

Senator Stephen H. Urquhart proposes the following substitute bill:

UTAH PUBLIC NOTICE WEBSITE

AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: John Dougall

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	Mark B. Madsen	Michael G. Waddoups
Brent H. Goodfellow	Karen Mayne	

LONG TITLE

General Description:

This bill amends provisions of the Utah Public Notice Website.

Highlighted Provisions:

This bill:

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

Monies Appropriated in this Bill:

None

Other Special Clauses:

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



28 This bill coordinates with S.B. 73, Unincorporated Areas Amendments, providing
29 substantive and technical changes

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

32 **Utah Code Sections Affected:**

33 **AMENDS:**

34 **3-1-7**, as last amended by Laws of Utah 1994, Chapter 204

35 **4-17-7**, as last amended by Laws of Utah 1985, Chapter 18

36 **4-30-5**, as enacted by Laws of Utah 1979, Chapter 2

37 **6-1-5**, Utah Code Annotated 1953

38 **7-1-704**, as last amended by Laws of Utah 2008, Chapter 382

39 **7-1-706**, as last amended by Laws of Utah 1997, Chapter 91

40 **7-1-709**, as last amended by Laws of Utah 1995, Chapter 49

41 **7-2-6**, as last amended by Laws of Utah 1994, Chapter 200

42 **7-7-10**, as last amended by Laws of Utah 2003, Chapter 327

43 **8-5-6**, as last amended by Laws of Utah 2002, Chapter 123

44 **9-3-409**, as last amended by Laws of Utah 2005, Chapter 105

45 **9-8-805**, as renumbered and amended by Laws of Utah 1992, Chapter 241

46 **10-2-108**, as repealed and reenacted by Laws of Utah 1997, Chapter 389

47 **10-2-111**, as repealed and reenacted by Laws of Utah 1997, Chapter 389

48 **10-2-114**, as last amended by Laws of Utah 2008, Chapter 19

49 **10-2-115**, as last amended by Laws of Utah 2000, Chapter 1

50 **10-2-116**, as enacted by Laws of Utah 1997, Chapter 389

51 **10-2-125**, as last amended by Laws of Utah 2008, Chapters 16 and 19

52 **10-2-406**, as last amended by Laws of Utah 2007, Chapter 329

53 **10-2-407**, as last amended by Laws of Utah 2003, Chapter 211

54 **10-2-415**, as last amended by Laws of Utah 2001, Chapter 206

55 **10-2-418**, as last amended by Laws of Utah 2007, Chapters 329 and 378

56 **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329

57 **10-2-501**, as last amended by Laws of Utah 2003, Chapter 279

58 **10-2-502.5**, as renumbered and amended by Laws of Utah 2003, Chapter 279

59 **10-2-607**, as last amended by Laws of Utah 1993, Chapter 227
60 **10-2-703**, as enacted by Laws of Utah 1977, Chapter 48
61 **10-2-708**, as enacted by Laws of Utah 1977, Chapter 48
62 **10-3-818**, as last amended by Laws of Utah 2008, Chapter 250
63 **10-5-108**, as last amended by Laws of Utah 2001, Chapter 178
64 **10-6-113**, as enacted by Laws of Utah 1979, Chapter 26
65 **10-6-152**, as last amended by Laws of Utah 1993, Chapter 4
66 **10-7-16**, as last amended by Laws of Utah 2002, Chapter 90
67 **10-7-19**, Utah Code Annotated 1953
68 **10-8-2**, as last amended by Laws of Utah 2008, Chapters 3 and 382
69 **10-9a-204**, as enacted by Laws of Utah 2005, Chapter 254
70 **10-9a-205**, as enacted by Laws of Utah 2005, Chapter 254
71 **10-9a-208**, as last amended by Laws of Utah 2006, Chapter 240
72 **10-18-203**, as enacted by Laws of Utah 2001, Chapter 83
73 **10-18-302**, as last amended by Laws of Utah 2008, Chapter 382
74 **10-18-303**, as enacted by Laws of Utah 2001, Chapter 83
75 **11-13-219**, as last amended by Laws of Utah 2005, Chapter 105
76 **11-14-202**, as last amended by Laws of Utah 2006, Chapter 83
77 **11-14-315**, as last amended by Laws of Utah 2006, Chapter 83
78 **11-14-316**, as last amended by Laws of Utah 2006, Chapter 83
79 **11-14-318**, as enacted by Laws of Utah 2008, Chapter 21
80 **11-14a-1**, as last amended by Laws of Utah 2007, Chapter 329
81 **11-17-16**, as last amended by Laws of Utah 1988, Third Special Session, Chapter 1
82 **11-27-4**, as enacted by Laws of Utah 1981, Chapter 43
83 **11-27-5**, as enacted by Laws of Utah 1981, Chapter 43
84 **11-30-5**, as last amended by Laws of Utah 1997, Chapter 84
85 **11-32-10**, as enacted by Laws of Utah 1987, Chapter 143
86 **11-32-11**, as enacted by Laws of Utah 1987, Chapter 143
87 **11-39-103**, as last amended by Laws of Utah 2007, Chapter 329
88 **11-42-202**, as enacted by Laws of Utah 2007, Chapter 329
89 **11-42-301**, as enacted by Laws of Utah 2007, Chapter 329

90 **11-42-402**, as enacted by Laws of Utah 2007, Chapter 329
91 **11-42-404**, as enacted by Laws of Utah 2007, Chapter 329
92 **11-42-604**, as enacted by Laws of Utah 2007, Chapter 329
93 **13-31-302**, as enacted by Laws of Utah 1998, Chapter 349
94 **13-44-202**, as enacted by Laws of Utah 2006, Chapter 343
95 **16-4-206**, as enacted by Laws of Utah 2007, Chapter 367
96 **16-4-303**, as enacted by Laws of Utah 2007, Chapter 367
97 **16-4-312**, as enacted by Laws of Utah 2007, Chapter 367
98 **16-6a-103**, as enacted by Laws of Utah 2000, Chapter 300
99 **16-6a-704**, as enacted by Laws of Utah 2000, Chapter 300
100 **16-6a-814**, as last amended by Laws of Utah 2006, Chapter 228
101 **16-6a-1407**, as last amended by Laws of Utah 2008, Chapter 364
102 **16-10a-103**, as last amended by Laws of Utah 2008, Chapter 364
103 **16-10a-1407**, as last amended by Laws of Utah 2008, Chapter 364
104 **16-16-1209**, as enacted by Laws of Utah 2008, Chapter 363
105 **17-27a-204**, as enacted by Laws of Utah 2005, Chapter 254
106 **17-27a-205**, as enacted by Laws of Utah 2005, Chapter 254
107 **17-27a-208**, as last amended by Laws of Utah 2006, Chapter 240
108 **17-27a-306**, as last amended by Laws of Utah 2008, Chapter 250
109 **17-27a-404**, as renumbered and amended by Laws of Utah 2005, Chapter 254
110 **17-30-6**, as last amended by Laws of Utah 1993, Chapter 234
111 **17-36-12**, as last amended by Laws of Utah 1979, Chapter 62
112 **17-36-25**, as enacted by Laws of Utah 1975, Chapter 22
113 **17-36-26**, as enacted by Laws of Utah 1975, Chapter 22
114 **17-36-40**, as enacted by Laws of Utah 1983, Chapter 73
115 **17-41-302**, as last amended by Laws of Utah 2006, Chapter 194
116 **17-41-304**, as last amended by Laws of Utah 2006, Chapter 194
117 **17-41-405**, as last amended by Laws of Utah 2006, Chapter 194
118 **17-52-101**, as last amended by Laws of Utah 2001, Chapter 241
119 **17-53-208**, as last amended by Laws of Utah 2006, Chapter 192
120 **17A-3-914**, as last amended by Laws of Utah 1991, Chapter 5

121 **17A-3-915**, as renumbered and amended by Laws of Utah 1990, Chapter 186
122 **17B-1-211**, as renumbered and amended by Laws of Utah 2007, Chapter 329
123 **17B-1-304**, as renumbered and amended by Laws of Utah 2007, Chapter 329
124 **17B-1-306**, as last amended by Laws of Utah 2008, Chapters 54, 182, and 360
125 **17B-1-313**, as enacted by Laws of Utah 2007, Chapter 329
126 **17B-1-413**, as renumbered and amended by Laws of Utah 2007, Chapter 329
127 **17B-1-417**, as renumbered and amended by Laws of Utah 2007, Chapter 329
128 **17B-1-512**, as renumbered and amended by Laws of Utah 2007, Chapter 329
129 **17B-1-609**, as renumbered and amended by Laws of Utah 2007, Chapter 329
130 **17B-1-643**, as last amended by Laws of Utah 2008, Chapter 360
131 **17B-1-1204**, as enacted by Laws of Utah 2007, Chapter 329
132 **17B-1-1307**, as renumbered and amended by Laws of Utah 2007, Chapter 329
133 **17C-1-601**, as renumbered and amended by Laws of Utah 2006, Chapter 359
134 **17C-2-108**, as renumbered and amended by Laws of Utah 2006, Chapter 359
135 **17C-2-403**, as renumbered and amended by Laws of Utah 2006, Chapter 359
136 **17C-3-107**, as enacted by Laws of Utah 2006, Chapter 359
137 **17C-3-303**, as enacted by Laws of Utah 2006, Chapter 359
138 **17C-4-106**, as enacted by Laws of Utah 2006, Chapter 359
139 **17C-4-202**, as last amended by Laws of Utah 2007, Chapter 364
140 **17C-4-302**, as enacted by Laws of Utah 2006, Chapter 359
141 **17D-1-205**, as enacted by Laws of Utah 2008, Chapter 360
142 **17D-2-601**, as enacted by Laws of Utah 2008, Chapter 360
143 **17D-3-305**, as enacted by Laws of Utah 2008, Chapter 360
144 **19-2-109**, as renumbered and amended by Laws of Utah 1991, Chapter 112
145 **19-5-110**, as renumbered and amended by Laws of Utah 1991, Chapter 112
146 **19-6-712**, as enacted by Laws of Utah 1993, Chapter 283
147 **20A-3-201**, as last amended by Laws of Utah 2006, Chapter 326
148 **20A-3-603**, as last amended by Laws of Utah 2008, Chapter 53
149 **20A-3-604**, as enacted by Laws of Utah 2006, Chapter 264
150 **20A-5-101**, as last amended by Laws of Utah 2007, Chapters 238 and 329
151 **20A-5-405**, as last amended by Laws of Utah 2007, Chapter 75

152 **20A-7-204.1**, as last amended by Laws of Utah 2005, Chapter 236
153 **20A-9-203**, as last amended by Laws of Utah 2008, Chapters 13, 19, and 225
154 **23-21-1.5**, as last amended by Laws of Utah 1998, Chapter 218
155 **24-1-4**, as last amended by Laws of Utah 2004, Chapter 296
156 **26-8a-405.3**, as last amended by Laws of Utah 2008, Chapter 382
157 **26-8a-406**, as last amended by Laws of Utah 2003, Chapter 213
158 **26-19-6**, as last amended by Laws of Utah 2004, Chapter 72
159 **31A-2-303**, as last amended by Laws of Utah 1987, Chapter 161
160 **31A-27a-406**, as enacted by Laws of Utah 2007, Chapter 309
161 **38-2-3.2**, as last amended by Laws of Utah 2007, Chapter 306
162 **38-8-3**, as last amended by Laws of Utah 1984, Chapter 66
163 **38-13-204**, as enacted by Laws of Utah 2005, Chapter 187
164 **39-1-15**, Utah Code Annotated 1953
165 **40-6-10**, as last amended by Laws of Utah 2008, Chapter 382
166 **40-8-8**, as last amended by Laws of Utah 2002, Chapter 194
167 **40-8-10**, as last amended by Laws of Utah 1987, Chapter 161
168 **40-8-13**, as last amended by Laws of Utah 2003, Chapter 35
169 **40-10-13**, as last amended by Laws of Utah 2008, Chapter 382
170 **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09)**, as last amended by Laws of Utah 2004,
171 Chapter 230
172 **40-10-27**, as last amended by Laws of Utah 1997, Chapter 135
173 **41-1a-1103**, as last amended by Laws of Utah 2005, Chapter 56
174 **47-2-4**, as last amended by Laws of Utah 2000, Chapter 75
175 **48-2c-1306**, as last amended by Laws of Utah 2008, Chapter 364
176 **52-4-202**, as last amended by Laws of Utah 2008, Chapters 234 and 360
177 **53A-3-202**, as last amended by Laws of Utah 2007, Chapter 375
178 **53A-3-402**, as last amended by Laws of Utah 2007, Chapter 92
179 **53A-18-104**, as enacted by Laws of Utah 1988, Chapter 2
180 **53A-19-102**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
181 **53A-19-104**, as enacted by Laws of Utah 1988, Chapter 2
182 **53B-3-107**, as last amended by Laws of Utah 1997, Chapter 116

183 **53B-7-101.5**, as enacted by Laws of Utah 2001, Chapter 186
184 **54-4-27**, Utah Code Annotated 1953
185 **54-7-17**, as last amended by Laws of Utah 1987, Chapter 161
186 **54-8-10**, as enacted by Laws of Utah 1969, Chapter 157
187 **54-8-16**, as enacted by Laws of Utah 1969, Chapter 157
188 **54-8-23**, as enacted by Laws of Utah 1969, Chapter 157
189 **57-1-25**, as last amended by Laws of Utah 2002, Chapter 209
190 **57-11-11**, as last amended by Laws of Utah 2000, Chapter 86
191 **59-2-918**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
192 **59-2-919**, as last amended by Laws of Utah 2008, Chapters 231 and 301
193 **59-2-924**, as last amended by Laws of Utah 2008, Chapters 61, 118, 231, 236, 330, 360,
194 and 382
195 **59-2-926**, as last amended by Laws of Utah 2008, Chapter 330
196 **59-2-1303**, as last amended by Laws of Utah 1999, Chapter 207
197 **59-2-1309**, as last amended by Laws of Utah 1997, Chapter 360
198 **59-2-1310**, as last amended by Laws of Utah 1995, Chapter 198
199 **59-2-1332**, as last amended by Laws of Utah 1997, Chapter 143
200 **59-2-1332.5**, as last amended by Laws of Utah 2002, Chapter 30
201 **59-2-1351**, as last amended by Laws of Utah 2000, Chapter 75
202 **59-12-402**, as last amended by Laws of Utah 2008, Chapter 384
203 **59-12-1001**, as last amended by Laws of Utah 2008, Chapters 382 and 384
204 **59-12-1102**, as last amended by Laws of Utah 2008, Chapters 237, 382, and 384
205 **63B-1-317**, as renumbered and amended by Laws of Utah 2003, Chapter 86
206 **63B-1a-501**, as enacted by Laws of Utah 2003, Chapter 2
207 **63B-2-116**, as last amended by Laws of Utah 2005, Chapter 105
208 **63B-2-216**, as last amended by Laws of Utah 2005, Chapter 105
209 **63B-3-116**, as last amended by Laws of Utah 2005, Chapter 105
210 **63B-3-216**, as last amended by Laws of Utah 2005, Chapter 105
211 **63B-4-116**, as last amended by Laws of Utah 2005, Chapter 105
212 **63B-5-116**, as last amended by Laws of Utah 2005, Chapter 105
213 **63B-6-116**, as last amended by Laws of Utah 2005, Chapter 105

214 **63B-6-216**, as last amended by Laws of Utah 2005, Chapter 105
215 **63B-6-416**, as last amended by Laws of Utah 2005, Chapter 105
216 **63B-7-116**, as last amended by Laws of Utah 2005, Chapter 105
217 **63B-7-216**, as last amended by Laws of Utah 2005, Chapter 105
218 **63B-7-416**, as last amended by Laws of Utah 2005, Chapter 105
219 **63B-8-116**, as last amended by Laws of Utah 2005, Chapter 105
220 **63B-8-216**, as last amended by Laws of Utah 2005, Chapter 105
221 **63B-8-416**, as last amended by Laws of Utah 2005, Chapter 105
222 **63B-10-116**, as last amended by Laws of Utah 2005, Chapter 105
223 **63B-11-116**, as last amended by Laws of Utah 2005, Chapter 105
224 **63B-11-216**, as last amended by Laws of Utah 2005, Chapter 105
225 **63B-11-316**, as last amended by Laws of Utah 2005, Chapter 105
226 **63B-11-516**, as last amended by Laws of Utah 2005, Chapter 105
227 **63C-7-306**, as enacted by Laws of Utah 1997, Chapter 136
228 **63F-1-701**, as enacted by Laws of Utah 2007, Chapter 249
229 **63G-6-401**, as renumbered and amended by Laws of Utah 2008, Chapter 382
230 **63G-9-303**, as renumbered and amended by Laws of Utah 2008, Chapter 382
231 **63H-1-403**, as enacted by Laws of Utah 2007, Chapter 23
232 **63H-1-701**, as enacted by Laws of Utah 2007, Chapter 23
233 **63H-1-801**, as enacted by Laws of Utah 2007, Chapter 23
234 **67-4a-402**, as last amended by Laws of Utah 2007, Chapter 18
235 **67-4a-403**, as last amended by Laws of Utah 2007, Chapter 18
236 **72-3-108**, as last amended by Laws of Utah 2000, Chapter 324
237 **72-5-105**, as last amended by Laws of Utah 2006, Chapter 101
238 **72-6-108**, as last amended by Laws of Utah 2008, Chapter 382
239 **73-1-4**, as last amended by Laws of Utah 2008, Chapters 380 and 382
240 **73-1-16**, Utah Code Annotated 1953
241 **73-3-6**, as last amended by Laws of Utah 2003, Chapter 99
242 **73-3-12**, as last amended by Laws of Utah 2008, Chapters 52 and 311
243 **73-3a-107**, as last amended by Laws of Utah 2003, Chapter 99
244 **73-4-3**, as last amended by Laws of Utah 2007, Chapter 136

245 **73-4-4**, as last amended by Laws of Utah 2007, Chapter 136
246 **73-4-9**, Utah Code Annotated 1953
247 **73-5-14**, Utah Code Annotated 1953
248 **73-5-15**, as last amended by Laws of Utah 2008, Chapters 360 and 382
249 **73-6-2**, Utah Code Annotated 1953
250 **75-1-401**, as last amended by Laws of Utah 1977, Chapter 194
251 **75-3-801**, as last amended by Laws of Utah 1992, Chapter 179
252 **75-7-508**, as last amended by Laws of Utah 2007, Chapter 64
253 **76-8-809**, as enacted by Laws of Utah 1973, Chapter 196
254 **76-10-530**, as last amended by Laws of Utah 2003, Chapter 203
255 **77-24a-5**, as last amended by Laws of Utah 2005, Chapter 126
256 **78A-6-109**, as renumbered and amended by Laws of Utah 2008, Chapter 3
257 **78B-5-613**, as enacted by Laws of Utah 2008, Chapter 3

258

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

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

261 **3-1-7. Amendments to articles of incorporation.**

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

264 (a) a regular meeting; or

265 (b) a special meeting called for that purpose.

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

268 (a) by mail at the last-known address at least ten days prior to the meeting;

269 (b) by personal delivery at least ten days prior to the meeting; or

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

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

273 (ii) until January 1, 2011, in a newspaper or newspapers whose combined circulation is
274 general in the territory in which the association operates[;] and

275 (iii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

276 Section 63F-1-701.

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

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

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

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

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

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

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

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

290 **4-17-7. Notice of noxious weeds to be published annually in county -- Notice to**
291 **particular property owners to control noxious weeds -- Methods of prevention or control**
292 **specified -- Failure to control noxious weeds considered public nuisance.**

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

296 (a) until January 1, 2011, at least three occasions in a newspaper or other publication of
297 general circulation within the county[;]; and

298 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
299 Section 63F-1-701.

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

306 (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) until January 1, 2011, in a daily or weekly newspaper of general circulation within the city or town where the hearing is scheduled[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

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) until January 1, 2011, by publication once a week for six weeks:

(a) (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) beginning on January 1, 2011, by publication for six weeks on the Utah Public Notice Website as described in Section 63F-1-701; 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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701;

(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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three successive 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 action with the commissioner, any person may request the commissioner to:

(a) issue any rule or order;

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

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

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

(3) (a) The supervisor shall submit written findings and recommendations 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 office of the commissioner, except those portions of the application or report that the commissioner designates as confidential to prevent a clearly unwarranted invasion of privacy.

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

(i) until January 1, 2011, in a newspaper of general circulation within the county where the applicant is located at least once a week for three successive weeks before the date of the hearing[:]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three successive weeks before the date of the hearing.

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

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

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

(i) the application;

(ii) additional information filed with the commissioner; and

(iii) the findings and recommendations of the supervisor.

(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) until January 1, 2011, in a newspaper serving the area once a week for two consecutive weeks[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two consecutive 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) until January 1, 2011, 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

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for 60 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

669 (b) proof of the claim was filed prior to the last distribution of assets. For the purpose
670 of this subsection only, late filed claims may be allowed if proof was filed before the final
671 distribution of assets of the institution to claimants of the same priority and are payable only
672 out of the remaining assets of the institution.

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

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

677 (7) Except as otherwise provided in Subsection 7-2-15(1)(a), interest accruing on any
678 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.

(3) In the determination of all questions requiring action by the members, each member shall be entitled to cast:

(a) one vote; and

(b) any additional vote that the member may cast under the bylaws of the association.

(4) (a) (i) Subject to Subsection (4)(a)(ii), at any meeting of the members, voting may be:

(A) in person; or

(B) by proxy.

(ii) Notwithstanding Subsection (4)(a)(i), a proxy is not eligible to be voted at any meeting unless the proxy has been filed with the secretary of the association, for verification, at least five days before the date of the meeting.

(b) Every proxy shall:

(i) be in writing;

(ii) be signed by the member or the member's duly authorized attorney in fact; and

(iii) continue in force from year to year:

(A) when filed with the secretary;

(B) if so specified in the proxy; and

(C) until:

(I) revoked by a writing duly delivered to the secretary; or

(II) superseded by subsequent proxies.

(5) (a) At an annual meeting or at any special meeting of the members, any number of members present in person or by proxy eligible to be voted constitutes a quorum.

(b) A majority of all votes cast at any meeting of members shall determine any question unless this chapter specifically provides otherwise.

(6) (a) No notice of annual meetings of members need be given to members.

(b) Subject to Subsection (6)(c), notice of each special meeting of members shall:

(i) state:

(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) until January 1, 2011, 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 (II)~~], in a newspaper of general circulation in the county in which the home office of the association is located; and

(II) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two consecutive 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:

(a) (i) until January 1, 2011, publish its resolution for three successive weeks in a newspaper of general circulation within the county; and

(ii) beginning on January 1, 2011, publish its resolution on the Utah Public Notice Website as described in Section 63F-1-701 for three successive 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) 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) until January 1, 2011, 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.]; and~~

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two consecutive 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) until January 1, 2011, at least once a week for three successive weeks in a newspaper of general circulation within the proposed city[-]; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three successive weeks.

(ii) The last publication of notice required under Subsection (2)(a)(i) 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) until January 1, 2011, in a newspaper of general circulation within the area proposed to be incorporated at least once a week for three successive weeks[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three successive 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) until January 1, 2011, in a newspaper of general circulation within the future city at least once a week for two successive weeks before the hearing[-]; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two successive weeks before the hearing.

(ii) The last publication of notice under Subsection (2)(b)(i) 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) until January 1, 2011, in a newspaper of general circulation within the future city at least once a week for two successive weeks[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two successive weeks.

(c) (i) [H] In accordance with Subsection (1)(c)(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) until January 1, 2011, at least once a week for two successive weeks in a newspaper of general circulation within the future city[~~;~~]; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two successive 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) [~~If~~] 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

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

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

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

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

(3) (a) The process to incorporate an area as a town is initiated by filing a request for a

1051 public hearing with the clerk of the county in which the area is located.

1052 (b) Each request for a public hearing under Subsection (3)(a) shall:

1053 (i) be signed by the owners of at least five separate parcels of private real property,
1054 each owned by a different owner, located within the area proposed to be incorporated; and

1055 (ii) be accompanied by an accurate map or plat depicting the boundary of the proposed
1056 town.

1057 (c) Within ten days after a request for a public hearing is filed under Subsection (3)(a),
1058 the county clerk shall, with the assistance of other county officers from whom the clerk
1059 requests assistance, determine whether the petition complies with the requirements of
1060 Subsection (3)(b).

1061 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with
1062 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written
1063 notice of the rejection to the signers of the request.

1064 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the
1065 requirements of Subsection (3)(b), the clerk shall:

1066 (A) schedule and arrange for a public hearing to be held:

1067 (I) (Aa) at a public facility located within the boundary of the proposed town; or

1068 (Bb) if there is no public facility within the boundary of the proposed town, at another
1069 nearby public facility or at the county seat; and

1070 (II) within 20 days after the clerk provides the last notice required under Subsection
1071 (3)(e)(i)(B); and

1072 (B) subject to Subsection (3)(e)(ii), give notice of the public hearing on the proposed
1073 incorporation by:

1074 (I) posting notice of the public hearing on the county's Internet website, if the county
1075 has an Internet website; and

1076 (II) (Aa) (Ii) until January 1, 2011, publishing notice of the public hearing at least once
1077 a week for two consecutive weeks in a newspaper of general circulation within the proposed
1078 town; ~~[or]~~ and

1079 (IIii) beginning on January 1, 2011, publishing notice of the public hearing on the Utah
1080 Public Notice Website as described in Section 63F-1-701 for two consecutive weeks; or

1081 (Bb) in accordance with Subsection (3)(e)(i)(B)(II)(Aa)(Ii), if there is no newspaper of

general circulation within the proposed town, posting notice of the public hearing in at least five conspicuous public places within the proposed town.

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

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

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

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

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

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

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

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

(i) be signed by:

(A) the owners of private real property that:

(I) is located within the area proposed to be incorporated;

(II) covers a majority of the total private land area within the area;

(III) is equal in assessed value to more than 1/2 of the assessed value of all private real property within the area; and

(IV) consists, in number of parcels, of at least 1/3 of the number of all parcels of private real property within the area proposed to be incorporated; and

(B) a majority of all registered voters within the area proposed to be incorporated as a town, according to the official voter registration list maintained by the county on the date the petition is filed;

(ii) designate as sponsors at least five of the property owners who have signed the petition, one of whom shall be designated as the contact sponsor, with the mailing address of

1113 each owner signing as a sponsor;

1114 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
1115 licensed surveyor, showing a legal description of the boundary of the proposed town; and

1116 (iv) substantially comply with and be circulated in the following form:

1117 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
1118 town)

1119 To the Honorable County Legislative Body of (insert the name of the county in which
1120 the proposed town is located) County, Utah:

1121 We, the undersigned owners of real property and registered voters within the area
1122 described in this petition, respectfully petition the county legislative body for the area described
1123 in this petition to be incorporated as a town. Each of the undersigned affirms that each has
1124 personally signed this petition and is an owner of real property or a registered voter residing
1125 within the described area, and that the current residence address of each is correctly written
1126 after the signer's name. The area proposed to be incorporated as a town is described as follows:
1127 (insert an accurate description of the area proposed to be incorporated).

