -- Publication.

(1) Such notice shall be;

7143 (a) (i) published;

7144 (A) in full one time in a newspaper of general circulation in the district; or

7145 (B) if there be no such newspaper, by publication in a newspaper of general

7146 circulation in the county, city, or town in which said district is located; and

7147 (ii) as required in Section 45-1-101; and

7148 (b) by posting in not less than three public places in such district.

7149 (2) A copy of such notice shall be mailed by certified mail to the last known address of

7150 each owner of land within the proposed district whose property will be assessed for the cost of

7151 the improvement.

7152 (3) The address to be used for said purpose shall be that last appearing on the real

7153 property assessment rolls of the county wherein said property is located.

7154 (4) In addition, a copy of such notice shall be addressed to "Owner" and shall be so

7155 mailed addressed to the street number of each piece of improved property to be affected by the

7156 assessment.

7157 (5) Mailed notices and the published notice shall state where a copy of the resolution

7158 creating the district will be available for inspection by any interested parties.

7159 Section 160. Section **54-8-16** is amended to read:

7160 **54-8-16. Notice of assessment -- Publication.**

7161 (1) After the preparation of the aforesaid resolution, notice of a public hearing on the

7162 proposed assessments shall be given. [~~Such~~]

7163 (2) The notice described in Subsection (1) shall be:

7164 (a) published;

7165 (i) one time in a newspaper in which the first notice of hearing was published at least

7166 [~~twenty~~] 20 days before the date fixed for the hearing; and [~~shall be~~]

7167 (ii) in accordance with Section 45-1-101 for at least 20 days before the date fixed for

7168 the hearing; and

7169 (b) mailed by certified mail not less than [~~fifteen~~] 15 days prior to the date fixed for

7170 such hearing to each owner of real property whose property will be assessed for part of the cost

of the improvement at the last known address of such owner using for such purpose the names and addresses appearing on the last completed real property assessment rolls of the county wherein said affected property is located.

(3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so mailed addressed to the street number of each piece of improved property to be affected by such assessment.

(4) Each notice shall state that at the specified time and place, the governing body will hold a public hearing upon the proposed assessments and shall state that any owner of any property to be assessed pursuant to the resolution will be heard on the question of whether his property will be benefited by the proposed improvement to the amount of the proposed assessment against his property and whether the amount assessed against his property constitutes more than his proper proportional share of the total cost of the improvement.

(5) The notice shall further state where a copy of the resolution proposed to be adopted levying the assessments against all real property in the district will be on file for public inspection, and that subject to such changes and corrections therein as may be made by the governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

(6) A published notice shall describe the boundaries or area of the district with sufficient particularity to permit each owner of real property therein to ascertain that his property lies in the district.

(7) The mailed notice may refer to the district by name and date of creation and shall state the amount of the assessment proposed to be levied against the real property of the person to whom the notice is mailed.

Section 161. Section **54-8-23** is amended to read:

54-8-23. Objection to amount of assessment -- Civil action -- Litigation to question or attack proceedings or legality of bonds.

(1) No special assessment levied under this chapter shall be declared void, nor shall any such assessment or part thereof be set aside in consequence of any error or irregularity permitted or appearing in any of the proceedings under this chapter, but any party feeling

7199 aggrieved by any such special assessment or proceeding may bring a civil action to cause such
7200 grievance to be adjudicated if such action is commenced prior to the expiration of the period
7201 specified in this section.

7202 (2) The burden of proof to show that such special assessment or part thereof is invalid,
7203 inequitable or unjust shall rest upon the party who brings such suit.

7204 (3) Any such litigation shall not be regarded as an appeal within the meaning of the
7205 prohibition contained in Section 54-8-18.

7206 (4) Every person whose property is subject to such special assessment and who fails to
7207 appear during the public hearings on said assessments to raise his objection to such tax shall
7208 be deemed to have waived all objections to such levy except the objection that the governing
7209 body lacks jurisdiction to levy such tax.

7210 (5) For a period of twenty days after the governing body has adopted the enactment
7211 authorizing the assessment, any taxpayer in the district shall have the right to institute
7212 litigation for the purpose of questioning or attacking the proceedings pursuant to which the
7213 assessments have been authorized subject to the provisions of the preceding paragraph.

7214 (6) Whenever any enactment authorizing the issuance of any bonds pursuant to the
7215 improvement contemplated shall have been adopted such resolution shall be published;

7216 (a) once in a newspaper in which the original notice of hearing was published[-]; and

7217 (b) as required in Section 45-1-101.

7218 (7) For a period of [~~twenty~~] 20 days thereafter, any person whose property shall have
7219 been assessed and any taxpayer in the district shall have the right to institute litigation for the
7220 purpose of questioning or attacking the legality of such bonds.

7221 (8) After the expiration of such [~~twenty-day~~] 20-day period, all proceedings
7222 theretofore had by the governing body, the bonds to be issued pursuant thereto, and the special
7223 assessments from which such bonds are to be paid, shall become incontestable, and no suit
7224 attacking or questioning the legality thereof may be instituted in this state, and no court shall
7225 have the authority to inquire into such matters.

7226 Section 162. Section **57-1-25** is amended to read:

7227 **57-1-25. Notice of trustee's sale -- Description of property -- Time and place of**
7228 **sale.**

7229 (1) The trustee shall give written notice of the time and place of sale particularly
7230 describing the property to be sold:

7231 (a) by publication of the notice:

7232 (i) (A) at least three times;

7233 ~~[(ii)]~~ (B) once a week for three consecutive weeks;

7234 [(iii)] (C) the last publication to be at least ten days but not more than 30 days before
7235 the date the sale is scheduled; and

7236 [(iv)] (D) in a newspaper having a general circulation in each county in which the
7237 property to be sold, or some part of the property to be sold, is situated; and

7238 (ii) in accordance with Section 45-1-101 for 30 days before the date the sale is
7239 scheduled; and

7240 (b) by posting the notice:

7241 (i) at least 20 days before the date the sale is scheduled; and

7242 (ii) (A) in some conspicuous place on the property to be sold; and

7243 (B) at the office of the county recorder of each county in which the trust property, or
7244 some part of it, is located.

7245 (2) (a) The sale shall be held at the time and place designated in the notice of sale.

7246 (b) The time of sale shall be between the hours of 8 a.m. and 5 p.m.

7247 (c) The place of sale shall be clearly identified in the notice of sale under Subsection
7248 (1) and shall be at a courthouse serving the county in which the property to be sold, or some
7249 part of the property to be sold, is located.

7250 (3) The notice of sale shall be in substantially the following form:

7251 Notice of Trustee's Sale

7252 The following described property will be sold at public auction to the highest bidder,
7253 payable in lawful money of the United States at the time of sale, at (insert location of sale)

7254 _____ on _____ (month\day\year), at ____m. of said day, for the purpose of

7255 foreclosing a trust deed originally executed by ____ (and ____, his wife,) as trustors, in favor
7256 of ____, covering real property located at ____, and more particularly described as:

7257 (Insert legal description)

7258 The current beneficiary of the trust deed is _____ and the record
7259 owners of the property as of the recording of the notice of default are _____
7260 and _____.

7261 Dated _____ (month\day\year).

Trustee

7262
7263 Section 163. Section **57-11-11** is amended to read:

7264 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**

7265 **Intervention by division in suits -- General powers of division.**

7266 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,
7267 or repealed only after a public hearing [~~with notice thereof published~~].

7268 (b) The division shall:

7269 (i) publish notice of the public hearing described in Subsection (1)(a):

7270 (A) once in a newspaper or newspapers with statewide circulation [~~and sent to any~~
7271 and at least 20 days before the hearing; and

7272 (B) in accordance with Section 45-1-101, for at least 20 days before the hearing; and

7273 (ii) send a notice to a nonprofit organization which files a written request for notice
7274 with the division[; ~~said notice shall be published and sent not less than~~ at least 20 days prior
7275 to the hearing.

7276 (2) The rules shall include but need not be limited to:

7277 (a) provisions for advertising standards to assure full and fair disclosure;

7278 (b) provisions for escrow or trust agreements, performance bonds, or other means
7279 reasonably necessary to assure that all improvements referred to in the application for
7280 registration and advertising will be completed and that purchasers will receive the interest in
7281 land contracted for.

7282 (3) These provisions, however, shall not be required if the city or county in which the

7283 subdivision is located requires similar means of assurance of a nature and in an amount no less
7284 adequate than is required under said rules[;];

7285 ~~[(c)]~~ (a) provisions for operating procedures;

7286 ~~[(d)]~~ (b) provisions for a shortened form of registration in cases where the division
7287 determines that the purposes of this act do not require a subdivision to be registered pursuant
7288 to an application containing all the information required by Section 57-11-6 or do not require
7289 that the public offering statement contain all the information required by Section 57-11-7; and

7290 ~~[(e)]~~ (c) other rules necessary and proper to accomplish the purpose of this ~~[act]~~
7291 chapter.

7292 ~~[(2)]~~ (4) The division by rule or order, after reasonable notice, may require the filing of
7293 advertising material relating to subdivided lands prior to its distribution, provided that the
7294 division must approve or reject any advertising material within 15 days from the receipt
7295 thereof or the material shall be considered approved.

7296 ~~[(3)]~~ (5) If it appears that a person has engaged or is about to engage in an act or
7297 practice constituting a violation of a provision of this act or a rule or order hereunder, the
7298 agency, with or without prior administrative proceedings, may bring an action in the district
7299 court of the district where said person maintains his residence or a place of business or where
7300 said act or practice has occurred or is about to occur, to enjoin the acts or practices and to
7301 enforce compliance with this act or any rule or order hereunder. Upon proper showing,
7302 injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator
7303 may be appointed. The division shall not be required to post a bond in any court proceedings.

7304 ~~[(4)]~~ (6) The division shall be allowed to intervene in a suit involving subdivided
7305 lands, either as a party or as an amicus curiae, where it appears that the interpretation or
7306 constitutionality of any provision of law will be called into question. In any suit by or against a
7307 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice
7308 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,
7309 constitute grounds for the division withholding any approval required by this ~~[act]~~ chapter.

7310 ~~[(5)]~~ (7) The division may:

- 7311 (a) accept registrations filed in other states or with the federal government;
7312 (b) contract with public agencies or qualified private persons in this state or other
7313 jurisdictions to perform investigative functions; and
7314 (c) accept grants-in-aid from any source.

7315 ~~[(6)]~~ (8) The division shall cooperate with similar agencies in other jurisdictions to
7316 establish uniform filing procedures and forms, uniform public offering statements, advertising
7317 standards, rules, and common administrative practices.

7318 Section 164. Section **59-2-918** is amended to read:

7319 **59-2-918. Advertisement of proposed tax increase -- Notice -- Contents.**

7320 (1) (a) Except as provided in Subsection (1)(b), a taxing entity may not budget an
7321 increased amount of ad valorem tax revenue exclusive of revenue from new growth as defined
7322 in Subsection 59-2-924(4) unless it advertises its intention to do so at the same time that it
7323 advertises its intention to fix its budget for the forthcoming fiscal year.

7324 (b) (i) Notwithstanding Subsection (1)(a), a taxing entity is not required to meet the
7325 advertisement or hearing requirements of this section if:

7326 (A) the taxing entity is expressly exempted by law from complying with the
7327 requirements of this section; or

7328 (B) the increased amount of ad valorem tax revenue results from a tax rate increase
7329 that is exempted under Subsection 59-2-919(2)(a)(ii)(B) from the advertisement and hearing
7330 requirements of Section 59-2-919.

7331 (ii) Notwithstanding Subsection (1)(a), a taxing entity is not required to meet the
7332 advertisement requirements of this section if:

7333 (A) Section 53A-17a-133 allows the taxing entity to budget an increased amount of ad
7334 valorem property tax revenue without having to comply with the advertisement requirements
7335 of this section; or

7336 (B) the taxing entity:

7337 (I) collected less than \$20,000 in ad valorem tax revenues for the previous fiscal year;
7338 and

(II) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax revenues.

(2) (a) For taxing entities operating under a July 1 through June 30 fiscal year, the advertisement required by this section may be combined with the advertisement required by Section 59-2-919.

(b) For taxing entities operating under a January 1 through December 31 fiscal year, the advertisement required by this section shall meet the [~~size, type, placement, and frequency~~] posting and form requirements established under Section 59-2-919.

(3) The form of the advertisement required by this section shall meet the [~~size, type, placement, and frequency~~] form and posting requirements established under Section 59-2-919 and shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

- If the proposed budget is approved, this would be an increase of _____% above the (name of the taxing entity) property tax budgeted revenue for the prior year.

- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from \$_____ to \$_____, which is \$_____ per year.

- The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from \$_____ to \$_____, which is \$_____ per year.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)

Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

7367 (4) If a final decision regarding the budgeting of an increased amount of ad valorem
7368 tax revenue is not made at the public hearing described in Subsection (3), the taxing entity
7369 shall announce at the public hearing the scheduled time and place for consideration and
7370 adoption of the proposed budget increase.

7371 (5) (a) Each taxing entity operating under the January 1 through December 31 fiscal
7372 year shall by March 1 notify the county of the date, time, and place of the public hearing at
7373 which the budget for the following fiscal year will be considered.

7374 (b) The county shall include the information described in Subsection (5)(a) with the
7375 tax notice.

7376 (6) A taxing entity shall hold a public hearing under this section beginning at or after
7377 6 p.m.

7378 Section 165. Section **59-2-919** is amended to read:

7379 **59-2-919. Resolution proposing tax increases -- Notice -- Contents of notice of**
7380 **proposed tax increase -- Personal mailed notice in addition to advertisement -- Contents**
7381 **of personal mailed notice -- Hearing -- Dates.**

7382 (1) A tax rate in excess of the certified tax rate may not be levied until a resolution has
7383 been approved by the taxing entity in accordance with this section.

7384 (2) (a) (i) The taxing entity shall advertise its intent to exceed the certified tax rate;

7385 (A) subject to Section 45-1-101, in a newspaper or combination of newspapers of
7386 general circulation in the taxing entity[:]; and

7387 (B) electronically as required in Section 45-1-101.

7388 (ii) Notwithstanding Subsection (2)(a)(i), a taxing entity is not required to meet the
7389 advertisement or hearing requirements of this section if:

7390 (A) the taxing entity is expressly exempted by law from complying with the
7391 requirements of this section; or

7392 (B) (I) the taxing entity is a party to an interlocal agreement under Title 11, Chapter
7393 13, Interlocal Cooperation Act, that creates an interlocal entity to provide fire protection,
7394 emergency, and emergency medical services;

7395 (II) the tax rate increase is approved by the taxing entity's voters at an election held for
7396 that purpose on or before December 31, 2010;

7397 (III) the purpose of the tax rate increase is to pay for fire protection, emergency, and
7398 emergency medical services provided by the interlocal entity; and

7399 (IV) at least 30 days before its annual budget hearing, the taxing entity:

7400 (Aa) adopts a resolution certifying that the taxing entity will dedicate all revenue from
7401 the tax rate increase exclusively to pay for fire protection, emergency, and emergency medical
7402 services provided by the interlocal entity and that the amount of other revenues, independent
7403 of the revenue generated from the tax rate increase, that the taxing entity spends for fire
7404 protection, emergency, and emergency medical services each year after the tax rate increase
7405 will not decrease below the amount spent by the taxing entity during the year immediately
7406 before the tax rate increase without a corresponding decrease in the taxing entity's property tax
7407 revenues used in calculating the taxing entity's certified tax rate; and

7408 (Bb) sends a copy of the resolution to the commission.

7409 (iii) The exception under Subsection (2)(a)(ii)(B) from the advertisement and hearing
7410 requirements of this section does not apply to an increase in a taxing entity's tax rate that
7411 occurs after December 31, 2010, even if the tax rate increase is approved by the taxing entity's
7412 voters before that date.

7413 (iv) Notwithstanding Subsection (2)(a)(i), a taxing entity is not required to meet the
7414 advertisement requirements of this section if:

7415 (A) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that
7416 certified tax rate without having to comply with the advertisement requirements of this
7417 section; or

7418 (B) the taxing entity:

7419 (I) collected less than \$20,000 in ad valorem tax revenues for the previous fiscal year;
7420 and

7421 (II) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
7422 revenues.

- 7423 (b) The advertisement described in [~~this section~~] Subsection (2)(a)(i)(A) shall:
- 7424 (i) be no less than 1/4 page in size;
- 7425 (ii) use type no smaller than 18 point; and
- 7426 (iii) be surrounded by a 1/4-inch border.
- 7427 (c) The advertisement described in [~~this section~~] Subsection (2)(a)(i)(A) may not be
- 7428 placed in that portion of the newspaper where legal notices and classified advertisements
- 7429 appear.
- 7430 (d) It is the intent of the Legislature that:
- 7431 (i) whenever possible, the advertisement described in [~~this section~~] Subsection
- 7432 (2)(a)(i)(A) appear in a newspaper that is published at least one day per week; and
- 7433 (ii) the newspaper or combination of newspapers selected:
- 7434 (A) be of general interest and readership in the taxing entity; and
- 7435 (B) not be of limited subject matter.
- 7436 (e) The advertisement [~~described in this section shall~~]:
- 7437 (i) described in Subsection (2)(a)(i)(A) shall be run once each week for the two weeks
- 7438 preceding the adoption of the final budget; [~~and~~]
- 7439 (ii) described in Subsection (2)(a)(i)(B) shall be published two weeks preceding the
- 7440 adoption of the final budget; and
- 7441 [~~(ii)~~] (iii) shall state that the taxing entity will meet on a certain day, time, and place
- 7442 fixed in the advertisement, which shall be not less than seven days after the day the first
- 7443 advertisement is published, for the purpose of hearing comments regarding any proposed
- 7444 increase and to explain the reasons for the proposed increase.
- 7445 (f) The meeting on the proposed increase may coincide with the hearing on the
- 7446 proposed budget of the taxing entity.
- 7447 (3) The form and content of the notice shall be substantially as follows:
- 7448 "NOTICE OF PROPOSED TAX INCREASE
- 7449 (NAME OF TAXING ENTITY)
- 7450 The (name of the taxing entity) is proposing to increase its property tax revenue.

7451 ● If the proposed budget is approved, this would be an increase of _____% above
7452 the (name of the taxing entity) property tax budgeted revenue for the prior year.

7453 ● The (name of the taxing entity) tax on a (insert the average value of a residence
7454 in the taxing entity rounded to the nearest thousand dollars) residence would
7455 increase from \$_____ to \$_____, which is \$_____ per year.

7456 ● The (name of the taxing entity) tax on a (insert the value of a business having
7457 the same value as the average value of a residence in the taxing entity) business
7458 would increase from \$_____ to \$_____, which is \$_____ per year.

7459 (Name of taxing entity) property tax revenue from new growth and other sources will
7460 increase from \$_____ to \$_____.

7461 All concerned citizens are invited to a public hearing on the tax increase.

7462 PUBLIC HEARING

7463 Date/Time: (date) (time)

7464 Location: (name of meeting place and address of meeting place)

7465 To obtain more information regarding the tax increase, citizens may contact the (name
7466 of the taxing entity) at (phone number of taxing entity)."

7467 (4) The commission:

7468 (a) shall adopt rules governing the joint use of one advertisement under this section or
7469 Section 59-2-918 by two or more taxing entities; and

7470 (b) subject to Section 45-1-101, may, upon petition by any taxing entity, authorize
7471 [either]:

7472 (i) the use of weekly newspapers in counties having both daily and weekly newspapers
7473 where the weekly newspaper would provide equal or greater notice to the taxpayer; or

7474 (ii) the use of a commission-approved direct notice to each taxpayer if the:

7475 (A) cost of the advertisement would cause undue hardship; and

7476 (B) direct notice is different and separate from that provided for in Section
7477 59-2-919.1.

7478 (5) (a) The taxing entity, after holding a hearing as provided in this section, may adopt

7479 a resolution levying a tax rate in excess of the certified tax rate.

7480 (b) If a resolution adopting a tax rate is not adopted on the day of the public hearing,
7481 the scheduled time and place for consideration and adoption of the resolution shall be
7482 announced at the public hearing.

7483 (c) If a resolution adopting a tax rate is to be considered at a day and time that is more
7484 than two weeks after the public hearing described in Subsection 59-2-919.1(2)(c)(v), a taxing
7485 entity, other than a taxing entity described in Subsection (2)(a)(ii), shall advertise the date of
7486 the proposed adoption of the resolution in the same manner as provided under Subsections (2)
7487 and (3).

7488 (6) (a) All hearings described in this section shall be open to the public.

7489 (b) The governing body of a taxing entity conducting a hearing shall permit all
7490 interested parties desiring to be heard an opportunity to present oral testimony within
7491 reasonable time limits.