1128 (c) A petition under this Subsection (4) may not describe an area that includes some or
1129 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

1130 (i) was filed before the filing of the petition; and

1131 (ii) is still pending on the date the petition is filed.

1132 (d) A petition may not be filed under this section if the private real property owned by
1133 the petition sponsors, designated under Subsection (4)(b)(ii), cumulatively exceeds 40% of the
1134 total private land area within the area proposed to be incorporated as a town.

1135 (e) A signer of a petition under this Subsection (4) may withdraw or, after withdrawn,
1136 reinstate the signer's signature on the petition:

1137 (i) at any time until the county clerk certifies the petition under Subsection (6); and

1138 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

1139 (5) (a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town
1140 an area located within a county of the first class, the county clerk shall deliver written notice of
1141 the proposed incorporation:

1142 (i) to each owner of private real property owning more than 1% of the assessed value
1143 of all private real property within the area proposed to be incorporated as a town; and

1144 (ii) within seven calendar days after the date on which the petition is filed.

1145 (b) A private real property owner described in Subsection (5)(a)(i) may exclude all or

1146 part of the owner's property from the area proposed to be incorporated as a town by filing a

1147 notice of exclusion:

1148 (i) with the county clerk; and

1149 (ii) within ten calendar days after receiving the clerk's notice under Subsection (5)(a).

1150 (c) The county legislative body shall exclude from the area proposed to be incorporated

1151 as a town the property identified in the notice of exclusion under Subsection (5)(b) if:

1152 (i) the property:

1153 (A) is nonurban; and

1154 (B) does not and will not require a municipal service; and

1155 (ii) exclusion will not leave an unincorporated island within the proposed town.

1156 (d) If the county legislative body excludes property from the area proposed to be

1157 incorporated as a town, the county legislative body shall send written notice of the exclusion to

1158 the contact sponsor within five days after the exclusion.

1159 (6) Within 20 days after the filing of a petition under Subsection (4), the county clerk

1160 shall:

1161 (a) with the assistance of other county officers from whom the clerk requests

1162 assistance, determine whether the petition complies with the requirements of Subsection (4);

1163 and

1164 (b) (i) if the clerk determines that the petition complies with those requirements:

1165 (A) certify the petition and deliver the certified petition to the county legislative body;

1166 and

1167 (B) mail or deliver written notification of the certification to:

1168 (I) the contact sponsor;

1169 (II) if applicable, the chair of the planning commission of each township in which any

1170 part of the area proposed for incorporation is located; and

1171 (III) the Utah Population Estimates Committee; or

1172 (ii) if the clerk determines that the petition fails to comply with any of those

1173 requirements, reject the petition and notify the contact sponsor in writing of the rejection and

1174 the reasons for the rejection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) (i) If the county legislative body commissions a financial feasibility study under Subsection (8)(a) and the results of the financial feasibility study show that the average annual

1206 amount of revenues described in Subsection (1)(b)(i) exceeds the average annual amount of
1207 costs described in Subsection (1)(b)(ii) by more than 10%, the county legislative body may:

1208 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial
1209 feasibility study show that the average annual amount of revenues described in Subsection
1210 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%
1211 or more;

1212 (B) approve the petition and hold an election for town officers, as provided in
1213 Subsection (9); or

1214 (C) (I) with the consent of the petition sponsors:

1215 (Aa) impose conditions to mitigate the fiscal inequities identified in the financial
1216 feasibility study; or

1217 (Bb) alter the boundaries of the area proposed to be incorporated as a town to
1218 approximate the boundaries necessary to prevent the average annual amount of revenues
1219 described in Subsection (1)(b)(i) from exceeding the average annual amount of costs described
1220 in Subsection (1)(b)(ii); and

1221 (II) approve the incorporation petition and hold an election for town officers, as
1222 provided in Subsection (9).

1223 (ii) A county legislative body intending to deny a petition under Subsection (8)(c)(i)(A)
1224 shall deny the petition within 20 days after the feasibility consultant submits the written results
1225 of the financial feasibility study.

1226 (d) Each town that incorporates pursuant to a petition approved after the county
1227 legislative body imposes conditions under Subsection (8)(c)(i)(C)(I) shall comply with those
1228 conditions.

1229 (9) (a) The legislative body of the county in which the proposed new town is located
1230 shall hold the election for town officers provided for in Subsection (8) within:

1231 (i) 45 days after the petition is certified, for an election under Subsection (8)(b)(ii)(B);
1232 (ii) 45 days after the feasibility consultant submits the written results of the financial
1233 feasibility study, for an election under Subsection (8)(b)(ii)(A) or (8)(c)(i)(B); or
1234 (iii) 60 days after the feasibility consultant submits the written results of the financial
1235 feasibility study, for an election under Subsection (8)(c)(i)(C).

1236 (b) The officers elected at an election under Subsection (9)(a) shall take office:

1237 (i) at noon on the first Monday in January next following the election, if the election is
1238 held on a regular general or municipal general election date; or

1239 (ii) at noon on the first day of the month next following the effective date of the
1240 incorporation under Subsection (12), if the election of officers is held on any other date.

1241 (10) Each newly incorporated town shall operate under the five-member council form
1242 of government as defined in Section 10-3b-102.

1243 (11) (a) Within seven days after the canvass of the election of town officers under
1244 Subsection (9), the mayor-elect of the new town shall file at least three copies of the articles of
1245 incorporation of the new town with the lieutenant governor.

1246 (b) The articles of incorporation shall meet the requirements of Subsection
1247 10-2-119(2).

1248 (12) A new town is incorporated:

1249 (a) on December 31 of the year in which the lieutenant governor issues a certificate of
1250 entity creation for the town under Section 67-1a-6.5, if the election of town officers under
1251 Subsection (9) is held on a regular general or municipal general election date; or

1252 (b) on the last day of the month during which the lieutenant governor issues a
1253 certificate of entity creation for the town under Section 67-1a-6.5, if the election of town
1254 officers under Subsection (9) is held on any other date.

1255 (13) For each petition filed before March 5, 2008:

1256 (a) the petition is subject to and governed by the law in effect at the time the petition
1257 was filed; and

1258 (b) the law in effect at the time the petition was filed governs in all administrative and
1259 judicial proceedings relating to the petition.

1260 Section 19. Section **10-2-406** is amended to read:

1261 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

1262 (1) After receipt of the notice of certification from the city recorder or town clerk under
1263 Subsection 10-2-405(2)(c)(i), the municipal legislative body shall:

1264 (a) (i) publish a notice;

1265 (A) until January 1, 2011, at least once a week for three successive weeks, beginning
1266 no later than ten days after receipt of the notice of certification, in a newspaper of general
1267 circulation within:

1268 ~~[(A)]~~ (I) the area proposed for annexation; and
1269 ~~[(B)]~~ (II) the unincorporated area within 1/2 mile of the area proposed for annexation;
1270 ~~[or]~~ and
1271 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
1272 Section 63F-1-701 for three successive weeks, beginning no later than ten days after receipt of
1273 the notice of certification; and
1274 (ii) in accordance with Subsection (1)(a)(i)(A), if there is no newspaper of general
1275 circulation within those areas, post written notices in conspicuous places within those areas
1276 that are most likely to give notice to residents within those areas; and
1277 (b) within 20 days of receipt of the notice of certification under Subsection
1278 10-2-405(2)(c)(i), mail written notice to each affected entity.
1279 (2) (a) The notice under Subsections (1)(a) and (b) shall:
1280 (i) state that a petition has been filed with the municipality proposing the annexation of
1281 an area to the municipality;
1282 (ii) state the date of the municipal legislative body's receipt of the notice of certification
1283 under Subsection 10-2-405(2)(c)(i);
1284 (iii) describe the area proposed for annexation in the annexation petition;
1285 (iv) state that the complete annexation petition is available for inspection and copying
1286 at the office of the city recorder or town clerk;
1287 (v) state in conspicuous and plain terms that the municipality may grant the petition
1288 and annex the area described in the petition unless, within the time required under Subsection
1289 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission
1290 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
1291 municipality;
1292 (vi) state the address of the commission or, if a commission has not yet been created in
1293 the county, the county clerk, where a protest to the annexation petition may be filed;
1294 (vii) state that the area proposed for annexation to the municipality will also
1295 automatically be annexed to a local district providing fire protection, paramedic, and
1296 emergency services, as provided in Section 17B-1-416, if:
1297 (A) the proposed annexing municipality is entirely within the boundaries of a local
1298 district:

1299 (I) that provides fire protection, paramedic, and emergency services; and
1300 (II) in the creation of which an election was not required because of Subsection
1301 17B-1-214(3)(c); and
1302 (B) the area proposed to be annexed to the municipality is not already within the
1303 boundaries of the local district; and
1304 (viii) state that the area proposed for annexation to the municipality will be
1305 automatically withdrawn from a local district providing fire protection, paramedic, and
1306 emergency services, as provided in Subsection 17B-1-502(2), if:
1307 (A) the petition proposes the annexation of an area that is within the boundaries of a
1308 local district:
1309 (I) that provides fire protection, paramedic, and emergency services; and
1310 (II) in the creation of which an election was not required because of Subsection
1311 17B-1-214(3)(c); and
1312 (B) the proposed annexing municipality is not within the boundaries of the local
1313 district.
1314 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a
1315 written protest in terms of the actual date rather than by reference to the statutory citation.
1316 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection
1317 (1)(a) for a proposed annexation of an area within a county of the first class shall include a
1318 statement that a protest to the annexation petition may be filed with the commission by
1319 property owners if it contains the signatures of the owners of private real property that:
1320 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
1321 annexation;
1322 (ii) covers at least 25% of the private land area located in the unincorporated area
1323 within 1/2 mile of the area proposed for annexation; and
1324 (iii) is equal in value to at least 15% of all real property located in the unincorporated
1325 area within 1/2 mile of the area proposed for annexation.
1326 Section 20. Section **10-2-407** is amended to read:
1327 **10-2-407. Protest to annexation petition -- Township planning commission**
1328 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**
1329 (1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

1330 (i) the legislative body or governing board of an affected entity; or
1331 (ii) for a proposed annexation of an area within a county of the first class, the owners
1332 of private real property that:

1333 (A) is located in the unincorporated area within 1/2 mile of the area proposed for
1334 annexation;

1335 (B) covers at least 25% of the private land area located in the unincorporated area
1336 within 1/2 mile of the area proposed for annexation; and

1337 (C) is equal in value to at least 15% of all real property located in the unincorporated
1338 area within 1/2 mile of the area proposed for annexation.

1339 (b) (i) A planning commission of a township located in a county of the first class may
1340 recommend to the legislative body of the county in which the township is located that the
1341 county legislative body file a protest against a proposed annexation under this part of an area
1342 located within the township.

1343 (ii) (A) The township planning commission shall communicate each recommendation
1344 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days of the city
1345 recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)
1346 (c)(i).

1347 (B) At the time the recommendation is communicated to the county legislative body
1348 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy
1349 of the recommendation to the legislative body of the proposed annexing municipality and to the
1350 contact sponsor.

1351 (2) (a) Each protest under Subsection (1)(a) shall:

1352 (i) be filed:

1353 (A) no later than 30 days after the municipal legislative body's receipt of the notice of
1354 certification under Subsection 10-2-405(2)(c)(i); and

1355 (B) (I) in a county that has already created a commission under Section 10-2-409, with
1356 the commission; or

1357 (II) in a county that has not yet created a commission under Section 10-2-409, with the
1358 clerk of the county in which the area proposed for annexation is located; and

1359 (ii) state each reason for the protest of the annexation petition and, if the area proposed
1360 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 a county of the first class, except as provided in Subsection (3)(a)(iii), deny the annexation petition; or

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

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

(A) the contact sponsor of the annexation petition;

1392 (B) the commission;
1393 (C) each entity that filed a protest; and
1394 (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an
1395 area located in a county of the first class, the contact person.
1396 (iii) A municipal legislative body may not deny an annexation petition proposing to
1397 annex an area located in a county of the first class if:
1398 (A) the petition contains the signatures of the owners of private real property that:
1399 (I) is located within the area proposed for annexation;
1400 (II) covers a majority of the private land area within the area proposed for annexation;
1401 and
1402 (III) is equal in value to at least 1/2 of the value of all private real property within the
1403 area proposed for annexation;
1404 (B) the population in the area proposed for annexation does not exceed 10% of the
1405 population of the proposed annexing municipality;
1406 (C) the property tax rate for municipal services in the area proposed to be annexed is
1407 higher than the property tax rate of the proposed annexing municipality; and
1408 (D) all annexations by the proposed annexing municipality during the year that the
1409 petition was filed have not increased the municipality's population by more than 20%.
1410 (b) (i) If no timely protest is filed under this section, the municipal legislative body
1411 may, subject to Subsection (3)(b)(ii), grant the petition and, by ordinance, annex the area that is
1412 the subject of the annexation petition.
1413 (ii) Before granting an annexation petition under Subsection (3)(b)(i), the municipal
1414 legislative body shall:
1415 (A) hold a public hearing; and
1416 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):
1417 (I) (Aa) until January 1, 2011, publish notice of the hearing in a newspaper of general
1418 circulation within the municipality and the area proposed for annexation; or
1419 ~~[(H)]~~ (Bb) if there is no newspaper of general circulation in those areas, post written
1420 notices of the hearing in conspicuous places within those areas that are most likely to give
1421 notice to residents within those areas~~[-]; and~~
1422 (II) beginning on January 1, 2011, publish notice of the hearing on the Utah Public

1423 Notice Website as described in Section 63F-1-701.

1424 Section 21. Section **10-2-415** is amended to read:

1425 **10-2-415. Public hearing -- Notice.**

1426 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet
1427 the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area
1428 located in a county of the first class, the commission shall hold a public hearing within 30 days
1429 of receipt of the feasibility study or supplemental feasibility study results.

1430 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

1431 (A) require the feasibility consultant to present the results of the feasibility study and, if
1432 applicable, the supplemental feasibility study;

1433 (B) allow those present to ask questions of the feasibility consultant regarding the study
1434 results; and

1435 (C) allow those present to speak to the issue of annexation.

1436 (iii) (A) The commission shall:

1437 (I) publish notice of each hearing under Subsection (1)(a)(i):

1438 (Aa) until January 1, 2011, at least once a week for two successive weeks in a
1439 newspaper of general circulation within the area proposed for annexation, the surrounding 1/2
1440 mile of unincorporated area, and the proposed annexing municipality; and

1441 (Bb) beginning on January 1, 2011, on the Utah Public Notice Website as described in
1442 Section 63F-1-701 for two successive weeks; and

1443 (II) send written notice of the hearing to the municipal legislative body of the proposed
1444 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a
1445 protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.

1446 (B) [Hf] In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of
1447 general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the
1448 commission shall give the notice required under that subsection by posting notices, at least
1449 seven days before the hearing, in conspicuous places within those areas that are most likely to
1450 give notice of the hearing to the residents of those areas.

1451 (C) The [notices] notice under Subsections (1)(a)(iii)(A) and (B) shall include the
1452 feasibility study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy
1453 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 annexation:

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

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

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

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

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

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

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

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

(i) (A) the area to be annexed consists of one or more unincorporated islands within or

1485 unincorporated peninsulas contiguous to the municipality;

1486 (B) the majority of each island or peninsula consists of residential or commercial
1487 development;

1488 (C) the area proposed for annexation requires the delivery of municipal-type services;
1489 and

1490 (D) the municipality has provided most or all of the municipal-type services to the area
1491 for more than one year; or

1492 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
1493 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800
1494 residents; and

1495 (B) the municipality has provided one or more municipal-type services to the area for
1496 at least one year.

1497 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a
1498 portion of an island or peninsula under this section, leaving unincorporated the remainder of
1499 the unincorporated island or peninsula, if:

1500 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body
1501 determines that not annexing the entire unincorporated island or peninsula is in the
1502 municipality's best interest; and

1503 (ii) for an annexation of one or more unincorporated islands under Subsection
1504 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,
1505 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

1506 (2) (a) The legislative body of each municipality intending to annex an area under this
1507 section shall:

1508 (i) adopt a resolution indicating the municipal legislative body's intent to annex the
1509 area, describing the area proposed to be annexed;

1510 (ii) ~~[(A)]~~ publish notice;

1511 (A) (I) until January 1, 2011, at least once a week for three successive weeks in a
1512 newspaper of general circulation within the municipality and the area proposed for annexation;
1513 or

1514 ~~[(B)]~~ (II) if there is no newspaper of general circulation in the areas described in
1515 Subsection (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those

1516 areas that are most likely to give notice to the residents of those areas; and

1517 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
1518 Section 63F-1-701 for three successive weeks;

1519 (iii) send written notice to the board of each local district and special service district
1520 whose boundaries contain some or all of the area proposed for annexation and to the legislative
1521 body of the county in which the area proposed for annexation is located; and

1522 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the
1523 adoption of the resolution under Subsection (2)(a)(i).

1524 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

1525 (i) state that the municipal legislative body has adopted a resolution indicating its intent
1526 to annex the area proposed for annexation;

1527 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

1528 (iii) describe the area proposed for annexation; and

1529 (iv) except for an annexation that meets the property owner consent requirements of
1530 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will
1531 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written
1532 protests to the annexation are filed by the owners of private real property that:

1533 (A) is located within the area proposed for annexation;

1534 (B) covers a majority of the total private land area within the entire area proposed for
1535 annexation; and

1536 (C) is equal in value to at least 1/2 the value of all private real property within the
1537 entire area proposed for annexation.

1538 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be
1539 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
1540 (2)(a)(i).

1541 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the
1542 municipal legislative body may adopt an ordinance annexing the area proposed for annexation
1543 under this section unless, at or before the hearing, written protests to the annexation have been
1544 filed with the city recorder or town clerk, as the case may be, by the owners of private real
1545 property that:

1546 (i) is located within the area proposed for annexation;

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

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

(b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a municipality may adopt an ordinance annexing the area proposed for annexation under this 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) until January 1, 2011, at least once a week for three successive weeks in a

1578 newspaper of general circulation within the municipality; or
1579 ~~[(B)]~~ (II) if there is no newspaper of general circulation within the municipality, post at
1580 least one notice per 1,000 population in places within the municipality that are most likely to
1581 give notice to residents of the municipality~~[-]; and~~
1582 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
1583 Section 63F-1-701 for three successive weeks.
1584 (b) The notice required under Subsection (2)(a)(iii) shall:
1585 (i) state that the municipal legislative body has adopted a resolution indicating the
1586 municipal legislative body's intent to adjust a boundary that the municipality has in common
1587 with another municipality;
1588 (ii) describe the area proposed to be adjusted;
1589 (iii) state the date, time, and place of the public hearing required under Subsection
1590 (2)(a)(ii);
1591 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
1592 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
1593 protests to the adjustment are filed by the owners of private real property that:
1594 (A) is located within the area proposed for adjustment;
1595 (B) covers at least 25% of the total private land area within the area proposed for
1596 adjustment; and
1597 (C) is equal in value to at least 15% of the value of all private real property within the
1598 area proposed for adjustment; ~~[and]~~
1599 (v) state that the area that is the subject of the boundary adjustment will, because of the
1600 boundary adjustment, be automatically annexed to a local district providing fire protection,
1601 paramedic, and emergency services, as provided in Section 17B-1-416, if:
1602 (A) the municipality to which the area is being added because of the boundary
1603 adjustment is entirely within the boundaries of a local district:
1604 (I) that provides fire protection, paramedic, and emergency services; and
1605 (II) in the creation of which an election was not required because of Subsection
1606 17B-1-214(3)(c); and
1607 (B) the municipality from which the area is being taken because of the boundary
1608 adjustment is not within the boundaries of the local district; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1640 (1) As used in this part "petitioners" means persons who:
1641 (a) own title to real property within the area proposed for disconnection; and
1642 (b) have signed a request for disconnection proposing to disconnect that area from the
1643 municipality.

1644 (2) (a) Petitioners proposing to disconnect an area within and lying on the borders of a
1645 municipality shall file with that municipality's legislative body a request for disconnection.

1646 (b) Each request for disconnection shall:

1647 (i) contain the names, addresses, and signatures of the owners of more than 50% of the
1648 real property in the area proposed for disconnection;

1649 (ii) give the reasons for the proposed disconnection;

1650 (iii) include a map or plat of the territory proposed for disconnection; and
1651 (iv) designate between one and five persons with authority to act on the petitioners'
1652 behalf in the proceedings.

1653 (3) Upon filing the request for disconnection, petitioners shall:

1654 (a) cause notice of the request to be published:

1655 (i) until January 1, 2011, once a week for three consecutive weeks in a newspaper of
1656 general circulation within the municipality; and

1657 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
1658 Section 63F-1-701 for three consecutive weeks;

1659 (b) cause notice of the request to be mailed to each owner of real property located
1660 within the area proposed to be disconnected; and

1661 (c) deliver a copy of the request to the legislative body of the county in which the area
1662 proposed for disconnection is located.

1663 Section 25. Section **10-2-502.5** is amended to read:

1664 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**
1665 **legislative body -- Petition in district court.**

1666 (1) Within 30 calendar days after the last publication of notice required under
1667 Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed
1668 for disconnection is located shall hold a public hearing.

1669 (2) At least seven calendar days before the hearing date, the municipal legislative body
1670 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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in

Section 63F-1-701 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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in
Section 63F-1-701 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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in
Section 63F-1-701 for four consecutive 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
compensation or compensation schedules enacted after public hearing.

(2) Upon its own motion the governing body may review or consider the compensation
of any officer or officers of the municipality or a salary schedule applicable to any officer or
officers of the city for the purpose of determining whether or not it should be adopted, changed,

or amended. In the event that the governing body decides that the compensation or compensation schedules should be adopted, changed, or amended, it shall set a time and place for a public hearing at which all interested persons shall be given an opportunity to be heard.

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

(i) until January 1, 2011, at least once in a newspaper published in the county within which the municipality is situated and generally circulated in the municipality~~[-]; and~~

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

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

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

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

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

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

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

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

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

(a) (i) until January 1, 2001, at least once in a newspaper of general circulation in the town~~[-but];~~ or

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

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

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

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

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

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

(1) (a) until January 1, 2011, in at least one issue of a newspaper of general circulation published in the county in which the city is located~~[-If no such newspaper is published,];~~ or

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

(2) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

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

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

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

(1) prepare and publish:

(a) (i) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701, a notice to the public that the audit of the city has been completed; and

1795 (2) make a copy of the notice described in Subsection (1)(a) available for inspection at
1796 the office of the city auditor or recorder.

1797 Section 33. Section **10-7-16** is amended to read:

1798 **10-7-16. Call for bids -- Notice -- Contents.**

1799 (1) (a) Before holding an election under Subsection 10-7-15(1)(a)(ii), the municipal
1800 legislative body shall open to bid the sale or lease of the property mentioned in Section
1801 10-7-15.

1802 (b) (i) The municipal legislative body shall cause notice of the bid process to be given
1803 by publication for at least three consecutive weeks;

1804 (A) until January 1, 2011, in a newspaper published or having general circulation in the
1805 city or town[, giving a general description of the property to be sold or leased, and specifying
1806 the time when sealed bids for the property, or for a lease on the property, will be received, and
1807 the time when and the place where the bids will be opened.]; and

1808 (B) beginning January 1, 2011, on the Utah Public Notice Website as described in
1809 Section 63F-1-701.

1810 (c) The notice described in Subsection (1) shall:

1811 (i) give a general description of the property to be sold or leased;

1812 (ii) specify the time when sealed bids for the property, or for a lease on the property,
1813 will be received; and

1814 (iii) specify the time when and the place where the bids will be opened.

1815 (2) (a) As used in this section and in Section 10-7-17, "responsible bidder" means an
1816 entity with a proven history of successful operation of an electrical generation and distribution
1817 system, or an equivalent proven history.

1818 (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to
1819 receive any bid submitted for the sale or lease of the electrical works and plant.

1820 (c) A municipal legislative body may not receive a bid unless the municipal legislative
1821 body determines that the bid is submitted by a responsible bidder.

1822 Section 34. Section **10-7-19** is amended to read:

1823 **10-7-19. Election to authorize -- Notice -- Ballots.**

1824 (1) The board of commissioners or city council of any city or the board of trustees of
1825 any incorporated town is authorized to aid and encourage the building of railroads by granting

to any railroad company for depot or other railroad purposes real property of such city or incorporated town, not necessary for municipal or public purposes, upon such limitations and conditions as the board of commissioners, council or board of trustees may prescribe; provided, however, that no such grant shall be made to any railroad company unless the question of making it has been submitted to the qualified electors of the city or town at the next municipal election, or special election to be called for that purpose by the board of commissioners, city council or town board.

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

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

(a) (i) until January 1, 2011, in [some] a newspaper published or having general circulation in the city or town once a week for four weeks prior [thereto,] to the election; or

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

(b) beginning January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for four weeks prior to the election.

(4) The board of commissioners, city council or town board shall cause ballots to be printed and furnished to the qualified electors, which shall read: "For the proposed grant for 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

1857 within or without the municipality's corporate boundaries, if the action is in the public interest
1858 and complies with other law;

1859 (iv) improve, protect, and do any other thing in relation to this property that an
1860 individual could do; and

1861 (v) subject to Subsection (2) and after first holding a public hearing, authorize
1862 municipal services or other nonmonetary assistance to be provided to or waive fees required to
1863 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1864 (b) A municipality may:

1865 (i) furnish all necessary local public services within the municipality;

1866 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities
1867 located and operating within and operated by the municipality; and

1868 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property
1869 located inside or outside the corporate limits of the municipality and necessary for any of the
1870 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,
1871 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1872 (c) Each municipality that intends to acquire property by eminent domain under
1873 Subsection (1)(b) shall, upon the first contact with the owner of the property sought to be
1874 acquired, deliver to the owner a copy of a booklet or other materials provided by the Office of
1875 the Property Rights Ombudsman, created under Section 13-43-201, dealing with the property
1876 owner's rights in an eminent domain proceeding.

1877 (d) Subsection (1)(b) may not be construed to diminish any other authority a
1878 municipality may claim to have under the law to acquire by eminent domain property located
1879 inside or outside the municipality.

1880 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to
1881 the provisions of Subsection (3).

1882 (b) The total amount of services or other nonmonetary assistance provided or fees
1883 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the
1884 municipality's budget for that fiscal year.

1885 (3) It is considered a corporate purpose to appropriate money for any purpose that, in
1886 the judgment of the municipal legislative body, provides for the safety, health, prosperity,
1887 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) until January 1, 2011, in a newspaper of general circulation at least 14 days ~~[prior to]~~ before the date of the hearing~~[-or-]; or~~

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

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 at least 14 days before the date of the hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) the property is located:

(A) outside the boundaries of the municipality; and

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

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

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

1950 (B) the property's current zoning designation.

1951 (b) Each notice under Subsection (5)(a) shall:

1952 (i) indicate that the municipality intends to acquire real property;

1953 (ii) identify the real property; and

1954 (iii) be sent to:

1955 (A) each county in whose unincorporated area and each municipality in whose

1956 boundaries the property is located; and

1957 (B) each affected entity.

1958 (c) A notice under this Subsection (5) is a protected record as provided in Subsection

1959 63G-2-305(7).

1960 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality

1961 previously provided notice under Section 10-9a-203 identifying the general location within the

1962 municipality or unincorporated part of the county where the property to be acquired is located.

1963 (ii) If a municipality is not required to comply with the notice requirement of

1964 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide

1965 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real

1966 property.

1967 Section 36. Section **10-9a-204** is amended to read:

1968 **10-9a-204. Notice of public hearings and public meetings to consider general plan**

1969 **or modifications.**

1970 (1) Each municipality shall provide:

1971 (a) notice of the date, time, and place of the first public hearing to consider the original

1972 adoption or any modification of all or any portion of a general plan; and

1973 (b) notice of each public meeting on the subject.

1974 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten

1975 calendar days before the public hearing and shall be:

1976 (a) (i) until January 1, 2011, published in a newspaper of general circulation in the

1977 area; and

1978 (ii) beginning January 1, 2011, published on the Utah Public Notice Website as

1979 described in Section 63F-1-701;

1980 (b) mailed to each affected entity; and

1981 (c) posted:
1982 (i) in at least three public locations within the municipality; or
1983 (ii) on the municipality's official website.
1984 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
1985 before the meeting and shall be:
1986 (a) (i) submitted to a newspaper of general circulation in the area; and
1987 (ii) beginning on January 1, 2011, published on the Utah Public Notice Website as
1988 described in Section 63F-1-701; and
1989 (b) posted:
1990 (i) in at least three public locations within the municipality; or
1991 (ii) on the municipality's official website.
1992 Section 37. Section **10-9a-205** is amended to read:
1993 **10-9a-205. Notice of public hearings and public meetings on adoption or**
1994 **modification of land use ordinance.**
1995 (1) Each municipality shall give:
1996 (a) notice of the date, time, and place of the first public hearing to consider the
1997 adoption or any modification of a land use ordinance; and
1998 (b) notice of each public meeting on the subject.
1999 (2) Each notice of a public hearing under Subsection (1)(a) shall be:
2000 (a) mailed to each affected entity at least ten calendar days before the public hearing;
2001 (b) posted:
2002 (i) in at least three public locations within the municipality; or
2003 (ii) on the municipality's official website; and
2004 (c) (i) (A) until January 1, 2011, published in a newspaper of general circulation in the
2005 area at least ten calendar days before the public hearing; [or] and
2006 (B) beginning on January 1, 2011, published on the Utah Public Notice Website as
2007 described in Section 63F-1-701 at least ten calendar days before the public hearing; or
2008 (ii) mailed at least three days before the public hearing to:
2009 (A) each property owner whose land is directly affected by the land use ordinance
2010 change; and
2011 (B) each adjacent property owner within the parameters specified by municipal

2012 ordinance.

2013 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
2014 before the meeting and shall be posted:

2015 (a) in at least three public locations within the municipality; or

2016 (b) on the municipality's official website.

2017 Section 38. Section **10-9a-208** is amended to read:

2018 **10-9a-208. Hearing and notice for proposal to vacate, alter, or amend a public**
2019 **street or right-of-way.**

2020 For any proposal to vacate, alter, or amend a public street or right-of-way, the land use
2021 authority shall hold a public hearing and shall give notice of the date, place, and time of the
2022 hearing by:

2023 (1) mailing notice as required in Section 10-9a-207;

2024 (2) mailing notice to each affected entity; and

2025 (3) ~~[(a)]~~ publishing notice;

2026 (a) (i) until January 1, 2011, once a week for four consecutive weeks before the hearing
2027 in a newspaper of general circulation in the municipality in which the land subject to the
2028 petition is located; or

2029 ~~[(b)]~~ (ii) in accordance with Subsection (3)(a)(i), if there is no newspaper of general
2030 circulation in the municipality, posting the property and posting notice in three public places
2031 for four consecutive weeks before the hearing~~[-]; and~~

2032 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
2033 Section 63F-1-701 for four consecutive weeks before the hearing.

2034 Section 39. Section **10-18-203** is amended to read:

2035 **10-18-203. Feasibility study on providing cable television or public**
2036 **telecommunications services -- Public hearings.**

2037 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of
2038 the municipality shall require the feasibility consultant to:

2039 (a) complete the feasibility study in accordance with this section;

2040 (b) submit to the legislative body by no later than 180 days from the date the feasibility
2041 consultant is hired to conduct the feasibility study:

2042 (i) the full written results of the feasibility study; and

- 2043 (ii) a summary of the results that is no longer than one page in length; and
2044 (c) attend the public hearings described in Subsection (4) to:
2045 (i) present the feasibility study results; and
2046 (ii) respond to questions from the public.
- 2047 (2) The feasibility study described in Subsection (1) shall at a minimum consider:
2048 (a) (i) if the municipality is proposing to provide cable television services to
2049 subscribers, whether the municipality providing cable television services in the manner
2050 proposed by the municipality will hinder or advance competition for cable television services
2051 in the municipality;
- 2052 (ii) if the municipality is proposing to provide public telecommunications services to
2053 subscribers, whether the municipality providing public telecommunications services in the
2054 manner proposed by the municipality will hinder or advance competition for public
2055 telecommunications services in the municipality;
- 2056 (b) whether but for the municipality any person would provide the proposed:
2057 (i) cable television services; or
2058 (ii) public telecommunications services;
- 2059 (c) the fiscal impact on the municipality of:
2060 (i) the capital investment in facilities that will be used to provide the proposed:
2061 (A) cable television services; or
2062 (B) public telecommunications services; and
2063 (ii) the expenditure of funds for labor, financing, and administering the proposed:
2064 (A) cable television services; or
2065 (B) public telecommunications services;
- 2066 (d) the projected growth in demand in the municipality for the proposed:
2067 (i) cable television services; or
2068 (ii) public telecommunications services;
- 2069 (e) the projections at the time of the feasibility study and for the next five years, of a
2070 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the
2071 facilities necessary to provide the proposed:
2072 (i) cable television services; or
2073 (ii) public telecommunications services; and

(f) the projections at the time of the feasibility study and for the next five years of the revenues to be generated from the proposed:

(i) cable television services; or

(ii) public telecommunications services.

(3) For purposes of the financial projections required under Subsections (2)(e) and (f), the feasibility consultant shall assume that the municipality will price the proposed cable television services or public telecommunications services consistent with Subsection 10-18-303(5).

(4) If the results of the feasibility study satisfy the revenue requirement of Subsection 10-18-202(3), the legislative body, at the next regular meeting after the legislative body receives the results of the feasibility study, shall schedule at least two public hearings to be held:

(a) within 60 days of the meeting at which the public hearings are scheduled;

(b) at least seven days apart; and

(c) for the purpose of allowing:

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

(ii) the public to:

(A) become informed about the feasibility study results; and

(B) ask questions of the feasibility consultant about the results of the feasibility study.

(5) (a) Except as provided in Subsection (5)(c), the municipality shall publish notice of the public hearings required under Subsection (4):

(i) (A) until January 1, 2011, at least once a week for three consecutive weeks in a newspaper of general circulation in the municipality[-]; and

~~[(b) The last publication of notice required under Subsection (5)(a) shall be]~~

(B) at least three days before the first public hearing required under Subsection (4)[-];

and

(ii) (A) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three consecutive weeks; and

(B) at least three days before the first public hearing required under Subsection (4).

(c) (i) ~~[H]~~ In accordance with Subsection (5)(a)(i), if there is no newspaper of general circulation in the municipality, for each 1,000 residents, the municipality shall post at least one

2105 notice of the hearings in a conspicuous place within the municipality that is likely to give
2106 notice of the hearings to the greatest number of residents of the municipality.

2107 (ii) The municipality shall post the notices at least seven days before the first public
2108 hearing required under Subsection (4) is held.

2109 Section 40. Section **10-18-302** is amended to read:

2110 **10-18-302. Bonding authority.**

2111 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the
2112 legislative body of a municipality may by resolution determine to issue one or more revenue
2113 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide
2114 to subscribers:

2115 (a) a cable television service; or

2116 (b) a public telecommunications service.

2117 (2) The resolution described in Subsection (1) shall:

2118 (a) describe the purpose for which the indebtedness is to be created; and

2119 (b) specify the dollar amount of the one or more bonds proposed to be issued.

2120 (3) (a) A revenue bond issued under this section shall be secured and paid for:

2121 (i) from the revenues generated by the municipality from providing:

2122 (A) cable television services with respect to revenue bonds issued to finance facilities
2123 for the municipality's cable television services; and

2124 (B) public telecommunications services with respect to revenue bonds issued to finance
2125 facilities for the municipality's public telecommunications services; and

2126 (ii) notwithstanding Subsection (3)(b) and Subsection 10-18-303(3)(a), from revenues
2127 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

2128 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections
2129 (4) and (5), the revenue bond is approved by the registered voters in an election held:

2130 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title
2131 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

2132 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;

2133 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the
2134 revenue bond; and

2135 (C) the municipality or municipalities annually appropriate the revenues described in

this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

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

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

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

(ii) to which a municipality is a party.

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

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

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

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

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

(I) until January 1, 2011, in a newspaper published in the municipality or in a newspaper of general circulation within the municipality for two consecutive weeks, with the first publication being not less than 14 days before the public hearing; and

(II) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two consecutive weeks before the public hearing; and

(B) the notice identifies:

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

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

2167 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will
2168 be pledged in any fiscal year;

2169 (IV) the maximum number of years that the pledge will be in effect; and

2170 (V) the time, place, and location for the public hearing;

2171 (iv) the municipal entity that issues revenue bonds:

2172 (A) adopts a final financing plan; and

2173 (B) in accordance with Title 63G, Chapter 2, Government Records Access and
2174 Management Act, makes available to the public at the time the municipal entity adopts the final
2175 financing plan:

2176 (I) the final financing plan; and

2177 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,
2178 Chapter 2, Government Records Access and Management Act;

2179 (v) any municipality that is a member of a municipal entity described in Subsection
2180 (4)(b)(iv):

2181 (A) not less than 30 calendar days after the municipal entity complies with Subsection
2182 (4)(b)(iv)(B), holds a final public hearing;

2183 (B) provides notice, at the time the municipality schedules the final public hearing, to
2184 any person who has provided to the municipality a written request for notice; and

2185 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all
2186 interested parties; and

2187 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2188 more than 50% of the average annual debt service of all revenue bonds described in this section
2189 to provide service throughout the municipality or municipal entity may be paid from the
2190 revenues described in Subsection (3)(a)(ii).

2191 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply
2192 to a municipality that issues revenue bonds if:

2193 (a) the municipality that is issuing the revenue bonds has:

2194 (i) held a public hearing for which public notice was given by publication of the notice
2195 in a newspaper published in the municipality or in a newspaper of general circulation within
2196 the municipality for two consecutive weeks, with the first publication being not less than 14
2197 days before the public hearing; and

2198 (ii) the notice identifies:
2199 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government
2200 Bonding Act;
2201 (B) the purpose for the bonds to be issued;
2202 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be
2203 pledged in any fiscal year;
2204 (D) the maximum number of years that the pledge will be in effect; and
2205 (E) the time, place, and location for the public hearing; and
2206 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
2207 more than 50% of the average annual debt service of all revenue bonds described in this section
2208 to provide service throughout the municipality or municipal entity may be paid from the
2209 revenues described in Subsection (3)(a)(ii).
2210 (6) A municipality that issues bonds pursuant to this section may not make or grant any
2211 undue or unreasonable preference or advantage to itself or to any private provider of:
2212 (a) cable television services; or
2213 (b) public telecommunications services.
2214 Section 41. Section **10-18-303** is amended to read:
2215 **10-18-303. General operating limitations.**
2216 A municipality that provides a cable television service or a public telecommunications
2217 service under this chapter is subject to the operating limitations of this section.
2218 (1) A municipality that provides a cable television service shall comply with:
2219 (a) the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.; and
2220 (b) the regulations issued by the Federal Communications Commission under the Cable
2221 Communications Policy Act of 1984, 47 U.S.C. 521, et seq.
2222 (2) A municipality that provides a public telecommunications service shall comply
2223 with:
2224 (a) the Telecommunications Act of 1996, Pub. L. 104-104;
2225 (b) the regulations issued by the Federal Communications Commission under the
2226 Telecommunications Act of 1996, Pub. L. 104-104;
2227 (c) Section 54-8b-2.2 relating to:
2228 (i) the interconnection of essential facilities; and

- 2229 (ii) the purchase and sale of essential services; and
2230 (d) the rules made by the Public Service Commission of Utah under Section 54-8b-2.2.
2231 (3) A municipality may not cross subsidize its cable television services or its public
2232 telecommunications services with:
2233 (a) tax dollars;
2234 (b) income from other municipal or utility services;
2235 (c) below-market rate loans from the municipality; or
2236 (d) any other means.
2237 (4) (a) A municipality may not make or grant any undue or unreasonable preference or
2238 advantage to itself or to any private provider of:
2239 (i) cable television services; or
2240 (ii) public telecommunications services.
2241 (b) A municipality shall apply without discrimination as to itself and to any private
2242 provider the municipality's ordinances, rules, and policies, including those relating to:
2243 (i) obligation to serve;
2244 (ii) access to public rights of way;
2245 (iii) permitting;
2246 (iv) performance bonding;
2247 (v) reporting; and
2248 (vi) quality of service.
2249 (c) Subsections (4)(a) and (b) do not supersede the exception for a rural telephone
2250 company in Section 251 of the Telecommunications Act of 1996, Pub. L. 104-104.
2251 (5) In calculating the rates charged by a municipality for a cable television service or a
2252 public telecommunications service, the municipality:
2253 (a) shall include within its rates an amount equal to all taxes, fees, and other
2254 assessments that would be applicable to a similarly situated private provider of the same
2255 services, including:
2256 (i) federal, state, and local taxes;
2257 (ii) franchise fees;
2258 (iii) permit fees;
2259 (iv) pole attachment fees; and

2260 (v) fees similar to those described in Subsections (5)(a)(i) through (iv); and
2261 (b) may not price any cable television service or public telecommunications service at a
2262 level that is less than the sum of:
2263 (i) the actual direct costs of providing the service;
2264 (ii) the actual indirect costs of providing the service; and
2265 (iii) the amount determined under Subsection (5)(a).
2266 (6) (a) A municipality that provides cable television services or public
2267 telecommunications services shall establish and maintain a comprehensive price list of all cable
2268 television services or public telecommunications services offered by the municipality.
2269 (b) The price list required by Subsection (6)(a) shall:
2270 (i) include all terms and conditions relating to the municipality providing each cable
2271 television service or public telecommunications service offered by the municipality;
2272 (ii) (A) until January 1, 2011, be published in a newspaper having general circulation
2273 in the municipality; and
2274 (B) beginning on January 1, 2011, be published on the Utah Public Notice Website as
2275 described in Section 63F-1-701; and
2276 (iii) be available for inspection:
2277 (A) at a designated office of the municipality; and
2278 (B) during normal business hours.
2279 (c) At least five days before the date a change to a municipality's price list becomes
2280 effective, the municipality shall:
2281 (i) notify the following of the change:
2282 (A) all subscribers to the services for which the price list is being changed; and
2283 (B) any other persons requesting notification of any changes to the municipality's price
2284 list; and
2285 (ii) (A) until January 1, 2011, publish notice in a newspaper of general circulation in
2286 the municipality[?]; and
2287 (B) beginning on January 1, 2011, publish notice on the Utah Public Notice Website as
2288 described in Section 63F-1-701.
2289 (d) [Hf] In accordance with Subsection (6)(c)(ii)(A), if there is no newspaper of general
2290 circulation in the municipality, the municipality shall publish the notice required by this

2291 Subsection (6) in a newspaper of general circulation that is nearest the municipality.

2292 (e) A municipality may not offer a cable television service or a public
2293 telecommunications service except in accordance with the prices, terms, and conditions set
2294 forth in the municipality's price list.

2295 (7) A municipality may not offer to provide or provide cable television services or
2296 public telecommunications services to a subscriber that does not reside within the geographic
2297 boundaries of the municipality.

2298 (8) (a) A municipality shall keep accurate books and records of the municipality's:

2299 (i) cable television services; and

2300 (ii) public telecommunications services.

2301 (b) The books and records required to be kept under Subsection (8)(a) are subject to
2302 legislative audit to verify the municipality's compliance with the requirements of this chapter
2303 including:

2304 (i) pricing;

2305 (ii) recordkeeping; and

2306 (iii) antidiscrimination.

2307 (9) A municipality may not receive distributions from the Universal Public
2308 Telecommunications Service Support Fund established in Section 54-8b-15.

2309 Section 42. Section **11-13-219** is amended to read:

2310 **11-13-219. Publication of resolutions or agreements -- Contesting legality of**
2311 **resolution or agreement.**

2312 (1) As used in this section:

2313 (a) "Enactment" means:

2314 (i) a resolution adopted or proceedings taken by a governing body under the authority
2315 of this chapter, and includes a resolution, indenture, or other instrument providing for the
2316 issuance of bonds; and

2317 (ii) an agreement or other instrument that is authorized, executed, or approved by a
2318 governing body under the authority of this chapter.

2319 (b) "Governing body" means:

2320 (i) the legislative body of a public agency; and

2321 (ii) the governing body of an interlocal entity created under this chapter.

2322 (c) "Notice of bonds" means the notice authorized by Subsection (3)(d).

2323 (d) "Notice of agreement" means the notice authorized by Subsection (3)(c).

2324 (e) "Official newspaper" means the newspaper selected by a governing body under
2325 Subsection (4)(b) to publish its enactments.

2326 (2) Any enactment taken or made under the authority of this chapter is not subject to
2327 referendum.

2328 (3) (a) A governing body need not publish any enactment taken or made under the
2329 authority of this chapter.

2330 (b) A governing body may provide for the publication of any enactment taken or made
2331 by it under the authority of this chapter according to the publication requirements established
2332 by this section.

2333 (c) (i) If the enactment is an agreement, document, or other instrument, or a resolution
2334 or other proceeding authorizing or approving an agreement, document, or other instrument, the
2335 governing body may, instead of publishing the full text of the agreement, resolution, or other
2336 proceeding, publish a notice of agreement containing:

2337 (A) the names of the parties to the agreement;

2338 (B) the general subject matter of the agreement;

2339 (C) the term of the agreement;

2340 (D) a description of the payment obligations, if any, of the parties to the agreement;

2341 and

2342 (E) a statement that the resolution and agreement will be available for review at the
2343 governing body's principal place of business during regular business hours for 30 days after the
2344 publication of the notice of agreement.

2345 (ii) The governing body shall make a copy of the resolution or other proceeding and a
2346 copy of the contract available at its principal place of business during regular business hours
2347 for 30 days after the publication of the notice of agreement.

2348 (d) If the enactment is a resolution or other proceeding authorizing the issuance of
2349 bonds, the governing body may, instead of publishing the full text of the resolution or other
2350 proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds
2351 that contains the information described in Subsection 11-14-316(2).

2352 (4) (a) If the governing body chooses to publish an enactment, notice of bonds, or

2353 notice of agreement, the governing body shall comply with the requirements of this Subsection
2354 (4).

2355 (b) If there is more than one newspaper of general circulation, or more than one
2356 newspaper, published within the boundaries of the governing body, the governing body may
2357 designate one of those newspapers as the official newspaper for all publications made under
2358 this section.

2359 (c) (i) The governing body shall publish the enactment, notice of bonds, or notice of
2360 agreement ~~[in]~~:

2361 (A) until January 1, 2011, in:

2362 ~~[(A)]~~ (I) the official newspaper;

2363 ~~[(B)]~~ (II) the newspaper published in the municipality in which the principal office of
2364 the governmental entity is located; or

2365 ~~[(C)]~~ (III) if no newspaper is published in that municipality, in a newspaper having
2366 general circulation in the municipality[-]; and

2367 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
2368 Section 63F-1-701.

2369 (ii) The governing body may publish the enactment, notice of bonds, or notice of
2370 agreement:

2371 (A) until January 1, 2011:

2372 (I) in a newspaper of general circulation; or

2373 (II) in a newspaper that is published within the boundaries of any public agency that is
2374 a party to the enactment or agreement[-]; and

2375 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
2376 Section 63F-1-701.

2377 (5) (a) Any person in interest may contest the legality of an enactment or any action
2378 performed or instrument issued under the authority of the enactment for 30 days after the
2379 publication of the enactment, notice of bonds, or notice of agreement.

2380 (b) After the 30 days have passed, no one may contest the regularity, formality, or
2381 legality of the enactment or any action performed or instrument issued under the authority of
2382 the enactment for any cause whatsoever.

2383 Section 43. Section **11-14-202** is amended to read:

11-14-202. Notice of election -- Contents -- Publication -- Mailing.

(1) ~~[(a)]~~ The governing body shall ensure that~~[-(i)]~~ notice of the election is published;

(a) until January 1, 2011:

(i) (A) once per week during three consecutive weeks in a newspaper designated in accordance with Section 11-14-316; and

[(ii)] (B) the first publication described in Subsection (1)(a)(i)(A) occurs not less than 21 nor more than 35 days before the election~~[-]; and~~

~~[(b) Notice shall be published]~~

(ii) in a newspaper having general circulation in the local political subdivision~~[-]; and~~

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three consecutive weeks.

(2) When the debt service on the bonds to be issued will increase the property tax imposed upon the average value of a residence by an amount that is greater than or equal to \$15 per year, the governing body shall, at least seven days but not more than 30 days before the bond election, if the bond election is not held on the date of a regular primary election, a municipal primary election, a regular general election, or a municipal general election, either mail:

(a) written notice of the bond election on a minimum three inch by five inch postcard to every household containing a registered voter who is eligible to vote on the bonds; or

(b) a voter information pamphlet prepared by the governing body, if one is prepared, that includes the information required by Subsection (4).

(3) (a) Except as provided in Subsection (3)(b), notice of the bond election need not be posted.

(b) (i) In a local political subdivision where there is no newspaper of general circulation, the legislative body may require that notice of a bond election be given by posting in lieu of the publication requirements of Subsection (1)(a)(i).

(ii) When the governing body imposes a posting requirement, the governing body shall ensure that notice of the bond election is posted in at least five public places in the local political subdivision at least 21 days before the election.

(4) Any notice required by this section shall include:

(a) the date and place of the election;

(b) the hours during which the polls will be open; and

(c) the title and text of the ballot proposition.

(5) The governing body shall pay the costs associated with the notice required by this section.

Section 44. Section **11-14-315** is amended to read:

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, until January 1, 2011, 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, beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701. 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:

2446 **11-14-316. Publication of notice, resolution, or other proceeding -- Contest.**

2447 (1) The governing body of any local political subdivision may provide for the
2448 publication of any resolution or other proceeding adopted under this chapter:

2449 (a) until January 1, 2011, in a newspaper having general circulation in the local
2450 political subdivision[-]; and

2451 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
2452 Section 63F-1-701.

2453 (2) When publication involves a resolution or other proceeding providing for the
2454 issuance of bonds, the governing body may, in lieu of publishing the entire resolution or other
2455 proceeding, publish a notice of bonds to be issued, titled as such, containing:

2456 (a) the name of the issuer;

2457 (b) the purpose of the issue;

2458 (c) the type of bonds and the maximum principal amount which may be issued;

2459 (d) the maximum number of years over which the bonds may mature;

2460 (e) the maximum interest rate which the bonds may bear, if any;

2461 (f) the maximum discount from par, expressed as a percentage of principal amount, at
2462 which the bonds may be sold; and

2463 (g) the times and place where a copy of the resolution or other proceeding may be
2464 examined, which shall be:

2465 (i) at an office of the issuer;

2466 (ii) identified in the notice;

2467 (iii) during regular business hours of the issuer as described in the notice; and

2468 (iv) for a period of at least 30 days after the publication of the notice.

2469 (3) For a period of 30 days after the publication, any person in interest may contest:

2470 (a) the legality of such resolution or proceeding;

2471 (b) any bonds which may be authorized by such resolution or proceeding; or

2472 (c) any provisions made for the security and payment of the bonds.

2473 (4) A person shall contest the matters set forth in Subsection (3) by filing a verified
2474 written complaint in the district court of the county in which he resides within the 30-day
2475 period.

2476 (5) After the 30-day period, no person may contest the regularity, formality, or legality

2477 of the resolution or proceeding for any reason.

2478 Section 46. Section **11-14-318** is amended to read:

2479 **11-14-318. Public hearing required.**

2480 (1) Before issuing bonds authorized under this chapter, a local political subdivision
2481 shall:

2482 (a) in accordance with Subsection (2), provide public notice of the local political
2483 subdivision's intent to issue bonds; and

2484 (b) hold a public hearing:

2485 (i) if an election is required under this chapter:

2486 (A) no sooner than 30 days before the day on which the notice of election is published
2487 under Section 11-14-202; and

2488 (B) no later than five business days before the day on which the notice of election is
2489 published under Section 11-14-202; and

2490 (ii) to receive input from the public with respect to:

2491 (A) the issuance of the bonds; and

2492 (B) the potential economic impact that the improvement, facility, or property for which
2493 the bonds pay all or part of the cost will have on the private sector.

2494 (2) A local political subdivision shall:

2495 (a) publish the notice required by Subsection (1)(a):

2496 (i) (A) until January 1, 2011, once each week for two consecutive weeks in the official
2497 newspaper described in Section 11-14-316; and

2498 ~~[(ii)] (B)~~ with the first publication being not less than 14 days before the public hearing
2499 required by Subsection (1)(b); and

2500 ~~[(iii)] (ii)~~ beginning on January 1, 2011, on the Utah Public Notice Website created
2501 under Section 63F-1-701 no less than 14 days before the public hearing required by Subsection
2502 (1)(b); and

2503 (b) ensure that the notice:

2504 (i) identifies:

2505 (A) the purpose for the issuance of the bonds;

2506 (B) the maximum principal amount of the bonds to be issued;

2507 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and

2508 (D) the time, place, and location of the public hearing; and
2509 (ii) informs the public that the public hearing will be held for the purposes described in
2510 Subsection (1)(b)(ii).

2511 Section 47. Section **11-14a-1** is amended to read:

2512 **11-14a-1. Notice of debt issuance.**

2513 (1) For purposes of this chapter:

2514 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,
2515 and contracts with municipal building authorities.

2516 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.

2517 (b) (i) "Local government entity" means a county, city, town, school district, local
2518 district, or special service district.