7492 (7) (a) Each taxing entity shall notify the county legislative body by March 1 of each
7493 year of the date, time, and place a public hearing is held by the taxing entity pursuant to this
7494 section.

7495 (b) A taxing entity may not schedule a hearing described in this section at the same
7496 time as another overlapping taxing entity in the same county, but all taxing entities in which
7497 the power to set tax levies is vested in the same governing board or authority may consolidate
7498 the required hearings into one hearing.

7499 (c) The county legislative body shall resolve any conflicts in hearing dates and times
7500 after consultation with each affected taxing entity.

7501 (8) A taxing entity shall hold a public hearing under this section beginning at or after
7502 6 p.m.

7503 Section 166. Section **59-2-924** is amended to read:

7504 **59-2-924. Report of valuation of property to county auditor and commission --**
7505 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of**
7506 **certified tax rate -- Rulemaking authority -- Adoption of tentative budget.**

7507 (1) Before June 1 of each year, the county assessor of each county shall deliver to the
7508 county auditor and the commission the following statements:

7509 (a) a statement containing the aggregate valuation of all taxable real property assessed
7510 by a county assessor in accordance with Part 3, County Assessment, for each taxing entity;
7511 and

7512 (b) a statement containing the taxable value of all personal property assessed by a
7513 county assessor in accordance with Part 3, County Assessment, from the prior year end values.

7514 (2) The county auditor shall, on or before June 8, transmit to the governing body of
7515 each taxing entity:

7516 (a) the statements described in Subsections (1)(a) and (b);

7517 (b) an estimate of the revenue from personal property;

7518 (c) the certified tax rate; and

7519 (d) all forms necessary to submit a tax levy request.

7520 (3) (a) The "certified tax rate" means a tax rate that will provide the same ad valorem
7521 property tax revenues for a taxing entity as were budgeted by that taxing entity for the prior
7522 year.

7523 (b) For purposes of this Subsection (3):

7524 (i) "Ad valorem property tax revenues" do not include:

7525 (A) collections from redemptions;

7526 (B) interest;

7527 (C) penalties; and

7528 (D) revenue received by a taxing entity from personal property that is:

7529 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and

7530 (II) semiconductor manufacturing equipment.

7531 (ii) "Aggregate taxable value of all property taxed" means:

7532 (A) the aggregate taxable value of all real property assessed by a county assessor in
7533 accordance with Part 3, County Assessment, for the current year;

7534 (B) the aggregate taxable year end value of all personal property assessed by a county

7535 assessor in accordance with Part 3, County Assessment, for the prior year; and

7536 (C) the aggregate taxable value of all real and personal property assessed by the
7537 commission in accordance with Part 2, Assessment of Property, for the current year.

7538 (c) (i) Except as otherwise provided in this section, the certified tax rate shall be
7539 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the
7540 taxing entity by the amount calculated under Subsection (3)(c)(ii).

7541 (ii) For purposes of Subsection (3)(c)(i), the legislative body of a taxing entity shall
7542 calculate an amount as follows:

7543 (A) calculate for the taxing entity the difference between:

7544 (I) the aggregate taxable value of all property taxed; and

7545 (II) any redevelopment adjustments for the current calendar year;

7546 (B) after making the calculation required by Subsection (3)(c)(ii)(A), calculate an
7547 amount determined by increasing or decreasing the amount calculated under Subsection
7548 (3)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for
7549 the equalization period for the three calendar years immediately preceding the current calendar
7550 year;

7551 (C) after making the calculation required by Subsection (3)(c)(ii)(B), calculate the
7552 product of:

7553 (I) the amount calculated under Subsection (3)(c)(ii)(B); and

7554 (II) the percentage of property taxes collected for the five calendar years immediately
7555 preceding the current calendar year; and

7556 (D) after making the calculation required by Subsection (3)(c)(ii)(C), calculate an
7557 amount determined by subtracting from the amount calculated under Subsection (3)(c)(ii)(C)
7558 any new growth as defined in this section:

7559 (I) within the taxing entity; and

7560 (II) for the following calendar year:

7561 (Aa) for new growth from real property assessed by a county assessor in accordance
7562 with Part 3, County Assessment and all property assessed by the commission in accordance

7563 with Section 59-2-201, the current calendar year; and

7564 (Bb) for new growth from personal property assessed by a county assessor in
7565 accordance with Part 3, County Assessment, the prior calendar year.

7566 (iii) For purposes of Subsection (3)(c)(ii)(A), the aggregate taxable value of all
7567 property taxed:

7568 (A) except as provided in Subsection (3)(c)(iii)(B) or (3)(c)(ii)(C), is as defined in
7569 Subsection (3)(b)(ii);

7570 (B) does not include the total taxable value of personal property contained on the tax
7571 rolls of the taxing entity that is:

7572 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and

7573 (II) semiconductor manufacturing equipment; and

7574 (C) for personal property assessed by a county assessor in accordance with Part 3,
7575 County Assessment, the taxable value of personal property is the year end value of the
7576 personal property contained on the prior year's tax rolls of the entity.

7577 (iv) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after
7578 January 1, 2007, the value of taxable property does not include the value of personal property
7579 that is:

7580 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
7581 County Assessment; and

7582 (B) semiconductor manufacturing equipment.

7583 (v) For purposes of Subsection (3)(c)(ii)(C)(II), for calendar years beginning on or
7584 after January 1, 2007, the percentage of property taxes collected does not include property
7585 taxes collected from personal property that is:

7586 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
7587 County Assessment; and

7588 (B) semiconductor manufacturing equipment.

7589 (vi) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after
7590 January 1, 2009, the value of taxable property does not include the value of personal property

that is within the taxing entity assessed by a county assessor in accordance with Part 3, County Assessment.

(vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may prescribe rules for calculating redevelopment adjustments for a calendar year.

(d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules determining the calculation of ad valorem property tax revenues budgeted by a taxing entity.

(ii) For purposes of Subsection (3)(d)(i), ad valorem property tax revenues budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax revenues are calculated for purposes of Section 59-2-913.

(e) The certified tax rates for the taxing entities described in this Subsection (3)(e) shall be calculated as follows:

(i) except as provided in Subsection (3)(e)(ii), for new taxing entities the certified tax rate is zero;

(ii) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

(A) in a county of the first, second, or third class, the levy imposed for municipal-type services under Sections 17-34-1 and 17-36-9; and

(B) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and such other levies imposed solely for the municipal-type services identified in Section 17-34-1 and Subsection 17-36-3(22); and

(iii) for debt service voted on by the public, the certified tax rate shall be the actual levy imposed by that section, except that the certified tax rates for the following levies shall be calculated in accordance with Section 59-2-913 and this section:

(A) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125, 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

(B) levies to pay for the costs of state legislative mandates or judicial or administrative orders under Section 59-2-1604.

7619 (f) (i) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be
7620 established at that rate which is sufficient to generate only the revenue required to satisfy one
7621 or more eligible judgments, as defined in Section 59-2-102.

7622 (ii) The ad valorem property tax revenue generated by the judgment levy shall not be
7623 considered in establishing the taxing entity's aggregate certified tax rate.

7624 (g) The ad valorem property tax revenue generated by the capital outlay levy described
7625 in Section 53A-16-107 within a taxing entity in a county of the first class:

7626 (i) may not be considered in establishing the school district's aggregate certified tax
7627 rate; and

7628 (ii) shall be included by the commission in establishing a certified tax rate for that
7629 capital outlay levy determined in accordance with the calculation described in Subsection
7630 59-2-913(3).

7631 (4) (a) For the purpose of calculating the certified tax rate, the county auditor shall
7632 use:

7633 (i) the taxable value of real property assessed by a county assessor contained on the
7634 assessment roll;

7635 (ii) the taxable value of real and personal property assessed by the commission; and

7636 (iii) the taxable year end value of personal property assessed by a county assessor
7637 contained on the prior year's assessment roll.

7638 (b) For purposes of Subsection (4)(a)(i), the taxable value of real property on the
7639 assessment roll does not include new growth as defined in Subsection (4)(c).

7640 (c) "New growth" means:

7641 (i) the difference between the increase in taxable value of the following property of the
7642 taxing entity from the previous calendar year to the current year:

7643 (A) real property assessed by a county assessor in accordance with Part 3, County
7644 Assessment; and

7645 (B) property assessed by the commission under Section 59-2-201; plus

7646 (ii) the difference between the increase in taxable year end value of personal property

7647 of the taxing entity from the year prior to the previous calendar year to the previous calendar
7648 year; minus

7649 (iii) the amount of an increase in taxable value described in Subsection (4)(e).

7650 (d) For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the
7651 taxing entity does not include the taxable value of personal property that is:

7652 (i) contained on the tax rolls of the taxing entity if that property is assessed by a
7653 county assessor in accordance with Part 3, County Assessment; and

7654 (ii) semiconductor manufacturing equipment.

7655 (e) Subsection (4)(c)(iii) applies to the following increases in taxable value:

7656 (i) the amount of increase to locally assessed real property taxable values resulting
7657 from factoring, reappraisal, or any other adjustments; or

7658 (ii) the amount of an increase in the taxable value of property assessed by the
7659 commission under Section 59-2-201 resulting from a change in the method of apportioning the
7660 taxable value prescribed by:

7661 (A) the Legislature;

7662 (B) a court;

7663 (C) the commission in an administrative rule; or

7664 (D) the commission in an administrative order.

7665 (f) For purposes of Subsection (4)(a)(ii), the taxable year end value of personal
7666 property on the prior year's assessment roll does not include:

7667 (i) new growth as defined in Subsection (4)(c); or

7668 (ii) the total taxable year end value of personal property contained on the prior year's
7669 tax rolls of the taxing entity that is:

7670 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

7671 (B) semiconductor manufacturing equipment.

7672 (5) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

7673 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
7674 auditor of:

(i) its intent to exceed the certified tax rate; and
(ii) the amount by which it proposes to exceed the certified tax rate.
(c) The county auditor shall notify all property owners of any intent to exceed the certified tax rate in accordance with ~~[Subsection]~~ Section 59-2-919~~(3)~~.

Section 167. Section **59-2-926** is amended to read:

59-2-926. Proposed tax increase by state -- Notice -- Contents -- Dates.

If the state authorizes a levy pursuant to Section 53A-17a-135 that exceeds the certified revenue levy as defined in Section 53A-17a-103 or authorizes a levy pursuant to Section 59-2-1602 that exceeds the certified revenue levy as defined in Section 59-2-102, the state shall publish a notice no later than ten days after the last day of the annual legislative general session that meets the following requirements:

(1) (a) The Office of the Legislative Fiscal Analyst shall advertise that the state authorized a levy that generates revenue in excess of the previous year's ad valorem tax revenue, plus new growth, but exclusive of revenue from collections from redemptions, interest, and penalties;

(i) in a newspaper of general circulation in the state~~[-The advertisement]; and~~

(ii) as required in Section 45-1-101.

(b) Except an advertisement published on a website, the advertisement described in Subsection (1)(a):

(i) shall be no less than 1/4 page in size and the type used shall be no smaller than 18 point, and surrounded by a 1/4-inch border~~[-The advertisement];~~

(ii) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear~~[-The advertisement]; and~~

(iii) shall be run once.

(2) The form and content of the notice shall be substantially as follows:

"NOTICE OF TAX INCREASE

The state has budgeted an increase in its property tax revenue from \$_____ to \$_____ or ____%. The increase in property tax revenues will come from the following

7703 sources (include all of the following provisions):

7704 (a) \$_____ of the increase will come from (provide an explanation of the cause
7705 of adjustment or increased revenues, such as reappraisals or factoring orders);

7706 (b) \$_____ of the increase will come from natural increases in the value of the
7707 tax base due to (explain cause of new growth, such as new building activity, annexation, etc.);

7708 (c) a home valued at \$100,000 in the state of Utah which based on last year's (levy for
7709 the basic state-supported school program, levy for the Property Tax Valuation Agency Fund,
7710 or both) paid \$_____ in property taxes would pay the following:

7711 (i) \$_____ if the state of Utah did not budget an increase in property tax
7712 revenue exclusive of new growth; and

7713 (ii) \$_____ under the increased property tax revenues exclusive of new growth
7714 budgeted by the state of Utah."

7715 Section 168. Section **59-2-1303** is amended to read:

7716 **59-2-1303. Seizure and sale -- Method and procedure.**

7717 Unless taxes or uniform fees on personal property assessed by the county assessor are
7718 paid or secured as provided under Section 59-2-1302, the assessor or, if this duty has been
7719 reassigned in an ordinance under Section 17-16-5.5, the treasurer shall collect the taxes,
7720 including accrued interest and penalties, by seizure or seizure and subsequent sale of any
7721 personal property owned by the person against whom the tax is assessed. The assessor or
7722 treasurer, as the case may be, may seize that personal property on which a delinquent property
7723 tax or uniform fee exists at any time in order to protect a county's interest in that personal
7724 property. The sale of personal property shall be made in the following manner:

7725 (1) (a) For all personal property, except manufactured homes and mobile homes as
7726 provided in Subsection (1)(b), the sale shall be made:

7727 (i) at public auction;

7728 (ii) of a sufficient amount of property to pay the taxes, or uniform fees and interest,
7729 penalties, and costs;

7730 (iii) when practicable, in the city, town, or precinct where the property was seized; and

7731 (iv) after one week's notice of the time and place of the sale, given by:
7732 (A) (I) publication in a newspaper having general circulation in the county[, or by];
7733 and
7734 (II) publication in accordance with Section 45-1-101; and
7735 (B) posting in three public places in the county.
7736 (b) For manufactured homes and mobile homes that are used as a residence and that
7737 are listed on the personal property roll of the county, the sale shall be made:
7738 (i) at public auction;
7739 (ii) when practicable, in the city, town, or precinct where the property was seized;
7740 (iii) no sooner than one year after the taxes on the property became delinquent as
7741 determined in Section 59-2-1302;
7742 (iv) after publication of the date, time, and place of sale:
7743 (A) in a newspaper having general circulation in the county, once in each of two
7744 successive weeks immediately preceding the date of the sale; and
7745 (B) in accordance with Section 45-1-101 for two weeks immediately preceding the
7746 date of the sale; and
7747 (v) after notification, sent by certified mail at least ten days prior to the first date of
7748 publication [~~of the sale in a newspaper~~] under Subsection (1)(b)(iv), to the owner of the
7749 manufactured home or mobile home, all lien holders of record, and any other person known by
7750 the assessor to have an interest in the manufactured home or mobile home, of the date, time,
7751 and place of the sale.
7752 (2) For seizing or selling personal property the assessor or treasurer, as the case may
7753 be, may charge in each case the actual and necessary expenses for travel and seizing, handling,
7754 keeping, selling, or caring for that property.
7755 (3) Upon payment of the price bid for any personal property sold under this section,
7756 the delivery of the property, with a bill of sale, vests title in the purchaser.
7757 (4) All sale proceeds in excess of taxes, or uniform fees and interest, penalties, and
7758 costs shall be returned to the owner of the personal property, and until claimed shall be

7759 deposited in the county treasury and made subject to the order of the owner, the owner's heirs,
7760 or assigns.

7761 (5) The unsold portion of any property may be left at the place of sale at the risk of the
7762 owner.

7763 (6) If there is no acceptable purchaser of the property, the property shall be declared
7764 the property of the county. The county executive may sell or rent any property held in the
7765 name of the county at any time after the sale upon terms determined by the county legislative
7766 body.

7767 Section 169. Section **59-2-1309** is amended to read:

7768 **59-2-1309. Publication of delinquency -- Seizure and sale -- Redemption --**
7769 **Distribution of proceeds.**

7770 (1) (a) On or before December 15 of each year, the commission shall publish a list of
7771 the delinquent rail car companies and state-assessed commercial vehicles:

7772 (i) in a newspaper having general circulation in the state [~~a list of the delinquent rail~~
7773 ~~car companies and state-assessed commercial vehicles.]; and~~

7774 (ii) as required in Section 45-1-101.

7775 (b) The list shall contain the names of the owners, when known, and a general
7776 description of the property assessed as to which the taxes are delinquent, and the amount of
7777 the delinquent taxes.

7778 (c) The commission shall publish with the list a notice that unless the delinquent taxes,
7779 together with the penalty, are paid before December 21, the property of the delinquent or so
7780 much of it as may be necessary to pay the amount of the taxes, penalty, and interest at the rate
7781 prescribed in Section 59-1-402 from December 31 to the date of sale, shall be seized and sold
7782 for taxes, interest, and costs, the sale to be made at any time and place at the discretion of the
7783 commission.

7784 (d) The provisions of law governing the seizure and sale by county treasurers of
7785 personal property for delinquent taxes shall apply to sales made by the commission under this
7786 section, except that notice of the time and place of the sale shall be given by publication;

7787 (i) in a newspaper of general circulation in the state[-]; and

7788 (ii) as required in Section 45-1-101.

7789 (2) Property seized by the commission pursuant to this section may be redeemed, at
7790 any time prior to the sale, by payment of the full amount of taxes due from the delinquent
7791 together with all penalties, interest, and the costs then accrued.

7792 (3) All sums collected by the commission upon the sale or redemption of property
7793 pursuant to this section shall be immediately distributed as follows:

7794 (a) all interest, penalties, and costs to the appropriate county treasurer; and

7795 (b) any excess over the taxes, penalties, interest, and cost shall be deposited with the
7796 state treasurer subject to the order of the owner of the property sold, or the owner's heirs or
7797 assigns.

7798 Section 170. Section **59-2-1310** is amended to read:

7799 **59-2-1310. Collection by seizure and sale -- Procedure -- Costs.**

7800 (1) The treasurer shall collect the taxes delinquent on personal property assessed by
7801 the commission as determined by the assessor, except when sufficient real estate is liable for
7802 the tax, by seizure and sale of any personal property owned by the delinquent taxpayer.

7803 (2) The sale shall be at public auction, and of a sufficient amount of property to pay
7804 the taxes and costs, and when practicable shall be made in the city, town, or precinct where
7805 seized.

7806 (3) The sale shall be made after one week's notice of the time and place of the sale,
7807 given by:

7808 (a) (i) publication in a newspaper having general circulation in the county[~~, or by~~]; and

7809 (ii) publication in accordance with Section 45-1-101; and

7810 (b) posting in three public places in the county.

7811 (4) For seizing or selling personal property the treasurer may charge in each case the
7812 actual and necessary expenses for travel and seizing, handling, keeping, selling, or caring for
7813 property so seized or sold.

7814 (5) On payment of the price bid for any personal property sold, its delivery, with a bill

7815 of sale, vests title in the purchaser.

7816 (6) All excess of the proceeds of any sale over the taxes and costs shall be returned to
7817 the owner of the property sold, and until claimed shall be deposited in the county treasury and
7818 disposed of under Title 67, Chapter 4a, Unclaimed Property Act, subject to the order of the
7819 owner, or the owner's heirs or assigns.

7820 (7) If there is no acceptable purchaser of the property, the property shall be declared
7821 the property of the county. The county executive may sell or rent any property held in the
7822 name of the county at any time after the sale upon terms determined by the county legislative
7823 body.

7824 (8) The unsold portion of any property may be left at the place of sale at the risk of the
7825 owner.

7826 Section 171. Section **59-2-1332** is amended to read:

7827 **59-2-1332. Extension of date of delinquency.**

7828 (1) (a) The county legislative body may, upon a petition of not less than 100 taxpayers
7829 or upon its own motion for good cause, by proclamation, extend the date when taxes become
7830 delinquent from November 30 to noon on December 30.

7831 (b) If the county legislative body so extends this date, the county legislative body shall
7832 publish a notice of the proclamation covering this extension:

7833 (i) in a newspaper of general circulation in the county in at least two issues before
7834 November 1 of the year in which the taxes are to be paid[-]; and

7835 (ii) in accordance with Section 45-1-101 for two weeks before November 1.

7836 (2) In all cases where the county legislative body extends the date when taxes become
7837 delinquent, the date for the selling of property to the county for delinquent taxes shall be
7838 extended 30 days from the dates provided by law.

7839 Section 172. Section **59-2-1332.5** is amended to read:

7840 **59-2-1332.5. Mailing notice of delinquency or publication of delinquent list --**
7841 **Contents -- Notice -- Definitions.**

7842 (1) The county treasurer shall provide notice of delinquency in the payment of property

7843 taxes:

7844 (a) except as provided in Subsection (4), on or before December 31 of each calendar
7845 year; and

7846 (b) in a manner described in Subsection (2).