2519 (ii) "Local government entity" does not mean an entity created by an interlocal
2520 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over
2521 \$10,000,000.

2522 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly
2523 or partially to fund a rejected project.

2524 (d) "Rejected Project" means a project for which a local government entity sought
2525 voter approval for general obligation bond financing and failed to receive that approval.

2526 (2) Unless a local government entity complies with the requirements of this section, it
2527 may not adopt a new debt resolution.

2528 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2529 (i) (A) until January 1, 2011, advertise its intent to issue debt in a newspaper of general
2530 circulation[; or];

2531 (I) at least once each week for the two weeks before the meeting at which the
2532 resolution will be considered; and

2533 (II) on no less than 1/4 page or a 5 x7 inch advertisement with type size no smaller than
2534 18 point and surrounded by a 1/4 inch border; and

2535 (B) beginning on January 1, 2011, advertise its intent to issue debt on the Utah Public
2536 Notice Website as described in Section 63F-1-701 for the two weeks before the meeting at
2537 which the resolution will be considered; or

2538 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least

2539 95% of the residents of the local government entity.

2540 ~~[(b) (i) The local government entity shall ensure that the advertisement is published at~~
2541 ~~least once each week for the two weeks before the meeting at which the resolution will be~~
2542 ~~considered on no less than a 1/4 page or a 5 x 7 inch advertisement with type size no smaller~~
2543 ~~than 18 point and surrounded by a 1/4 inch border.]~~

2544 ~~[(ii)]~~ (b) The local government entity shall ensure that the notice described in
2545 Subsection (3)(a)(ii):

2546 ~~[(A)]~~ (i) is at least as large as the bill or other mailing that it accompanies;

2547 ~~[(B)]~~ (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2548 ~~[(C)]~~ (iii) contains the information required by Subsection (3)(c).

2549 (c) The local government entity shall ensure that the advertisement or notice described
2550 in Subsection (3)(a):

2551 (i) identifies the local government entity;

2552 (ii) states that the entity will meet on a day, time, and place identified in the
2553 advertisement or notice to hear public comments regarding a resolution authorizing the
2554 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2555 (iii) contains:

2556 (A) the name of the entity that will issue the debt;

2557 (B) the purpose of the debt; and

2558 (C) that type of debt and the maximum principal amount that may be issued;

2559 (iv) invites all concerned citizens to attend the public hearing; and

2560 (v) states that some or all of the proposed debt would fund a project whose general
2561 obligation bond financing was rejected by the voters.

2562 (4) (a) The resolution considered at the hearing shall identify:

2563 (i) the type of debt proposed to be issued;

2564 (ii) the maximum principal amount that might be issued;

2565 (iii) the interest rate;

2566 (iv) the term of the debt; and

2567 (v) how the debt will be repaid.

2568 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the
2569 hearing need not be in final form and need not be adopted or rejected at the meeting at which

the public hearing is held.

(ii) The local government entity may not, in the final resolution, increase the maximum principal amount of debt contained in the notice and discussed at the hearing.

(c) The local government entity may adopt, amend and adopt, or reject the resolution at a later meeting without recomplying with the published notice requirements of this section.

Section 48. Section **11-17-16** is amended to read:

11-17-16. Publication of resolutions and notice of bonds to be issued.

(1) (a) The governing body may provide for the publication of any resolution or other proceeding adopted by it under this chapter, including all resolutions providing for the sale or lease of any land by the municipality, county, or state university in connection with the establishment, acquisition, development, maintenance, and operation of an industrial park.

(b) The publication shall be:

(i) until January 1, 2011:

(A) in a newspaper qualified to carry legal notices having general circulation in the municipality or county~~[-and-];~~ or

(B) in the case of a state university, in a newspaper of general circulation in the county within which the principal administrative office of the state university is located~~[-];~~ and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(2) In case of a resolution or other proceeding providing for the issuance of bonds, the governing body 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 issuer;

(b) the purpose of the issue;

(c) the name of the users, if known; and

(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) until January 1, 2011, in a newspaper having general circulation in the public body[:]; and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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.

2663 Section 51. Section **11-30-5** is amended to read:

2664 **11-30-5. Publication of order for hearing.**

2665 (1) Prior to the date set for hearing, the clerk of the court shall cause the order to be
2666 published;

2667 (a) until January 1, 2011, once each week for three consecutive weeks;

2668 (i) in a newspaper published or of general circulation within the boundaries of the
2669 public body; or;

2670 (ii) if the public body has no defined boundaries or there is no newspaper published or
2671 of general circulation within the defined boundaries, a newspaper reasonably calculated to
2672 notify all parties, which has been approved by the court; and

2673 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
2674 Section 63F-1-701 for three consecutive weeks.

2675 (2) If a refunding bond is being validated, all holders of the bonds to be refunded may
2676 be made defendants to the action, in which case notice may be made, and if so made shall be
2677 considered sufficient, by mailing a copy of the order to each holder's last-known address.

2678 (3) By publication of the order, all defendants shall have been duly served and shall be
2679 parties to the proceedings.

2680 Section 52. Section **11-32-10** is amended to read:

2681 **11-32-10. Application to other laws and proceedings.**

2682 (1) This chapter is supplemental to all existing laws relating to the collection of
2683 delinquent taxes by participant members.

2684 (2) (a) No ordinance, resolution, or proceeding in respect to any transaction authorized
2685 by this chapter is necessary except as specifically required in this chapter nor is the publication
2686 of any resolution, proceeding, or notice relating to any transaction authorized by this chapter
2687 necessary except as required by this chapter. [~~Any~~]

2688 (b) A publication made under this chapter may be made;

2689 (i) until January 1, 2011, in [~~any~~] a newspaper conforming to the terms of this chapter
2690 and in which legal notices may be published under the laws of Utah, without regard to the
2691 designation of it as the official journal or newspaper of the public body; and

2692 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
2693 Section 63F-1-701.

(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) until January 1, 2011, in a newspaper having general circulation in the county[:];
and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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) request bids for completion of the building improvement or public works project by:

(i) until January 1, 2011:

~~[(i)]~~ (A) publishing notice at least twice in a newspaper published or of general circulation in the local entity at least five days before opening the bids; or

~~[(ii)]~~ (B) if there is no newspaper published or of general circulation in the local entity as described in Subsection (1)(a)(i)(A), posting notice at least five days before opening the bids in at least five public places in the local entity and leaving the notice posted for at least three days; and

(ii) beginning on January 1, 2011, publishing notice on the Utah Public Notice Website as described in Section 63F-1-701 at least five days before opening the bids; and

(b) except as provided in Subsection (3), enter into a contract for the completion of the building improvement or public works project with:

(i) the lowest responsive responsible bidder; or

(ii) for a design-build project that the local entity began formulating before March 1,

2756 2004 and with respect to which a contract is entered into before September 1, 2004, a
2757 responsible bidder that:

2758 (A) offers design-build services; and

2759 (B) satisfies the local entity's criteria relating to financial strength, past performance,
2760 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder
2761 to perform fully and in good faith the contract requirements for a design-build project.

2762 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject
2763 any or all bids submitted.

2764 (b) (i) The cost of a building improvement or public works project may not be divided
2765 to avoid:

2766 (A) exceeding the bid limit; and

2767 (B) subjecting the local entity to the requirements of this section.

2768 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a
2769 building improvement or public works project that would, without dividing, exceed the bid
2770 limit if the local entity complies with the requirements of this section with respect to each part
2771 of the building improvement or public works project that results from dividing the cost.

2772 (3) (a) The local entity may reject any or all bids submitted.

2773 (b) If the local entity rejects all bids submitted but still intends to undertake the
2774 building improvement or public works project, the local entity shall again request bids by
2775 following the procedure provided in Subsection (1)(a).

2776 (c) If, after twice requesting bids by following the procedure provided in Subsection
2777 (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing
2778 body may undertake the building improvement or public works project as it considers
2779 appropriate.

2780 Section 55. Section **11-42-202** is amended to read:

2781 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
2782 **designation.**

2783 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

2784 (a) state that the local entity proposes to:

2785 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
2786 assessment area;

- 2787 (ii) provide an improvement to property within the proposed assessment area; and
2788 (iii) finance some or all of the cost of improvements by an assessment on benefitted
2789 property within the assessment area;
- 2790 (b) describe the proposed assessment area by any reasonable method that allows an
2791 owner of property in the proposed assessment area to determine that the owner's property is
2792 within the proposed assessment area;
- 2793 (c) describe, in a general way, the improvements to be provided to the assessment area,
2794 including:
- 2795 (i) the general nature of the improvements; and
2796 (ii) the general location of the improvements, by reference to streets or portions or
2797 extensions of streets or by any other means that the governing body chooses that reasonably
2798 describes the general location of the improvements;
- 2799 (d) a statement of the estimated cost of the improvements as determined by a project
2800 engineer;
- 2801 (e) a statement that the local entity proposes to levy an assessment on benefitted
2802 property within the assessment area to pay some or all of the cost of the improvements
2803 according to the estimated direct and indirect benefits to the property from the improvements;
- 2804 (f) a statement of the assessment method by which the assessment is proposed to be
2805 levied;
- 2806 (g) a statement of the time within which and the location at which protests against
2807 designation of the proposed assessment area or of the proposed improvements are required to
2808 be filed and the method by which the number of protests required to defeat the designation of
2809 the proposed assessment area or acquisition or construction of the proposed improvements are
2810 to be determined;
- 2811 (h) state the date, time, and place of the public hearing under Section 11-42-204;
- 2812 (i) if the governing body elects to create and fund a reserve fund under Section
2813 11-42-702, a description of how the reserve fund will be funded and replenished and how
2814 remaining money in the reserve fund is to be disbursed upon full payment of the bonds;
- 2815 (j) if the governing body intends to designate a voluntary assessment area, a property
2816 owner consent form that:
- 2817 (i) estimates the total assessment to be levied against the particular parcel of property;

(ii) describes any additional benefits that the governing body expects the assessed property to receive from the improvements; and

(iii) designates the date and time by which the fully executed consent form is required to be submitted to the governing body;

(k) if the local entity intends to levy an assessment to pay operation and maintenance costs or for economic promotion activities:

(i) a description of the operation and maintenance costs or economic promotion activities to be paid by assessments and the initial estimated annual assessment to be levied;

(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

(l) 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) until January 1, 2011:

~~[(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

2849 [(it)] (B) if there is no newspaper of general circulation within the local entity's
2850 jurisdictional boundaries, be posted in at least three public places within the local entity's
2851 jurisdictional boundaries at least 20 but not more than 35 days before the deadline under
2852 Section 11-42-203 for filing protests; and

2853 (ii) beginning on January 1, 2011, be published on the Utah Public Notice Website as
2854 described in Section 63F-1-701 for four consecutive weeks before the deadline under Section
2855 11-42-203 for filing protests; and

2856 (b) be mailed, postage prepaid, within ten days after the first publication or posting of
2857 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed
2858 assessment area at the property owner's mailing address.

2859 Section 56. Section **11-42-301** is amended to read:

2860 **11-42-301. Improvements made only under contract let to lowest responsive,**
2861 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**
2862 **contract requirement.**

2863 (1) Except as otherwise provided in this section, a local entity may make improvements
2864 in an assessment area only under contract let to the lowest responsive, responsible bidder for
2865 the kind of service, material, or form of construction that the local entity's governing body
2866 determines in compliance with any applicable local entity ordinances.

2867 (2) A local entity may:

2868 (a) divide improvements into parts;

2869 (b) (i) let separate contracts for each part; or

2870 (ii) combine multiple parts into the same contract; and

2871 (c) let a contract on a unit basis.

2872 (3) (a) A local entity may not let a contract until after publishing notice as provided in
2873 Subsection (3)(b);

2874 (i) until January 1, 2011, at least one time in a newspaper of general circulation within
2875 the boundaries of the local entity at least 15 days before the date specified for receipt of bids[-];
2876 and

2877 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
2878 Section 63F-1-701 at least 15 days before the date specified for receipt of bids.

2879 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will

2880 receive sealed bids at a specified time and place for the construction of the improvements.

2881 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to
2882 publish the notice or to publish the notice within 15 days before the date specified for receipt of
2883 bids, the governing body may proceed to let a contract for the improvements if the local entity
2884 receives at least three sealed and bona fide bids from contractors by the time specified for the
2885 receipt of bids.

2886 (d) A local entity may publish a notice required under this Subsection (3) at the same
2887 time as a notice under Section 11-42-202.

2888 (4) (a) A local entity may accept as a sealed bid a bid that is:

2889 (i) manually sealed and submitted; or

2890 (ii) electronically sealed and submitted.

2891 (b) The governing body or project engineer shall, at the time specified in the notice
2892 under Subsection (3), open and examine the bids.

2893 (c) In open session, the governing body:

2894 (i) shall declare the bids; and

2895 (ii) may reject any or all bids if the governing body considers the rejection to be for the
2896 public good.

2897 (d) The local entity may award the contract to the lowest responsive, responsible bidder
2898 even if the price bid by that bidder exceeds the estimated costs as determined by the project
2899 engineer.

2900 (e) A local entity may in any case:

2901 (i) refuse to award a contract;

2902 (ii) obtain new bids after giving a new notice under Subsection (3);

2903 (iii) determine to abandon the assessment area; or

2904 (iv) not make some of the improvements proposed to be made.

2905 (5) A local entity is not required to let a contract as provided in this section for:

2906 (a) an improvement or part of an improvement the cost of which or the making of
2907 which is donated or contributed;

2908 (b) an improvement that consists of furnishing utility service or maintaining
2909 improvements;

2910 (c) labor, materials, or equipment supplied by the local entity;

2911 (d) the local entity's acquisition of completed or partially completed improvements in
2912 an assessment area;

2913 (e) design, engineering, and inspection costs incurred with respect to the construction
2914 of improvements in an assessment area; or

2915 (f) additional work performed in accordance with the terms of a contract duly let to the
2916 lowest responsible bidder.

2917 (6) A local entity may itself furnish utility service and maintain improvements within
2918 an assessment area.

2919 (7) (a) A local entity may acquire completed or partially completed improvements in an
2920 assessment area, but may not pay an amount for those improvements that exceeds their fair
2921 market value.

2922 (b) Upon the local entity's payment for completed or partially completed
2923 improvements, title to the improvements shall be conveyed to the local entity or another public
2924 agency.

2925 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works
2926 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an
2927 assessment area.

2928 Section 57. Section **11-42-402** is amended to read:

2929 **11-42-402. Notice of assessment and board of equalization hearing.**

2930 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

2931 (1) state:

2932 (a) that an assessment list is completed and available for examination at the offices of
2933 the local entity;

2934 (b) the total estimated or actual cost of the improvements;

2935 (c) the amount of the total estimated or actual cost of the proposed improvements to be
2936 paid by the local entity;

2937 (d) the amount of the assessment to be levied against benefitted property within the
2938 assessment area;

2939 (e) the assessment method used to calculate the proposed assessment;

2940 (f) the unit cost used to calculate the assessments shown on the assessment list, based
2941 on the assessment method used to calculate the proposed assessment; and

2942 (g) the dates, times, and place of the board of equalization hearings under Subsection
2943 11-42-401(2)(b);

2944 (2) beginning at least 20 but not more than 35 days before the first hearing of the board
2945 of equalization:

2946 (a) until January 1, 2011:

2947 ~~[(a)]~~ (i) be published at least once in a newspaper of general circulation within the local
2948 entity's jurisdictional boundaries; or

2949 ~~[(b)]~~ (ii) if there is no newspaper of general circulation within the local entity's
2950 jurisdictional boundaries, be posted in at least three public places within the local entity's
2951 jurisdictional boundaries; and

2952 (b) beginning on January 1, 2011, be published on the Utah Public Notice Website as
2953 described in Section 63F-1-701 for 35 days before the first hearing of the board of equalization;
2954 and

2955 (3) be mailed, postage prepaid, within ten days after the first publication or posting of
2956 the notice under Subsection (2) to each owner of property to be assessed within the proposed
2957 assessment area at the property owner's mailing address.

2958 Section 58. Section **11-42-404** is amended to read:

2959 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**
2960 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**
2961 **interest.**

2962 (1) (a) After receiving a final report from a board of equalization under Subsection
2963 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection
2964 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an
2965 assessment against benefitted property within the assessment area.

2966 (b) Each local entity that levies an assessment under this chapter shall levy the
2967 assessment at one time only, unless the assessment is to pay operation and maintenance costs
2968 or the costs of economic promotion activities.

2969 (c) An assessment resolution or ordinance adopted under Subsection (1)(a):

2970 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to
2971 be assessed;

2972 (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) until January 1, 2011:

~~[(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) beginning on January 1, 2011, publishing a copy of the resolution or ordinance on the Utah Public Notice Website as described in Section 63F-1-701 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) until January 1, 2011, in a newspaper of general circulation within the local entity; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701; 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 the issuance of the interim warrants or bond anticipation notes at its office during regular business hours.

(3) Any person may, within 30 days after publication of a notice under Subsection (1), file a verified, written complaint in the district court of the county in which the person resides,

3035 contesting the regularity, formality, or legality of the interim warrants or bond anticipation
3036 notes issued by the local entity or the proceedings relating to the issuance of the interim
3037 warrants or bond anticipation notes.

3038 (4) After the 30-day period under Subsection (3), no person may contest the regularity,
3039 formality, or legality of the interim warrants or bond anticipation notes issued by a local entity
3040 under the resolution or ordinance that was the subject of the notice under Subsection (1), or the
3041 proceedings relating to the issuance of the interim warrants or bond anticipation notes.

3042 Section 60. Section **13-31-302** is amended to read:

3043 **13-31-302. Sale of molds for payment of lien.**

3044 (1) (a) Prior to selling a mold, the molder shall send written notice by registered mail to
3045 the last-known address of the customer.

3046 (b) The notice required by Subsection (1)(a) shall include:

3047 (i) the molder's intention to sell the mold 30 days from the day the customer received
3048 the notice;

3049 (ii) the description of the mold to be sold;

3050 (iii) the time and place of the sale; and

3051 (iv) an itemized statement for the amount due the molder from the customer.

3052 (c) A molder shall publish notice of the molder's intention to sell a mold, before
3053 January 1, 2011, in a newspaper of general circulation covering the customer's last-known
3054 address, and, beginning on January 1, 2011, on the Utah Public Notice Website as described in
3055 Section 63F-1-701, if:

3056 (i) the receipt of the mailing of the notice described in Subsection (1)(a) is not
3057 returned; or

3058 (ii) the postal service returns the notice described in Subsection (1)(a) as being
3059 nondeliverable.

3060 (d) The notice provided for in Subsection (1)(c) shall include a description of the mold.

3061 (2) A molder may sell a mold 30 days from the later of the day:

3062 (a) the customer received the notice in accordance with Subsection (1)(a); or

3063 (b) the date the molder published the notice under Subsection (1)(c).

3064 (3) If from the sale of a mold under this section the molder receives an amount in
3065 excess of the amount of the lien, the excess shall be paid as follows:

(a) to any prior lienholder known to the molder at the time of the sale; and
(b) after paying any lienholder under Subsection (3)(a), the remainder:
(i) if the customer's address is known at the time of sale, to the customer; or
(ii) if the customer's address is not known at the time of sale, to the state in accordance with Title 67, Chapter 4a, Unclaimed Property Act.

Section 61. Section **13-44-202** is amended to read:

13-44-202. Personal information -- Disclosure of system security breach.

(1) (a) A person who owns or licenses computerized data that includes personal information concerning a Utah resident shall, when the person becomes aware of a breach of system security, conduct in good faith a reasonable and prompt investigation to determine the likelihood that personal information has been or will be misused for identity theft or fraud purposes.

(b) If an investigation under Subsection (1)(a) reveals that the misuse of personal information for identity theft or fraud purposes has occurred, or is reasonably likely to occur, the person shall provide notification to each affected Utah resident.

(2) A person required to provide notification under Subsection (1) shall provide the notification in the most expedient time possible without unreasonable delay:

(a) considering legitimate investigative needs of law enforcement, as provided in Subsection (4)(a);

(b) after determining the scope of the breach of system security; and

(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) until January 1, 2011, in a newspaper of general circulation[-]; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 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 address to the corporation for purposes of Subsection (1).

(3) The notice required by Subsection (1) shall be served or mailed at least 15 days, but not more than 30 days before the day on which the sale is to occur.

(4) A notice of sale shall be published;

(a) until January 1, 2011, once a week for two weeks in a newspaper of general circulation in the location of the corporation's principal place of business beginning at least 15 days but no more than 45 days before the day on which the sale is to occur[-]; and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for 45 days before the day on which the sale is to occur.

Section 64. Section **16-4-312** is amended to read:

16-4-312. Affidavit and posting of notice -- Evidence.

(1) An affidavit made by the secretary of a corporation of the mailing of a notice required by this chapter is prima facie evidence of the existence and mailing of the notice.

(2) The publication of a notice under this chapter may be proved by the affidavit of:

(a) until January 1, 2011, the printer foreman or principal clerk of the newspaper in

3159 which the notice was published[-]; and

3160 (b) beginning on January 1, 2011, the state archivist or the archivist's designee charged
3161 with publishing the notice on the Utah Public Notice Website as described in Section
3162 63F-1-701.

3163 (3) The affidavit of the secretary of the corporation or the auctioneer responsible for
3164 selling shares is prima facie evidence of:

3165 (a) the time and place of sale;

3166 (b) the quantity and particular description of the shares sold;

3167 (c) to whom and for what price the shares were sold; and

3168 (d) the fact of the purchase money being paid.

3169 (4) The affidavits referenced in this section shall be filed in the corporation's office.

3170 (5) A copy of an affidavit referenced in this section is prima facie evidence of the facts
3171 contained in the affidavit if the affidavit is certified by the secretary.

3172 Section 65. Section **16-6a-103** is amended to read:

3173 **16-6a-103. Notice.**

3174 (1) Notice given under this chapter shall be in writing unless oral notice is reasonable
3175 under the circumstances.

3176 (2) (a) Notice may be communicated:

3177 (i) in person;

3178 (ii) by telephone;

3179 (iii) by any form of electronic communication; or

3180 (iv) by mail or private carrier.

3181 (b) If the forms of personal notice described in Subsection (2)(a) are impracticable,
3182 notice may be communicated by:

3183 (i) (A) until January 1, 2011, a newspaper of general circulation in the county or
3184 similar governmental subdivision in which the corporation's principal or registered office is
3185 located; [or] and

3186 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
3187 Section 63F-1-701; or

3188 (ii) radio, television, or other form of public broadcast communication in the county or
3189 similar governmental subdivision in which the corporation's principal or registered office is

3190 located.

3191 (3) Written notice to a domestic or foreign nonprofit corporation authorized to conduct
3192 affairs in this state may be addressed to:

3193 (a) its registered agent at its registered office; or

3194 (b) the corporation's secretary at its principal office.

3195 (4) (a) Written notice by a domestic or foreign nonprofit corporation to its members, is
3196 effective as to each member when mailed, if:

3197 (i) in a comprehensible form; and

3198 (ii) addressed to the member's address shown in the domestic or foreign nonprofit
3199 corporation's current record of members.

3200 (b) If three successive notices given to a member pursuant to Subsection (5) have been
3201 returned as undeliverable, further notices to that member are not necessary until another
3202 address of the member is made known to the nonprofit corporation.

3203 (5) Except as provided in Subsection (4), written notice, if in a comprehensible form, is
3204 effective at the earliest of the following:

3205 (a) when received;

3206 (b) five days after it is mailed; or

3207 (c) on the date shown on the return receipt if:

3208 (i) sent by registered or certified mail;

3209 (ii) sent return receipt requested; and

3210 (iii) the receipt is signed by or on behalf of the addressee.

3211 (6) Oral notice is effective when communicated if communicated in a comprehensible
3212 manner.

3213 (7) Notice by publication is effective on the date of first publication.

3214 (8) A written notice or report delivered as part of a newsletter, magazine, or other
3215 publication regularly sent to members shall constitute a written notice or report if:

3216 (a) addressed or delivered to the member's address shown in the nonprofit corporation's
3217 current list of members; or

3218 (b) if two or more members are residents of the same household and have the same
3219 address in the nonprofit corporation's current list of members, addressed or delivered to one of
3220 the members at the address appearing on the current list of members.

(9) (a) If this chapter prescribes notice requirements for particular circumstances, the notice requirements for the particular circumstances govern.

(b) If articles of incorporation or bylaws prescribe notice requirements not inconsistent with this section or other provisions of this chapter, the notice requirements of the articles of incorporation or bylaws govern.

Section 66. Section **16-6a-704** is amended to read:

16-6a-704. Notice of meeting.

(1) A nonprofit corporation shall give to each member entitled to vote at the meeting notice consistent with its bylaws of meetings of members in a fair and reasonable manner.

(2) Any notice that conforms to the requirements of Subsection (3) is fair and reasonable, but other means of giving notice may also be fair and reasonable when all the circumstances are considered.

(3) Notice is fair and reasonable if:

(a) the nonprofit corporation notifies its members of the place, date, and time of each annual, regular, and special meeting of members:

(i) no fewer than ten days before the meeting;

(ii) if notice is mailed by other than first-class or registered mail, no fewer than 30 days, nor more than 60 days before the meeting date; and

(iii) if notice is given;

(A) by newspaper as provided in Subsection 16-6a-103(2)(b)(i)(A), by publication three separate times with:

~~[(A)]~~ (I) the first of the publications no more than 60 days before the meeting date; and

~~[(B)]~~ (II) the last of the publications no fewer than ten days before the meeting date;

and

(B) by publication on the Utah Public Notice Website as described in Section 63F-1-701 and as provided in Subsection 16-6a-103(2)(b)(i)(B), for 60 days before the meeting date;

(b) the notice of an annual or regular meeting includes a description of any matter or matters that:

(i) must be approved by the members; or

(ii) for which the members' approval is sought under Sections 16-6a-825, 16-6a-910,

3252 16-6a-1003, 16-6a-1010, 16-6a-1102, 16-6a-1202, and 16-6a-1402; and

3253 (c) unless otherwise provided by this chapter or the bylaws, the notice of a special
3254 meeting includes a description of the purpose or purposes for which the meeting is called.

3255 (4) (a) Unless otherwise provided by the bylaws, if an annual, regular, or special
3256 meeting of members is adjourned to a different date, time, or place, notice need not be given of
3257 the new date, time, or place, if the new date, time, or place is announced at the meeting before
3258 adjournment.

3259 (b) Notwithstanding Subsection (4)(a), if a new record date for the adjourned meeting
3260 is or shall be fixed under Section 16-6a-706, notice of the adjourned meeting shall be given
3261 under this section to the members of record as of the new record date.

3262 (5) When giving notice of an annual, regular, or special meeting of members, a
3263 nonprofit corporation shall give notice of a matter a member intends to raise at the meeting if:

3264 (a) requested in writing to do so by a person entitled to call a special meeting; and

3265 (b) the request is received by the secretary or president of the nonprofit corporation at
3266 least ten days before the nonprofit corporation gives notice of the meeting.

3267 Section 67. Section **16-6a-814** is amended to read:

3268 **16-6a-814. Notice of meeting.**

3269 (1) (a) A nonprofit corporation shall give to each director entitled to vote at an annual
3270 meeting notice of the annual meeting consistent with the nonprofit corporation's bylaws in a
3271 fair and reasonable manner.

3272 (b) Notice under Subsection (1)(a) is fair and reasonable if the nonprofit corporation
3273 notifies each director of the place, date, and time of the annual meeting:

3274 (i) no fewer than ten days before the meeting, unless otherwise provided by the bylaws;

3275 (ii) if notice is mailed by other than first-class or registered mail, no fewer than 30
3276 days, nor more than 60 days before the meeting date; and

3277 (iii) if notice is given:

3278 (A) by newspaper as provided in Subsection 16-6a-103(2)(b)(i)(A), by publication
3279 three separate times with:

3280 [~~(A)~~] (I) the first of the publications no more than 60 days before the meeting date; and

3281 [~~(B)~~] (II) the last of the publications no fewer than ten days before the meeting date[.];

3282 and

3283 (B) by publication on the Utah Public Notice Website as described in Section
3284 63F-1-701 and as provided in Subsection 16-6a-103(2)(b)(i)(B), for 60 days before the meeting
3285 date.

3286 (2) Unless otherwise provided in this chapter or in the bylaws, regular meetings of the
3287 board of directors may be held without notice of the date, time, place, or purpose of the
3288 meeting.

3289 (3) (a) Unless the bylaws provide for a longer or shorter period, special meetings of the
3290 board of directors shall be preceded by at least two days notice of the date, time, and place of
3291 the meeting.

3292 (b) The notice required by Subsection (3)(a) need not describe the purpose of the
3293 special meeting unless otherwise required by this chapter or the bylaws.

3294 Section 68. Section **16-6a-1407** is amended to read:

3295 **16-6a-1407. Disposition of claims by publication.**

3296 (1) A dissolved nonprofit corporation may publish notice of its dissolution and request
3297 that persons with claims against the nonprofit corporation present them in accordance with the
3298 notice.

3299 (2) The notice described in Subsection (1) shall:

3300 (a) be published:

3301 (i) until January 1, 2011, one time in a newspaper of general circulation in:

3302 [(†)] (A) the county where:

3303 [(A)] (I) the dissolved nonprofit corporation's principal office is located; or

3304 [(B)] (II) if the dissolved nonprofit corporation has no principal office in this state, its
3305 registered office is or was last located; or

3306 [(†)] (B) if neither Subsection (2)(a)(i)(A) or (B) apply, Salt Lake County; and

3307 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
3308 Section 63F-1-701;

3309 (b) describe the information that shall be included in a claim;

3310 (c) provide an address at which any claim shall be given to the nonprofit corporation;

3311 and

3312 (d) state that unless sooner barred by any other statute limiting actions, a claim will be
3313 barred if an action to enforce the claim is not commenced within three years after publication

of the notice.

(3) If the dissolved nonprofit corporation publishes a newspaper or website notice in accordance with Subsection (2), then unless sooner barred under Section 16-6a-1406 or under any other statute limiting actions, the claim of any claimant against the dissolved nonprofit corporation is barred unless the claimant commences an action to enforce the claim against the dissolved nonprofit corporation within three years after the publication date of the notice.

(4) For purposes of this section:

(a) "claim" means any claim, including claims of this state, whether:

(i) known;

(ii) due or to become due;

(iii) absolute or contingent;

(iv) liquidated or unliquidated;

(v) founded on contract, tort, or other legal basis; or

(vi) otherwise; and

(b) an action to enforce a claim includes:

(i) any civil action; and

(ii) any arbitration under any agreement for binding arbitration between the dissolved nonprofit corporation and the claimant.

Section 69. Section **16-10a-103** is amended to read:

16-10a-103. Notice.

(1) (a) Notice given under this chapter must be in writing unless oral notice is reasonable under the circumstances.

(b) Notice by electronic transmission is written notice.

(2) (a) Subject to compliance with any requirement that notice be in writing, notice may be communicated in person, by telephone, by any form of electronic transmission, or by mail or private carrier.

(b) If the forms of personal notice listed in Subsection (2)(a) are impracticable, notice may be communicated:

(i) (A) until January 1, 2011, by a newspaper of general circulation in the county, or similar subdivision, in which the corporation's principal office is located; and

(B) beginning on January 1, 2011, by publication on the Utah Public Notice Website as

3345 described in Section 63F-1-701;

3346 (ii) by radio, television, or other form of public broadcast communication in the county
3347 or subdivision; or

3348 (iii) if the corporation has no office in this state, in the manner allowed by Subsection
3349 (2)(b)(i) or (ii) but in Salt Lake County.

3350 (3) (a) Written notice by a domestic or foreign corporation to its shareholders or
3351 directors, if in a comprehensible form, is effective as to each shareholder or director:

3352 (i) when mailed, if addressed to the shareholder's or director's address shown in the
3353 corporation's current record of the shareholder or director; or

3354 (ii) when electronically transmitted to the shareholder or director, in a manner and to
3355 an address provided by the shareholder or director in an unrevoked consent.

3356 (b) Consent under Subsection (3)(a)(ii) is considered revoked if:

3357 (i) the corporation is unable to deliver by electronic transmission two consecutive
3358 notices transmitted by the corporation based on that consent; and

3359 (ii) the corporation's inability to deliver notice by electronic transmission under
3360 Subsection (3)(b)(i) is known by the:

3361 (A) corporation's secretary;

3362 (B) an assistant secretary or transfer agent of the corporation; or

3363 (C) any other person responsible for providing notice.

3364 (c) Notwithstanding Subsection (3)(b), a corporation's failure to treat consent under
3365 Subsection (3)(a) as revoked does not invalidate any meeting or other act.

3366 (d) Delivery of a notice to shareholders may be excused in accordance with Subsection
3367 16-10a-705(5).

3368 (4) Written notice to a domestic or foreign corporation authorized to transact business
3369 in this state may be addressed to the corporation's:

3370 (a) registered agent; or

3371 (b) secretary at its principal office.

3372 (5) Except as provided in Subsection (3), written notice, if in a comprehensible form, is
3373 effective at the earliest of the following:

3374 (a) when received;

3375 (b) five days after it is mailed; or

(c) on the date shown on the return receipt if sent by registered or certified mail, return receipt requested, and the receipt is signed by or on behalf of the addressee.

(6) Oral notice is effective when communicated if communicated in a comprehensible manner.

(7) Notice by publication is effective on the date of first publication.

(8) (a) If this chapter prescribes notice requirements for particular circumstances, those requirements govern.

(b) If articles of incorporation or bylaws prescribe notice requirements, not inconsistent with this section or other provisions of this chapter, those requirements govern.

Section 70. Section **16-10a-1407** is amended to read:

16-10a-1407. Disposition of claims by publication -- Disposition in absence of publication.

(1) A dissolved corporation may publish notice of its dissolution and request that persons with claims against the corporation present them in accordance with the notice.

(2) The notice contemplated in Subsection (1) must:

(a) be published;

(i) until January 1, 2011, one time in a newspaper of general circulation in the county where the dissolved corporation's principal office is or was located or, if it has no principal office in this state, in Salt Lake County; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701;

(b) describe the information that must be included in a claim and provide an address at which any claim must be given to the corporation; and

(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) until January 1, 2011, 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 office is or was last located; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701;

(b) describe the information required to be contained in a claim and provide an address to which the claim is to be sent; and

(c) state that a claim against the association is barred unless an action to enforce the claim is commenced not later than three years after publication of the notice.

(3) If a dissolved limited cooperative association publishes a notice in accordance with Subsection (2), the claim of each of the following claimants is barred unless the claimant commences an action to enforce the claim not later than three years after the first publication

3438 date of the notice:

3439 (a) a claimant that is entitled to but did not receive notice in a record under Section
3440 16-16-1208; and

3441 (b) a claimant whose claim is contingent or based on an event occurring after the
3442 effective date of dissolution.

3443 (4) A claim not barred under this section may be enforced:

3444 (a) against a dissolved limited cooperative association, to the extent of its undistributed
3445 assets; or

3446 (b) if the association's assets have been distributed in connection with winding up the
3447 association's activities against a member or holder of financial rights to the extent of that
3448 person's proportionate share of the claim or the association's assets distributed to the person in
3449 connection with the winding up, whichever is less. The person's total liability for all claims
3450 under this Subsection (4) shall not exceed the total amount of assets distributed to the person as
3451 part of the winding up of the association.

3452 Section 72. Section **17-27a-204** is amended to read:

3453 **17-27a-204. Notice of public hearings and public meetings to consider general**
3454 **plan or modifications.**

3455 (1) A county shall provide:

3456 (a) notice of the date, time, and place of the first public hearing to consider the original
3457 adoption or any modification of all or any portion of a general plan; and

3458 (b) notice of each public meeting on the subject.

3459 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten
3460 calendar days before the public hearing and shall be:

3461 (a) (i) until January 1, 2011, published in a newspaper of general circulation in the
3462 area; and

3463 (ii) beginning on January 1, 2011, published on the Utah Public Notice Website as
3464 described in Section 63F-1-701;

3465 (b) mailed to each affected entity; and

3466 (c) posted:

3467 (i) in at least three public locations within the county; or

3468 (ii) on the county's official website.

3469 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours
3470 before the meeting and shall be:

3471 (a) (i) until January 1, 2011, submitted to a newspaper of general circulation in the
3472 area; and

3473 (ii) beginning on January 1, 2011, published on the Utah Public Notice Website as
3474 described in Section 63F-1-701; and

3475 (b) posted:

3476 (i) in at least three public locations within the county; or

3477 (ii) on the county's official website.

3478 Section 73. Section **17-27a-205** is amended to read:

3479 **17-27a-205. Notice of public hearings and public meetings on adoption or**
3480 **modification of land use ordinance.**

3481 (1) Each county shall give:

3482 (a) notice of the date, time, and place of the first public hearing to consider the
3483 adoption or modification of a land use ordinance; and

3484 (b) notice of each public meeting on the subject.

3485 (2) Each notice of a public hearing under Subsection (1)(a) shall be:

3486 (a) mailed to each affected entity at least ten calendar days before the public hearing;

3487 (b) posted:

3488 (i) in at least three public locations within the county; or

3489 (ii) on the county's official website; and

3490 (c) (i) published;

3491 (A) until January 1, 2011, in a newspaper of general circulation in the area at least ten
3492 calendar days before the public hearing; ~~[or]~~ and

3493 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
3494 Section 63F-1-701 at least ten calendar days before the public hearing; or

3495 (ii) mailed at least three days before the public hearing to:

3496 (A) each property owner whose land is directly affected by the land use ordinance
3497 change; and

3498 (B) each adjacent property owner within the parameters specified by county ordinance.

3499 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours

3500 before the hearing and shall be posted:

3501 (a) in at least three public locations within the county; or

3502 (b) on the county's official website.

3503 Section 74. Section **17-27a-208** is amended to read:

3504 **17-27a-208. Hearing and notice for proposal to vacate, alter, or amend a public**
3505 **street or right-of-way.**

3506 For any proposal to vacate, alter, or amend a public street or right-of-way, the land use
3507 authority shall hold a public hearing and shall give notice of the date, place, and time of the
3508 hearing by:

3509 (1) mailing notice as required in Section 17-27a-207;

3510 (2) mailing notice to each affected entity; and

3511 (3) (a) publishing notice;

3512 (i) (A) until January 1, 2011, once a week for four consecutive weeks before the
3513 hearing in a newspaper of general circulation in the county in which the land subject to the
3514 petition is located; or

3515 [~~(b)~~] (B) if there is no newspaper of general circulation in the county, posting the
3516 property and posting notice in three public places for four consecutive weeks before the
3517 hearing[-]; and

3518 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
3519 Section 63F-1-701 for four consecutive weeks before the hearing.

3520 Section 75. Section **17-27a-306** is amended to read:

3521 **17-27a-306. Townships.**

3522 (1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without
3523 having received a petition under Subsection (1)(b), enact an ordinance establishing a township
3524 within the unincorporated county or dividing the unincorporated county into townships.

3525 (ii) Before enacting an ordinance under Subsection (1)(a)(i), the county legislative
3526 body shall, after providing reasonable advance notice, hold a public hearing on the proposal to
3527 establish a township or to divide the unincorporated county into townships.

3528 (b) If 25% of the private real property owners in a contiguous area of the
3529 unincorporated county petition the county legislative body to establish a township for that area,
3530 the county legislative body shall:

3531 (i) hold a public hearing to discuss the petition;
3532 (ii) (A) [at least one week before the public hearing, publish] until January 1, 2011,
3533 publish, at least one week before the public hearing, notice of the petition and the time, date,
3534 and place of the public hearing at least once in a newspaper of general circulation in the county;
3535 and
3536 (B) beginning on January 1, 2011, publish notice of the petition and the time, date, and
3537 place of the public hearing on the Utah Public Notice Website as described in Section
3538 63F-1-701 for one week before the public hearing; and
3539 (iii) at the public hearing, consider oral and written testimony from the public and vote
3540 on the question of whether or not to establish a township.
3541 (c) If the county legislative body establishes a township pursuant to a petition, the
3542 members of the township planning commission shall be appointed as provided in Subsection
3543 17-27a-301(3)(b) to perform the duties established in this part for the township.
3544 (d) Except as provided in Subsection (1)(e), each township shall:
3545 (i) contain:
3546 (A) at least 20% but not more than 80% of:
3547 (I) the total private land area in the unincorporated county; or
3548 (II) the total value of locally assessed taxable property in the unincorporated county; or
3549 (B) (I) in a county of the first, second, or third class, at least 5% of the total population
3550 of the unincorporated county; or
3551 (II) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of
3552 the unincorporated county; or
3553 (ii) have been declared by the United States Census Bureau as a census designated
3554 place.
3555 (e) (i) (A) A township that was dissolved under Laws of Utah 1997, Chapter 389, is
3556 reinstated as a township under this part with the same boundaries and name as before the
3557 dissolution, if the former township consisted of a single, contiguous land area.
3558 (B) Notwithstanding Subsection (1)(e)(i)(A), a county legislative body may enact an
3559 ordinance establishing as a township under this part a former township that was dissolved
3560 under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be
3561 reinstated under Subsection (1)(e)(i)(A).

(C) A township reinstated under Subsection (1)(e)(i)(A) or established under Subsection (1)(e)(i)(B) shall be subject to the provisions of this part.

(ii) Each planning district established under Laws of Utah 1995, Chapter 225, and each township planning district established under Laws of Utah 1997, Chapter 389, shall continue in existence as a township, subject to the provisions of this part.

(f) (i) After May 1, 2002, the legislative body of each county in which a township that has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated under Subsection (1)(e)(i) is located shall review the township and determine whether its continued existence is advisable.

(ii) In conducting the review required under Subsection (1)(f)(i), the county legislative body shall hold a public hearing with reasonable, advance, published notice of the hearing and the purpose of the hearing.

(iii) Each township that has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated or established under Subsection (1)(e)(i) and its planning commission shall continue in effect, unless, within 90 days after conducting the review and public hearing required under Subsections (1)(f)(i) and (ii), the county legislative body by ordinance dissolves the township and its planning commission.

(g) A township established under this section on or after May 5, 1997, may use the word "township" in its name.

(2) (a) If the county legislative body establishes a township without having received a petition, the county legislative body may:

(i) assign to the countywide planning commission the duties established in this part that would have been assumed by a township planning commission designated under Subsection (2)(a)(ii); or

(ii) designate a planning commission for the township.

(b) (i) If the county legislative body fails to designate a planning commission for a township, 40% of the private real property owners in the area proposed to be included in the township, as shown by the last county assessment roll, may petition the county legislative body to designate and appoint a planning commission for the township.

(ii) If the county legislative body determines that the petition is validly signed by 40% of the private real property owners in the township, as shown by the last county assessment

roll, it shall designate and appoint a planning commission for the township.

(3) (a) Except as provided in Subsection (1)(f)(iii), a county legislative body may dissolve township planning commissions created under the authority of this section only by following the procedures and requirements of this Subsection (3).

(b) If 20% of the private real property owners in the county petition the county legislative body to dissolve township planning commissions and to appoint a countywide planning commission, the county legislative body shall:

(i) hold a public hearing to discuss the petition;

(ii) (A) ~~[at least one week before the public hearing, publish]~~ until January 1, 2011, publish, at least one week before the public hearing, notice of the petition and the time, date, and place of the public hearing at least once in a newspaper of general circulation in the county; and

(B) beginning on January 1, 2011, publish notice of the petition and the time, date, and place of the public hearing on the Utah Public Notice Website as described in Section 63F-1-701; 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

3624 **by legislative body.**

3625 (1) (a) After completing its recommendation for a proposed general plan, or proposal to
3626 amend the general plan, the planning commission shall schedule and hold a public hearing on
3627 the proposed plan or amendment.

3628 (b) The planning commission shall provide notice of the public hearing, as required by
3629 Section 17-27a-204.

3630 (c) After the public hearing, the planning commission may modify the proposed
3631 general plan or amendment.

3632 (2) The planning commission shall forward the proposed general plan or amendment to
3633 the legislative body.

3634 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body
3635 shall provide notice of its intent to consider the general plan proposal.

3636 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative
3637 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan
3638 regarding Subsection 17-27a-401(3). The hearing procedure shall comply with this Subsection
3639 (3)(b).

3640 (ii) The hearing format shall allow adequate time for public comment at the actual
3641 public hearing, and shall also allow for public comment in writing to be submitted to the
3642 legislative body for not fewer than 90 days after the date of the public hearing.

3643 (c) (i) The legislative body shall give notice of the hearing in accordance with this
3644 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(3) are
3645 complete.

3646 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of
3647 the state Legislature, executive director of the Department of Environmental Quality, the state
3648 planning coordinator, the Resource Development Coordinating Committee, and any other
3649 citizens or entities who specifically request notice in writing.

3650 (iii) Public notice shall be given by publication;

3651 (a) until January 1, 2011:

3652 (i) in at least one major Utah newspaper having broad general circulation in the state[;
3653 ~~and also]; and~~

3654 (ii) 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

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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 the date of the hearing to be held under this Subsection (3); and

(B) in the Utah Public Notice Website described in Subsection (3)(c)(iii)(B), for 180 days before the date of the hearing to be held under this Subsection (3).

(4) (a) After the public hearing required under this section, the legislative body may make any revisions to the proposed general plan that it considers appropriate.

(b) The legislative body shall respond in writing and in a substantive manner to all those providing comments as a result of the hearing required by Subsection (3).

(5) (a) The county legislative body may adopt or reject the proposed general plan or amendment either as proposed by the planning commission or after making any revision the county legislative body considers appropriate.

(b) If the county legislative body rejects the proposed general plan or amendment, it may provide suggestions to the planning commission for its consideration.

(6) The legislative body shall adopt:

(a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

(b) a transportation and traffic circulation element as provided in Subsection 17-27a-403(2)(a)(ii); and

(c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.

Section 77. Section **17-30-6** is amended to read:

17-30-6. Examinations -- How prepared, conducted, and graded -- Notice of examination.

(1) (a) When necessary, the commission shall give competitive examinations to determine the qualification of applicants for positions as peace officers.

(b) The examinations shall be practical in character and shall relate to matters that will fairly test the mental and physical ability and knowledge of the applicants to discharge the duties of the positions.

(c) The examinations shall be prepared, conducted, and graded under the direction of the commission, or by impartial special examiners if the commission finds it necessary.

(2) (a) Notice of examination shall be:

(i) (A) until January 1, 2011, published one time not less than 15 days [prior to] before the examination in a newspaper of general circulation in the area concerned; and [shall be]

(B) beginning on January 1, 2011, published on the Utah Public Notice Website as described in Section 63F-1-701 for 15 days before the examination; and

(ii) posted in a conspicuous place in the office of the department concerned.

(b) The notice shall set forth minimum and maximum wages, physical and educational requirements, and passing grades, which shall be not less than 70%.

(c) A person completing an examination shall be promptly notified by mail at his last known address of his final grade.

Section 78. Section **17-36-12** is amended to read:

17-36-12. Notice of budget hearing.

(1) The governing body shall determine the time and place for the public hearing on the adoption of the budget.

(2) Notice of such hearing shall be published;

(a) (i) until January 1, 2011, at least seven days before the hearing in at least one newspaper of general circulation within the county, if there is such a paper[; otherwise, the hearing shall be published]; or

(ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in three conspicuous places within the county[; seven days before the hearing; and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 seven days before the hearing.

Section 79. Section **17-36-25** is amended to read:

17-36-25. Budget appropriation increase.

The budget appropriation of any budgetary fund other than the general fund may be increased at any regular meeting of the governing body, provided that notice that such action will be considered is published;

(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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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) until January 1, 2011, 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

3748 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
3749 Section 63F-1-701.

3750 (2) A copy of the county audit may be inspected at the office of the county auditor.

3751 Section 82. Section **17-41-302** is amended to read:

3752 **17-41-302. Notice of proposal for creation of agriculture protection area or**
3753 **industrial protection area -- Responses.**

3754 (1) Each applicable legislative body shall provide notice of the proposal by:

3755 (a) publishing notice;

3756 (i) until January 1, 2011:

3757 (A) in a newspaper having general circulation within:

3758 ~~[(i)]~~ (I) the same county as the land proposed for inclusion within an agriculture

3759 protection area or industrial protection area, as the case may be, if the land is within the

3760 unincorporated part of the county; or

3761 ~~[(ii)]~~ (II) the same city or town as the land proposed for inclusion within an agriculture

3762 protection area or industrial protection area, as the case may be, if the land is within a city or

3763 town; and

3764 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

3765 Section 63F-1-701;

3766 (b) posting notice at five public places, designated by the county or municipal

3767 legislative body, within or near the proposed agriculture protection area or industrial protection

3768 area; and

3769 (c) mailing written notice to each owner of land within 1,000 feet of the land proposed

3770 for inclusion within an agriculture protection area or industrial protection area.

3771 (2) The notice shall contain:

3772 (a) a statement that a proposal for the creation of an agriculture protection area or

3773 industrial protection area has been filed with the applicable legislative body;

3774 (b) a statement that the proposal will be open to public inspection in the office of the

3775 applicable legislative body;

3776 (c) a statement that any person or entity affected by the establishment of the area may,

3777 within 15 days of the date of the notice, file with the applicable legislative body:

3778 (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 advisory committee and to the planning commission for review and recommendations;

(e) a statement that the applicable legislative body will hold a public hearing to discuss and hear public comment on:

(i) the proposal to create the agriculture protection area or industrial protection area;

(ii) the recommendations of the advisory committee and planning commission; and

(iii) any requests for modification of the proposal and any objections to the proposal; and

(f) a statement indicating the date, time, and place of the public hearing.

(3) (a) Any person wishing to modify the proposal for the creation of the agriculture protection area or industrial protection area shall, within 15 days after the date of the notice, file a written request for modification of the proposal, which identifies specifically the land that should be added to or removed from the proposal.

(b) Any person wishing to object to the proposal for the creation of the agriculture protection area or industrial protection area shall, within 15 days after the date of the notice, file a written objection to the creation of the agriculture protection area or industrial protection area.

Section 83. Section **17-41-304** is amended to read:

17-41-304. Public hearing -- Review and action on proposal.

(1) After receipt of the written reports from the advisory committee and planning commission, or after the 45 days have expired, whichever is earlier, the county or municipal legislative body shall:

(a) schedule a public hearing;

(b) provide notice of the public hearing by:

(i) publishing notice;

(A) until January 1, 2011, in a newspaper having general circulation within:

~~[(A)] (I)~~ the same county as the land proposed for inclusion within the agriculture protection area or industrial protection area, if the land is within the unincorporated part of the county; or

3810 ~~[(B)]~~ (II) the same city or town as the land proposed for inclusion within an agriculture
3811 protection area or industrial protection area, if the land is within a city or town; and

3812 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
3813 Section 63F-1-701;

3814 (ii) posting notice at five public places, designated by the applicable legislative body,
3815 within or near the proposed agriculture protection area or industrial protection area; and

3816 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed
3817 for inclusion within an agriculture protection area or industrial protection area; and

3818 (c) ensure that the notice includes:

3819 (i) the time, date, and place of the public hearing on the proposal;

3820 (ii) a description of the proposed agriculture protection area or industrial protection
3821 area;

3822 (iii) any proposed modifications to the proposed agriculture protection area or
3823 industrial protection area;

3824 (iv) a summary of the recommendations of the advisory committee and planning
3825 commission; and

3826 (v) a statement that interested persons may appear at the public hearing and speak in
3827 favor of or against the proposal, any proposed modifications to the proposal, or the
3828 recommendations of the advisory committee and planning commission.

3829 (2) The applicable legislative body shall:

3830 (a) convene the public hearing at the time, date, and place specified in the notice; and

3831 (b) take verbal or written testimony from interested persons.

3832 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
3833 body shall approve, modify and approve, or reject the proposal.

3834 (b) The creation of an agriculture protection area or industrial protection area is
3835 effective at the earlier of:

3836 (i) the applicable legislative body's approval of a proposal or modified proposal; or

3837 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
3838 the applicable legislative body has failed to approve or reject the proposal within that time.

3839 (4) (a) In order to give constructive notice of the existence of the agriculture protection
3840 area or industrial protection area to all persons who have, may acquire, or may seek to acquire

an interest in land in or adjacent to the agriculture protection area or industrial protection area, respectively, within ten days of the creation of an agriculture protection area or industrial protection area, the applicable legislative body shall file an executed document containing a legal description of the agriculture protection area or industrial protection area, as the case may be, with:

(i) the county recorder of deeds; and

(ii) the affected planning commission.

(b) If the legal description of the property to be included in the agriculture protection area or industrial protection area is available through the county recorder's office, the applicable legislative body shall use that legal description in its executed document required in Subsection (4)(a).

(5) Within ten days of the recording of the agriculture protection area, the applicable legislative body shall:

(a) send written notification to the commissioner of agriculture and food that the agriculture protection area has been created; and

(b) include in the notification:

(i) the number of landowners owning land within the agriculture protection area;

(ii) the total acreage of the area;

(iii) the date of approval of the area; and

(iv) the date of recording.

(6) The applicable legislative body's failure to record the notice required under Subsection (4) or to send the written notification under Subsection (5) does not invalidate the creation of an agriculture protection area.

(7) The applicable legislative body may consider the cost of recording notice under Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee 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) until January 1, 2011, in a newspaper of general circulation within the agriculture protection area or industrial protection area, as the case may be; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701; 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 the preservation and enhancement of agriculture within the agriculture protection area or of the industrial use within the industrial protection area; or

(ii) 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.