7847 (2) A notice of delinquency in the payment of property taxes shall be provided by:

7848 (a) (i) mailing a written notice, postage prepaid:

7849 (A) to each delinquent taxpayer; and

7850 (B) that includes the information required by Subsection (3)(a); and

7851 (ii) making available to the public a list of delinquencies in the payment of property

7852 taxes:

7853 (A) (I) by electronic means; and

7854 (II) in accordance with Section 45-1-101; and

7855 (B) that includes the information required by Subsection (3)(b); or

7856 (b) publishing a list of delinquencies in the payment of property taxes:

7857 (i) in one issue of a newspaper having general circulation in the county;

7858 (ii) that lists each delinquency in alphabetical order by:

7859 (A) the last name of the delinquent taxpayer; or

7860 (B) if the delinquent taxpayer is a business entity, the name of the business entity; and

7861 (iii) that includes the information required by Subsection (3)(b).

7862 (3) (a) A written notice of delinquency in the payment of property taxes described in

7863 Subsection (2)(a)(i) shall include:

7864 (i) a statement that delinquent taxes are due;

7865 (ii) the amount of delinquent taxes due, not including any penalties imposed in

7866 accordance with this chapter;

7867 (iii) (A) the name of the delinquent taxpayer; or

7868 (B) if the delinquent taxpayer is a business entity, the name of the business entity;

7869 (iv) (A) a description of the delinquent property; or

7870 (B) the property identification number of the delinquent property;

7871 (v) a statement that a penalty shall be imposed in accordance with this chapter; and
7872 (vi) a statement that interest accrues as of January 1 following the date of the
7873 delinquency unless before January 16 the following are paid:
7874 (A) the delinquent taxes; and
7875 (B) the penalty.
7876 (b) The list of delinquencies described in Subsection (2)(a)(ii) or (2)(b) shall include:
7877 (i) the amount of delinquent taxes due, not including any penalties imposed in
7878 accordance with this chapter;
7879 (ii) (A) the name of the delinquent taxpayer; or
7880 (B) if the delinquent taxpayer is a business entity, the name of the business entity;
7881 (iii) (A) a description of the delinquent property; or
7882 (B) the property identification number of the delinquent property;
7883 (iv) a statement that a penalty shall be imposed in accordance with this chapter; and
7884 (v) a statement that interest accrues as of January 1 following the date of the
7885 delinquency unless before January 16 the following are paid:
7886 (A) the delinquent taxes; and
7887 (B) the penalty.
7888 (4) Notwithstanding Subsection (1)(a), if the county legislative body extends the date
7889 when taxes become delinquent under Subsection 59-2-1332(1), the notice of delinquency in
7890 the payment of property taxes shall be provided on or before January 10.
7891 (5) (a) In addition to the notice of delinquency in the payment of property taxes
7892 required by Subsection (1), a county treasurer may in accordance with this Subsection (5) mail
7893 a notice that property taxes are delinquent:
7894 (i) to:
7895 (A) a delinquent taxpayer;
7896 (B) an owner of record of the delinquent property;
7897 (C) any other interested party that requests notice; or
7898 (D) a combination of Subsections (5)(a)(i)(A) through (C); and

7899 (ii) at any time that the county treasurer considers appropriate.
7900 (b) A notice mailed in accordance with this Subsection (5):
7901 (i) shall include the information required by Subsection (3)(a); and
7902 (ii) may include any information that the county treasurer finds is useful to the owner
7903 of record of the delinquent property in determining:

7904 (A) the status of taxes owed on the delinquent property;
7905 (B) any penalty that is owed on the delinquent property;
7906 (C) any interest charged under Section 59-2-1331 on the delinquent property; or
7907 (D) any related matters concerning the delinquent property.

7908 (6) As used in this section, "business entity" means:

7909 (a) an association;
7910 (b) a corporation;
7911 (c) a limited liability company;
7912 (d) a partnership;
7913 (e) a trust; or
7914 (f) a business entity similar to Subsections (6)(a) through (e).

7915 Section 173. Section **59-2-1351** is amended to read:

7916 **59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.**

7917 (1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor
7918 shall select a date for the tax sale for all real property on which a delinquency exists that was
7919 not previously redeemed and upon which the period of redemption is expiring in the nearest
7920 tax sale.

7921 (b) The tax sale shall be conducted in May or June of the current year.

7922 (2) Notice of the tax sale shall be provided as follows:

7923 (a) sent by certified and first class mail to the last-known recorded owner, the
7924 occupant of any improved property, and all other interests of record, as of the preceding March
7925 15, at their last-known address; and

7926 (b) published;

(i) four times in a newspaper published and having general circulation in the county, once in each of four successive weeks immediately preceding the date of sale; ~~[or]~~ and

(ii) in accordance with Section 45-1-101 for four weeks immediately preceding the date of sale; and

(c) if no newspaper is published in the county, posted in five public places in the county, as determined by the auditor, at least 25 but no more than 30 days prior to the date of sale.

(3) The notice shall be in substantially the following form:

NOTICE OF TAX SALE

Notice is hereby given that on _____(month\day\year), at ___ o'clock __. m., at the front door of the county courthouse in ____ County, Utah, I will offer for sale at public auction and sell to the highest bidder for cash, under the provisions of Section 59-2-1351.1, the following described real property located in the county and now delinquent and subject to tax sale. A bid for less than the total amount of taxes, interest, penalty, and administrative costs which are a charge upon the real estate will not be accepted.

(Here describe the real estate)

IN WITNESS WHEREOF I have hereunto set my hand and official seal on _____(month\day\year).

County Auditor

County

(4) (a) The notice sent by certified mail in accordance with Subsection (2)(a) shall include:

(i) the name and last-known address of the last-known recorded owner of the property to be sold;

(ii) the parcel, serial, or account number of the delinquent property; and

(iii) the legal description of the delinquent property.

7955 (b) The notice published in a newspaper in accordance with Subsection (2)(b) shall
7956 include:

7957 (i) the name and last-known address of the last-known recorded owner of each parcel
7958 of property to be sold; and

7959 (ii) the street address or the parcel, serial, or account number of the delinquent parcels.

7960 Section 174. Section **59-12-402** is amended to read:

7961 **59-12-402. Additional resort communities sales and use tax -- Base -- Rate --**
7962 **Collection fees -- Resolution and voter approval requirements -- Election requirements --**
7963 **Notice requirements -- Ordinance requirements.**

7964 (1) (a) Subject to Subsections (2) through (6), the governing body of a municipality in
7965 which the transient room capacity as defined in Section 59-12-405 is greater than or equal to
7966 66% of the municipality's permanent census population may, in addition to the sales tax
7967 authorized under Section 59-12-401, impose an additional resort communities sales tax in an
7968 amount that is less than or equal to .5% on the transactions described in Subsection
7969 59-12-103(1) located within the municipality.

7970 (b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not
7971 impose a tax under this section on:

7972 (i) the sale of:

7973 (A) a motor vehicle;

7974 (B) an aircraft;

7975 (C) a watercraft;

7976 (D) a modular home;

7977 (E) a manufactured home; or

7978 (F) a mobile home;

7979 (ii) the sales and uses described in Section 59-12-104 to the extent the sales and uses
7980 are exempt from taxation under Section 59-12-104; and

7981 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and
7982 food ingredients.

(c) For purposes of this Subsection (1), the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.

(d) A municipality imposing a tax under this section shall impose the tax on amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.

(2) (a) An amount equal to the total of any costs incurred by the state in connection with the implementation of Subsection (1) which exceed, in any year, the revenues received by the state from its collection fees received in connection with the implementation of Subsection (1) shall be paid over to the state General Fund by the cities and towns which impose the tax provided for in Subsection (1).

(b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among those cities and towns according to the amount of revenue the respective cities and towns generate in that year through imposition of that tax.

(3) To impose an additional resort communities sales tax under this section, the governing body of the municipality shall:

(a) pass a resolution approving the tax; and

(b) except as provided in Subsection (6), obtain voter approval for the tax as provided in Subsection (4).

(4) To obtain voter approval for an additional resort communities sales tax under Subsection (3)(b), a municipality shall:

(a) hold the additional resort communities sales tax election during:

(i) a regular general election; or

(ii) a municipal general election; and

(b) publish notice of the election:

(i) 15 days or more before the day on which the election is held; and

(ii) (A) in a newspaper of general circulation in the municipality[-]; and

(B) as required in Section 45-1-101.

(5) An ordinance approving an additional resort communities sales tax under this section shall provide an effective date for the tax as provided in Section 59-12-403.

(6) (a) Except as provided in Subsection (6)(b), a municipality is not subject to the voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the municipality imposed a license fee or tax on businesses based on gross receipts pursuant to Section 10-1-203.

(b) The exception from the voter approval requirements in Subsection (6)(a) does not apply to a municipality that, on or before January 1, 1996, imposed a license fee or tax on only one class of businesses based on gross receipts pursuant to Section 10-1-203.

Section 175. Section **59-12-1001** is amended to read:

59-12-1001. Authority to impose tax for highways or to fund a system for public transit -- Base -- Rate -- Ordinance requirements -- Voter approval requirements -- Election requirements -- Notice of election requirements -- Exceptions to voter approval requirements -- Enactment or repeal of tax -- Effective date -- Notice requirements.

(1) (a) A city or town in which the transactions described in Subsection 59-12-103(1) are not subject to a sales and use tax under Section 59-12-501 may as provided in this part impose a sales and use tax of:

(i) beginning on January 1, 1998, and ending on December 31, 2007, .25% on the transactions described in Subsection 59-12-103(1) located within the city or town; or

(ii) beginning on January 1, 2008, .30% on the transactions described in Subsection 59-12-103(1) located within the city or town.

(b) Notwithstanding Subsection (1)(a), a city or town may not impose a tax under this section on:

(i) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt from taxation under Section 59-12-104; and

(ii) except as provided in Subsection (1)(d), amounts paid or charged for food and food ingredients.

(c) For purposes of this Subsection (1), the location of a transaction shall be

8039 determined in accordance with Sections 59-12-211 through 59-12-215.

8040 (d) A city or town imposing a tax under this section shall impose the tax on amounts
8041 paid or charged for food and food ingredients if the food and food ingredients are sold as part
8042 of a bundled transaction attributable to food and food ingredients and tangible personal
8043 property other than food and food ingredients.

8044 (2) (a) A city or town imposing a tax under this part may use the revenues generated
8045 by the tax:

8046 (i) for the construction and maintenance of highways under the jurisdiction of the city
8047 or town imposing the tax;

8048 (ii) subject to Subsection (2)(b), to fund a system for public transit; or

8049 (iii) for a combination of the purposes described in Subsections (2)(a)(i) and (ii).

8050 (b) (i) For purposes of Subsection (2)(a)(ii) and except as provided in Subsection
8051 (2)(b)(ii), "public transit" is as defined in Section 17B-2a-802.

8052 (ii) Notwithstanding Subsection (2)(b)(i), "public transit" does not include a fixed
8053 guideway system.

8054 (3) To impose a tax under this part, the governing body of the city or town shall:

8055 (a) pass an ordinance approving the tax; and

8056 (b) except as provided in Subsection (7) or (8), obtain voter approval for the tax as
8057 provided in Subsection (4).

8058 (4) To obtain voter approval for a tax under Subsection (3)(b), a city or town shall:

8059 (a) hold an election during:

8060 (i) a regular general election; or

8061 (ii) a municipal general election; and

8062 (b) publish notice of the election:

8063 (i) 15 days or more before the day on which the election is held; and

8064 (ii) (A) in a newspaper of general circulation in the city or town[-]; and

8065 (B) as required in Section 45-1-101.

8066 (5) An ordinance approving a tax under this part shall provide an effective date for the

8067 tax as provided in Subsection (6).

8068 (6) (a) For purposes of this Subsection (6):

8069 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part
8070 4, Annexation.

8071 (ii) "Annexing area" means an area that is annexed into a city or town.

8072 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after April 1, 2008, a
8073 city or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:

8074 (A) on the first day of a calendar quarter; and

8075 (B) after a 90-day period beginning on the date the commission receives notice
8076 meeting the requirements of Subsection (6)(b)(ii) from the city or town.

8077 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

8078 (A) that the city or town will enact or repeal a tax under this part;

8079 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

8080 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

8081 (D) if the city or town enacts the tax described in Subsection (6)(b)(ii)(A), the rate of
8082 the tax.

8083 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:

8084 (A) that begins after the effective date of the enactment of the tax; and

8085 (B) if the billing period for the transaction begins before the effective date of the
8086 enactment of the tax under Subsection (1).

8087 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8088 (A) that began before the effective date of the repeal of the tax; and

8089 (B) if the billing period for the transaction begins before the effective date of the
8090 repeal of the tax imposed under Subsection (1).

8091 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
8092 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
8093 Subsection (6)(b)(i) takes effect:

8094 (A) on the first day of a calendar quarter; and

8095 (B) beginning 60 days after the effective date of the enactment or repeal under
8096 Subsection (6)(b)(i).

8097 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
8098 the commission may by rule define the term "catalogue sale."

8099 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
8100 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under
8101 this part for an annexing area, the enactment or repeal shall take effect:

8102 (A) on the first day of a calendar quarter; and

8103 (B) after a 90-day period beginning on the date the commission receives notice
8104 meeting the requirements of Subsection (6)(e)(ii) from the city or town that annexes the
8105 annexing area.

8106 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

8107 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
8108 repeal of a tax under this part for the annexing area;

8109 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

8110 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

8111 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

8112 (f) (i) The enactment of a tax shall take effect on the first day of the first billing
8113 period:

8114 (A) that begins after the effective date of the enactment of the tax; and

8115 (B) if the billing period for the transaction begins before the effective date of the
8116 enactment of the tax under Subsection (1).

8117 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8118 (A) that began before the effective date of the repeal of the tax; and

8119 (B) if the billing period for the transaction begins before the effective date of the
8120 repeal of the tax imposed under Subsection (1).

8121 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
8122 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in

8123 Subsection (6)(e)(i) takes effect:

8124 (A) on the first day of a calendar quarter; and

8125 (B) beginning 60 days after the effective date of the enactment or repeal under

8126 Subsection (6)(e)(i).

8127 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
8128 the commission may by rule define the term "catalogue sale."

8129 (7) (a) Except as provided in Subsection (7)(b), a city or town is not subject to the
8130 voter approval requirements of Subsection (3)(b) if:

8131 (i) on or before January 1, 1996, the city or town imposed a license fee or tax on
8132 businesses based on gross receipts pursuant to Section 10-1-203; or

8133 (ii) the city or town:

8134 (A) on or before June 30, 2002, obtained voter approval in accordance with

8135 Subsection (3)(b) to impose a tax under this part for a purpose described in Subsection
8136 (2)(a)(i); and

8137 (B) on or after July 1, 2002, uses the revenues generated by a tax under this part for a
8138 purpose described in Subsection (2)(a).

8139 (b) The exception from the voter approval requirements in Subsection (7)(a)(i) does not
8140 apply to a city or town that, on or before January 1, 1996, imposed a license fee or tax on only
8141 one class of businesses based on gross receipts pursuant to Section 10-1-203.

8142 (8) A city or town is not subject to the voter approval requirements of Subsection
8143 (3)(b) if:

8144 (a) on December 31, 2007, the city or town imposes a tax of .25% under this section;
8145 and

8146 (b) on or after January 1, 2008, the city or town increases the tax rate under this
8147 section to .30%.

8148 Section 176. Section **59-12-1102** is amended to read:

8149 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**

8150 **Administration -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

8151 (1) (a) (i) Subject to Subsections (2) through (5), and in addition to any other tax
8152 authorized by this chapter, a county may impose by ordinance a county option sales and use
8153 tax of .25% upon the transactions described in Subsection 59-12-103(1).

8154 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
8155 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses
8156 are exempt from taxation under Section 59-12-104.

8157 (b) For purposes of this Subsection (1), the location of a transaction shall be
8158 determined in accordance with Sections 59-12-211 through 59-12-215.

8159 (c) The county option sales and use tax under this section shall be imposed:

8160 (i) upon transactions that are located within the county, including transactions that are
8161 located within municipalities in the county; and

8162 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
8163 January:

8164 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
8165 ordinance is adopted on or before May 25; or

8166 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
8167 ordinance is adopted after May 25.

8168 (d) Notwithstanding Subsection (1)(c)(ii), the county option sales and use tax under
8169 this section shall be imposed:

8170 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before
8171 September 4, 1997; or

8172 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during
8173 1997 but after September 4, 1997.

8174 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
8175 county shall hold two public hearings on separate days in geographically diverse locations in
8176 the county.

8177 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
8178 time of no earlier than 6 p.m.

8179 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than
8180 seven days after the day the first advertisement required by Subsection (2)(c) is published.

8181 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county
8182 shall advertise [~~in a newspaper of general circulation in the county~~]:

8183 (A) its intent to adopt a county option sales and use tax;

8184 (B) the date, time, and location of each public hearing; and

8185 (C) a statement that the purpose of each public hearing is to obtain public comments
8186 regarding the proposed tax.

8187 (ii) The advertisement shall be published;

8188 (A) in a newspaper of general circulation in the county once each week for the two
8189 weeks preceding the earlier of the two public hearings[-]; and

8190 (B) in accordance with Section 45-1-101 for two weeks preceding the earlier of the
8191 two public hearings.

8192 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8
8193 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
8194 border.

8195 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
8196 portion of the newspaper where legal notices and classified advertisements appear.

8197 (v) [~~Whenever~~] In accordance with Subsection (2)(c)(ii)(A), whenever possible:

8198 (A) the advertisement shall appear in a newspaper that is published at least five days a
8199 week, unless the only newspaper in the county is published less than five days a week; and

8200 (B) the newspaper selected shall be one of general interest and readership in the
8201 community, and not one of limited subject matter.

8202 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
8203 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part
8204 6, Local Referenda - Procedures.

8205 (3) (a) If the aggregate population of the counties imposing a county option sales and
8206 use tax under Subsection (1) is less than 75% of the state population, the tax levied under

8207 Subsection (1) shall be distributed to the county in which the tax was collected.

8208 (b) If the aggregate population of the counties imposing a county option sales and use
8209 tax under Subsection (1) is greater than or equal to 75% of the state population:

8210 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
8211 the county in which the tax was collected; and

8212 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
8213 (1) in each county shall be distributed proportionately among all counties imposing the tax,
8214 based on the total population of each county.

8215 (c) If the amount to be distributed annually to a county under Subsection (3)(b)(ii),
8216 when combined with the amount distributed to the county under Subsection (3)(b)(i), does not
8217 equal at least \$75,000, then:

8218 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii)
8219 shall be increased so that, when combined with the amount distributed to the county under
8220 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

8221 (ii) the amount to be distributed annually to all other counties under Subsection
8222 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
8223 Subsection (3)(c)(i).

8224 (d) The commission shall establish rules to implement the distribution of the tax under
8225 Subsections (3)(a), (b), and (c).

8226 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
8227 shall be administered, collected, and enforced in accordance with:

8228 (i) the same procedures used to administer, collect, and enforce the tax under:

8229 (A) Part 1, Tax Collection; or

8230 (B) Part 2, Local Sales and Use Tax Act; and

8231 (ii) Chapter 1, General Taxation Policies.

8232 (b) Notwithstanding Subsection (4)(a), a tax under this part is not subject to
8233 Subsections 59-12-205(2) through (6).

8234 (c) Notwithstanding Subsection (4)(a), the fee charged by the commission under

8235 Section 59-12-206 shall be based on the distribution amounts resulting after all the applicable
8236 distribution calculations under Subsection (3) have been made.

8237 (5) (a) For purposes of this Subsection (5):

8238 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,
8239 Annexation to County.

8240 (ii) "Annexing area" means an area that is annexed into a county.

8241 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a
8242 county enacts or repeals a tax under this part:

8243 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

8244 (II) the repeal shall take effect on the first day of a calendar quarter; and

8245 (B) after a 90-day period beginning on the date the commission receives notice
8246 meeting the requirements of Subsection (5)(b)(ii) from the county.

8247 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:

8248 (A) that the county will enact or repeal a tax under this part;

8249 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

8250 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

8251 (D) if the county enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the
8252 tax.

8253 (c) (i) The enactment of a tax shall take effect on the first day of the first billing
8254 period:

8255 (A) that begins after the effective date of the enactment of the tax; and

8256 (B) if the billing period for the transaction begins before the effective date of the
8257 enactment of the tax under Subsection (1).

8258 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8259 (A) that began before the effective date of the repeal of the tax; and

8260 (B) if the billing period for the transaction begins before the effective date of the
8261 repeal of the tax imposed under Subsection (1).

8262 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of

8263 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
8264 Subsection (5)(b)(i) takes effect:

8265 (A) on the first day of a calendar quarter; and

8266 (B) beginning 60 days after the effective date of the enactment or repeal under
8267 Subsection (5)(b)(i).

8268 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
8269 the commission may by rule define the term "catalogue sale."

8270 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs
8271 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under
8272 this part for an annexing area, the enactment or repeal shall take effect:

8273 (A) on the first day of a calendar quarter; and

8274 (B) after a 90-day period beginning on the date the commission receives notice
8275 meeting the requirements of Subsection (5)(e)(ii) from the county that annexes the annexing
8276 area.

8277 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

8278 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or
8279 repeal of a tax under this part for the annexing area;

8280 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

8281 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

8282 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).

8283 (f) (i) The enactment of a tax shall take effect on the first day of the first billing
8284 period:

8285 (A) that begins after the effective date of the enactment of the tax; and

8286 (B) if the billing period for the transaction begins before the effective date of the
8287 enactment of the tax under Subsection (1).

8288 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8289 (A) that began before the effective date of the repeal of the tax; and

8290 (B) if the billing period for the transaction begins before the effective date of the

8291 repeal of the tax imposed under Subsection (1).

8292 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
8293 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
8294 Subsection (5)(e)(i) takes effect:

8295 (A) on the first day of a calendar quarter; and

8296 (B) beginning 60 days after the effective date of the enactment or repeal under
8297 Subsection (5)(e)(i).

8298 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
8299 the commission may by rule define the term "catalogue sale."

8300 Section 177. Section **63B-1-317** is amended to read:

8301 **63B-1-317. Publication of resolution or other proceeding -- Contest of**
8302 **proceedings -- Mandamus to compel official to sign obligations.**

8303 (1) The authority may provide for the publication of any resolution it adopts for the
8304 authorization of obligations under this part:

8305 (a) in one issue of a newspaper having general circulation in this state[-]; and

8306 (b) as required in Section 45-1-101.

8307 (2) In case of resolution or other proceeding providing for the issuance of obligations
8308 under this part, the authority may, in lieu of publishing the entire resolution or other
8309 proceeding, publish a notice of obligations to be issued, titled as such, containing:

8310 (a) the name of the authority;

8311 (b) the purpose of the issue;

8312 (c) the type of obligations and the principal amount to be issued;

8313 (d) the maximum maturity of the obligations;

8314 (e) the maximum net effective rate of interest payable on the issue of obligations;

8315 (f) the maximum discount from par which is to be permitted if the obligations may be
8316 sold at a discount below par value; and

8317 (g) the times and place where a copy of the resolution or other proceeding may be
8318 examined, during regular business hours, for a period of at least 30 days after the publication

8319 of the notice.

8320 (3) (a) For a period of 30 days after the date of publication under Subsection (1) or (2),
8321 any interested person may contest the legality of the resolution, of the obligations authorized
8322 by it, or any of the provisions made for the security and payment of these obligations.

8323 (b) After this period, no one shall have any cause of action to contest the regularity,
8324 formality, or legality of same for any cause whatsoever, except as provided in Subsection (4).

8325 (4) (a) If any official required to sign the obligations refuses to sign them because the
8326 official alleges that the obligations to be signed are illegal, the authority may bring an original
8327 action in the supreme court for a writ of mandamus requiring the official to sign the
8328 obligations.

8329 (b) Because of the importance of the facilities construction and acquisition program
8330 provided for in this part, the Utah Supreme Court shall:

8331 (i) give this action precedence over any other matters pending before the court; and
8332 (ii) consider and determine these matters at the earliest possible time.

8333 Section 178. Section **63B-1a-501** is amended to read:

8334 **63B-1a-501. Publication of resolution or notice -- Limitation on actions to**
8335 **contest legality.**

8336 (1) The commission may either:

8337 (a) (i) publish once in a newspaper having general circulation in Utah any resolution
8338 adopted by [it; or] the commission; and

8339 (ii) publish, in accordance with Section 45-1-101, any resolution adopted by the
8340 commission; or

8341 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8342 titled as such, containing:

8343 (i) the purpose of the bond issue;

8344 (ii) the type of bonds and the maximum principal amount that may be issued;

8345 (iii) the maximum number of years over which the bonds may mature;

8346 (iv) the maximum interest rate that the bonds may bear, if any;

8347 (v) the maximum discount from par, expressed as a percentage of principal amount, at
8348 which the bonds may be sold; and

8349 (vi) that a copy of the resolution or other proceedings may be examined at the office of
8350 the state treasurer during regular business hours for at least 30 days after the publication of the
8351 notice.

8352 (2) For 30 days after the date of publication, any interested person may contest:

8353 (a) the legality of the resolution;

8354 (b) any of the bonds authorized under it; or

8355 (c) any of the provisions made for the repayment of the bonds.

8356 (3) After 30 days, a person may not, for any cause, contest:

8357 (a) the legality of the resolution;

8358 (b) any of the bonds authorized under the resolution; or

8359 (c) any of the provisions made for the security and repayment of the bonds.

8360 Section 179. Section **63B-2-116** is amended to read:

8361 **63B-2-116. Publication of resolution or notice -- Limitation on actions to contest**
8362 **legality.**

8363 (1) The commission may:

8364 (a) publish any resolution it adopts under this chapter;

8365 (i) once in a newspaper having general circulation in Utah; [or] and

8366 (ii) as required in Section 45-1-101; or

8367 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8368 titled as such, containing the information required in Subsection 11-14-316(2).

8369 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8370 (i) the legality of the resolution;

8371 (ii) any of the bonds authorized under it; or

8372 (iii) any of the provisions made for the security and repayment of the bonds.

8373 (b) After 30 days, a person may not contest the legality of the resolution, any of the

8374 bonds authorized under it, or any of the provisions made for the security and repayment of the

8375 bonds for any cause.

8376 Section 180. Section **63B-2-216** is amended to read:

8377 **63B-2-216. Publication of resolution or notice -- Limitation on actions to contest**
8378 **legality.**

8379 (1) The commission may:

8380 (a) publish any resolution it adopts under this chapter;

8381 (i) once in a newspaper having general circulation in Utah; [~~or~~] and

8382 (ii) as required in Section 45-1-101; or

8383 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8384 titled as such, containing the information required by Subsection 11-14-316(2).

8385 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8386 (i) the legality of the resolution;

8387 (ii) any of the bonds authorized under it; or

8388 (iii) any of the provisions made for the security and repayment of the bonds.

8389 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8390 bonds authorized under it, or any of the provisions made for the security and repayment of the
8391 bonds for any cause.

8392 Section 181. Section **63B-3-116** is amended to read:

8393 **63B-3-116. Publication of resolution or notice -- Limitation on actions to contest**
8394 **legality.**

8395 (1) The commission may:

8396 (a) publish any resolution it adopts under this chapter;

8397 (i) once in a newspaper having general circulation in Utah; [~~or~~] and

8398 (ii) as required in Section 45-1-101; or

8399 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8400 titled as such, containing the information required in Subsection 11-14-316(2).

8401 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8402 (i) the legality of the resolution;

8403 (ii) any of the bonds authorized under it; or
8404 (iii) any of the provisions made for the security and repayment of the bonds.
8405 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8406 bonds authorized under it, or any of the provisions made for the security and repayment of the
8407 bonds for any cause.

8408 Section 182. Section **63B-3-216** is amended to read:

8409 **63B-3-216. Publication of resolution or notice -- Limitation on actions to contest**
8410 **legality.**

8411 (1) The commission may:

8412 (a) publish any resolution it adopts under this chapter;

8413 (i) once in a newspaper having general circulation in Utah; [or] and

8414 (ii) as required in Section 45-1-101; or

8415 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8416 titled as such, containing the information required by Subsection 11-14-316(2).

8417 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8418 (i) the legality of the resolution;

8419 (ii) any of the bonds authorized under it; or

8420 (iii) any of the provisions made for the security and repayment of the bonds.

8421 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8422 bonds authorized under it, or any of the provisions made for the security and repayment of the
8423 bonds for any cause.

8424 Section 183. Section **63B-4-116** is amended to read:

8425 **63B-4-116. Publication of resolution or notice -- Limitation on actions to contest**
8426 **legality.**

8427 (1) The commission may:

8428 (a) publish any resolution it adopts under this chapter;

8429 (i) once in a newspaper having general circulation in Utah; [or] and

8430 (ii) as required in Section 45-1-101; or

8431 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8432 titled as such, containing the information required in Subsection 11-14-316(2).

8433 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8434 (i) the legality of the resolution;

8435 (ii) any of the bonds authorized under it; or

8436 (iii) any of the provisions made for the security and repayment of the bonds.

8437 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8438 bonds authorized under it, or any of the provisions made for the security and repayment of the
8439 bonds for any cause.

8440 Section 184. Section **63B-5-116** is amended to read:

8441 **63B-5-116. Publication of resolution or notice -- Limitation on actions to contest**
8442 **legality.**

8443 (1) The commission may:

8444 (a) publish any resolution it adopts under this chapter:

8445 (i) once in a newspaper having general circulation in Utah; [or] and

8446 (ii) as required in Section 45-1-101; or

8447 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8448 titled as such, containing the information required in Subsection 11-14-316(2).

8449 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8450 (i) the legality of the resolution;

8451 (ii) any of the bonds authorized under it; or

8452 (iii) any of the provisions made for the security and repayment of the bonds.

8453 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8454 bonds authorized under it, or any of the provisions made for the security and repayment of the
8455 bonds for any cause.

8456 Section 185. Section **63B-6-116** is amended to read:

8457 **63B-6-116. Publication of resolution or notice -- Limitation on actions to contest**
8458 **legality.**

8459 (1) The commission may:
8460 (a) publish any resolution it adopts under this chapter;
8461 (i) once in a newspaper having general circulation in Utah; [or] and
8462 (ii) as required in Section 45-1-101; or
8463 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8464 titled as such, containing the information required in Subsection 11-14-316(2).
8465 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8466 (i) the legality of the resolution;
8467 (ii) any of the bonds authorized under it; or
8468 (iii) any of the provisions made for the security and repayment of the bonds.
8469 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8470 bonds authorized under it, or any of the provisions made for the security and repayment of the
8471 bonds for any cause.

8472 Section 186. Section **63B-6-216** is amended to read:

8473 **63B-6-216. Publication of resolution or notice -- Limitation on actions to contest**
8474 **legality.**

8475 (1) The commission may:
8476 (a) publish any resolution it adopts under this chapter;
8477 (i) once in a newspaper having general circulation in Utah; [or] and
8478 (ii) as required in Section 45-1-101; or
8479 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8480 titled as such, containing the information required by Subsection 11-14-316(2).
8481 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8482 (i) the legality of the resolution;
8483 (ii) any of the bonds authorized under it; or
8484 (iii) any of the provisions made for the security and repayment of the bonds.
8485 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8486 bonds authorized under it, or any of the provisions made for the security and repayment of the

8487 bonds for any cause.

8488 Section 187. Section **63B-6-416** is amended to read:

8489 **63B-6-416. Publication of resolution or notice -- Limitation on actions to contest**
8490 **legality.**

8491 (1) The commission may:

8492 (a) publish any resolution it adopts under this chapter;

8493 (i) once in a newspaper having general circulation in Utah; [or] and

8494 (ii) as required in Section 45-1-101; or

8495 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8496 titled as such, containing the information required in Subsection 11-14-316(2).

8497 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8498 (i) the legality of the resolution;

8499 (ii) any of the bonds authorized under it; or

8500 (iii) any of the provisions made for the security and repayment of the bonds.

8501 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8502 bonds authorized under it, or any of the provisions made for the security and repayment of the
8503 bonds for any cause.

8504 Section 188. Section **63B-7-116** is amended to read:

8505 **63B-7-116. Publication of resolution or notice -- Limitation on actions to contest**
8506 **legality.**

8507 (1) The commission may:

8508 (a) publish any resolution it adopts under this chapter;

8509 (i) once in a newspaper having general circulation in Utah; [or] and

8510 (ii) as required in Section 45-1-101; or

8511 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8512 titled as such, containing the information required in Subsection 11-14-316(2).

8513 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8514 (i) the legality of the resolution;

8515 (ii) any of the bonds authorized under it; or
8516 (iii) any of the provisions made for the security and repayment of the bonds.
8517 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8518 bonds authorized under it, or any of the provisions made for the security and repayment of the
8519 bonds for any cause.

8520 Section 189. Section **63B-7-216** is amended to read:

8521 **63B-7-216. Publication of resolution or notice -- Limitation on actions to contest**
8522 **legality.**

8523 (1) The commission may:

8524 (a) publish any resolution it adopts under this chapter;

8525 (i) once in a newspaper having general circulation in Utah; [or] and

8526 (ii) as required in Section 45-1-101; or

8527 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8528 titled as such, containing the information required by Subsection 11-14-316(2).

8529 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8530 (i) the legality of the resolution;

8531 (ii) any of the bonds authorized under it; or

8532 (iii) any of the provisions made for the security and repayment of the bonds.

8533 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8534 bonds authorized under it, or any of the provisions made for the security and repayment of the
8535 bonds for any cause.

8536 Section 190. Section **63B-7-416** is amended to read:

8537 **63B-7-416. Publication of resolution or notice -- Limitation on actions to contest**
8538 **legality.**

8539 (1) The commission may:

8540 (a) publish any resolution it adopts under this chapter;

8541 (i) once in a newspaper having general circulation in Utah; [or] and

8542 (ii) as required in Section 45-1-101; or

8543 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8544 titled as such, containing the information required in Subsection 11-14-316(2).

8545 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8546 (i) the legality of the resolution;

8547 (ii) any of the bonds authorized under it; or

8548 (iii) any of the provisions made for the security and repayment of the bonds.

8549 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8550 bonds authorized under it, or any of the provisions made for the security and repayment of the
8551 bonds for any cause.

8552 Section 191. Section **63B-8-116** is amended to read:

8553 **63B-8-116. Publication of resolution or notice -- Limitation on actions to contest**
8554 **legality.**

8555 (1) The commission may:

8556 (a) publish any resolution it adopts under this chapter:

8557 (i) once in a newspaper having general circulation in Utah; [or] and

8558 (ii) as required in Section 45-1-101; or

8559 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8560 titled as such, containing the information required in Subsection 11-14-316(2).

8561 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8562 (i) the legality of the resolution;

8563 (ii) any of the bonds authorized under it; or

8564 (iii) any of the provisions made for the security and repayment of the bonds.

8565 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8566 bonds authorized under it, or any of the provisions made for the security and repayment of the
8567 bonds for any cause.

8568 Section 192. Section **63B-8-216** is amended to read:

8569 **63B-8-216. Publication of resolution or notice -- Limitation on actions to contest**
8570 **legality.**

- 8571 (1) The commission may:
- 8572 (a) publish any resolution it adopts under this chapter;
- 8573 (i) once in a newspaper having general circulation in Utah; [or] and
- 8574 (ii) as required in Section 45-1-101; or
- 8575 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
- 8576 titled as such, containing the information required by Subsection 11-14-316(2).
- 8577 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
- 8578 (i) the legality of the resolution;
- 8579 (ii) any of the bonds authorized under it; or
- 8580 (iii) any of the provisions made for the security and repayment of the bonds.
- 8581 (b) After 30 days, a person may not contest the legality of the resolution, any of the
- 8582 bonds authorized under it, or any of the provisions made for the security and repayment of the
- 8583 bonds for any cause.

8584 Section 193. Section **63B-8-416** is amended to read:

8585 **63B-8-416. Publication of resolution or notice -- Limitation on actions to contest**

8586 **legality.**

- 8587 (1) The commission may:
- 8588 (a) publish any resolution it adopts under this chapter;
- 8589 (i) once in a newspaper having general circulation in Utah; [or] and
- 8590 (ii) as required in Section 45-1-101; or
- 8591 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
- 8592 titled as such, containing the information required in Subsection 11-14-316(2).
- 8593 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
- 8594 (i) the legality of the resolution;
- 8595 (ii) any of the bonds authorized under it; or
- 8596 (iii) any of the provisions made for the security and repayment of the bonds.
- 8597 (b) After 30 days, a person may not contest the legality of the resolution, any of the
- 8598 bonds authorized under it, or any of the provisions made for the security and repayment of the

8599 bonds for any cause.

8600 Section 194. Section **63B-10-116** is amended to read:

8601 **63B-10-116. Publication of resolution or notice -- Limitation on actions to**
8602 **contest legality.**

8603 (1) The commission may:

8604 (a) publish any resolution it adopts under this chapter;

8605 (i) once in a newspaper having general circulation in Utah; [or] and

8606 (ii) as required in Section 45-1-101; or

8607 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8608 titled as such, containing the information required by Subsection 11-14-316(2).

8609 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8610 (i) the legality of the resolution;

8611 (ii) any of the bonds authorized under it; or

8612 (iii) any of the provisions made for the security and repayment of the bonds.

8613 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8614 bonds authorized under it, or any of the provisions made for the security and repayment of the
8615 bonds for any cause.

8616 Section 195. Section **63B-11-116** is amended to read:

8617 **63B-11-116. Publication of resolution or notice -- Limitation on actions to**
8618 **contest legality.**

8619 (1) The commission may:

8620 (a) publish any resolution it adopts under this chapter;

8621 (i) once in a newspaper having general circulation in Utah; [or] and

8622 (ii) as required in Section 45-1-101; or

8623 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8624 titled as such, containing the information required in Subsection 11-14-316(2).

8625 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8626 (i) the legality of the resolution;

8627 (ii) any of the bonds authorized under it; or
8628 (iii) any of the provisions made for the security and repayment of the bonds.
8629 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8630 bonds authorized under it, or any of the provisions made for the security and repayment of the
8631 bonds for any cause.

8632 Section 196. Section **63B-11-216** is amended to read:

8633 **63B-11-216. Publication of resolution or notice -- Limitation on actions to**
8634 **contest legality.**

8635 (1) The commission may:

8636 (a) publish any resolution it adopts under this chapter;

8637 (i) once in a newspaper having general circulation in Utah; [or] and

8638 (ii) as required in Section 45-1-101; or

8639 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8640 titled as such, containing the information required in Subsection 11-14-316(2).

8641 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8642 (i) the legality of the resolution;

8643 (ii) any of the bonds authorized under it; or

8644 (iii) any of the provisions made for the security and repayment of the bonds.

8645 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8646 bonds authorized under it, or any of the provisions made for the security and repayment of the
8647 bonds for any cause.

8648 Section 197. Section **63B-11-316** is amended to read:

8649 **63B-11-316. Publication of resolution or notice -- Limitation on actions to**
8650 **contest legality.**

8651 (1) The commission may:

8652 (a) publish any resolution it adopts under this chapter;

8653 (i) once in a newspaper having general circulation in Utah; [or] and

8654 (ii) as required in Section 45-1-101; or

8655 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8656 titled as such, containing the information required by Subsection 11-14-316(2).

8657 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8658 (i) the legality of the resolution;

8659 (ii) any of the bonds authorized under it; or

8660 (iii) any of the provisions made for the security and repayment of the bonds.

8661 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8662 bonds authorized under it, or any of the provisions made for the security and repayment of the
8663 bonds for any cause.

8664 Section 198. Section **63B-11-516** is amended to read:

8665 **63B-11-516. Publication of resolution or notice -- Limitation on actions to**
8666 **contest legality.**

8667 (1) The commission may:

8668 (a) publish any resolution it adopts under this chapter:

8669 (i) once in a newspaper having general circulation in Utah; [or] and

8670 (ii) as required in Section 45-1-101; or

8671 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8672 titled as such, containing the information required by Subsection 11-14-316(2).

8673 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8674 (i) the legality of the resolution;

8675 (ii) any of the bonds authorized under it; or

8676 (iii) any of the provisions made for the security and repayment of the bonds.

8677 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8678 bonds authorized under it, or any of the provisions made for the security and repayment of the
8679 bonds for any cause.

8680 Section 199. Section **63C-7-306** is amended to read:

8681 **63C-7-306. Publication of notice, resolution, or other proceeding -- Period for**
8682 **contesting.**

(1) The executive committee of the Utah Communications Agency Network may provide for the publication of any resolution or other proceedings adopted under this chapter;

(a) in a newspaper of general circulation within the state[-]; and

(b) as required in Section 45-1-101.

(2) In case of a resolution or other proceeding providing for the issuance of bonds, the executive committee may, in lieu of publishing the entire resolution or other proceeding, publish a notice of bonds to be issued containing:

(a) the name of the issuer;

(b) the purpose of the issue;

(c) the type of bonds and the maximum principal amount which may be issued;

(d) the maximum number of years over which the bonds may mature;

(e) the maximum interest rate which the bonds may bear, if any;

(f) the maximum discount from par, expressed as a percentage of principal amount, at which the bonds may be sold; and

(g) the times and place where a copy of the resolution or other proceeding may be examined, which shall be at the principal office of the Utah Communications Agency Network during regular business hours and for a period of at least 30 days after the publication of the notice.