(5) (a) Within 60 days after receipt of the notice of condemnation, the applicable legislative body and the advisory board shall approve or reject the proposed condemnation.

(b) If the applicable legislative body and the advisory board fail to act within the 60

3903 days or such further time as the applicable legislative body establishes, the condemnation shall
3904 be considered rejected.

3905 (6) The applicable legislative body or the advisory board may request the county or
3906 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of
3907 this section.

3908 Section 85. Section **17-52-101** is amended to read:

3909 **17-52-101. Definitions.**

3910 As used in this chapter:

3911 (1) "Appointment council" means a group of persons consisting of:

3912 (a) a resident of the county in which the optional plan is proposed, designated by a
3913 majority of all state senators and representatives whose districts include any part of the county
3914 in which the optional plan is proposed;

3915 (b) a resident of the county in which the optional plan is proposed, designated by the
3916 county legislative body;

3917 (c) a resident of the county in which the optional plan is proposed, designated by the
3918 petition sponsors; and

3919 (d) two other residents of the county in which the optional plan is proposed, designated
3920 by majority vote of the three other members of the appointment council.

3921 (2) "Optional plan" means a plan establishing an alternate form of government for a
3922 county as provided in Section 17-52-401.

3923 (3) "Reasonable notice" means, at a minimum:

3924 (a) (i) publication;

3925 (A) until January 1, 2011:

3926 (I) in a newspaper of general circulation within the county at least once a week for at
3927 least two consecutive weeks ending no more than ten and no fewer than three days before the
3928 event that is the subject of the notice; or

3929 ~~[(ii)]~~ (II) if there is no newspaper of general circulation within the county, posting at
3930 least one notice per 1,000 population within the county, for at least a week ending no more than
3931 three days before the event that is the subject of the notice, at locations throughout the county
3932 that are most likely to give actual notice to county residents; and

3933 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in

3934 Section 63F-1-701 for two consecutive weeks before the event that is the subject of the notice;
3935 and

3936 (b) if the county has an Internet home page, posting an electronic notice on the Internet
3937 for at least seven days immediately before the event that is the subject of the notice.

3938 (4) "Study committee" means a group of persons:

3939 (a) appointed under Section 17-52-301; and

3940 (b) charged with the duties provided in Section 17-52-303.

3941 Section 86. Section **17-53-208** is amended to read:

3942 **17-53-208. Ordinances -- Effective dates -- Publication -- Adoption of ordinances**
3943 **printed in book form.**

3944 (1) The enacting clause of all ordinances of the county legislative body shall be as
3945 follows: "The County Legislative Body of _____ County ordains as follows:".

3946 (2) Every ordinance shall be signed by the chair of the county legislative body and
3947 attested by the clerk. On the passage of all ordinances the votes of the several members of the
3948 county legislative body shall be entered on the minutes, and all ordinances shall be entered at
3949 length in the ordinance book.

3950 (3) (a) No ordinance passed by the county legislative body may take effect within less
3951 than 15 days after its passage.

3952 (b) The legislative body of each county adopting an ordinance shall, before the
3953 ordinance may take effect:

3954 (i) deposit a copy of the ordinance in the office of the county clerk; and

3955 (ii) (A) publish a short summary of the ordinance, together with a statement that a
3956 complete copy of the ordinance is available at the county clerk's office and with the name of the
3957 members voting for and against the ordinance[;]:

3958 (I) until January 1, 2011, for at least one publication in:

3959 [(H)] (Aa) a newspaper published in and having general circulation in the county, if
3960 there is one; or

3961 [(H)] (Bb) if there is none published in the county, in a newspaper of general
3962 circulation within the county; [\or] and

3963 (II) beginning on January 1, 2011, on the Utah Public Notice Website as described in
3964 Section 63F-1-701; or

(B) post a complete copy of the ordinance in nine public places within the county.

(4) Any ordinance printed by authority of the county legislative body in book form or electronic media, or any general revision of county ordinances printed in book form or electronic media, may be adopted by an ordinance making reference to the printed ordinance or revision if a copy of the ordinance or revision is filed in the office of the county clerk at the time of adoption for use and examination by the public.

(5) Ordinances establishing rules and regulations, printed as a code in book form or electronic media, for the construction of buildings, the installation of plumbing, the installation of electric wiring, or other related or similar work may be adopted by reference to the code book if a copy of the code book is filed in the office of the county clerk at the time of the adoption of the ordinance for use and examination by the public.

(6) Ordinances that in the opinion of the county legislative body are necessary for the immediate preservation of the peace, health, or safety of the county and the county's inhabitants may, if so provided in the ordinance, take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the county, if there is one, and if there is none published in the county, then immediately after posting at the courthouse door.

(7) An ordinance may take effect at a later date than provided in this section, if the ordinance so provides.

(8) An order entered in the minutes of the county legislative body that an ordinance has been duly published or posted shall be prima facie proof of the publication or posting.

Section 87. Section **17A-3-914** is amended to read:

17A-3-914. Supplemental to other laws -- Nonapplicability of other laws -- Validation of existing building authorities.

(1) This part is supplemental to all existing laws relating to the acquisition, use, maintenance, management, or operation of projects by public bodies.

(2) It shall not be necessary for a public body or a building authority to comply with the provisions of other laws concerning the acquisition, construction, use, and maintenance of projects, including, but not limited to, public bidding laws and the Utah Procurement Code, where the projects are acquired, expanded, or improved under this part.

(3) No board, commission, or agency of the state, including the Utah Public Service Commission, shall have any jurisdiction over building authorities or projects.

(4) (a) No ordinance, resolution, or proceeding in respect to any transaction authorized by this part shall be necessary except as specifically required in this part nor shall the publication of any resolution, proceeding, or notice relating to any transaction authorized by this part be necessary except as required by this part. [~~Any~~]

(b) A publication made under this part may be made:

(i) until January 1, 2011, in [~~any~~] a newspaper conforming to the terms of this part 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(c) No resolution adopted or proceeding taken under this part shall be subject to referendum petition or to an election other than as permitted in this part.

(d) All proceedings adopted under this part may be adopted on a single reading at any legally-convened meeting of the governing body or the board of trustees of the authority as 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) until January 1, 2011, in a newspaper having general circulation in the public body[:]; and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in

4027 Section 63F-1-701.

4028 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
4029 board of trustees of a building authority may, in lieu of publishing the entire resolution or other
4030 proceeding, publish a notice of bonds to be issued, titled as such, containing:

- 4031 (a) the name of the building authority;
4032 (b) the purposes of the issue;
4033 (c) the maximum principal amount which may be issued;
4034 (d) the maximum number of years over which the bonds may mature;
4035 (e) the maximum interest rate which the bonds may bear;
4036 (f) the maximum discount from par, expressed as a percentage of principal amount, at
4037 which the bonds may be sold, and any deposit to be required in connection with the sale; and
4038 (g) the time and place where a copy of the resolution or other proceedings authorizing
4039 the issuance of the bonds may be examined, which shall be at an office of the building
4040 authority, identified in the notice, during regular business hours of the building authority as
4041 described in the notice and for a period of at least 30 days after the publication of the notice.

4042 (3) For a period of 30 days after the publication, any person in interest shall have the
4043 right to contest the legality of the resolution or proceeding or any bonds or leasing contract
4044 which may be authorized by them or any provisions made for the security and payment of the
4045 bonds or for the security and payment of the leasing contract; and after such time no one shall
4046 have any cause of action to contest the regularity, formality, or legality of same for any cause
4047 whatsoever.

4048 Section 89. Section **17B-1-211** is amended to read:

4049 **17B-1-211. Notice of public hearings -- Publication of resolution.**

4050 (1) Before holding a public hearing or set of public hearings under Section 17B-1-210,
4051 the legislative body of each county or municipality with which a request is filed or that adopts a
4052 resolution under Subsection 17B-1-203(1)(c) and the board of trustees of each local district that
4053 adopts a resolution under Subsection 17B-1-203(1)(d) shall:

4054 (a) (i) until January 1, 2011:

4055 ~~[(a)-(i)]~~ (A) except as provided in Subsection (1)(a)~~[(ii)]~~(i)(B), publish notice in a
4056 newspaper or combination of newspapers of general circulation within the applicable area in
4057 accordance with Subsection (2); or

4058 [(~~it~~)] (B) if there is no newspaper or combination of newspapers of general circulation
4059 within the applicable area, post notice in accordance with Subsection (2):

4060 (I) at least one notice per 1,000 population of that area~~[-]; and~~

4061 (II) at places within the area that are most likely to provide actual notice to residents of
4062 the area; [~~or~~] and

4063 (ii) beginning on January 1, 2011, publish notice on the Utah Public Notice Website as
4064 described in Section 63F-1-701 for two weeks before the hearing or the first of the set of
4065 hearings; or

4066 (b) mail a notice to each registered voter residing within and each owner of real
4067 property located within the proposed local district.

4068 (2) Each published notice under Subsection (1)(a)(i) shall:

4069 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be
4070 surrounded by a 1/4-inch border;

4071 (b) if possible, appear in a newspaper that is published at least one day per week;

4072 (c) if possible, appear in a newspaper of general interest and readership in the area and
4073 not of limited subject matter;

4074 (d) be placed in a portion of the newspaper other than where legal notices and
4075 classified advertisements appear; and

4076 (e) be run at least once each week for two successive weeks, with the final publication
4077 being no less than three and no more than ten days before the hearing or the first of the set of
4078 hearings.

4079 (3) Each notice required under Subsection (1) shall:

4080 (a) if the hearing or set of hearings is concerning a resolution:

4081 (i) contain the entire text or an accurate summary of the resolution; and

4082 (ii) state the deadline for filing a protest against the creation of the proposed local
4083 district;

4084 (b) clearly identify each governing body involved in the hearing or set of hearings;

4085 (c) state the date, time, and place for the hearing or set of hearings and the purposes for
4086 the hearing or set of hearings; and

4087 (d) describe or include a map of the entire proposed local district.

4088 (4) County or municipal legislative bodies may jointly provide the notice required

4089 under this section if all the requirements of this section are met as to each notice.

4090 Section 90. Section **17B-1-304** is amended to read:

4091 **17B-1-304. Appointment procedures for appointed members.**

4092 (1) The appointing authority may, by resolution, appoint persons to serve as members
4093 of a local district board by following the procedures established by this section.

4094 (2) (a) In any calendar year when appointment of a new local district board member is
4095 required, the appointing authority shall prepare a notice of vacancy that contains:

4096 (i) the positions that are vacant that must be filled by appointment;

4097 (ii) the qualifications required to be appointed to those positions;

4098 (iii) the procedures for appointment that the governing body will follow in making
4099 those appointments; and

4100 (iv) the person to be contacted and any deadlines that a person must meet who wishes
4101 to be considered for appointment to those positions.

4102 (b) The appointing authority shall:

4103 (i) post the notice of vacancy in four public places within the local district at least one
4104 month before the deadline for accepting nominees for appointment; and

4105 (ii) publish the notice of vacancy:

4106 (A) until January 1, 2011:

4107 [~~(A)~~] (I) in a daily newspaper of general circulation within the local district for five
4108 consecutive days before the deadline for accepting nominees for appointment; or

4109 [~~(B)~~] (II) in a local weekly newspaper circulated within the local district in the week
4110 before the deadline for accepting nominees for appointment~~[-]; and~~

4111 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
4112 Section 63F-1-701 for five consecutive days before the deadline for accepting nominees for
4113 appointment.

4114 (c) The appointing authority may bill the local district for the cost of preparing,
4115 printing, and publishing the notice.

4116 (3) (a) Not sooner than two months after the appointing authority is notified of the
4117 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants
4118 who meet the qualifications established by law.

4119 (b) The appointing authority shall:

4120 (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the
4121 appointment;

4122 (ii) allow any interested persons to be heard; and

4123 (iii) adopt a resolution appointing a person to the local district board.

4124 (c) If no candidate for appointment to fill the vacancy receives a majority vote of the
4125 appointing authority, the appointing authority shall select the appointee from the two top
4126 candidates by lot.

4127 (4) Persons appointed to serve as members of the local district board serve four-year
4128 terms, but may be removed for cause at any time after a hearing by 2/3 vote of the appointing
4129 body.

4130 (5) At the end of each board member's term, the position is considered vacant and the
4131 appointing authority may either reappoint the old board member or appoint a new member after
4132 following the appointment procedures established in this section.

4133 (6) Notwithstanding any other provision of this section, if the appointing authority
4134 appoints one of its own members, it need not comply with the provisions of this section.

4135 Section 91. Section **17B-1-306** is amended to read:

4136 **17B-1-306. Local district board -- Election procedures.**

4137 (1) Except as provided in Subsection (11), each elected board member shall be selected
4138 as provided in this section.

4139 (2) (a) Each election of a local district board member shall be held:

4140 (i) at the same time as the municipal general election; and

4141 (ii) at polling places designated by the clerk of each county in which the local district is
4142 located.

4143 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under
4144 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one
4145 polling place per division of the district, designated by the district board.

4146 (ii) Each polling place designated by an irrigation district board under Subsection
4147 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection
4148 (2)(a)(ii).

4149 (3) (a) The clerk of each local district with a board member position to be filled at the
4150 next municipal general election shall provide notice of:

4151 (i) each elective position of the local district to be filled at the next municipal general
4152 election;

4153 (ii) the constitutional and statutory qualifications for each position; and

4154 (iii) the dates and times for filing a declaration of candidacy.

4155 (b) The notice required under Subsection (3)(a) shall be:

4156 (i) posted in at least five public places within the local district at least ten days before
4157 the first day for filing a declaration of candidacy; or

4158 (ii) (A) until January 1, 2011, published in a newspaper of general circulation within
4159 the local district at least three but no more than ten days before the first day for filing a
4160 declaration of candidacy[-]; and

4161 (B) beginning on January 1, 2011, published on the Utah Public Notice Website as
4162 described in Section 63F-1-701 for ten days before the first day for filing a declaration of
4163 candidacy.

4164 (4) (a) To become a candidate for an elective local district board position, the
4165 prospective candidate shall file a declaration of candidacy in person with the local district,
4166 during office hours and not later than 5 p.m. between July 1 and July 15 of any odd-numbered
4167 year.

4168 (b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended
4169 until 5 p.m. on the following regular business day.

4170 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing
4171 officer shall:

4172 (A) read to the prospective candidate the constitutional and statutory qualification
4173 requirements for the office that the candidate is seeking; and

4174 (B) require the candidate to state whether or not the candidate meets those
4175 requirements.

4176 (ii) If the prospective candidate does not meet the qualification requirements for the
4177 office, the filing officer may not accept the declaration of candidacy.

4178 (iii) If it appears that the prospective candidate meets the requirements of candidacy,
4179 the filing officer shall accept the declaration of candidacy.

4180 (d) The declaration of candidacy shall substantially comply with the following form:

4181 "I, (print name) _____, being first duly sworn, say that I reside at (Street)

4182 _____, City of _____, County of _____, State of Utah,
4183 (Zip Code) _____, (Telephone Number, if any) _____; that I meet the qualifications
4184 for the office of board of trustees member for _____ (state the name of
4185 the local district); that I am a candidate for that office to be voted upon at the next election, and
4186 I hereby request that my name be printed upon the official ballot for that election.

4187 (Signed) _____

4188 Subscribed and sworn to (or affirmed) before me by _____ on this _____ day
4189 of _____, _____.

4190 (Signed) _____

4191 (Clerk or Notary Public)"

4192 (e) Each person wishing to become a valid write-in candidate for an elective local
4193 district board position is governed by Section 20A-9-601.

4194 (f) If at least one person does not file a declaration of candidacy as required by this
4195 section, a person shall be appointed to fill that board position by following the procedures and
4196 requirements for appointment established in Section 20A-1-512.

4197 (g) If only one candidate files a declaration of candidacy for a position on the board of
4198 an irrigation district, the board need not hold an election for that position and may appoint that
4199 candidate to the board.

4200 (5) (a) A primary election may be held if:

4201 (i) the election is authorized by the local district board; and

4202 (ii) the number of candidates for a particular local board position or office exceeds
4203 twice the number of persons needed to fill that position or office.

4204 (b) The primary election shall be conducted:

4205 (i) on the same date as the municipal primary election, as provided for in Section
4206 20A-1-201.5; and

4207 (ii) according to the procedures for municipal primary elections provided under Title
4208 20A, Election Code.

4209 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the
4210 candidate names to the clerk of each county in which the local district is located no later than
4211 August 20 of the municipal election year.

4212 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the

4213 local district is located shall coordinate the placement of the name of each candidate for local
4214 district office in the nonpartisan section of the municipal general election ballot with the
4215 municipal election clerk.

4216 (ii) If consolidation of the local district election ballot with the municipal general
4217 election ballot is not feasible, the county clerk shall provide for a separate local district election
4218 ballot to be administered by separate election judges at polling locations designated by the
4219 county clerk in consultation with the local district.

4220 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board
4221 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

4222 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall
4223 prescribe the form of the ballot for each board member election.

4224 (B) Each ballot for an election of an irrigation district board member shall be in a
4225 nonpartisan format.

4226 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

4227 (i) be a registered voter within the district, except for an election of:

4228 (A) an irrigation district board of trustees member; or

4229 (B) a basic local district board of trustees member who is elected by property owners;

4230 and

4231 (ii) meet the requirements to vote established by the district.

4232 (b) Each voter may vote for as many candidates as there are offices to be filled.

4233 (c) The candidates who receive the highest number of votes are elected.

4234 (8) Except as otherwise provided by this section, the election of local district board
4235 members is governed by Title 20A, Election Code.

4236 (9) (a) A person elected to serve on a local district board shall serve a four-year term,
4237 beginning at noon on the January 1 after the person's election.

4238 (b) A person elected shall be sworn in as soon as practical after January 1.

4239 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse
4240 the county holding an election under this section for the costs of the election attributable to that
4241 local district.

4242 (b) Each irrigation district shall bear its own costs of each election it holds under this
4243 section.

4244 (11) This section does not apply to an improvement district that provides electric or gas
4245 service.

4246 (12) The provisions of Title 20A, Chapter 3, Part 3, [~~Early~~] Absentee Voting, do not
4247 apply to an election under this section.

4248 Section 92. Section **17B-1-313** is amended to read:

4249 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**
4250 **No contest after contest period.**

4251 (1) After the board of trustees of a local district adopts a resolution or takes other
4252 action on behalf of the district, the board may provide for the publication of a notice of the
4253 resolution or other action.

4254 (2) Each notice under Subsection (1) shall:

4255 (a) include, as the case may be:

4256 (i) the language of the resolution or a summary of the resolution; or

4257 (ii) a description of the action taken by the board;

4258 (b) state that:

4259 (i) any person in interest may file an action in district court to contest the regularity,
4260 formality, or legality of the resolution or action within 30 days after the date of publication; and

4261 (ii) if the resolution or action is not contested by filing an action in district court within
4262 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or
4263 action after the expiration of the 30-day period; and

4264 (c) be published:

4265 (i) until January 1, 2011, in a newspaper that is published or has general circulation in
4266 the district[-]; and

4267 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
4268 Section 63F-1-701.

4269 (3) For a period of 30 days after the date of the publication, any person in interest may
4270 contest the regularity, formality, or legality of the resolution or other action by filing an action
4271 in district court.

4272 (4) After the expiration of the 30-day period under Subsection (3), no one may contest
4273 the regularity, formality, or legality of the resolution or action for any cause.

4274 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 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and

(B) shall, after giving notice of the public hearing as provided in Subsection (2)(b), hold a public hearing as provided in Section 17B-1-409 if a written request to do so is submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to the local district board by an owner of property that is located within or a registered voter residing within the area proposed to be annexed who did not sign the annexation petition.

4306 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:
4307 (i) be given:
4308 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition
4309 certification; or
4310 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least ten but not more
4311 than 30 days before the public hearing; and
4312 (B) by:
4313 (I) posting written notice at the local district's principal office and in one or more other
4314 locations within or proximate to the area proposed to be annexed as are reasonable under the
4315 circumstances, considering the number of parcels included in that area, the size of the area, the
4316 population of the area, and the contiguousness of the area; and
4317 (II) providing written notice to:
4318 (Aa) until January 1, 2011, at least one newspaper of general circulation, if there is one,
4319 within the area proposed to be annexed or to a local media correspondent; and
4320 (Bb) beginning on January 1, 2011, the Utah Public Notice Website as described in
4321 Section 63F-1-701; and
4322 (ii) contain a brief explanation of the proposed annexation and include the name of the
4323 local district, the service provided by the local district, a description or map of the area
4324 proposed to be annexed, a local district telephone number where additional information about
4325 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an
4326 explanation of the right of a property owner or registered voter to request a public hearing as
4327 provided in Subsection (2)(a)(ii)(B).
4328 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is
4329 required for a public hearing under Subsection (2)(a)(ii)(A).
4330 Section 94. Section **17B-1-417** is amended to read:
4331 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
4332 **adjusting boundaries -- Notice of the adjustment -- Notice to lieutenant governor.**
4333 (1) As used in this section, "affected area" means the area located within the
4334 boundaries of one local district that will be removed from that local district and included within
4335 the boundaries of another local district because of a boundary adjustment under this section.
4336 (2) The boards of trustees of two or more local districts having a common boundary

and providing the same service on the same wholesale or retail basis may adjust their common boundary as provided in this section.

(3) (a) The board of trustees of each local district intending to adjust a boundary that is common with another local district shall:

(i) adopt a resolution indicating the board's intent to adjust a common boundary;

(ii) hold a public hearing on the proposed boundary adjustment no less than 60 days after the adoption of the resolution under Subsection (3)(a)(i); and

(iii) (A) ~~[(H)]~~ publish notice;

(I) until January 1, 2011:

(Aa) once a week for two successive weeks in a newspaper of general circulation within the local district; or

~~[(H)]~~ (Bb) if there is no newspaper of general circulation within the local district, post notice in at least four conspicuous places within the local district; ~~[or]~~ and

(II) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two successive weeks; or

(B) mail a notice to each owner of property located within the affected area and to each registered voter residing within the affected area.

(b) The notice required under Subsection (3)(a)(iii) shall:

(i) state that the board of trustees of the local district has adopted a resolution indicating the board's intent to adjust a boundary that the local district has in common with another local district that provides the same service as the local district;

(ii) describe the affected area;

(iii) state the date, time, and location of the public hearing required under Subsection (3)(a)(ii);

(iv) provide a local district telephone number where additional information about the proposed boundary adjustment may be obtained;

(v) explain the financial and service impacts of the boundary adjustment on property owners or residents within the affected area; and

(vi) state in conspicuous and plain terms that the board of trustees may approve the adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii), written protests to the adjustment are filed with the board by:

4368 (A) the owners of private real property that:
4369 (I) is located within the affected area;
4370 (II) covers at least 50% of the total private land area within the affected area; and
4371 (III) is equal in assessed value to at least 50% of the assessed value of all private real
4372 property within the affected area; or
4373 (B) registered voters residing within the affected area equal in number to at least 50%
4374 of the votes cast in the affected area for the office of governor at the last regular general
4375 election before the filing of the protests.
4376 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
4377 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).
4378 (d) The boards of trustees of the local districts whose boundaries are being adjusted
4379 may jointly:
4380 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and
4381 (ii) hold the public hearing required under Subsection (3)(a)(ii).
4382 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
4383 may adopt a resolution approving the adjustment of the common boundary unless, at or before
4384 the public hearing, written protests to the boundary adjustment have been filed with the board
4385 by:
4386 (a) the owners of private real property that:
4387 (i) is located within the affected area;
4388 (ii) covers at least 50% of the total private land area within the affected area; and
4389 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
4390 property within the affected area; or
4391 (b) registered voters residing within the affected area equal in number to at least 50%
4392 of the votes cast in the affected area for the office of governor at the last regular general
4393 election before the filing of the protests.
4394 (5) A resolution adopted under Subsection (4) does not take effect until the board of
4395 each local district whose boundaries are being adjusted has adopted a resolution under
4396 Subsection (4).
4397 (6) (a) Within 30 days after the resolutions take effect under Subsection (5), the board
4398 of the local district whose boundaries are being adjusted to include the affected area shall file a

4399 notice with the lieutenant governor.

4400 (b) The notice required under Subsection (6)(a) shall:

4401 (i) be accompanied by:

4402 (A) a copy of each of the board resolutions approving the boundary adjustment; and

4403 (B) an accurate map depicting the affected area or a legal description of the affected
4404 area, adequate for purposes of the county assessor and recorder; and

4405 (ii) include a certification by the board of the local district whose boundaries are being
4406 adjusted to include the affected area that all requirements for the boundary adjustment have
4407 been complied with.

4408 (7) Upon the lieutenant governor's issuance of a certificate of boundary change under
4409 Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being
4410 adjusted to include the affected area, and the affected area is withdrawn from the local district
4411 whose boundaries are being adjusted to exclude the affected area.

4412 Section 95. Section **17B-1-512** is amended to read:

4413 **17B-1-512. Notice of withdrawal -- Contest period -- Judicial review.**

4414 (1) (a) The board of trustees shall file a written notice of withdrawal with the lieutenant
4415 governor:

4416 (i) within ten days after adopting a resolution approving a withdrawal under Section
4417 17B-1-510; and

4418 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
4419 automatic withdrawal under Subsection 17B-1-502(2), after receiving a copy of the municipal
4420 legislative body's resolution approving an automatic withdrawal under Subsection
4421 17B-1-502(3)(a), or after receiving notice of a withdrawal of a municipality from a local
4422 district under Section 17B-2-505.

4423 (b) The notice required under Subsection (1)(a) shall:

4424 (i) be accompanied by:

4425 (A) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, a copy
4426 of the board resolution approving the withdrawal; and

4427 (B) an accurate map depicting the boundaries of the withdrawn area or a legal
4428 description of the withdrawn area, adequate for purposes of the county assessor and recorder;
4429 and

(ii) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, include a certification by the local district board that all requirements for the withdrawal have been complied with.

(2) (a) Upon the lieutenant governor's issuance of the certificate of boundary change under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a local district under Section 17B-2-505, the withdrawal shall be effective, subject to the conditions of the withdrawal resolution, if applicable.

(b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon the lieutenant governor's issuance of a certificate of boundary change under Section 67-1a-6.5.

(3) (a) The local district may provide for the publication of any resolution approving or denying the withdrawal of an area;

(i) until January 1, 2011, in a newspaper of general circulation in the area proposed for withdrawal[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(b) In lieu of publishing the entire resolution, the local district may publish a notice of withdrawal or denial of withdrawal, containing:

~~[(a)]~~ (i) the name of the local district;

~~[(b)]~~ (ii) a description of the area proposed for withdrawal;

~~[(c)]~~ (iii) a brief explanation of the grounds on which the board of trustees determined to approve or deny the withdrawal; and

~~[(d)]~~ (iv) the times and place where a copy of the resolution may be examined, which shall be at the place of business of the local district, identified in the notice, during regular business hours of the local district as described in the notice and for a period of at least 30 days after the publication of the notice.