(3) For a period of 30 days after the publication, any person in interest may contest the legality of the resolution or proceeding, any bonds which may be authorized by the resolution or proceeding, or any provision made for the security and payment of the bonds by filing a pleading with the district court for the city in which the Utah Communications Network maintains its principal office.

Section 200. Section **63G-6-401** is amended to read:

63G-6-401. Contracts awarded by sealed bidding -- Procedure.

(1) Contracts shall be awarded by competitive sealed bidding except as otherwise provided by this chapter.

(2) (a) An invitation for bids shall be issued when a contract is to be awarded by

8711 competitive sealed bidding.

8712 (b) The invitation shall include a purchase description and all contractual terms and
8713 conditions applicable to the procurement.

8714 (3) (a) Public notice of the invitation for bids shall be given a reasonable time before
8715 the date set forth in the invitation for the opening of bids, in accordance with rules.

8716 (b) The notice may include:

8717 (i) publication in a newspaper of general circulation a reasonable time before bid
8718 opening[-]; and

8719 (ii) publication, in accordance with Section 45-1-101, for a reasonable time before bid
8720 opening.

8721 (4) (a) Bids shall be opened publicly in the presence of one or more witnesses at the
8722 time and place designated in the invitation for bids.

8723 (b) The amount of each bid and any other relevant information specified by rules,
8724 together with the name of each bidder, shall be recorded.

8725 (c) The record and each bid shall be open to public inspection.

8726 (5) (a) Bids shall be unconditionally accepted without alteration or correction, except
8727 as authorized in this chapter.

8728 (b) (i) Bids shall be evaluated based on the requirements set forth in the invitation for
8729 bids, which may include criteria to determine acceptability such as inspection, testing, quality,
8730 workmanship, delivery, and suitability for a particular purpose.

8731 (ii) Those criteria that will affect the bid price and be considered in evaluation for
8732 award shall be objectively measurable.

8733 (iii) The criteria may include discounts, transportation costs, and total or life cycle
8734 costs.

8735 (c) No criteria may be used in bid evaluation that are not set forth in the invitation for
8736 bids.

8737 (6) (a) Correction or withdrawal of inadvertently erroneous bids before or after award,
8738 or cancellation of awards or contracts based on the bid mistakes, shall be permitted in

8739 accordance with rules.

8740 (b) After bid opening, no changes in bid prices or other provisions of bids prejudicial
8741 to the interest of the state or fair competition may be permitted.

8742 (c) Except as otherwise provided by rule, all decisions to permit the correction or
8743 withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported
8744 by a written determination made by the chief procurement officer or the head of a purchasing
8745 agency.

8746 (7) (a) The contract shall be awarded with reasonable promptness by written notice to
8747 the lowest responsive and responsible bidder whose bid meets the requirements and criteria set
8748 forth in the invitation for bids.

8749 (b) (i) If all bids for a construction project exceed available funds as certified by the
8750 appropriate fiscal officer, and the low responsive and responsible bid does not exceed those
8751 funds by more than 5%, the chief procurement officer or the head of a purchasing agency may,
8752 in situations where time or economic considerations preclude resolicitation of work of a
8753 reduced scope, negotiate an adjustment of the bid price, including changes in the bid
8754 requirements, with the low responsive and responsible bidder in order to bring the bid within
8755 the amount of available funds.

8756 (ii) If the State Building Board establishes alternative procedures by rule under
8757 Section 63A-5-103, the Division of Facilities Construction and Management need not comply
8758 with the provisions of this Subsection (7) when a bid meets the requirements of the State
8759 Building Board's rule.

8760 (8) When it is considered impractical to prepare initially a purchase description to
8761 support an award based on price, an invitation for bids may be issued requesting the
8762 submission of unpriced offers to be followed by an invitation for bids limited to those bidders
8763 whose offers have been qualified under the criteria set forth in the first solicitation.

8764 Section 201. Section **63G-9-303** is amended to read:

8765 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

8766 (1) At least 60 days preceding the meeting of each Legislature the board must hold a

8767 session for the purpose of examining the claims referred to in Section 63G-9-302, and may
8768 adjourn from time to time until the work is completed.

8769 (2) The board [~~must~~] shall cause notice of such meeting or meetings to be published;

8770 (a) in some newspaper at the seat of government and such other newspapers as may be
8771 determined by the board for such time as the board may prescribe[-]; and

8772 (b) as required in Section 45-1-101.

8773 Section 202. Section **63H-1-403** is amended to read:

8774 **63H-1-403. Notice of project area plan adoption -- Effective date of plan --**

8775 **Contesting the formation of the plan.**

8776 (1) (a) Upon the board's adoption of a project area plan, the board shall provide notice
8777 as provided in Subsection (1)(b) by:

8778 (i) publishing or causing to be published a notice;

8779 (A) in a newspaper of general circulation within the authority's boundaries; [~~or~~] and

8780 (B) as required in Section 45-1-101; or

8781 (ii) if there is no newspaper of general circulation within the authority's boundaries as
8782 described in Subsection (1)(a)(i)(A), causing a notice to be posted in at least three public
8783 places within the authority's boundaries.

8784 (b) Each notice under Subsection (1)(a) shall:

8785 (i) set forth the board resolution adopting the project area plan or a summary of the
8786 resolution; and

8787 (ii) include a statement that the project area plan is available for general public
8788 inspection and the hours for inspection.

8789 (2) The project area plan shall become effective on the date of:

8790 (a) if notice was published under Subsection (1)(a), publication of the notice; or

8791 (b) if notice was posted under Subsection (1)(a), posting of the notice.

8792 (3) The authority shall make the adopted project area plan available to the general
8793 public at its offices during normal business hours.

8794 Section 203. Section **63H-1-701** is amended to read:

8795 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**
8796 **Auditor forms -- Requirement to file form.**

8797 (1) The authority shall prepare and its board adopt an annual budget of revenues and
8798 expenditures for the authority for each fiscal year.

8799 (2) Each annual authority budget shall be adopted before June 22.

8800 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

8801 (4) (a) Before adopting an annual budget, the authority board shall hold a public
8802 hearing on the annual budget.

8803 (b) The authority shall provide notice of the public hearing on the annual budget by:

8804 (i) publishing [~~at least one~~] notice;

8805 (A) at least once in a newspaper of general circulation within the authority boundaries,
8806 one week before the public hearing; [~~or~~] and

8807 (B) in accordance with Section 45-1-101; or

8808 (ii) if there is no newspaper of general circulation within the authority boundaries as
8809 described in Subsection (4)(a)(i)(A), posting a notice of the public hearing in at least three
8810 public places within the authority boundaries.

8811 (c) The authority shall make the annual budget available for public inspection at least
8812 three days before the date of the public hearing.

8813 (5) The state auditor shall prescribe the budget forms and the categories to be
8814 contained in each authority budget, including:

8815 (a) revenues and expenditures for the budget year;

8816 (b) legal fees; and

8817 (c) administrative costs, including rent, supplies, and other materials, and salaries of
8818 authority personnel.

8819 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a
8820 copy of the annual budget with the auditor of the county in which the authority is located, the
8821 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
8822 that levies a tax on property from which the authority collects tax increment.

8823 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
8824 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
8825 the state auditor.

8826 Section 204. Section **63H-1-801** is amended to read:

8827 **63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance --**
8828 **Authority records -- Dissolution expenses.**

8829 (1) The authority may not be dissolved unless the authority has no outstanding bonded
8830 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding
8831 contractual obligations with persons or entities other than the state.

8832 (2) Upon the dissolution of the authority, the Governor's Office of Economic
8833 Development shall publish a notice of dissolution:

8834 (a) in a newspaper of general circulation in the county in which the dissolved authority
8835 is located[-]; and

8836 (b) as required in Section 45-1-101.

8837 (3) The books, documents, records, papers, and seal of each dissolved authority shall
8838 be deposited for safekeeping and reference with the state auditor.

8839 (4) The authority shall pay all expenses of the deactivation and dissolution.

8840 Section 205. Section **67-4a-402** is amended to read:

8841 **67-4a-402. Publication of notice.**

8842 Within 12 months of the date the unclaimed property was paid or delivered to the
8843 administrator, the administrator shall:

8844 (1) cause a notice to be published:

8845 (a) once in a newspaper having general circulation in Utah; and

8846 (b) as required in Section 45-1-101; and

8847 (2) ensure that the notice described in Subsection (1)(a) is in a form that is likely to
8848 attract the attention of the apparent owner of the unclaimed property.

8849 Section 206. Section **67-4a-403** is amended to read:

8850 **67-4a-403. Disposition of abandoned property -- Sale.**

- 8851 (1) (a) Except as provided in Subsections (2) and (3), the administrator shall:
- 8852 (i) within three years after the receipt of abandoned property, sell the property to the
- 8853 highest bidder at a public sale, which may include sale via the Internet; and
- 8854 (ii) if the sale is held at a specified physical location, publish notice of the sale;
- 8855 (A) in a newspaper of general circulation in this state at least three weeks before the
- 8856 sale[-]; and
- 8857 (B) in accordance with Section 45-1-101 for at least three weeks before the sale.
- 8858 (b) The administrator may hold the sale in whatever city in Utah he believes will
- 8859 provide the most favorable market for the property.
- 8860 (c) The administrator may decline the highest bid and reoffer the property for sale if
- 8861 the bid is insufficient.
- 8862 (d) If the administrator determines that the probable cost of sale exceeds the value of
- 8863 the property, the administrator need not offer the property for sale.
- 8864 (e) When any person makes a claim, the administrator shall provide the person with:
- 8865 (i) the property delivered by the holder to the administrator; or
- 8866 (ii) the proceeds received from the sale.
- 8867 (f) The administrator may, in the administrator's discretion, deduct reasonable fees and
- 8868 expenses incurred from the sale.
- 8869 (2) (a) The administrator shall sell:
- 8870 (i) securities listed on an established stock exchange at prices prevailing at the time of
- 8871 sale on the exchange; and
- 8872 (ii) securities not listed on an established stock exchange:
- 8873 (A) over-the-counter at prices prevailing at the time of sale; or
- 8874 (B) by any other method the administrator considers to be in the best interest of the
- 8875 state.
- 8876 (b) The administrator may sell securities upon receipt.
- 8877 (c) When any person makes a claim, the administrator shall provide the person with:
- 8878 (i) the securities delivered to the administrator by the holder, if they still remain in the

8879 hands of the administrator; or

8880 (ii) the proceeds received from the sale.

8881 (d) The administrator may, in the administrator's discretion, deduct reasonable fees
8882 and expenses incurred from the sale.

8883 (e) A person making a claim under this section may not make any claim against the
8884 state, the holder, any transfer agent, registrar or other person acting for or on behalf of a holder
8885 for any appreciation in the value of the property occurring after delivery by the holder to the
8886 administrator.

8887 (3) (a) The purchaser of any property at any sale conducted by the administrator under
8888 the authority of this chapter takes the property free of all claims of the owner or previous
8889 holder of the property and of all persons claiming through or under them.

8890 (b) The administrator shall execute all documents necessary to complete the transfer of
8891 ownership.

8892 Section 207. Section **72-3-108** is amended to read:

8893 **72-3-108. County roads -- Vacation and narrowing.**

8894 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
8895 without petition or after petition by a property owner.

8896 (2) A county may not vacate a county road unless notice of the hearing is:

8897 (a) published;

8898 (i) in a newspaper of general circulation in the county once a week for four
8899 consecutive weeks [~~prior to~~] before the hearing; [~~or~~] and

8900 (ii) in accordance with Section 45-1-101 for four weeks before the hearing; and

8901 (b) posted in three public places for four consecutive weeks prior to the hearing; and

8902 (c) mailed to the department and all owners of property abutting the county road.

8903 (3) The right-of-way and easements, if any, of a property owner and the franchise
8904 rights of any public utility may not be impaired by vacating or narrowing a county road.

8905 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the
8906 state's right-of-way interest in the county road is also vacated.

8907 Section 208. Section **72-5-105** is amended to read:

8908 **72-5-105. Highways, streets, or roads once established continue until abandoned**
8909 **-- Temporary closure.**

8910 (1) All public highways, streets, or roads once established shall continue to be
8911 highways, streets, or roads until abandoned or vacated by order of a highway authority having
8912 jurisdiction or by other competent authority.

8913 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
8914 proper authority with the county recorder's office, title to the vacated or abandoned highway,
8915 street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway,
8916 street, or road assessed to each of the adjoining owners.

8917 (b) Provided, however, that should a description of an owner of record extend into the
8918 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
8919 highway, street, or road shall vest in the record owner, with the remainder of the highway,
8920 street, or road vested as otherwise provided in this Subsection (2).

8921 (3) (a) In accordance with this section, a state or local highway authority may
8922 temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D
8923 road or R.S. 2477 right-of-way.

8924 (b) A temporary closure authorized under this section is not an abandonment.

8925 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
8926 following circumstances:

8927 (i) when a federal authority, or other person, provides an alternate route to an R.S.
8928 2477 right-of-way or portion of an R.S. 2477 right-of-way that is:

8929 (A) accepted by the highway authority; and

8930 (B) formalized by:

8931 (I) a federal permit; or

8932 (II) a written agreement between the federal authority or other person and the highway
8933 authority; or

8934 (ii) when a state or local highway authority determines that correction or mitigation of

8935 injury to private or public land resources is necessary on or near a class B or D road or portion
8936 of a class B or D road.

8937 (d) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
8938 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
8939 reason.

8940 (e) A temporary closure authorized under Subsection (3)(c)(ii) shall:

8941 (i) be authorized annually; and

8942 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
8943 whichever is less.

8944 (4) Prior to authorizing a temporary closure under Subsection (3), a highway authority
8945 shall:

8946 (a) hold a hearing on the proposed temporary closure;

8947 (b) provide notice of the hearing by:

8948 (i) mailing a notice to the Department of Transportation and all owners of property
8949 abutting the highway; and

8950 (ii) (A) publishing the notice;

8951 (I) in a newspaper of general circulation in the county at least once a week for four
8952 consecutive weeks [~~prior to~~] before the hearing; [~~or~~] and

8953 (II) in accordance with Section 45-1-101 for four weeks before the hearing; or

8954 (B) posting the notice in three public places for at least four consecutive weeks prior
8955 to the hearing; and

8956 (c) pass an ordinance authorizing the temporary closure.

8957 (5) The right-of-way and easements, if any, of a property owner and the franchise
8958 rights of any public utility may not be impaired by a temporary closure authorized under this
8959 section.

8960 Section 209. Section **72-6-108** is amended to read:

8961 **72-6-108. Class B and C roads -- Improvement projects -- Contracts --**
8962 **Retainage.**

8963 (1) A county executive for class B roads and the municipal executive for class C roads
8964 shall cause plans, specifications, and estimates to be made prior to the construction of any
8965 improvement project, as defined in Section 72-6-109, on a class B or C road if the estimated
8966 cost for any one project exceeds the bid limit as defined in Section 72-6-109 for labor,
8967 equipment, and materials.

8968 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let
8969 to the lowest responsible bidder.

8970 (b) If the estimated cost of the improvement project exceeds the bid limit for labor,
8971 equipment, and materials, the project may not be divided to permit the construction in parts,
8972 unless each part is done by contract.

8973 (3) (a) The advertisement on bids shall be published:

8974 (i) in a newspaper of general circulation in the county in which the work is to be
8975 performed at least once a week for three consecutive weeks[-]; and

8976 (ii) in accordance with Section 45-1-101 for three weeks.

8977 (b) If there is no newspaper of general circulation as described in Subsection (3)(a)(i),
8978 the notice shall be posted for at least 20 days in at least five public places in the county.

8979 (4) The county or municipal executive or their designee shall receive sealed bids and
8980 open the bids at the time and place designated in the advertisement. The county or municipal
8981 executive or their designee may then award the contract but may reject any and all bids.

8982 (5) The person, firm, or corporation that is awarded a contract under this section is
8983 subject to the provisions of Title 63G, Chapter 6, Utah Procurement Code.

8984 (6) If any payment on a contract with a private contractor for construction or
8985 improvement of a class B or C road is retained or withheld, the payment shall be retained or
8986 withheld and released as provided in Section 13-8-5.

8987 Section 210. Section **73-1-4** is amended to read:

8988 **73-1-4. Reversion to the public by abandonment or forfeiture for nonuse within**
8989 **seven years -- Nonuse application.**

8990 (1) As used in this section:

8991 (a) "Public entity" means:
8992 (i) the United States;
8993 (ii) an agency of the United States;
8994 (iii) the state;
8995 (iv) a state agency;
8996 (v) a political subdivision of the state; or
8997 (vi) an agency of a political subdivision of the state.
8998 (b) "Public water supplier" means an entity that:
8999 (i) supplies water, directly or indirectly, to the public for municipal, domestic, or
9000 industrial use; and
9001 (ii) is:
9002 (A) a public entity;
9003 (B) a water corporation, as defined in Section 54-2-1, that is regulated by the Public
9004 Service Commission;
9005 (C) a community water system:
9006 (I) that:
9007 (Aa) supplies water to at least 100 service connections used by year-round residents;
9008 or
9009 (Bb) regularly serves at least 200 year-round residents; and
9010 (II) whose voting members:
9011 (Aa) own a share in the community water system;
9012 (Bb) receive water from the community water system in proportion to the member's
9013 share in the community water system; and
9014 (Cc) pay the rate set by the community water system based on the water the member
9015 receives; or
9016 (D) a water users association:
9017 (I) in which one or more public entities own at least 70% of the outstanding shares;
9018 and

9019 (II) that is a local sponsor of a water project constructed by the United States Bureau
9020 of Reclamation.

9021 (c) "Shareholder" is as defined in Section 73-3-3.5.

9022 (d) "Water company" is as defined in Section 73-3-3.5.

9023 (e) "Water supply entity" means an entity that supplies water as a utility service or for
9024 irrigation purposes and is also:

9025 (i) a municipality, water conservancy district, metropolitan water district, irrigation
9026 district, or other public agency;

9027 (ii) a water company regulated by the Public Service Commission; or

9028 (iii) any other owner of a community water system.

9029 (2) (a) When an appropriator or the appropriator's successor in interest abandons or
9030 ceases to use all or a portion of a water right for a period of seven years, the water right or the
9031 unused portion of that water right is subject to forfeiture in accordance with Subsection (2)(c),
9032 unless the appropriator or the appropriator's successor in interest files a nonuse application
9033 with the state engineer.

9034 (b) (i) A nonuse application may be filed on all or a portion of the water right,
9035 including water rights held by a water company.

9036 (ii) After giving written notice to the water company, a shareholder may file a nonuse
9037 application with the state engineer on the water represented by the stock.

9038 (c) (i) A water right or a portion of the water right may not be forfeited unless a
9039 judicial action to declare the right forfeited is commenced within 15 years from the end of the
9040 latest period of nonuse of at least seven years.

9041 (ii) If forfeiture is asserted in an action for general determination of rights in
9042 conformance with the provisions of Chapter 4, Determination of Water Rights, the 15-year
9043 limitation period shall commence to run back in time from the date the state engineer's
9044 proposed determination of rights is served upon each claimant.

9045 (iii) A decree entered in an action for general determination of rights under Chapter 4,
9046 Determination of Water Rights, shall bar any claim of forfeiture for prior nonuse against any

9047 right determined to be valid in the decree, but does not bar a claim for periods of nonuse that
9048 occur after the entry of the decree.

9049 (iv) A proposed determination by the state engineer in an action for general
9050 determination of rights under Chapter 4, Determination of Water Rights, bars a claim of
9051 forfeiture for prior nonuse against any right proposed to be valid, unless a timely objection has
9052 been filed within the time allowed in Chapter 4, Determination of Water Rights.

9053 (v) If in a judicial action a court declares a water right forfeited, on the date on which
9054 the water right is forfeited:

9055 (A) the right to use the water reverts to the public; and

9056 (B) the water made available by the forfeiture:

9057 (I) first, satisfies other water rights in the hydrologic system in order of priority date;

9058 and

9059 (II) second, may be appropriated as provided in this title.

9060 (d) This section applies whether the unused or abandoned water or a portion of the
9061 water is:

9062 (i) permitted to run to waste; or

9063 (ii) used by others without right with the knowledge of the water right holder.