(4) Any sponsor of the petition or receiving entity may contest the board's decision to deny a withdrawal of an area from the local district by submitting a request, within 60 days after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting terms or conditions to mitigate or eliminate the conditions upon which the board of trustees based its decision to deny the withdrawal.

(5) Within 60 days after the request under Subsection (4) is submitted to the board of trustees, the board may consider the suggestions for mitigation and adopt a resolution approving or denying the request in the same manner as provided in Section 17B-1-510 with respect to the original resolution denying the withdrawal and file a notice of the action as provided in Subsection (1).

(6) (a) Any person in interest may seek judicial review of:

(i) the board of trustees' decision to withdraw an area from the local district;

(ii) the terms and conditions of a withdrawal; or

(iii) the board's decision to deny a withdrawal.

(b) Judicial review under this Subsection (6) shall be initiated by filing an action in the district court in the county in which a majority of the area proposed to be withdrawn is located:

(i) if the resolution approving or denying the withdrawal is published under Subsection (3), within 60 days after the publication or after the board of trustees' denial of the request under Subsection (5);

(ii) if the resolution is not published pursuant to Subsection (3), within 60 days after the resolution approving or denying the withdrawal is adopted; or

(iii) if a request is submitted to the board of trustees of a local district under Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after the board adopts a resolution under Subsection (5) unless the resolution is published under Subsection (3), in which event the action must be filed within 60 days after the publication.

(c) A court in which an action is filed under this Subsection (6) may not overturn, in whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

(i) the court finds the board of trustees' decision to be arbitrary or capricious; or

(ii) the court finds that the board materially failed to follow the procedures set forth in this part.

(d) A court may award costs and expenses of an action under this section, including reasonable attorney fees, to the prevailing party.

(7) After the applicable contest period under Subsection (4) or (6), no person may contest the board of trustees' approval or denial of withdrawal for any cause.

Section 96. Section **17B-1-609** is amended to read:

17B-1-609. Hearing to consider adoption.

4492 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

4493 (a) establish the time and place of a public hearing to consider its adoption; and

4494 (b) order that notice of the hearing:

4495 (i) until January 1, 2011:

4496 ~~[(i)]~~ (A) be published at least seven days ~~[prior to]~~ before the hearing in at least one
4497 issue of a newspaper of general circulation published in the county or counties in which the
4498 district is located; or

4499 ~~[(ii)]~~ (B) if no newspaper is published, be posted in three public places within the
4500 district~~[-]; and~~

4501 (ii) beginning on January 1, 2011, be published on the Utah Public Notice Website as
4502 described in Section 63F-1-701 at least seven days before the hearing.

4503 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
4504 shall be published in accordance with Sections 59-2-918 and 59-2-919.

4505 Section 97. Section **17B-1-643** is amended to read:

4506 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

4507 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
4508 by a local district, each local district board of trustees shall first hold a public hearing at which
4509 any interested person may speak for or against the proposal to impose a fee or to increase an
4510 existing fee.

4511 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
4512 no earlier than 6 p.m.

4513 (c) A public hearing required under this Subsection (1) may be combined with a public
4514 hearing on a tentative budget required under Section 17B-1-610.

4515 (d) Except to the extent that this section imposes more stringent notice requirements,
4516 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
4517 in holding the public hearing under Subsection (1)(a).

4518 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
4519 provided in Subsection (2)(b)(i) or (ii).

4520 (b) (i) (A) The notice required under Subsection (2)(a) shall be published;

4521 (I) until January 1, 2011:

4522 (Aa) in a newspaper or combination of newspapers of general circulation in the local

district, if there is a newspaper or combination of newspapers of general circulation in the local district[-]; or

(Bb) if there is no newspaper or combination of newspapers of general circulation in the local district, the local district board shall post at least one notice per 1,000 population within the local district, at places within the local district that are most likely to provide actual notice to residents within the local district; and

(II) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(B) The notice described in Subsection (2)(b)(i)(A)(I)(Aa):

(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[-];

~~[(C) The notice]~~ (II) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear[-];

~~[(D) It is legislative intent that;]~~

(III) whenever possible, ~~[the advertisement]~~ shall appear in a newspaper that is published at least one day per week[-];

~~[(E) It is further the intent of the Legislature that the]~~

(IV) shall be in a newspaper or combination of newspapers ~~[selected be]~~ of general interest and readership in the local district, and not of limited subject matter[-]; and

~~[(F) The notice]~~ (V) shall be run once each week for the two weeks preceding the hearing.

~~[(G)]~~ (ii) The notice described in Subsection (2)(b)(i)(A) shall state that the local district board intends to impose or increase a fee for a service provided by the local district and will hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not less than seven days after the day the first notice is published, for the purpose of hearing comments regarding the proposed imposition or increase of a fee and to explain the reasons for the proposed imposition or increase.

~~[(ii) (A) If there is no newspaper or combination of newspapers of general circulation in the local district, the local district board shall post at least one notice per 1,000 population within the local district, at places within the local district that are most likely to provide actual notice to residents within the local district.]~~

4554 ~~[(B) Each notice under Subsection (2)(b)(ii)(A) shall comply with Subsection~~
4555 ~~(2)(b)(i)(G):]~~

4556 (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
4557 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
4558 within the district who:

4559 (A) will be charged the fee for a district service, if the fee is being imposed for the first
4560 time; or

4561 (B) are being charged a fee, if the fee is proposed to be increased.

4562 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection
4563 (2)(b)~~[(i)(G)]~~(ii).

4564 (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing
4565 fee.

4566 (d) If the hearing required under this section is combined with the public hearing
4567 required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied
4568 if a notice that meets the requirements of Subsection (2)(b)~~[(i)(G)]~~(b)(ii) is combined with the
4569 notice required under Section 17B-1-609.

4570 (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima facie
4571 evidence that notice was properly given.

4572 (f) If no challenge is made to the notice given of a hearing required by Subsection (1)
4573 within 30 days after the date of the hearing, the notice is considered adequate and proper.

4574 (3) After holding a public hearing under Subsection (1), a local district board may:

4575 (a) impose the new fee or increase the existing fee as proposed;

4576 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
4577 then impose the new fee or increase the existing fee as adjusted; or

4578 (c) decline to impose the new fee or increase the existing fee.

4579 (4) This section applies to each new fee imposed and each increase of an existing fee
4580 that occurs on or after July 1, 1998.

4581 (5) (a) This section does not apply to an impact fee.

4582 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36,
4583 Impact Fees Act.

4584 Section 98. Section **17B-1-1204** is amended to read:

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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three consecutive 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) until January 1, 2011, in a newspaper of general circulation within the local district proposed to be dissolved; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 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 registered voter residing within the local district.

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

(a) identify the local district proposed to be dissolved and the service it was created to provide; and

(b) state the date, time, and location of the public hearing.

Section 100. Section **17C-1-601** is amended to read:

17C-1-601. Annual agency budget -- Fiscal year -- Public hearing required -- Auditor forms -- Requirement to file form.

(1) Each agency shall prepare and its board adopt an annual budget of revenues and expenditures for the agency for each fiscal year.

(2) Each annual agency budget shall be adopted:

(a) for an agency created by a city or town, before June 22; or

(b) for an agency created by a county, before December 15.

(3) The agency's fiscal year shall be the same as the fiscal year of the community that created the agency.

(4) (a) Before adopting an annual budget, each agency board shall hold a public hearing on the annual budget.

(b) Each agency shall provide notice of the public hearing on the annual budget by:

(i) publishing;

(A) until January 1, 2011:

(I) at least one notice in a newspaper of general circulation within the agency boundaries, one week before the public hearing; or

[(it)] (II) if there is no newspaper of general circulation within the agency boundaries, posting a notice of the public hearing in at least three public places within the agency boundaries[-]; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 one week before the public hearing.

(c) Each agency shall make the annual budget available for public inspection at least three days before the date of the public hearing.

(5) The state auditor shall prescribe the budget forms and the categories to be contained

4647 in each agency budget, including:

4648 (a) revenues and expenditures for the budget year;

4649 (b) legal fees; and

4650 (c) administrative costs, including rent, supplies, and other materials, and salaries of
4651 agency personnel.

4652 (6) (a) Within 30 days after adopting an annual budget, each agency board shall file a
4653 copy of the annual budget with the auditor of the county in which the agency is located, the
4654 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
4655 that levies a tax on property from which the agency collects tax increment.

4656 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
4657 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the
4658 state auditor.

4659 Section 101. Section **17C-2-108** is amended to read:

4660 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
4661 **of plan -- Contesting the formation of the plan.**

4662 (1) (a) Upon the community legislative body's adoption of an urban renewal project
4663 area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by~~[: (i)]~~
4664 publishing or causing to be published a notice:

4665 (i) until January 1, 2011:

4666 (A) in a newspaper of general circulation within the agency's boundaries; or

4667 ~~[(i)]~~ (B) if there is no newspaper of general circulation within the agency's boundaries,
4668 causing a notice to be posted in at least three public places within the agency's boundaries[-];
4669 and

4670 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
4671 Section 63F-1-701.

4672 (b) Each notice under Subsection (1)(a) shall:

4673 (i) set forth the community legislative body's ordinance adopting the project area plan
4674 or a summary of the ordinance; and

4675 (ii) include a statement that the project area plan is available for general public
4676 inspection and the hours for inspection.

4677 (2) The project area plan shall become effective on the date of:

4678 (a) if notice was published under Subsection (1)(a), publication of the notice; or
 4679 (b) if notice was posted under Subsection (1)(a), posting of the notice.
 4680 (3) (a) For a period of 30 days after the effective date of the project area plan under
 4681 Subsection (2), any person in interest may contest the project area plan or the procedure used to
 4682 adopt the project area plan if the plan or procedure fails to comply with applicable statutory
 4683 requirements.
 4684 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
 4685 project area plan or procedure used to adopt the project area plan for any cause.
 4686 (4) Upon adoption of the project area plan by the community's legislative body, the
 4687 agency may carry out the project area plan.
 4688 (5) Each agency shall make the adopted project area plan available to the general
 4689 public at its offices during normal business hours.
 4690 Section 102. Section **17C-2-403** is amended to read:
 4691 **17C-2-403. Notice required for continued hearing.**
 4692 The board shall give notice of a hearing continued under Section 17C-2-402 by
 4693 announcing at the hearing:
 4694 (1) the date, time, and place the hearing will be resumed; or
 4695 (2) that it is being continued to a later time and causing a notice of the continued
 4696 hearing to be:
 4697 (a) published;
 4698 (i) until January 1, 2011:
 4699 (A) once in a newspaper of general circulation within the agency boundaries at least
 4700 seven days before the hearing is scheduled to resume; or
 4701 [~~(b)~~] (B) if there is no newspaper of general circulation, posted in at least three
 4702 conspicuous places within the boundaries of the agency in which the project area or proposed
 4703 project area is located[-]; and
 4704 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
 4705 Section 63F-1-701 at least seven days before the hearing is schedule to resume.
 4706 Section 103. Section **17C-3-107** is amended to read:
 4707 **17C-3-107. Notice of economic development project area plan adoption --**
 4708 **Effective date of plan -- Contesting the formation of the plan.**

(1) (a) Upon the community legislative body's adoption of an economic development project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

(i) publishing or causing to be published a notice;

(A) until January 1, 2011:

(I) in a newspaper of general circulation within the agency's boundaries; or

[(ii)] (II) if there is no newspaper of general circulation within the agency's boundaries, causing a notice to be posted in at least three public places within the agency's boundaries[-];
and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(b) Each notice under Subsection (1)(a) shall:

(i) set forth the community legislative body's ordinance adopting the project area plan or a summary of the ordinance; and

(ii) include a statement that the project area plan is available for general public inspection and the hours for inspection.

(2) The project area plan shall become effective on the date of:

(a) if notice was published under Subsection (1)(a), publication of the notice; or

(b) if notice was posted under Subsection (1)(a), posting of the notice.

(3) (a) For a period of 30 days after the effective date of the project area plan under Subsection (2), any person in interest may contest the project area plan or the procedure used to adopt the project area plan if the plan or procedure fails to comply with applicable statutory requirements.

(b) After the 30-day period under Subsection (3)(a) expires, no person may contest the project area plan or procedure used to adopt the project area plan for any cause.

(4) Upon adoption of the economic development project area plan by the community's legislative body, the agency may carry out the project area plan.

(5) Each agency shall make the adopted economic development project area plan available to the general public at its offices during normal business hours.

Section 104. Section **17C-3-303** is amended to read:

17C-3-303. Notice required for continued hearing.

The board shall give notice of a hearing continued under Section 17C-3-302 by

4740 announcing at the hearing:

4741 (1) the date, time, and place the hearing will be resumed; or

4742 (2) that it is being continued to a later time and causing a notice of the continued
4743 hearing to be:

4744 (a) until January 1, 2011:

4745 ~~[(a)]~~ (i) published once in a newspaper of general circulation within the agency
4746 boundaries at least seven days before the hearing is scheduled to resume; or

4747 ~~[(b)]~~ (ii) if there is no newspaper of general circulation, posted in at least three
4748 conspicuous places within the boundaries of the agency in which the project area or proposed
4749 project area is located[-]; and

4750 (b) beginning on January 1, 2011, published on the Utah Public Notice Website as
4751 described in Section 63F-1-701 at least seven days before the hearing is schedule to resume.

4752 Section 105. Section **17C-4-106** is amended to read:

4753 **17C-4-106. Notice of community development project area plan adoption --**

4754 **Effective date of plan -- Contesting the formation of the plan.**

4755 (1) (a) Upon the community legislative body's adoption of a community development
4756 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4757 (i) until January 1, 2011:

4758 ~~[(i)]~~ (A) publishing or causing to be published a notice in a newspaper of general
4759 circulation within the agency's boundaries; or

4760 ~~[(ii)]~~ (B) if there is no newspaper of general circulation within the agency's boundaries,
4761 causing a notice to be posted in at least three public places within the agency's boundaries[-];
4762 and

4763 (ii) beginning on January 1, 2011, publishing or causing to be published on the Utah
4764 Public Notice Website as described in Section 63F-1-701.

4765 (b) Each notice under Subsection (1)(a) shall:

4766 (i) set forth the community legislative body's ordinance adopting the community
4767 development project area plan or a summary of the ordinance; and

4768 (ii) include a statement that the project area plan is available for general public
4769 inspection and the hours for inspection.

4770 (2) The community development project area plan shall become effective on the date

4771 of:

4772 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4773 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4774 (3) (a) For a period of 30 days after the effective date of the community development
4775 project area plan under Subsection (2), any person in interest may contest the project area plan
4776 or the procedure used to adopt the project area plan if the plan or procedure fails to comply
4777 with applicable statutory requirements.

4778 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
4779 community development project area plan or procedure used to adopt the project area plan for
4780 any cause.

4781 (4) Upon adoption of the community development project area plan by the
4782 community's legislative body, the agency may carry out the project area plan.

4783 (5) Each agency shall make the adopted project area plan available to the general
4784 public at its offices during normal business hours.

4785 Section 106. Section **17C-4-202** is amended to read:

4786 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
4787 **community development project area plan -- Notice -- Effective date of resolution or**
4788 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
4789 **of resolution or interlocal agreement.**

4790 (1) The approval and adoption of each resolution or interlocal agreement under
4791 Subsection 17C-4-201(2) shall be in an open and public meeting.

4792 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
4793 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

4794 (i) until January 1, 2011:

4795 ~~[(i)]~~ (A) publishing or causing to be published a notice in a newspaper of general
4796 circulation within the agency's boundaries; or

4797 ~~[(ii)]~~ (B) if there is no newspaper of general circulation within the agency's boundaries,
4798 causing a notice to be posted in at least three public places within the agency's boundaries~~[-];~~
4799 and

4800 (ii) beginning on January 1, 2011, publishing or causing to be published on the Utah
4801 Public Notice Website as described in Section 63F-1-701.

4802 (b) Each notice under Subsection (2)(a) shall:
4803 (i) set forth a summary of the resolution or interlocal agreement; and
4804 (ii) include a statement that the resolution or interlocal agreement is available for
4805 general public inspection and the hours of inspection.
4806 (3) The resolution or interlocal agreement shall become effective on the date of:
4807 (a) if notice was published under Subsection (2)(a)(i)(A) or (ii), publication of the
4808 notice; or
4809 (b) if notice was posted under Subsection (2)(a), posting of the notice.
4810 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
4811 agreement under Subsection (3), any person in interest may contest the resolution or interlocal
4812 agreement or the procedure used to adopt the resolution or interlocal agreement if the
4813 resolution or interlocal agreement or procedure fails to comply with applicable statutory
4814 requirements.
4815 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the
4816 resolution or interlocal agreement for any cause.
4817 (5) Each agency that is to receive funds under a resolution or interlocal agreement
4818 under Section 17C-4-201 and each taxing entity or public agency that approves a resolution or
4819 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or
4820 interlocal agreement, as the case may be, available at its offices to the general public for
4821 inspection and copying during normal business hours.
4822 Section 107. Section **17C-4-302** is amended to read:
4823 **17C-4-302. Notice required for continued hearing.**
4824 The board shall give notice of a hearing continued under Section 17C-4-301 by
4825 announcing at the hearing:
4826 (1) the date, time, and place the hearing will be resumed; or
4827 (2) that it is being continued to a later time and causing a notice of the continued
4828 hearing to be:
4829 (a) until January 1, 2011:
4830 ~~[(a)]~~ (i) published once in a newspaper of general circulation within the agency
4831 boundaries at least seven days before the hearing is scheduled to resume; or
4832 ~~[(b)]~~ (ii) if there is no newspaper of general circulation, posted in at least three

4833 conspicuous places within the boundaries of the agency in which the project area or proposed
4834 project area is located[-]; and

4835 (b) beginning on January 1, 2011, published on the Utah Public Notice Website as
4836 described in Section 63F-1-701 at least seven days before the hearing is schedule to resume.

4837 Section 108. Section **17D-1-205** is amended to read:

4838 **17D-1-205. Notice.**

4839 (1) Each notice required under Subsection 17D-1-204(1) shall:

4840 (a) state that:

4841 (i) the legislative body has adopted a resolution stating its intent to create a special
4842 service district; or

4843 (ii) a petition has been filed proposing the creation of a special service district;

4844 (b) describe the boundary of the proposed special service district;

4845 (c) generally describe each service that the special service district is proposed to
4846 provide;

4847 (d) state that taxes may be levied annually upon all taxable property within the
4848 proposed special service district;

4849 (e) state that fees or charges may be imposed to pay for some or all of the services that
4850 the special service district is proposed to provide;

4851 (f) explain the process, requirements, and timetable for filing a protest against the
4852 creation of the special service district or against a service that the special service district is
4853 proposed to provide;

4854 (g) designate a date, time, and place for a public hearing on the proposed creation of
4855 the special service district; and

4856 (h) except as provided in Subsection (2), be published:

4857 (i) until January 1, 2011:

4858 (A) at least once a week during three consecutive weeks[-];

4859 [(+)] (B) not less than 21 days or more than 35 days before the date of the public
4860 hearing required under Subsection 17D-1-204(2); and

4861 [(+)] (C) until January 1, 2011, in a newspaper of general circulation in the county or
4862 municipality by which the special service district is proposed to be created[-]; and

4863 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

4864 Section 63F-1-701 for 35 days before the date of the public hearing required under Subsection
4865 17D-1-204(2).

4866 (2) Notwithstanding Subsection (1)(h)(i), if the proposed special service district is
4867 located entirely within a city of the third, fourth, or fifth class or a town that has no newspaper
4868 of general circulation in the city or town, the legislative body of the city or town may provide
4869 that the notice required under Subsection 17D-1-204(1) be given by posting the notice in at
4870 least five public places in the city or town at least 21 days before the public hearing required
4871 under Subsection 17D-1-204(2).

4872 (3) The legislative body of the county or municipality by which the special service
4873 district is proposed to be created may include in a notice under this section any other
4874 information that the legislative body considers necessary or appropriate.

4875 Section 109. Section **17D-2-601** is amended to read:

4876 **17D-2-601. Publishing notice of local entity or local building authority resolution**
4877 **or other proceeding.**

4878 (1) The governing body of a local entity or the authority board of a local building
4879 authority may provide for the publication of a resolution or other proceeding adopted under this
4880 chapter by the governing body or authority board, respectively[;]:

4881 (a) until January 1, 2011, in a newspaper of general circulation in the local entity[-];
4882 and

4883 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
4884 Section 63F-1-701.

4885 (2) (a) If the resolution or other proceeding provides for the local building authority's
4886 issuance of bonds, the authority board may, in lieu of publishing the entire resolution or other
4887 proceeding, publish a notice of the bonds to be issued.

4888 (b) Each notice under Subsection (2)(a) shall comply with the requirements of
4889 Subsection 11-14-316(2).

4890 (c) The authority board of a local building authority publishing a notice under
4891 Subsection (2)(a) shall make a copy of the resolution or other proceeding authorizing the
4892 issuance of the local building authority bonds available for public inspection during regular
4893 business hours at the office of the local building authority for a period of at least 30 days after
4894 publication of the notice.

4895 Section 110. Section **17D-3-305** is amended to read:

4896 **17D-3-305. Setting the date of an election of the board of supervisors -- Notice of**
4897 **the election.**

4898 (1) The commission shall:

4899 (a) set the date of the election of members of the board of supervisors of a conservation
4900 district; and

4901 (b) publish notice of the election:

4902 (i) until January 1, 2011, in a newspaper or other media outlet method with general
4903 circulation within the conservation district[-]; and

4904 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
4905 Section 63F-1-701.

4906 (2) The date set for an election under Subsection (1)(a) may not be later than six weeks
4907 after the date set by the commission for the close of nominations.

4908 (3) The notice required under Subsection (1)(b) shall:

4909 (a) state:

4910 (i) the date of the election;

4911 (ii) the names of all candidates; and

4912 (iii) that a ballot request form for the election may be obtained from the commission
4913 office or from any other place that the commission designates; and

4914 (b) specify the address of the commission office or other place where a ballot request
4915 form may be obtained.

4916 Section 111. Section **19-2-109** is amended to read:

4917 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of executive**
4918 **secretary -- Adoption of emission control requirements.**

4919 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public
4920 hearings.

4921 (b) Notice of any public hearing for the consideration, adoption, or amendment of air
4922 quality standards shall specify the locations to which the proposed standards apply and the
4923 time, date, and place of the hearing.

4924 (c) The notice shall be:

4925 (i) (A) until January 1, 2011, published at least twice in any newspaper of general

circulation in the area affected; and [~~shall be~~]

(B) beginning on January 1, 2011, published on the Utah Public Notice Website as described in Section 63F-1-701 at least 20 days before the public hearing; and

(ii) mailed at least 20 days before the public hearing to the chief executive of each political subdivision of the area affected and to other persons the executive secretary has reason to believe will be affected by the standards.

(d) The adoption of air quality standards or any modification or changes to air quality standards shall be by order of the executive secretary following formal action of the board with respect to the standards.

(e) The order shall be published;

(i) until January 1, 2011, in a newspaper of general circulation in the area affected[-];
and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(2) (a) The board may establish emission control requirements by rule that in its judgment may be necessary to prevent, abate, or control air pollution that may be statewide or may vary from area to area, taking into account varying local conditions.

(b) In adopting these requirements, the board shall give notice and conduct public hearings in accordance with the requirements in Subsection (1).

Section 112. Section **19-5-110** is amended to read:

**19-5-110. Designation by governor of areas with quality control problems --
Classification of waters -- Adoption of standards of quality.**

(1) The governor may identify and designate by boundary, or make a determination not to designate, areas within the state which, as a result of urban-industrial concentration or other factors, have substantial water quality control problems, and designate planning agencies and waste treatment management agencies for these areas.

(2) The board may group the waters of the state into classes according to their present most reasonable uses, and after public hearing, upgrade and reclassify from time to time the waters of the state to the extent that it is practical and in the public interest.

(3) (a) The board may establish standards of quality for each classification consistent with most reasonable present and future uses of the waters, and the standards may be modified

4957 or changed from time to time.

4958 (b) Prior to classifying waters, setting quality standards or modifying or repealing them
4959 the board shall conduct public hearings for the consideration, adoption, or amendment of the
4960 classifications of waters and standards of purity and quality.

4961 (c) The notice shall specify the waters concerning which a classification is sought to be
4962 made for which standards are sought to be adopted and the time, date, and place of the hearing.

4963 (d) The notice shall be:

4964 (i) published;

4965 (A) until January 1, 2011, at least twice in a newspaper of general circulation in the
4966 area affected; and ~~[shall be]~~

4967 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
4968 Section 63F-1-701; and

4969 (ii) mailed at least 30 days before the public hearing to the chief executive of each
4970 political subdivision of the area affected and to other persons the board has reason to believe
4971 will be affected by the classification and the setting of standards.

4972 (4) (a) The adoption of standards of quality for the waters of the state and classification
4973 of the waters or any modification or change in classification shall be effectuated by an order of
4974 the board which shall be published;

4975 (i) until January 1, 2011, in a newspaper of general circulation in the area affected[-];
4976 and

4977 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
4978 Section 63F-1-701.

4979 (b) In classifying waters and setting standards of water quality, adopting rules, or
4980 making any modification or change in classification or standards, the board shall allow and
4981 announce a reasonable time, not exceeding statutory deadlines contained in the federal Clean
4982 Water Act, for persons discharging wastes into the waters of the state to comply with the
4983 classification or standards and may, after public hearing if requested by the permittee, set and
4984 revise schedules of compliance and include these schedules within the terms and conditions of
4985 permits for the discharge of pollutants.

4986 (5) Any discharge in accord with classification or standards authorized by a permit is
4987 not pollution for the purpose of this chapter.

4988 Section 113. Section **19-6-712** is amended to read:

4989 **19-6-712. Issuance of permits -- Public comments and hearing.**

4990 (1) In considering permit applications under this part, the executive secretary shall:

4991 (a) ensure the application is complete prior to acting on it;

4992 (b) publish notice of the permit application and the opportunity for public comment

4993 [~~in~~];

4994 (i) until January 1, 2011, in:

4995 (A) a newspaper of general circulation in the state; and [~~also in~~]

4996 (B) a newspaper of general circulation in the county where the operation for which the
4997 application is submitted is located; and

4998 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
4999 Section 63F-1-701;

5000 (c) allow the public to submit written comments to the executive secretary within 15
5001 days after date of publication;

5002 (d) consider timely submitted public comments and the criteria established in this part
5003 and by rule in determining whether to grant the permit; and

5004 (e) send a written copy of the decision to the applicant and to persons submitting
5005 timely comments under Subsection (1)(c).

5006 (2) The executive secretary's decision under this section may be appealed to the board
5007 only within the 30 days after the day the decision is mailed to the applicant.