9064 (e) This section does not apply to:

9065 (i) the use of water according to a lease or other agreement with the appropriator or the
9066 appropriator's successor in interest;

9067 (ii) a water right if its place of use is contracted under an approved state agreement or
9068 federal conservation fallowing program;

9069 (iii) those periods of time when a surface water or groundwater source fails to yield
9070 sufficient water to satisfy the water right;

9071 (iv) a water right when water is unavailable because of the water right's priority date;

9072 (v) a water right to store water in a surface reservoir or an aquifer, in accordance with
9073 Title 73, Chapter 3b, Groundwater Recharge and Recovery Act, if:

9074 (A) the water is stored for present or future use; or

9075 (B) storage is limited by a safety, regulatory, or engineering restraint that the
9076 appropriator or the appropriator's successor in interest cannot reasonably correct;

9077 (vi) a water right if a water user has beneficially used substantially all of the water
9078 right within a seven-year period, provided that this exemption does not apply to the
9079 adjudication of a water right in a general determination of water rights under Chapter 4,
9080 Determination of Water Rights;

9081 (vii) except as provided by Subsection (2)(g), a water right:

9082 (A) (I) owned by a public water supplier;

9083 (II) represented by a public water supplier's ownership interest in a water company; or

9084 (III) to which a public water supplier owns the right of use; and

9085 (B) conserved or held for the reasonable future water requirement of the public, which
9086 is determined according to Subsection (2)(f);

9087 (viii) a supplemental water right during a period of time when another water right
9088 available to the appropriator or the appropriator's successor in interest provides sufficient
9089 water so as to not require use of the supplemental water right; or

9090 (ix) a water right subject to an approved change application where the applicant is
9091 diligently pursuing certification.

9092 (f) (i) The reasonable future water requirement of the public is the amount of water
9093 needed in the next 40 years by the persons within the public water supplier's projected service
9094 area based on projected population growth or other water use demand.

9095 (ii) For purposes of Subsection (2)(f)(i), a community water system's projected service
9096 area:

9097 (A) is the area served by the community water system's distribution facilities; and

9098 (B) expands as the community water system expands the distribution facilities in
9099 accordance with Title 19, Chapter 4, Safe Drinking Water Act.

9100 (g) For a water right acquired by a public water supplier on or after May 5, 2008,
9101 Subsection (2)(e)(vii) applies if:

9102 (i) the public water supplier submits a change application under Section 73-3-3; and

9103 (ii) the state engineer approves the change application.

9104 (3) (a) The state engineer shall furnish a nonuse application form requiring the

9105 following information:

9106 (i) the name and address of the applicant;

9107 (ii) a description of the water right or a portion of the water right, including the point

9108 of diversion, place of use, and priority;

9109 (iii) the quantity of water;

9110 (iv) the period of use;

9111 (v) the extension of time applied for;

9112 (vi) a statement of the reason for the nonuse of the water; and

9113 (vii) any other information that the state engineer requires.

9114 (b) (i) Filing the nonuse application extends the time during which nonuse may

9115 continue until the state engineer issues an order on the nonuse application.

9116 (ii) Approval of a nonuse application protects a water right from forfeiture for nonuse

9117 from the application's filing date until the approved application's expiration date.

9118 (c) (i) Upon receipt of the application, the state engineer shall publish a notice of the

9119 application once a week for two successive weeks;

9120 (A) in a newspaper of general circulation in the county in which the source of the

9121 water supply is located and where the water is to be used[-]; and

9122 (B) as required in Section 45-1-101.

9123 (ii) The notice shall:

9124 (A) state that an application has been made; and

9125 (B) specify where the interested party may obtain additional information relating to

9126 the application.

9127 (d) Any interested person may file a written protest with the state engineer against the

9128 granting of the application:

9129 (i) within 20 days after the notice is published, if the adjudicative proceeding is

9130 informal; and

9131 (ii) within 30 days after the notice is published, if the adjudicative proceeding is
9132 formal.

9133 (e) In any proceedings to determine whether the nonuse application should be
9134 approved or rejected, the state engineer shall follow the procedures and requirements of Title
9135 63G, Chapter 4, Administrative Procedures Act.

9136 (f) After further investigation, the state engineer may approve or reject the application.

9137 (4) (a) The state engineer shall grant a nonuse application on all or a portion of a water
9138 right for a period of time not exceeding seven years if the applicant shows a reasonable cause
9139 for nonuse.

9140 (b) A reasonable cause for nonuse includes:

9141 (i) a demonstrable financial hardship or economic depression;

9142 (ii) the initiation of water conservation or efficiency practices, or the operation of a
9143 groundwater recharge recovery program approved by the state engineer;

9144 (iii) operation of legal proceedings;

9145 (iv) the holding of a water right or stock in a mutual water company without use by
9146 any water supply entity to meet the reasonable future requirements of the public;

9147 (v) situations where, in the opinion of the state engineer, the nonuse would assist in
9148 implementing an existing, approved water management plan; or

9149 (vi) the loss of capacity caused by deterioration of the water supply or delivery
9150 equipment if the applicant submits, with the application, a specific plan to resume full use of
9151 the water right by replacing, restoring, or improving the equipment.

9152 (5) (a) Sixty days before the expiration of a nonuse application, the state engineer shall
9153 notify the applicant by mail or by any form of electronic communication through which
9154 receipt is verifiable, of the date when the nonuse application will expire.

9155 (b) An applicant may file a subsequent nonuse application in accordance with this
9156 section.

9157 Section 211. Section **73-1-16** is amended to read:

9158 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**

9159 -- Costs -- Review.

9160 Where any water users' association, irrigation company, canal company, ditch
9161 company, reservoir company, or other corporation of like character or purpose, organized
9162 under the laws of this state has entered into or proposes to enter into a contract with the United
9163 States for the payment by such association or company of the construction and other charges
9164 of a federal reclamation project constructed, under construction, or to be constructed within
9165 this state, and where funds for the payment of such charges are to be obtained from
9166 assessments levied upon the stock of such association or company, or where a lien is created
9167 or will be created against any of the land, property, canals, water rights or other assets of such
9168 association or company or against the land, property, canals, water rights or other assets of any
9169 stockholder of such association or company to secure the payment of construction or other
9170 charges of a reclamation project, the water users' association, irrigation company, canal
9171 company, ditch company, reservoir company or other corporation of like character or purpose
9172 may file in the district court of the county wherein is situated the office of such association or
9173 company a petition entitled "..... Water Users' Association" or "..... Company," as the
9174 case may be, "against the stockholders of said association or company and the owners and
9175 mortgagees of land within the Federal Reclamation Project." No other or more specific
9176 description of the defendants shall be required. In the petition it may be stated that the water
9177 users' association, irrigation company, canal company, ditch company, reservoir company or
9178 other corporation of like character and purpose has entered into or proposes to enter into a
9179 contract with the United States, to be set out in full in said petition, with a prayer that the court
9180 find said contract to be valid, and a modification of any individual contracts between the
9181 United States and the stockholders of such association or company, or between the association
9182 or company, and its stockholders, so far as such individual contracts are at variance with the
9183 contract or proposed contract between the association or company and the United States.

9184 Thereupon a notice in the nature of a summons shall issue under the hand and seal of
9185 the clerk of said court, stating in brief outline the contents of said petition, and showing where
9186 a full copy of said contract or proposed contract may be examined, such notice to be directed

9187 to the said defendants under the same general designations, which shall be deemed sufficient
9188 to give the court jurisdiction of all matters involved and parties interested. Service shall be
9189 obtained (a) by publication of such notice once a week for three consecutive weeks (three
9190 times) in a newspaper published in each county where the irrigable land of such federal
9191 reclamation project is situated, (b) as required in Section 45-1-101 for three weeks, and ~~[(b)]~~
9192 (c) by the posting at least three weeks prior to the date of the hearing on said petition of the
9193 notice and a complete copy of the said contract or proposed contract in the office of the
9194 plaintiff association or company, and at three other public places within the boundaries of
9195 such federal reclamation project. Any stockholder in the plaintiff association or company, or
9196 owner, or mortgagee of land within said federal reclamation project affected by the contract
9197 proposed to be made by such association or company, may demur to or answer said petition
9198 before the date set for such hearing or within such further time as may be allowed therefor by
9199 the court. The failure of any persons affected by the said contract to answer or demur shall be
9200 construed, so far as such persons are concerned as an acknowledgment of the validity of said
9201 contract and as a consent to the modification of said individual contracts if any with such
9202 association or company or with the United States, to the extent that such modification is
9203 required to cause the said individual contracts if any to conform to the terms of the contract or
9204 proposed contract between the plaintiff and the United States. All persons filing demurrers or
9205 answers shall be entered as defendants in said cause and their defense consolidated for hearing
9206 or trial. Upon hearing the court shall examine all matters and things in controversy and shall
9207 enter judgment and decree as the case warrants, showing how and to what extent, if any, the
9208 said individual contracts of the defendants or under which they claim are modified by the
9209 plaintiff's contract or proposed contract with the United States. In reaching his conclusion in
9210 such causes, the court shall follow a liberal interpretation of the laws, and shall disregard
9211 informalities or omissions not affecting the substantial rights of the parties, unless it is
9212 affirmatively shown that such informalities or omissions led to a different result than would
9213 have been obtained otherwise. The Code of Civil Procedure shall govern matters of pleading
9214 and practice as nearly as may be. Costs may be assessed or apportioned among contesting

9215 parties in the discretion of the trial court. Review of the judgment of the district court by the
9216 Supreme Court may be had as in other civil causes.

9217 Section 212. Section **73-3-6** is amended to read:

9218 **73-3-6. Publication of notice of application -- Corrections or amendments of**
9219 **applications.**

9220 (1) (a) When an application is filed in compliance with this title, the state engineer
9221 shall publish a notice of the application:

9222 (i) once a week for a period of two successive weeks in a newspaper of general
9223 circulation in the county in which the source of supply is located, and where the water is to be
9224 used[-]; and

9225 (ii) in accordance within Section 45-1-101 for two weeks.

9226 (b) The notice shall:

9227 (i) state that an application has been made; and

9228 (ii) specify where the interested party may obtain additional information relating to the
9229 application.

9230 (c) Clerical errors, ambiguities, and mistakes that do not prejudice the rights of others
9231 may be corrected by order of the state engineer either before or after the publication of notice.

9232 (2) After publication of notice to water users, the state engineer may authorize
9233 amendments or corrections that involve a change of point of diversion, place, or purpose of
9234 use of water, only after republication of notice to water users.

9235 Section 213. Section **73-3-12** is amended to read:

9236 **73-3-12. Time limit on construction and application to beneficial use --**

9237 **Extensions -- Procedures and criteria.**

9238 (1) As used in this section:

9239 (a) "Public agency" means:

9240 (i) a public water supply agency of the state or a political subdivision of the state; or

9241 (ii) the Bureau of Reclamation.

9242 (b) "Wholesale electrical cooperative" is as defined in Section 54-2-1.

9243 (2) (a) An applicant shall construct works, if necessary, and apply the water to
9244 beneficial use within the time fixed by the state engineer.

9245 (b) Except as provided by Subsection (2)(c), the state engineer may grant an extension
9246 of time, not exceeding 50 years from the application's approval date, if the applicant shows
9247 diligence or a reasonable cause for delay.

9248 (c) The state engineer may grant an extension of time, beyond 50 years, on an
9249 application held by a public agency or a wholesale electrical cooperative if the public agency
9250 or wholesale electrical cooperative shows that the water will be needed to meet the reasonable
9251 future water or electricity requirements of the public.

9252 (d) An applicant shall file a request for an extension of time with the office of the state
9253 engineer on or before the date fixed for filing proof of appropriation.

9254 (e) The state engineer may grant an extension of time:

9255 (i) not exceeding 14 years after the approval date upon a sufficient showing; and

9256 (ii) beyond 14 years after application and publication of notice.

9257 (f) (i) The state engineer shall publish a notice of the application;

9258 (A) once a week for two successive weeks, in a newspaper of general circulation, in
9259 the county in which the water supply source is located and where the water is to be used[-];
9260 and

9261 (B) in accordance with Section 45-1-101 for two weeks.

9262 (ii) The notice shall:

9263 (A) state that an application has been made; and

9264 (B) specify where the interested party may obtain additional information relating to
9265 the application.

9266 (g) Any person who owns a water right or holds an application from the source of
9267 supply referred to in Subsection (2)(f) may file a protest with the state engineer:

9268 (i) within 20 days after the notice is published, if the adjudicative proceeding is
9269 informal; and

9270 (ii) within 30 days after the notice is published, if the adjudicative proceeding is

9271 formal.

9272 (h) In considering an application to extend the time in which to place water to
9273 beneficial use under an approved application, the state engineer shall deny the extension of
9274 time and declare the application lapsed, unless the applicant affirmatively shows that the
9275 applicant has exercised or is exercising reasonable and due diligence in working toward
9276 completion of the appropriation.

9277 (i) (i) The state engineer shall approve the extension of time if the applicant shows
9278 reasonable and due diligence.

9279 (ii) The approved extension of time is effective so long as the applicant continues to
9280 exercise reasonable diligence in completing the appropriation.

9281 (j) (i) The state engineer shall consider the holding of an approved application by a
9282 public agency or a wholesale electrical cooperative to meet the reasonable future water or
9283 electricity requirements of the public to be reasonable and due diligence within the meaning of
9284 this section for the first 50 years.

9285 (ii) The state engineer may approve an extension of time beyond 50 years for a public
9286 agency or a wholesale electrical cooperative, if the public agency or wholesale electrical
9287 cooperative provides information that shows the water will be needed to meet the reasonable
9288 future water or electricity requirements of the public.

9289 (k) If the state engineer finds unjustified delay or lack of diligence in prosecuting the
9290 works to completion, the state engineer may:

9291 (i) deny the extension of time; or

9292 (ii) grant the request in part or upon conditions, including a reduction of the priority of
9293 all or part of the application.

9294 (3) (a) Except as provided by Subsections (3)(b) and (c), an application upon which
9295 proof has not been submitted shall lapse and have no further force or effect after the expiration
9296 of 50 years from the date of its approval.

9297 (b) If the works are constructed with which to make beneficial use of the water applied
9298 for, the state engineer may, upon showing of that fact, grant additional time beyond the

9299 50-year period in which to make proof.

9300 (c) An application held by a public agency or a wholesale electrical cooperative to
9301 meet the reasonable future water or electricity requirements of the public, for which proof of
9302 appropriation has not been submitted, shall lapse, unless extended as provided in Subsection
9303 (2)(j).

9304 Section 214. Section **73-3a-107** is amended to read:

9305 **73-3a-107. Publication of notice of application -- Corrections or amendments of**
9306 **applications.**

9307 (1) (a) When an application is filed in accordance with Section 73-3a-106 and relevant
9308 provisions of Chapter 3, Appropriation, the state engineer shall publish a notice of the
9309 application;

9310 (i) once a week for a period of two successive weeks in a newspaper of general
9311 circulation in the county in which the water source is located and where the water is to be
9312 used[-]; and

9313 (ii) in accordance with Section 45-1-101 for two weeks.

9314 (b) The notice shall:

9315 (i) state that an application has been made; and

9316 (ii) specify where the interested party may obtain additional information relating to the
9317 application.

9318 (c) The notice described in Subsection (1)(a)(i) may be published in more than one
9319 newspaper.

9320 (2) Clerical errors, ambiguities, and mistakes in the application that do not prejudice
9321 the rights of others may be corrected by order of the state engineer either before or after the
9322 publication of notice.

9323 (3) If amendments or corrections to the application are made that involve a change of
9324 point of diversion, place of use, or purpose of use of water, the notice must be republished.

9325 Section 215. Section **73-4-3** is amended to read:

9326 **73-4-3. Procedure for action to determine rights -- Notice to and list of claimants**

9327 -- Manner of giving notice of further proceedings -- Duties of engineer -- Survey -- Notice
9328 of completion.

9329 (1) Upon the filing of any action by the state engineer as provided in Section 73-4-1,
9330 or by any person claiming the right to use the waters of any river system, lake, underground
9331 water basin, or other natural source of supply that involves a determination of the rights to the
9332 major part of the water of the source of supply or the rights of ten or more of the claimants of
9333 the source of supply, the clerk of the district court shall notify the state engineer that a suit has
9334 been filed.

9335 (2) (a) The state engineer then shall give notice to the claimants by publishing notice;

9336 (i) once a week for two consecutive weeks in a newspaper designated by the court as
9337 most likely to give notice to such claimants[-]; and

9338 (ii) in accordance with Section 45-1-101 for two weeks.

9339 (b) The notice shall state:

9340 (i) an action has been filed;

9341 (ii) the name of the action;

9342 (iii) the name and location of the court in which the action is pending; and

9343 (iv) the name or description of the water source involved.

9344 (c) Claimants to the use of water shall notify the state engineer within 90 days from
9345 the date notice is given of their names and addresses.

9346 (d) After the expiration of 90 days, the state engineer shall prepare a list that shall
9347 include the names and addresses of all claimants then of record in the state engineer's office
9348 and all claimants who have notified the state engineer of their addresses, and this list shall be
9349 certified by the state engineer as complete and filed with the clerk of the court.

9350 (e) The court upon petition may by order permit the addition of names and addresses
9351 to this list at any time during the pendency of the action, and the clerk of the court may,
9352 without court order, upon notice from the claimant note any change of address.

9353 (f) If any claimant appears in this action by an attorney, the clerk shall note on the list
9354 the address of the attorney.

9355 (g) After the list is filed by the state engineer, notice of further proceedings, after
9356 service of summons, may be given without court order by mailing a copy thereof to the
9357 persons listed at the addresses listed and by mailing a copy thereof to any attorney of record
9358 for any such person, and notice may be given to such listed persons and to all other claimants
9359 by publication in the manner and for the time prescribed by order of the district court and in
9360 accordance with Subsection (2)(a).

9361 (3) After the statement or list is filed, the state engineer shall begin the survey of the
9362 water source and the ditches, canals, wells, tunnels, or other works diverting water therefrom.

9363 (4) (a) As soon as the survey is complete, the state engineer shall file notice of
9364 completion with the clerk and give notice by mail or by personal service to all claimants whose
9365 names appear on the list that:

9366 (i) the survey is complete;

9367 (ii) their claims are due within 90 days from the date of notice; and

9368 (iii) within 90 days after service of the notice, each claimant must file a written
9369 statement with the clerk of the court setting forth the claimant's respective claim to the use of
9370 the water.

9371 (b) Notice given by mail is complete when the notice is mailed.

9372 (5) When a suit has been filed by the state engineer as provided by Section 73-4-1, or
9373 by any person involving the major part of the waters of any river system, lake, underground
9374 water basin, or other source of supply, or the rights of ten or more of the water claimants of the
9375 source of supply, whether the suit is filed prior to or after the enactment hereof, the state
9376 engineer, upon receiving notice, shall examine the records of the state engineer's office with
9377 respect to the water source involved, and if they are incomplete to make such further
9378 investigation and survey as may be necessary for the preparation of the report and
9379 recommendation as required by Section 73-4-11.

9380 (6) In all such cases the court shall proceed to determine the water rights involved in
9381 the manner provided by this chapter, and not otherwise.

9382 Section 216. Section **73-4-4** is amended to read:

73-4-4. Summons -- Service -- Publication -- Form -- Delivery of form for claimant's statement.

(1) (a) Claimants whose names appear on the list prescribed by Section 73-4-3 at the time the list is filed by the state engineer with the clerk of the court shall be served with a summons issued out of the district court and served as a summons is served in other civil cases.

(b) Upon the filing by the state engineer of an affidavit that the state engineer has searched the records of the state engineer's office and has listed all names as required by Section 73-4-3, and upon proof of publication of notice to all claimants to notify the state engineer of their names and addresses, summons may be served on all other persons and claimants not listed on said list by publication of summons[;]:

(i) in a newspaper or newspapers designated by the judge of the court as most likely to give notice to the persons served, five times, once each week for five successive weeks[;]; and

(ii) in accordance with Section 45-1-101 for five weeks.

(c) Service of summons is completed upon the date of the publication.

(d) The summons shall be substantially in the following form:

"In the District Court of County, State of Utah, in the matter of the general adjudication of water rights in the described water source.

SUMMONS

The State of Utah to the said defendant:

You are hereby summoned to appear and defend the above entitled action which is brought for the purpose of making a general determination of the water rights of the described water source. Upon the service of this summons upon you, you will thereafter be subject to the jurisdiction of the entitled court and it shall be your duty to follow further proceedings in the above entitled action and to protect your rights therein. When the state engineer has completed the survey you will be given a further written notice, either in person or by mail, sent to your last-known address, that you must file a water users claim in this action setting forth the nature of your claim, and said notice will specify the date upon which your water users claim is due

9411 and thereafter you must file said claim within the time set and your failure so to do will
9412 constitute a default in the premises and a judgment may be entered against you declaring and
9413 adjudging that you have no right in or to the waters of described water source."

9414 (2) At the time the said notice of completion of survey is given, the state engineer
9415 must mail or otherwise deliver a form upon which the claimant shall present in writing, as
9416 provided in the next succeeding section, all the particulars relating to the appropriation of the
9417 water of said river system or water source to which the claimant lays claim.

9418 Section 217. Section **73-4-9** is amended to read:

9419 **73-4-9. Failure to file statement -- Relief.**

9420 The filing of each statement by a claimant shall be considered notice to all persons of
9421 the claim of the party making the same, and any person failing to make and deliver such
9422 statement of claim to the clerk of the court within the time prescribed by law shall be forever
9423 barred and estopped from subsequently asserting any rights, and shall be held to have forfeited
9424 all rights to the use of the water theretofore claimed by him; provided, that any claimant, upon
9425 whom no other service of said notice shall have been made than by publication in a newspaper
9426 and as required in Section 45-1-101, may apply to the court for permission to file a statement
9427 of claim after the time therefor has expired, and the court may extend the time for filing such
9428 statement, not exceeding six months from the publication of said notice; but, before said time
9429 is extended, the applicant shall give notice by publication in a newspaper having general
9430 circulation and as required in Section 45-1-101 on such river system or near the water source
9431 to all other persons interested in the water of such river system or water source, and shall make
9432 it appear to the satisfaction of the court that during the pendency of the proceedings he had no
9433 actual notice thereof in time to appear and file a statement and make proof of his claim; and all
9434 parties interested may be heard as to the matter of his actual notice of the pendency of such
9435 proceedings.

9436 Section 218. Section **73-5-14** is amended to read:

9437 **73-5-14. Determination by the state engineer of watershed to which particular**
9438 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

(1) The state engineer shall have the power to determine for administrative and distribution purposes the watershed to which any particular stream or source of water is tributary.

(2) Said determination may be made only after publication of notice to the water users.

(3) Said publication of notice shall be made:

(a) in a newspaper or newspapers having general circulation in every county in this state in which any rights might be affected[~~—The publication is to be made once each week for five consecutive weeks.~~] once each week for five consecutive weeks; and

(b) in accordance with Section 45-1-101 for five weeks.

(4) It shall fix the date and place of hearing and at said hearing any water user shall be given an opportunity to appear and adduce evidence material to the determination of the question involved.

(5) The result of said determination by the state engineer shall likewise be published in the manner set forth above and said notice of the decision of the state engineer shall also notify the public that any person aggrieved by said decision may appeal from said decision as provided by Section 73-3-14; and notice shall be deemed to have been given so as to start the time for appeal upon completion of the publication of notice.

Section 219. Section **73-5-15** is amended to read:

73-5-15. Groundwater management plan.

(1) As used in this section:

(a) "Critical management area" means a groundwater basin in which the groundwater withdrawals consistently exceed the safe yield.

(b) "Safe yield" means the amount of groundwater that can be withdrawn from a groundwater basin over a period of time without exceeding the long-term recharge of the basin or unreasonably affecting the basin's physical and chemical integrity.

(2) (a) The state engineer may regulate groundwater withdrawals within a specific groundwater basin by adopting a groundwater management plan in accordance with this section for any groundwater basin or aquifer or combination of hydrologically connected

9467 groundwater basins or aquifers.

9468 (b) The objectives of a groundwater management plan are to:

9469 (i) limit groundwater withdrawals to safe yield;

9470 (ii) protect the physical integrity of the aquifer; and

9471 (iii) protect water quality.

9472 (c) The state engineer shall adopt a groundwater management plan for a groundwater
9473 basin if more than 1/3 of the water right owners in the groundwater basin request that the state
9474 engineer adopt a groundwater management plan.

9475 (3) (a) In developing a groundwater management plan, the state engineer may
9476 consider:

9477 (i) the hydrology of the groundwater basin;

9478 (ii) the physical characteristics of the groundwater basin;

9479 (iii) the relationship between surface water and groundwater, including whether the
9480 groundwater should be managed in conjunction with hydrologically connected surface waters;

9481 (iv) the geographic spacing and location of groundwater withdrawals;

9482 (v) water quality;

9483 (vi) local well interference; and

9484 (vii) other relevant factors.

9485 (b) The state engineer shall base the provisions of a groundwater management plan on
9486 the principles of prior appropriation.

9487 (c) (i) The state engineer shall use the best available scientific method to determine
9488 safe yield.

9489 (ii) As hydrologic conditions change or additional information becomes available, safe
9490 yield determinations made by the state engineer may be revised by following the procedures
9491 listed in Subsection (5).

9492 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
9493 groundwater basin shall be limited to the basin's safe yield.

9494 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer

9495 shall:

9496 (A) determine the groundwater basin's safe yield; and

9497 (B) adopt a groundwater management plan for the groundwater basin.

9498 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
9499 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
9500 groundwater basin based on the priority date of the water rights under the groundwater
9501 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires
9502 a different distribution.

9503 (b) When adopting a groundwater management plan for a critical management area,
9504 the state engineer shall, based on economic and other impacts to an individual water user or a
9505 local community caused by the implementation of safe yield limits on withdrawals, allow
9506 gradual implementation of the groundwater management plan.

9507 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
9508 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
9509 before or after a determination that groundwater withdrawals exceed the groundwater basin's
9510 safe yield.

9511 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
9512 law.

9513 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
9514 all of the water users in a groundwater basin does not affect the rights of water users who do
9515 not agree to the voluntary arrangement.

9516 (5) To adopt a groundwater management plan, the state engineer shall:

9517 (a) give notice as specified in Subsection (7) at least 30 days before the first public
9518 meeting held in accordance with Subsection (5)(b):

9519 (i) that the state engineer proposes to adopt a groundwater management plan;

9520 (ii) describing generally the land area proposed to be included in the groundwater
9521 management plan; and

9522 (iii) stating the location, date, and time of each public meeting to be held in

9523 accordance with Subsection (5)(b);
9524 (b) hold one or more public meetings in the geographic area proposed to be included
9525 within the groundwater management plan to:
9526 (i) address the need for a groundwater management plan;
9527 (ii) present any data, studies, or reports that the state engineer intends to consider in
9528 preparing the groundwater management plan;
9529 (iii) address safe yield and any other subject that may be included in the groundwater
9530 management plan;
9531 (iv) outline the estimated administrative costs, if any, that groundwater users are likely
9532 to incur if the plan is adopted; and
9533 (v) receive any public comments and other information presented at the public
9534 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);
9535 (c) receive and consider written comments concerning the proposed groundwater
9536 management plan from any person for a period determined by the state engineer of not less
9537 than 60 days after the day on which the notice required by Subsection (5)(a) is given;
9538 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,
9539 publish notice:
9540 (A) that a draft of the groundwater management plan has been proposed; and
9541 (B) specifying where a copy of the draft plan may be reviewed; and
9542 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of
9543 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and
9544 (e) provide notice of the adoption of the groundwater management plan.
9545 (6) A groundwater management plan shall become effective on the date notice of
9546 adoption is completed under Subsection (7), or on a later date if specified in the plan.
9547 (7) (a) A notice required by this section shall be:
9548 (i) published;
9549 (A) once a week for two successive weeks in a newspaper of general circulation in
9550 each county that encompasses a portion of the land area proposed to be included within the

9551 groundwater management plan; and
9552 (B) in accordance with Section 45-1-101 for two weeks;
9553 (ii) published conspicuously on the state engineer's Internet website; and
9554 (iii) mailed to each of the following that has within its boundaries a portion of the land
9555 area to be included within the proposed groundwater management plan:
9556 (A) county;
9557 (B) incorporated city or town;
9558 (C) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
9559 Act;
9560 (D) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;
9561 (E) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;
9562 (F) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;
9563 (G) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
9564 Water District Act;
9565 (H) special service district providing water, sewer, drainage, or flood control services,
9566 under Title 17D, Chapter 1, Special Service District Act;
9567 (I) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
9568 Conservancy District Act; and
9569 (J) conservation district, under Title 17D, Chapter 3, Conservation District Act.
9570 (b) A notice required by this section is effective upon substantial compliance with
9571 Subsections (7)(a)(i) through (iii).
9572 (8) A groundwater management plan may be amended in the same manner as a
9573 groundwater management plan may be adopted under this section.
9574 (9) The existence of a groundwater management plan does not preclude any otherwise
9575 eligible person from filing any application or challenging any decision made by the state
9576 engineer within the affected groundwater basin.
9577 (10) (a) A person aggrieved by a groundwater management plan may challenge any
9578 aspect of the groundwater management plan by filing a complaint within 60 days after the

9579 adoption of the groundwater management plan in the district court for any county in which the
9580 groundwater basin is found.

9581 (b) Notwithstanding Subsection (9), a person may challenge the components of a
9582 groundwater management plan only in the manner provided by Subsection (10)(a).

9583 (c) An action brought under this Subsection (10) is reviewed de novo by the district
9584 court.

9585 (d) A person challenging a groundwater management plan under this Subsection (10)
9586 shall join the state engineer as a defendant in the action challenging the groundwater
9587 management plan.

9588 (e) (i) Within 30 days after the day on which a person files an action challenging any
9589 aspect of a groundwater management plan under Subsection (10)(a), the person filing the
9590 action shall publish notice of the action:

9591 (A) in a newspaper of general circulation in the county in which the district court is
9592 located[-]; and

9593 (B) in accordance with Section 45-1-101 for two weeks.

9594 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for
9595 two consecutive weeks.

9596 (iii) The notice required by Subsection (10)(e)(i) shall:

9597 (A) identify the groundwater management plan the person is challenging;

9598 (B) identify the case number assigned by the district court;

9599 (C) state that a person affected by the groundwater management plan may petition the
9600 district court to intervene in the action challenging the groundwater management plan; and

9601 (D) list the address for the clerk of the district court in which the action is filed.

9602 (iv) (A) Any person affected by the groundwater management plan may petition to
9603 intervene in the action within 60 days after the day on which notice is last published under
9604 Subsections (10)(e)(i) and (ii).

9605 (B) The district court's treatment of a petition to intervene under this Subsection
9606 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

9607 (v) A district court in which an action is brought under Subsection (10)(a) shall
9608 consolidate all actions brought under that Subsection and include in the consolidated action
9609 any person whose petition to intervene is granted.

9610 (11) A groundwater management plan adopted or amended in accordance with this
9611 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative
9612 Rulemaking Act.

9613 (12) Recharge and recovery projects permitted under Chapter 3b, Groundwater
9614 Recharge and Recovery Act, are exempted from this section.

9615 (13) Nothing in this section may be interpreted to require the development,
9616 implementation, or consideration of a groundwater management plan as a prerequisite or
9617 condition to the exercise of the state engineer's enforcement powers under other law, including
9618 powers granted under Section 73-2-25.

9619 (14) A groundwater management plan adopted in accordance with this section may
9620 not apply to the dewatering of a mine.

9621 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
9622 2006, remains in force and has the same legal effect as it had on the day on which it was
9623 adopted by the state engineer.

9624 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
9625 or after May 1, 2006, the amendment is subject to this section's provisions.

9626 Section 220. Section **73-6-2** is amended to read:

9627 **73-6-2. Restoration by proclamation -- Priority of applications.**

9628 (1) Waters withdrawn from appropriation under this chapter may be restored by
9629 proclamation of the governor upon the recommendation of the state engineer.

9630 (2) Such proclamation shall not become effective until notice thereof has been
9631 published;

9632 (a) at least once a week for three successive weeks in a newspaper of general
9633 circulation within the boundaries of the river system or water source within which the waters
9634 so to be restored are situated[-]; and

9635 (b) in accordance with Section 45-1-101 for three weeks.

9636 (3) Applications for appropriations shall not be filed during the time such waters are
9637 withdrawn from appropriation; provided, that after the first publication of notice aforesaid
9638 applications may be deposited with the state engineer and at the time such proclamation
9639 becomes effective the engineer shall hold public hearings, giving all applicants notice, to
9640 determine which applications so filed during the period of publication of such notice are most
9641 conducive to the public good, and shall file such applications in order of priority according to
9642 such determination.

9643 Section 221. Section **75-1-401** is amended to read:

9644 **75-1-401. Notice -- Method and time of giving.**

9645 (1) If notice of a hearing on any petition is required and except for specific notice
9646 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
9647 hearing of any petition to be given to any interested person or his attorney if he has appeared
9648 by attorney or requested that notice be sent to his attorney. Notice shall be given by the clerk
9649 posting a copy of the notice for the ten consecutive days immediately preceding the time set
9650 for the hearing in at least three public places in the county, one of which must be at the
9651 courthouse of the county[;] and;

9652 (a) (i) by the clerk mailing a copy thereof at least ten days before the time set for the
9653 hearing by certified, registered, or ordinary first class mail addressed to the person being
9654 notified at the post-office address given in his demand for notice, if any, or at his office or
9655 place of residence, if known; or

9656 ~~[(b)]~~ (ii) by delivering a copy thereof to the person being notified personally at least
9657 ten days before the time set for the hearing; and

9658 ~~[(c)]~~ (b) if the address, or identity of any person is not known and cannot be
9659 ascertained with reasonable diligence, by publishing;

9660 (i) at least once a week for three consecutive weeks a copy thereof in a newspaper
9661 having general circulation in the county where the hearing is to be held, the last publication of
9662 which is to be at least ten days before the time set for the hearing[;] and

9663 (ii) in accordance with Section 45-1-101 for three weeks.

9664 (2) The court for good cause shown may provide for a different method or time of
9665 giving notice for any hearing.

9666 (3) Proof of the giving of notice shall be made on or before the hearing and filed in the
9667 proceeding.

9668 Section 222. Section **75-3-801** is amended to read:

9669 **75-3-801. Notice to creditors.**

9670 (1) (a) Unless notice has already been given under this section, a personal
9671 representative upon his appointment shall publish a notice to creditors [~~once a week for three~~
9672 ~~successive weeks in a newspaper of general circulation in the county~~] announcing the personal
9673 representative's appointment and address and notifying creditors of the estate to present their
9674 claims within three months after the date of the first publication of the notice or be forever
9675 barred.

9676 (b) The notice described in Subsection (1)(a) shall be published:

9677 (i) once a week for three successive weeks in a newspaper of general circulation in the
9678 county; and

9679 (ii) in accordance with Section 45-1-101 for three weeks.

9680 (2) A personal representative may give written notice by mail or other delivery to any
9681 creditor, notifying the creditor to present his claim within 90 days from the published notice if
9682 given as provided in Subsection (1) above or within 60 days from the mailing or other delivery
9683 of the notice, whichever is later, or be forever barred. Written notice shall be the notice
9684 described in Subsection (1) above or a similar notice.

9685 (3) The personal representative shall not be liable to any creditor or to any successor of
9686 the decedent for giving or failing to give notice under this section.

9687 Section 223. Section **75-7-508** is amended to read:

9688 **75-7-508. Notice to creditors.**

9689 (1) (a) A trustee for an inter vivos revocable trust, upon the death of the settlor, may
9690 publish a notice to creditors;

9691 (i) once a week for three successive weeks in a newspaper of general circulation in the
9692 county where the settlor resided at the time of death[-]; and

9693 (ii) in accordance with Section 45-1-101 for three weeks.

9694 (b) The notice required by [~~this~~] Subsection (1)(a) must:

9695 [~~(a)~~] (i) provide the trustee's name and address; and

9696 [~~(b)~~] (ii) notify creditors:

9697 [~~(i)~~] (A) of the deceased settlor; and

9698 [~~(ii)~~] (B) to present their claims within three months after the date of the first
9699 publication of the notice or be forever barred from presenting the claim.

9700 (2) A trustee shall give written notice by mail or other delivery to any known creditor
9701 of the deceased settlor, notifying the creditor to present his claim within 90 days from the
9702 published notice if given as provided in Subsection (1) or within 60 days from the mailing or
9703 other delivery of the notice, whichever is later, or be forever barred. Written notice shall be
9704 the notice described in Subsection (1) or a similar notice.

9705 (3) (a) If the deceased settlor received medical assistance, as defined in Section
9706 26-19-2, at any time after the age of 55, the trustee for an inter vivos revocable trust, upon the
9707 death of the settlor, shall mail or deliver written notice to the Director of the Office of
9708 Recovery Services, on behalf of the Department of Health, to present any claim under Section
9709 26-19-13.5 within 60 days from the mailing or other delivery of notice, whichever is later, or
9710 be forever barred.

9711 (b) If the trustee does not mail notice to the director of the Office of Recovery Services
9712 on behalf of the department in accordance with Subsection (3)(a), the department shall have
9713 one year from the death of the settlor to present its claim.

9714 (4) The trustee shall not be liable to any creditor or to any successor of the deceased
9715 settlor for giving or failing to give notice under this section.

9716 Section 224. Section **76-8-809** is amended to read:

9717 **76-8-809. Closing or restricting use of highways abutting defense or war**
9718 **facilities -- Posting of notices.**

9719 Any individual, partnership, association, corporation, municipal corporation or state or
9720 any political subdivision thereof engaged in or preparing to engage in the manufacture,
9721 transportation or storage of any product to be used in the preparation of the United States or
9722 any of the states for defense or for war or in the prosecution of war by the United States, or in
9723 the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or
9724 any of said natural or artificial persons operating any public utility who has property so used
9725 which he or it believes will be endangered if public use and travel is not restricted or
9726 prohibited on one or more highways or parts thereof upon which the property abuts, may
9727 petition the highway commissioners of any city, town, or county to close one or more of the
9728 highways or parts thereof to public use and travel or to restrict by order the use and travel upon
9729 one or more of the highways or parts thereof.

9730 Upon receipt of the petition, the highway commissioners shall set a day for hearing and
9731 give notice thereof by publication in a newspaper having general circulation in the city, town,
9732 or county in which the property is located[;] and as required in Section 45-1-101, the
9733 publication shall be made at least seven days prior to the date set for hearing. If, after hearing,
9734 the highway commissioners determine that the public safety and the safety of the property of
9735 the petitioner so require, they shall by suitable order close to public use and travel or
9736 reasonably restrict the use of and travel upon one or more of the highways or parts thereof;
9737 provided the highway commissioners may issue written permits to travel over the highway so
9738 closed or restricted to responsible and reputable persons for a term, under conditions and in a
9739 form as the commissioners may prescribe. Appropriate notices in letters at least three inches
9740 high shall be posted conspicuously at each end of any highway so closed or restricted by an
9741 order. The highway commissioners may at any time revoke or modify any order so made.

9742 Section 225. Section **76-10-530** is amended to read:

9743 **76-10-530. Trespass with a firearm in a house of worship or private residence --**
9744 **Notice -- Penalty.**

9745 (1) A person, including a person licensed to carry a concealed firearm pursuant to Title
9746 53, Chapter 5, Part 7, Concealed Weapon Act, after notice has been given as provided in

9747 Subsection (2) that firearms are prohibited, may not knowingly and intentionally:
9748 (a) transport a firearm into:
9749 (i) a house of worship; or
9750 (ii) a private residence; or
9751 (b) while in possession of a firearm, enter or remain in:
9752 (i) a house of worship; or
9753 (ii) a private residence.
9754 (2) Notice that firearms are prohibited may be given by:
9755 (a) personal communication to the actor by:
9756 (i) the church or organization operating the house of worship;
9757 (ii) the owner, lessee, or person with lawful right of possession of the private
9758 residence; or
9759 (iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and
9760 (ii);
9761 (b) posting of signs reasonably likely to come to the attention of persons entering the
9762 house of worship or private residence;
9763 (c) announcement, by a person with authority to act for the church or organization
9764 operating the house of worship, in a regular congregational meeting in the house of worship;
9765 (d) publication in a bulletin, newsletter, worship program, or similar document
9766 generally circulated or available to the members of the congregation regularly meeting in the
9767 house of worship; or
9768 (e) publication;
9769 (i) in a newspaper of general circulation in the county in which the house of worship is
9770 located or the church or organization operating the house of worship has its principal office in
9771 this state[-]; and
9772 (ii) as required in Section 45-1-101.
9773 (3) A church or organization operating a house of worship and giving notice that
9774 firearms are prohibited may:

9775 (a) revoke the notice, with or without supersedure, by giving further notice in any
9776 manner provided in Subsection (2); and

9777 (b) provide or allow exceptions to the prohibition as the church or organization
9778 considers advisable.

9779 (4) (a) (i) Within 30 days of giving or revoking any notice pursuant to Subsection
9780 (2)(c), (d), or (e), a church or organization operating a house of worship shall notify the
9781 division on a form and in a manner as the division shall prescribe.

9782 (ii) The division shall post on its website a list of the churches and organizations
9783 operating houses of worship who have given notice under Subsection (4)(a)(i).

9784 (b) Any notice given pursuant to Subsection (2)(c), (d), or (e) shall remain in effect
9785 until revoked or for a period of one year from the date the notice was originally given,
9786 whichever occurs first.

9787 (5) Nothing in this section permits an owner who has granted the lawful right of
9788 possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a
9789 firearm in the residence.

9790 (6) A violation of this section is an infraction.

9791 Section 226. Section **77-24a-5** is amended to read:

9792 **77-24a-5. Disposition of unclaimed property.**

9793 (1) (a) If the owner of any unclaimed property cannot be determined or notified, or if
9794 he is determined and notified, and fails to appear and claim the property after three months of
9795 its receipt by the local law enforcement agency, the agency shall:

9796 (i) publish at least one notice of the intent to dispose of the unclaimed property:

9797 (A) in a newspaper of general circulation within the county; and

9798 (B) as required in Section 45-1-101; and

9799 (ii) post a similar notice in a public place designated for notice within the law
9800 enforcement agency.

9801 (b) The notice shall:

9802 (i) give a general description of the item; and

9803 (ii) the date of intended disposition.

9804 (c) The agency may not dispose of the unclaimed property until at least eight days
9805 after the date of publication and posting.

9806 (2) (a) If no claim is made for the unclaimed property within nine days of publication
9807 and posting, the agency shall notify the person who turned the property over to the local law
9808 enforcement agency, if it was turned over by a person under Section 77-24a-3.

9809 (b) Except as provided in Subsection (4), if that person has complied with the
9810 provisions of this chapter, ~~[he]~~ the person may take the unclaimed property if ~~[he]~~ the person:

9811 (i) pays the costs incurred for advertising and storage; and

9812 (ii) signs a receipt for the item.

9813 (3) If the person who found the unclaimed property fails to take the property under the
9814 provisions of this chapter, the agency shall dispose of that property and any other property that
9815 is not claimed under this chapter as provided by Section 77-24-4.

9816 (4) Any person employed by a law enforcement agency who finds property may not
9817 claim or receive property under this section.

9818 Section 227. Section **78A-6-109** is amended to read:

9819 **78A-6-109. Summons -- Service and process -- Issuance and contents -- Notice to**
9820 **absent parent or guardian -- Emergency medical or surgical treatment -- Compulsory**
9821 **process for attendance of witnesses when authorized.**

9822 (1) After a petition is filed the court shall promptly issue a summons, unless the judge
9823 directs that a further investigation is needed. No summons is required as to any person who
9824 appears voluntarily or who files a written waiver of service with the clerk of the court at or
9825 prior to the hearing.

9826 (2) The summons shall contain:

9827 (a) the name of the court;

9828 (b) the title of the proceedings; and

9829 (c) except for a published summons, a brief statement of the substance of the
9830 allegations in the petition.

9831 (3) A published summons shall state:

9832 (a) that a proceeding concerning the minor is pending in the court; and

9833 (b) an adjudication will be made.

9834 (4) The summons shall require the person or persons who have physical custody of the
9835 minor to appear personally and bring the minor before the court at a time and place stated. If
9836 the person or persons summoned are not the parent, parents, or guardian of the minor, the
9837 summons shall also be issued to the parent, parents, or guardian, as the case may be, notifying
9838 them of the pendency of the case and of the time and place set for the hearing.

9839 (5) Summons may be issued requiring the appearance of any other person whose
9840 presence the court finds necessary.

9841 (6) If it appears to the court that the welfare of the minor or of the public requires that
9842 the minor be taken into custody, the court may by endorsement upon the summons direct that
9843 the person serving the summons take the minor into custody at once.

9844 (7) Subject to Subsection 78A-6-117(2)(n)(iii), upon the sworn testimony of one or
9845 more reputable physicians, the court may order emergency medical or surgical treatment that
9846 is immediately necessary for a minor concerning whom a petition has been filed pending the
9847 service of summons upon the minor's parents, guardian, or custodian.

9848 (8) A parent or guardian is entitled to the issuance of compulsory process for the
9849 attendance of witnesses on the parent's or guardian's own behalf or on behalf of the minor. A
9850 guardian ad litem or a probation officer is entitled to compulsory process for the attendance of
9851 witnesses on behalf of the minor.

9852 (9) Service of summons and process and proof of service shall be made in the manner
9853 provided in the Utah Rules of Civil Procedure.

9854 (10) Service of summons or process shall be made by the sheriff of the county where
9855 the service is to be made, or by his deputy; but upon request of the court service shall be made
9856 by any other peace officer, or by another suitable person selected by the court.

9857 (11) Service of summons in the state shall be made personally, by delivering a copy to
9858 the person summoned; provided, however, that parents of a minor living together at their usual

place of abode may both be served by personal delivery to either parent of copies of the summons, one copy for each parent.

(12) If the judge makes a written finding that he has reason to believe that personal service of the summons will be unsuccessful, or will not accomplish notification within a reasonable time after issuance of the summons, he may order service by registered mail, with a return receipt to be signed by the addressee only, to be addressed to the last-known address of the person to be served in the state. Service shall be complete upon return to the court of the signed receipt.

(13) If the parents, parent, or guardian required to be summoned under Subsection (4) cannot be found within the state, the fact of their minor's presence within the state shall confer jurisdiction on the court in proceedings in a minor's case under this chapter as to any absent parent or guardian, provided that due notice has been given in the following manner:

(a) If the address of the parent or guardian is known, due notice is given by sending him a copy of the summons by registered mail with a return receipt to be signed by the addressee only, or by personal service outside the state, as provided in the Utah Rules of Civil Procedure. Service by registered mail shall be complete upon return to the court of the signed receipt.

(b) (i) If the address or whereabouts of the parent or guardian outside the state cannot after diligent inquiry be ascertained, due notice is given by publishing a summons:

(A) in a newspaper having general circulation in the county in which the proceeding is pending[. ~~The summons shall be published once a week for four successive weeks.~~] once a week for four successive weeks; and

(B) in accordance with Section 45-1-101 for four weeks.

(ii) Service shall be complete on the day of the last publication.

(c) Service of summons as provided in this subsection shall vest the court with jurisdiction over the parent or guardian served in the same manner and to the same extent as if the person served was served personally within the state.

(14) In the case of service in the state, service completed not less than 48 hours before

9887 the time set in the summons for the appearance of the person served, shall be sufficient to
9888 confer jurisdiction. In the case of service outside the state, service completed not less than five
9889 days before the time set in the summons for appearance of the person served, shall be
9890 sufficient to confer jurisdiction.

9891 (15) Computation of periods of time under this chapter shall be made in accordance
9892 with the Utah Rules of Civil Procedure.

9893 Section 228. Section **78B-5-613** is amended to read:

9894 **78B-5-613. Proof of publication of document, notice, or order.**

9895 (1) (a) If a court or judge orders a document or notice published in a newspaper,
9896 evidence of the publication shall be made by affidavit of the publisher, the publisher's
9897 foreman, or principal clerk with a copy of the publication attached.

9898 (b) The affidavit shall state the date and newspaper of publication.

9899 (2) (a) If a court or judge orders a document or notice published electronically in
9900 accordance with Section 45-1-101, evidence of the publication shall be made by affidavit of
9901 the website publisher or the website publisher's designee with a printed copy of the publication
9902 attached.

9903 (b) The affidavit shall state the date of publication.

9904 Section 229. **Coordinating S.B. 208 with H.B. 67 -- Substantive and technical**
9905 **changes.**

9906 If this S.B. 208 and H.B. 67, Public Hearings on Property Tax Increases, both pass, it
9907 is the intent of the Legislature that the Office of Legislative Research and General Counsel in
9908 preparing the Utah Code database for publication:

9909 (1) modify Subsection 59-2-919(2)(e) to read:

9910 "(e) The advertisement [~~described in this section shall~~]:

9911 (i) described in Subsection (2)(a)(i)(A) shall, except as provided in Subsection (2)(g),
9912 be run once each week for the two weeks preceding the adoption of the taxing entity's:

9913 (A) final budget; [~~and~~] or

9914 (B) final tax rate; and

9915 (ii) described in Subsection (2)(a)(i)(B) shall, except as provided in Subsection (2)(g),
9916 be published two weeks preceding the adoption of the taxing entity's:
9917 (A) final budget; or
9918 (B) final tax rate.";
9919 (2) modify Subsection 59-2-919(2)(g) to read:
9920 "(g) If a taxing entity's public hearing information is published by the county auditor
9921 in accordance with Section 59-2-919.2, the taxing entity:
9922 (i) is not subject to the requirement to run the advertisement twice, as required in
9923 Subsection (2)(e)(i), but shall run the advertisement once during the week preceding the
9924 adoption of the taxing entity's:
9925 (A) final budget; or
9926 (B) final tax rate; and
9927 (ii) is not subject to the requirement to run the advertisement for two weeks, as
9928 required in Subsection (2)(e)(ii), but shall run the advertisement for one week preceding the
9929 adoption of the taxing entity's:
9930 (A) final budget; or
9931 (B) final tax rate."; and
9932 (3) modify Subsections 59-2-919.2(3)(b), (c), and (d) to read:
9933 "(b) Except as provided in Subsection (3)(d)(ii), the information described in
9934 Subsection (3)(a) shall be published:
9935 (i) in no less than 1/4 page in size;
9936 (ii) in type no smaller than 18 point; and
9937 (iii) surrounded by a 1/4-inch border.
9938 (c) The published information described in Subsection (3)(a) and published in
9939 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a
9940 legal notice or classified advertisement appears.
9941 (d) A county auditor shall publish the information described in Subsection (3)(a):
9942 (i) (A) in a newspaper or a combination of newspapers that are:

9943 (I) published at least one day per week;
9944 (II) of general interest and readership in the county; and
9945 (III) not of limited subject matter; and
9946 (B) once each week for the two weeks preceding the first hearing included in the list
9947 compiled under Subsection (2); and
9948 (ii) as required in Section 45-1-101, for two weeks preceding the first hearing included
9949 in the list compiled under Subsection (2).".

9950 Section 230. **Coordinating S.B. 208 with H.B. 67 and S.B. 65 -- Substantive and**
9951 **technical amendments.**

9952 If this S.B. 208, H.B. 67, Public Hearings on Property Tax Increases, and S.B. 65,
9953 Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions, all pass, it is
9954 the intent of the Legislature that the changes in Subsection (1) of this coordination clause
9955 supersede the changes in Subsection (1) of the coordination clause in S.B. 65, and that the
9956 Office of Legislative Research and General prepare the Utah Code database for publication by:
9957 (1) modifying Subsections 59-2-919(6) and (7) as amended in this bill in the version
9958 of the Utah Code database that takes effect on January 1, 2010 as follows:

9959 "(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
9960 section shall be published:

9961 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of
9962 general circulation in the taxing entity; and

9963 (ii) electronically in accordance with Section 45-1-101.

9964 (b) The advertisement described in [~~this section~~] Subsection (6)(a)(i) shall:

9965 (i) be no less than 1/4 page in size;

9966 (ii) use type no smaller than 18 point; and

9967 (iii) be surrounded by a 1/4-inch border.

9968 (c) The advertisement described in [~~this section~~] Subsection (6)(a)(i) may not be
9969 placed in that portion of the newspaper where legal notices and classified advertisements
9970 appear.

9971 (d) It is the intent of the Legislature that:

9972 (i) whenever possible, the advertisement described in ~~[this section]~~ Subsection

9973 (6)(a)(i) appear in a newspaper that is published at least one day per week; and

9974 (ii) the newspaper or combination of newspapers selected:

9975 (A) be of general interest and readership in the taxing entity; and

9976 (B) not be of limited subject matter.

9977 (e) (i) The advertisement ~~[described in this section shall]~~:

9978 ~~[(i)]~~ (A) described in Subsection (6)(a)(i) shall:

9979 (I) except as provided in Subsection (6)(e)(ii), be run once each week for the two

9980 weeks ~~[preceding the adoption of the final]~~:

9981 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's

9982 annual budget is discussed; and

9983 (Bb) if a calendar year taxing entity provides the notice described in Subsection

9984 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar

9985 year taxing entity's certified tax rate; and

9986 ~~[(i)]~~ (II) state that the taxing entity will meet on a certain day, time, and place fixed in

9987 the advertisement, which shall be not less than seven days after the day the first advertisement

9988 is published, for the purpose of hearing comments regarding any proposed increase and to

9989 explain the reasons for the proposed increase[-]; or

9990 (B) described in Subsection (6)(a)(ii) shall:

9991 (I) be published two weeks:

9992 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's

9993 annual budget is discussed; and

9994 (Bb) if a calendar year taxing entity provides the notice described in Subsection

9995 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar

9996 year taxing entity's certified tax rate; and

9997 (II) state that the taxing entity will meet on a certain day, time, and place fixed in the

9998 advertisement, which shall be not less than seven days after the day the first advertisement is

published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.

(ii) If a taxing entity's public hearing information is published by the county auditor in accordance with Section 59-2-919.2, the taxing entity is not subject to the requirement to run the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement once during the week:

(A) before the taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and

(B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate.

~~[(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.]~~

(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

● The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from \$ _____ to \$ _____, which is \$ _____ per year.

● The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from \$ _____ to \$ _____, which is \$ _____ per year.

● If the proposed budget is approved, (name of the taxing entity) would increase its property tax budgeted revenue by _____ % above last year's property tax budgeted revenue excluding new growth.

All concerned citizens are invited to a public hearing on the tax increase.

10027 PUBLIC HEARING

10028 Date/Time: (date) (time)

10029 Location: (name of meeting place and address of meeting place)

10030 To obtain more information regarding the tax increase, citizens may contact the (name
10031 of the taxing entity) at (phone number of taxing entity)."

10032 ~~[(3) The]~~ (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the
10033 notice] an advertisement shall be substantially as follows:

10034 "NOTICE OF PROPOSED TAX INCREASE

10035 (NAME OF TAXING ENTITY)

10036 The (name of the taxing entity) is proposing to increase its property tax revenue.

10037 ~~● If the proposed budget is approved, this would be an increase of _____% above~~
10038 ~~the (name of the taxing entity) property tax budgeted revenue for the prior~~
10039 ~~year.]~~

10040 ● The (name of the taxing entity) tax on a (insert the average value of a residence
10041 in the taxing entity rounded to the nearest thousand dollars) residence would
10042 increase from \$_____ to \$_____, which is \$_____ per year.

10043 ● The (name of the taxing entity) tax on a (insert the value of a business having
10044 the same value as the average value of a residence in the taxing entity) business
10045 would increase from \$_____ to \$_____, which is \$_____ per year.

10046 ● If the proposed budget is approved, (name of the taxing entity) would increase
10047 its property tax budgeted revenue by _____% above last year's property tax
10048 budgeted revenue excluding new growth.

10049 (Name of taxing entity) property tax revenue from new growth and other sources will
10050 increase from \$_____ to \$_____.

10051 All concerned citizens are invited to a public hearing on the tax increase.

10052 PUBLIC HEARING

10053 Date/Time: (date) (time)

10054 Location: (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity).

~~[(4)]~~ (7) The commission:

(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the joint use of one advertisement ~~[under this section or Section 59-2-918]~~ described in Subsection (6) by two or more taxing entities; and

(b) subject to Section 45-1-101, may~~[-, upon petition by any taxing entity,]~~ authorize ~~[either]:~~

(i) the use of a weekly [newspapers] newspaper:

(A) in [counties] a county having both daily and weekly newspapers [where] if the weekly newspaper would provide equal or greater notice to the taxpayer; and

(B) if the county petitions the commission for the use of the weekly newspaper; or

(ii) the use by a taxing entity except for a calendar year taxing entity that provides the notice described in Subsection (3)(a)(i)(B)(II) of a commission[=]approved direct notice to each taxpayer if [the]:

(A) the cost of the advertisement would cause undue hardship; [and]

(B) the direct notice is different and separate from that provided for in Section 59-2-919.1[-]; and

(C) the taxing entity petitions the commission for the use of a commission approved direct notice."

Section 231. **Coordinating S.B. 65 with S.B. 208 -- Substantive, superseding, and technical amendments.**

If this S.B. 208 and S.B. 65, Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions, both pass, it is the intent of the Legislature that the changes in this coordination clause supersede the changes in the coordination clause in S.B. 65, and that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by modifying Subsections 59-2-919(6) and (7) as amended in this bill in the version of the Utah Code database that takes effect on May 12, 2009 as follows:

10083 "(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
10084 section shall be published:

10085 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of
10086 general circulation in the taxing entity; and

10087 (ii) electronically in accordance with Section 45-1-101.

10088 (b) The advertisement described in ~~[this section]~~ Subsection (6)(a)(i) shall:

10089 (i) be no less than 1/4 page in size;

10090 (ii) use type no smaller than 18 point; and

10091 (iii) be surrounded by a 1/4-inch border.

10092 (c) The advertisement described in ~~[this section]~~ Subsection (6)(a)(i) may not be
10093 placed in that portion of the newspaper where legal notices and classified advertisements
10094 appear.

10095 (d) It is the intent of the Legislature that:

10096 (i) whenever possible, the advertisement described in ~~[this section]~~ Subsection
10097 (6)(a)(i) appear in a newspaper that is published at least one day per week; and

10098 (ii) the newspaper or combination of newspapers selected:

10099 (A) be of general interest and readership in the taxing entity; and

10100 (B) not be of limited subject matter.

10101 (e) The advertisement ~~[described in this section shall]~~:

10102 (i) described in Subsection (6)(a)(i) shall:

10103 (A) be run once each week for the two weeks [preceding the adoption of the final];

10104 (I) before a taxing entity conducts a public hearing at which the taxing entity's annual
10105 budget is discussed; and

10106 (II) if a calendar year taxing entity provides the notice described in Subsection
10107 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
10108 year taxing entity's certified tax rate; and

10109 ~~[(i)]~~ (B) state that the taxing entity will meet on a certain day, time, and place fixed in
10110 the advertisement, which shall be not less than seven days after the day the first advertisement

is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase[-]; or

(ii) described in Subsection (6)(a)(ii) shall:

(A) be published two weeks:

(I) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and

(II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and

(B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.

~~[(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.]~~

(f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

● If the proposed budget is approved, this would be an increase of _____ % above the (name of the taxing entity) property tax budgeted revenue for the prior year.

● The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from \$ _____ to \$ _____, which is \$ _____ per year.

● The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from \$ _____ to \$ _____, which is \$ _____ per year.

(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, governing the joint use of one advertisement ~~[under this section or Section 59-2-918]~~ described in Subsection (6) by two or more taxing entities; and

(b) subject to Section 45-1-101, may~~[- upon petition by any taxing entity,]~~ authorize ~~[either]:~~

(i) the use of a weekly [newspapers] newspaper:

(A) in [counties] a county having both daily and weekly newspapers ~~[where]~~ if the weekly newspaper would provide equal or greater notice to the taxpayer; and

(B) if the county petitions the commission for the use of the weekly newspaper; or

(ii) the use by a taxing entity except for a calendar year taxing entity that provides the notice described in Subsection (3)(a)(i)(B)(II) of a commission[-]approved direct notice to each taxpayer if [the]:

(A) the cost of the advertisement would cause undue hardship; [and]

(B) the direct notice is different and separate from that provided for in Section 59-2-919.1[-]; and

(C) the taxing entity petitions the commission for the use of a commission approved direct notice."

Section 232. **Coordinating S.B. 208 with S.B. 73 -- Substantive and technical changes.**

If this S.B. 208 and S.B. 73, Unincorporated Areas Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication:

(1) modify Subsection 17-72a-306(1)(h)(iii) to read:

"(iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing:

(A) at least once in a newspaper of general circulation in the county; and

(B) as required in Section 45-1-101."; and

10195 (2) modify Subsection 17-27a-306(3)(f)(iii) to read:
10196 "(iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative
10197 body shall:
10198 (A) publish notice of the petition and the time, date, and place of the public hearing:
10199 (I) at least once a week for three consecutive weeks in a newspaper of general
10200 circulation in the township; and
10201 (II) as required in Section 45-1-101 for three consecutive weeks; and
10202 (B) mail a notice of the petition and the time, date, and place of the public hearing to
10203 each owner of private real property within the area proposed to be withdrawn."
10204 Section 233. **Coordinating S.B. 208 with S.B. 209 -- Substantive and technical**
10205 **changes.**
10206 If this S.B. 208 and S.B. 209, Land Use, Development, and Management Act
10207 Amendments, both pass, it is the intent of the Legislature that the Office of Legislative
10208 Research and General Counsel in preparing the Utah Code database for publication:
10209 (1) modify Subsection 10-9a-208(2)(d) to read:
10210 "(d) (i) published in a newspaper of general circulation in the municipality in which
10211 the land subject to the petition is located; and
10212 (ii) published as required in Section 45-1-101."; and
10213 (2) modify Subsection 17-27a-208(2)(d) to read:
10214 "(d) (i) published in a newspaper of general circulation in the municipality in which
10215 the land subject to the petition is located; and
10216 (ii) published as required in Section 45-1-101."