5008 Section 114. Section **20A-3-201** is amended to read:

5009 **20A-3-201. Watchers.**

5010 (1) (a) (i) For each regular general election or statewide special election, and for each
5011 regular primary and Western States Presidential Primary, each registered political party and any
5012 person interested in a ballot proposition appearing on the ballot may appoint one person to act
5013 as a voting poll watcher to observe the casting of ballots, another person to act as a counting
5014 poll watcher to observe the counting of ballots, and another person to act as an inspecting poll
5015 watcher to inspect the condition and observe the securing of ballot packages.

5016 (ii) Each party poll watcher shall be designated, and his selection made known to the
5017 poll workers, by an affidavit made by the county chair of each of the parties.

5018 (iii) Each issue poll watcher shall be designated, and his selection made known to the

poll workers, by an affidavit made by the individual appointing him.

(b) (i) For each municipal general election, municipal primary, local special election, or bond election that uses paper ballots, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

(ii) For each municipal general election, municipal primary, local special election, or bond election that uses ballot sheets, each candidate and any person interested in an issue appearing on the ballot may appoint one person to act as a voting poll watcher to observe the casting of ballots, another person to act as a counting poll watcher to observe the counting of ballots, and another person to act as an inspecting poll watcher to inspect the condition and observe the securing of ballot packages.

(iii) Each candidate poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the candidate appointing him.

(iv) Each issue poll watcher shall be designated, and his selection made known to the poll workers, by an affidavit made by the individual appointing him.

(2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise absent, that poll watcher may substitute some other watcher of similar political beliefs by informing the poll workers of the substitution by affidavit.

(3) Voting poll watchers may watch and observe the voting process, and may make a written memorandum, but they may not interfere in any way with the process of voting except to challenge a voter as provided in this part.

(4) The counting poll watcher shall remain in the counting room, except in the case of necessity, until the close of the polls and may not divulge the progress of the count until the count is completed.

(5) (a) It is unlawful for a counting poll watcher to communicate in any manner, directly or indirectly, by word or sign, the progress of the count, the result so far, or any other information about the count.

(b) Any person who violates this subsection is guilty of a third degree felony.

(6) The inspecting poll watcher may be present in the office of the clerk or recorder to

whom ballots are delivered after elections to:

(a) inspect the condition of the packages containing the ballots upon their arrival; and

(b) observe the placement of these packages in a safe and secure place.

(7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any interested person may act as a testing watcher to observe a demonstration of logic and accuracy testing of the voting devices prior to the commencement of voting.

(b) The election officer shall give prior notice of the logic and accuracy testing demonstration at least two days prior to the date of the demonstration by publishing notice of the date, time, and location of the demonstration;

(i) until January 1, 2011, in at least one newspaper of general circulation in the jurisdiction holding the election[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(c) An election official shall provide, upon request, a copy of testing results to a testing watcher.

Section 115. Section **20A-3-603** is amended to read:

20A-3-603. Early voting polling places.

(1) The election officer shall designate one or more polling places for early voting, provided that:

(a) except as provided in Subsection (3), at least one polling place is open on each day that polls are open during the early voting period;

(b) each polling place meets the requirements for polling places under Chapter 5, Election Administration;

(c) for all elections other than local special elections, municipal primary elections, and municipal general elections, at least 10% of the voting devices at a polling place are accessible for individuals with disabilities in accordance with Public Law 107-252, the Help America Vote Act of 2002; and

(d) each polling place is located in a government building or office, unless the election officer determines that, in the area designated by the election officer, there is no government building or office available that:

(i) can be scheduled for use during early voting hours;

- (ii) has the physical facilities necessary to accommodate early voting requirements;
- (iii) has adequate space for voting equipment, poll workers, and voters; and
- (iv) has adequate security, public accessibility, and parking.

(2) (a) In the event the election officer determines that the number of early voting polling places is insufficient due to the number of registered voters who are voting, the election officer may designate additional polling places during the early voting period.

(b) If an additional early voting polling place is designated, the election officer shall, as soon as is reasonably possible, give notice of the dates, times, and location of the additional polling place by:

- (i) publishing the notice;

(A) until January 1, 2011, in one issue of a newspaper of general circulation in the county; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701; and

- (ii) posting the notice at the additional polling place.

(3) For each regular general election and regular primary election, counties of the first class shall ensure that:

(a) at least one polling place is located within each Utah State Senate district that is located wholly or partially within the county; and

(b) at least one polling place located within each district is open on each day that polls are open during the early voting period.

Section 116. Section **20A-3-604** is amended to read:

20A-3-604. Notice of time and place of early voting.

The election officer shall give notice of the dates, times, and locations of early voting by:

- (1) publishing the notice;

(a) until January 1, 2011, in one issue of a newspaper of general circulation in the county at least five calendar days before the date early voting begins; and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 at least five calendar days before the date early voting begins; and

- (2) posting the notice at each early voting polling place at least five calendar days

5112 before the date early voting begins.

5113 Section 117. Section **20A-5-101** is amended to read:

5114 **20A-5-101. Notice of election.**

5115 (1) On or before February 1 in each regular general election year, the lieutenant

5116 governor shall prepare and transmit a written notice to each county clerk that:

5117 (a) designates the offices to be filled at the regular general election;

5118 (b) identifies the dates for filing a declaration of candidacy for those offices; and

5119 (c) contains a description of any ballot propositions to be decided by the voters that

5120 have qualified for the ballot as of that date.

5121 (2) (a) No later than February 15, each county clerk shall:

5122 (i) publish a notice;

5123 (A) until January 1, 2011, once in a newspaper published in that county; [or] and

5124 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in

5125 Section 63F-1-701; or

5126 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to

5127 give notice of the election to the voters in each voting precinct within the county; and

5128 (B) prepare an affidavit of that posting, showing a copy of the notice and the places

5129 where the notice was posted.

5130 (b) The notice required by Subsection (2)(a) shall:

5131 (i) designate the offices to be voted on in that election in that county, other than local

5132 district offices; and

5133 (ii) identify the dates for filing a declaration of candidacy for those offices.

5134 (3) Before each election, the election officer shall give written or printed notice of:

5135 (a) the date and place of election;

5136 (b) the hours during which the polls will be open;

5137 (c) the polling places for each voting precinct; and

5138 (d) the qualifications for persons to vote in the election.

5139 (4) To provide the notice required by Subsection (3), the election officer shall publish

5140 the notice at least two days before the election;

5141 (a) until January 1, 2011, in a newspaper of general circulation common to the area or

5142 in which the election is being held[-]; and

5143 **(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in**
5144 **Section 63F-1-701.**

5145 Section 118. Section **20A-5-405** is amended to read:

5146 **20A-5-405. Election officer to provide ballots.**

5147 (1) In jurisdictions using paper ballots, each election officer shall:

5148 (a) provide printed official paper ballots and absentee ballots for every election of
5149 public officers in which the voters, or any of the voters, within the election officer's jurisdiction
5150 participate;

5151 (b) cause the name of every candidate whose nomination has been certified to or filed
5152 with the election officer in the manner provided by law to be printed on each official paper
5153 ballot and absentee ballot;

5154 (c) cause any ballot proposition that has qualified for the ballot as provided by law to
5155 be printed on each official paper ballot and absentee ballot;

5156 (d) ensure that the official paper ballots are printed and in the possession of the election
5157 officer before commencement of voting;

5158 (e) ensure that the absentee ballots are printed and in the possession of the election
5159 officer with sufficient time before commencement of voting;

5160 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
5161 be printed on each official paper ballot and absentee ballot;

5162 (g) allow candidates and their agents and the sponsors of ballot propositions that have
5163 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

5164 (h) cause sample ballots to be printed that are in the same form as official paper ballots
5165 and that contain the same information as official paper ballots but that are printed on different
5166 colored paper than official paper ballots;

5167 (i) ensure that the sample ballots are printed and in the possession of the election
5168 officer at least seven days before commencement of voting;

5169 (j) make the sample ballots available for public inspection by:

5170 (i) posting a copy of the sample ballot in his office at least seven days before
5171 commencement of voting;

5172 (ii) mailing a copy of the sample ballot to:

5173 (A) each candidate listed on the ballot; and

5174 (B) the lieutenant governor; and
5175 (iii) publishing a copy of the sample ballot immediately before the election;
5176 (A) until January 1, 2011, in at least one newspaper of general circulation in the
5177 jurisdiction holding the election; and
5178 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
5179 Section 63F-1-701;
5180 (k) deliver at least five copies of the sample ballot to poll workers for each polling
5181 place and direct them to post the sample ballots as required by Section 20A-5-102; and
5182 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough
5183 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting
5184 demands of the qualified voters in each voting precinct.
5185 (2) In jurisdictions using a punch card ballot, each election officer shall:
5186 (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot
5187 labels for every election of public officers in which the voters, or any of the voters, within the
5188 election officer's jurisdiction participate;
5189 (b) cause the name of every candidate who filed with the election officer in the manner
5190 provided by law or whose nomination has been certified to the election officer to be printed on
5191 each official ballot label;
5192 (c) cause each ballot proposition that has qualified for the ballot as provided by law to
5193 be printed on each official ballot label;
5194 (d) ensure that the official ballot labels are printed and in the possession of the election
5195 officer before the commencement of voting;
5196 (e) ensure that the absentee ballots are printed and in the possession of the election
5197 officer with sufficient time before commencement of voting;
5198 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
5199 be printed on each official ballot label and absentee ballot;
5200 (g) allow candidates and their agents and the sponsors of ballot propositions that have
5201 qualified for the official sample ballot to inspect the official sample ballot;
5202 (h) cause sample ballots to be printed that contain the same information as official
5203 ballot labels but that are distinguishable from official ballot labels;
5204 (i) ensure that the sample ballots are printed and in the possession of the election

5205 officer at least seven days before commencement of voting;

5206 (j) make the sample ballots available for public inspection by:

5207 (i) posting a copy of the sample ballot in his office at least seven days before

5208 commencement of voting;

5209 (ii) mailing a copy of the sample ballot to:

5210 (A) each candidate listed on the ballot; and

5211 (B) the lieutenant governor; and

5212 (iii) publishing a copy of the sample ballot immediately before the election;

5213 (A) until January 1, 2011, in at least one newspaper of general circulation in the

5214 jurisdiction holding the election; and

5215 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in

5216 Section 63F-1-701;

5217 (k) deliver at least five copies of the sample ballot to poll workers for each polling

5218 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5219 (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and

5220 instruction cards at the expense of the jurisdiction conducting the election.

5221 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer

5222 shall:

5223 (a) provide official ballot sheets and absentee ballot sheets for every election of public

5224 officers in which the voters, or any of the voters, within the election officer's jurisdiction

5225 participate;

5226 (b) cause the name of every candidate who filed with the election officer in the manner

5227 provided by law or whose nomination has been certified to or filed with the election officer to

5228 be printed on each official ballot and absentee ballot;

5229 (c) cause each ballot proposition that has qualified for the ballot as provided by law to

5230 be printed on each official ballot and absentee ballot;

5231 (d) ensure that the official ballots are printed and in the possession of the election

5232 officer before commencement of voting;

5233 (e) ensure that the absentee ballots are printed and in the possession of the election

5234 officer with sufficient time before commencement of voting;

5235 (f) cause any ballot proposition that has qualified for the ballot as provided by law to

5236 be printed on each official ballot and absentee ballot;

5237 (g) allow candidates and their agents and the sponsors of ballot propositions that have

5238 qualified for the official sample ballot to inspect the official sample ballot;

5239 (h) cause sample ballots to be printed that contain the same information as official

5240 ballots but that are distinguishable from the official ballots;

5241 (i) ensure that the sample ballots are printed and in the possession of the election

5242 officer at least seven days before commencement of voting;

5243 (j) make the sample ballots available for public inspection by:

5244 (i) posting a copy of the sample ballot in the election officer's office at least seven days

5245 before commencement of voting;

5246 (ii) mailing a copy of the sample ballot to:

5247 (A) each candidate listed on the ballot; and

5248 (B) the lieutenant governor; and

5249 (iii) publishing a copy of the sample ballot immediately before the election;

5250 (A) until January 1, 2011, in at least one newspaper of general circulation in the

5251 jurisdiction holding the election; and

5252 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in

5253 Section 63F-1-701;

5254 (k) deliver at least five copies of the sample ballot to poll workers for each polling

5255 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5256 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough

5257 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting

5258 demands of the qualified voters in each voting precinct.

5259 (4) In jurisdictions using electronic ballots, each election officer shall:

5260 (a) provide official ballots for every election of public officers in which the voters, or

5261 any of the voters, within the election officer's jurisdiction participate;

5262 (b) cause the name of every candidate who filed with the election officer in the manner

5263 provided by law or whose nomination has been certified to the election officer to be displayed

5264 on each official ballot;

5265 (c) cause each ballot proposition that has qualified for the ballot as provided by law to

5266 be displayed on each official ballot;

5267 (d) ensure that the official ballots are prepared and in the possession of the election
5268 officer before commencement of voting;

5269 (e) ensure that the absentee ballots are prepared and in the possession of the election
5270 officer with sufficient time before commencement of voting;

5271 (f) cause any ballot proposition that has qualified for the ballot as provided by law to
5272 be printed on each official ballot and absentee ballot;

5273 (g) allow candidates and their agents and the sponsors of ballot propositions that have
5274 qualified for the official sample ballot to inspect the official sample ballot;

5275 (h) cause sample ballots to be printed that contain the same information as official
5276 ballots but that are distinguishable from official ballots;

5277 (i) ensure that the sample ballots are printed and in the possession of the election
5278 officer at least seven days before commencement of voting;

5279 (j) make the sample ballots available for public inspection by:

5280 (i) posting a copy of the sample ballot in the election officer's office at least seven days
5281 before commencement of voting;

5282 (ii) mailing a copy of the sample ballot to:

5283 (A) each candidate listed on the ballot; and

5284 (B) the lieutenant governor; and

5285 (iii) publishing a copy of the sample ballot immediately before the election;

5286 (A) until January 1, 2011, in at least one newspaper of general circulation in the
5287 jurisdiction holding the election; and

5288 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
5289 Section 63F-1-701;

5290 (k) deliver at least five copies of the sample ballot to poll workers for each polling
5291 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5292 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the
5293 expense of the jurisdiction conducting the election.

5294 (5) (a) Each election officer shall, without delay, correct any error discovered in any
5295 official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the
5296 correction can be made without interfering with the timely distribution of the paper ballots,
5297 ballot labels, ballot sheets, or electronic ballots.

(b) (i) If the election officer discovers an error or omission in a paper ballot, ballot label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets before they are distributed at the polls.

(ii) If the election officer discovers an error or omission in an electronic ballot and it is not possible to correct the error or omission by revising the electronic ballot, the election officer shall direct the poll workers to post notice of each error or omission with instructions on how to correct each error or omission in a prominent position at each polling booth.

(c) (i) If the election officer refuses or fails to correct an error or omission in the paper ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may file a verified petition with the district court asserting that:

(A) an error or omission has occurred in:

(I) the publication of the name or description of a candidate;

(II) the preparation or display of an electronic ballot; or

(III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets;

and

(B) the election officer has failed to correct or provide for the correction of the error or omission.

(ii) The district court shall issue an order requiring correction of any error in a paper ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error should not be corrected if it appears to the court that the error or omission has occurred and the election officer has failed to correct it or failed to provide for its correction.

(iii) A party aggrieved by the district court's decision may appeal the matter to the Utah Supreme Court within five days after the decision of the district court.

Section 119. Section **20A-7-204.1** is amended to read:

20A-7-204.1. Public hearings to be held before initiative petitions are circulated.

(1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of Planning and Budget and before circulating initiative petitions for signature statewide, sponsors of the initiative petition shall hold at least seven public hearings throughout Utah as follows:

(i) one in the Bear River region -- Box Elder, Cache, or Rich County;

5329 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington
5330 County;

5331 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

5332 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne
5333 County;

5334 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

5335 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

5336 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber
5337 County.

5338 (b) Of the seven meetings, at least two of the meetings must be held in a first or second
5339 class county, but not in the same county.

5340 (2) At least three calendar days before the date of the public hearing, the sponsors
5341 shall:

5342 (a) provide written notice of the public hearing to:

5343 (i) the lieutenant governor for posting on the state's website; and

5344 (ii) each state senator, state representative, and county commission or county council
5345 member who is elected in whole or in part from the region where the public hearing will be
5346 held; and

5347 (b) publish written notice of the public hearing detailing its time, date, and location:

5348 (i) until January 1, 2011, in at least one newspaper of general circulation in each county
5349 in the region where the public hearing will be held[-]; and

5350 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
5351 Section 63F-1-701.

5352 (3) (a) During the public hearing, the sponsors shall either:

5353 (i) video tape or audio tape the public hearing and, when the hearing is complete,
5354 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

5355 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of
5356 each speaker and summarizing each speaker's comments.

5357 (b) The lieutenant governor shall make copies of the tapes or minutes available to the
5358 public.

5359 Section 120. Section **20A-9-203** is amended to read:

5360 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5361 (1) (a) (i) A person may become a candidate for any municipal office if:

5362 (A) the person is a registered voter; and

5363 (B) (I) the person has resided within the municipality in which that person seeks to
5364 hold elective office for the 12 consecutive months immediately before the date of the election;
5365 or5366 (II) if the territory in which the person resides was annexed into the municipality, the
5367 person has resided within the annexed territory or the municipality the 12 consecutive months
5368 immediately before the date of the election.5369 (ii) For purposes of determining whether a person meets the residency requirement of
5370 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before
5371 the election, the municipality shall be considered to have been incorporated 12 months before
5372 the date of the election.5373 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal
5374 council position shall, if elected from a district, be a resident of the council district from which
5375 elected.5376 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally
5377 incompetent person, any person convicted of a felony, or any person convicted of treason or a
5378 crime against the elective franchise may not hold office in this state until the right to hold
5379 elective office is restored under Section 20A-2-101.5.5380 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to
5381 become a candidate for a municipal office shall:5382 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during
5383 office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year;
5384 and

5385 (ii) pay the filing fee, if one is required by municipal ordinance.

5386 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of
5387 persons registered to vote in the municipality on the January 1 of the municipal election year.5388 (ii) A third, fourth, or fifth class city that used the convention system to nominate
5389 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the
5390 process contained in this Subsection (2)(b) in the last municipal election or a town that used the

convention system to nominate candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last municipal election may, by ordinance, require, in lieu of the convention system, that candidates for municipal office file a nominating petition signed by a percentage of registered voters at the same time that the candidate files a declaration of candidacy.

(iii) The ordinance shall specify the number of signatures that the candidate must obtain on the nominating petition in order to become a candidate for municipal office under this Subsection (2), but that number may not exceed 5% of registered voters.

(c) Any resident of a municipality may nominate a candidate for a municipal office by:

(i) filing a nomination petition with the city recorder or town clerk during office hours, but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and

(ii) paying the filing fee, if one is required by municipal ordinance.

(3) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:

(i) read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and

(ii) require the candidate or person filing the petition to state whether or not the candidate meets those requirements.

(b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.

(c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:

(i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;

(ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;

(iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);

(iv) provide the candidate with a copy of the pledge of fair campaign practices

5422 described under Section 20A-9-206 and inform the candidate that:

5423 (A) signing the pledge is voluntary; and

5424 (B) signed pledges shall be filed with the filing officer; and

5425 (v) accept the declaration of candidacy or nomination petition.

5426 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing
5427 officer shall:

5428 (i) accept the candidate's pledge; and

5429 (ii) if the candidate has filed for a partisan office, provide a certified copy of the
5430 candidate's pledge to the chair of the county or state political party of which the candidate is a
5431 member.

5432 (4) The declaration of candidacy shall substantially comply with the following form:

5433 "I, (print name) ____, being first sworn, say that I reside at ____ Street, City of ____,
5434 County of ____, state of Utah, Zip Code ____, Telephone Number (if any) ____; that I am a
5435 registered voter; and that I am a candidate for the office of ____ (stating the term). I will meet
5436 the legal qualifications required of candidates for this office. I will file all campaign financial
5437 disclosure reports as required by law and I understand that failure to do so will result in my
5438 disqualification as a candidate for this office and removal of my name from the ballot. I
5439 request that my name be printed upon the applicable official ballots. (Signed)

5440 _____

5441 Subscribed and sworn to (or affirmed) before me by ____ on this

5442 _____(month\day\year).

5443 (Signed) _____ (Clerk or other officer qualified to administer oath)"

5444 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that
5445 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not
5446 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated
5447 for municipal office by submitting a petition signed by:

5448 (i) 25 residents of the municipality who are at least 18 years old; or

5449 (ii) 20% of the residents of the municipality who are at least 18 years old.

5450 (b) (i) The petition shall substantially conform to the following form:

5451 "NOMINATION PETITION

5452 The undersigned residents of (name of municipality) being 18 years old or older

5453 nominate (name of nominee) to the office of ____ for the (two or four-year term, whichever is
5454 applicable)."

5455 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5456 persons signing the petition and their addresses and telephone numbers.

5457 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized
5458 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection
5459 (2)(b), any registered voter may be nominated for municipal office by submitting a petition
5460 signed by the same percentage of registered voters in the municipality as required by the
5461 ordinance passed under authority of Subsection (2)(b).

5462 (b) (i) The petition shall substantially conform to the following form:

5463 "NOMINATION PETITION

5464 The undersigned residents of (name of municipality) being 18 years old or older
5465 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,
5466 whichever is applicable)."

5467 (ii) The remainder of the petition shall contain lines and columns for the signatures of
5468 persons signing the petition and their addresses and telephone numbers.

5469 (7) If the declaration of candidacy or nomination petition fails to state whether the
5470 nomination is for the two or four-year term, the clerk shall consider the nomination to be for
5471 the four-year term.

5472 (8) (a) The clerk shall verify with the county clerk that all candidates are registered
5473 voters.

5474 (b) Any candidate who is not registered to vote is disqualified and the clerk may not
5475 print the candidate's name on the ballot.

5476 (9) Immediately after expiration of the period for filing a declaration of candidacy, the
5477 clerk shall:

5478 (a) cause the names of the candidates as they will appear on the ballot to be published;

5479 (i) until January 1, 2011, in at least two successive publications of a newspaper with
5480 general circulation in the municipality; and

5481 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
5482 Section 63F-1-701; and

5483 (b) notify the lieutenant governor of the names of the candidates as they will appear on

5484 the ballot.

5485 (10) A declaration of candidacy or nomination petition filed under this section may not
5486 be amended after the expiration of the period for filing a declaration of candidacy.

5487 (11) (a) A declaration of candidacy or nomination petition filed under this section is
5488 valid unless a written objection is filed with the clerk within five days after the last day for
5489 filing.

5490 (b) If an objection is made, the clerk shall:

5491 (i) mail or personally deliver notice of the objection to the affected candidate
5492 immediately; and

5493 (ii) decide any objection within 48 hours after it is filed.

5494 (c) If the clerk sustains the objection, the candidate may correct the problem by
5495 amending the declaration or petition within three days after the objection is sustained or by
5496 filing a new declaration within three days after the objection is sustained.

5497 (d) (i) The clerk's decision upon objections to form is final.

5498 (ii) The clerk's decision upon substantive matters is reviewable by a district court if
5499 prompt application is made to the district court.

5500 (iii) The decision of the district court is final unless the Supreme Court, in the exercise
5501 of its discretion, agrees to review the lower court decision.

5502 (12) Any person who filed a declaration of candidacy and was nominated, and any
5503 person who was nominated by a nomination petition, may, any time up to 23 days before the
5504 election, withdraw the nomination by filing a written affidavit with the clerk.

5505 Section 121. Section **23-21-1.5** is amended to read:

5506 **23-21-1.5. Acquisition of real property held in private ownership -- Published**
5507 **notice and governor's approval required.**

5508 (1) The Division of Wildlife Resources may not acquire title to real property held in
5509 private ownership without first:

5510 (a) publishing a notice of the proposed acquisition:

5511 (i) until January 1, 2011, in a newspaper of general circulation in the county in which
5512 the property is located; and

5513 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
5514 Section 63F-1-701; and

(b) obtaining the approval of the governor.

(2) The requirements of Subsection (1) apply whether title to real property held in private ownership is acquired through a purchase, donation, or other means.

(3) In the case of a proposed purchase of private property, the notice may be published after earnest money is paid.

(4) The published notice shall inform the public regarding:

(a) the proposed use of the land;

(b) any conditions on the acquisition of the land placed by donors, the federal government, sellers, or others specifying how the land must be used;

(c) any changes to existing land uses that are anticipated; and

(d) the public comment submission process for comments on the proposed acquisition.

(5) The governor shall:

(a) submit a notification of the proposed acquisition to:

(i) the county executive of the county in which the property is located;

(ii) the legislators of the legislative districts in which the lands are located; and

(iii) the School and Institutional Trust Lands Administration; and

(b) invite those notified to submit any comments on the proposed acquisition.

(6) After considering comments on the proposed acquisition, the governor may approve the acquisition in whole or in part or disapprove the acquisition.

Section 122. Section **24-1-4** is amended to read:

24-1-4. Civil Procedures.

(1) An agency which seizes property under any provision of state law subjecting the property to forfeiture shall, as soon as practicable, but in no case more than 30 days after seizure:

(a) prepare a detailed inventory of all property seized and transfer the seized property to a designated official within the agency, who shall be responsible for holding and maintaining seized property pending a court order of release or final determination of forfeiture and disposition of property under this chapter;

(b) notify the prosecuting attorney for the appropriate jurisdiction who is responsible for initiating forfeiture proceedings under this chapter of the items of property seized, the place of the seizure and any persons arrested at the time of seizure; and

5546 (c) give written notice to all owners and interest holders known, or reasonably
5547 discoverable after due diligence, of:

5548 (i) the date of the seizure and the property seized;

5549 (ii) the owner's or interest holder's rights and obligations under this chapter, including
5550 the availability of hardship relief in appropriate circumstances; and

5551 (iii) a brief description of the statutory basis for the forfeiture and the judicial
5552 proceedings by which property is forfeited under this chapter.

5553 (2) (a) If the seizing agency fails to provide notice as required in Subsection (1), an
5554 owner or interest holder entitled to notice who does not receive notice may void the forfeiture
5555 with respect to the owner's or interest holder's interest in the property by bringing a motion
5556 before the appropriate district court and serving it upon the seizing agency. The motion may be
5557 brought at any time prior to the final disposition of the property under this chapter.

5558 (b) If an owner or interest holder brings a motion to void the forfeiture for lack of the
5559 notice required under Subsection (1), the court shall void the forfeiture unless the seizing
5560 agency demonstrates:

5561 (i) good cause for the failure to give notice to that owner; or

5562 (ii) that the owner otherwise had actual notice of the seizure.

5563 (3) (a) Within 60 days of any seizure, the prosecuting attorney shall file a complaint for
5564 forfeiture in the appropriate district court and serve a summons and notice of intent to seek
5565 forfeiture with a copy of the complaint upon all owners and interest holders known to the
5566 prosecuting attorney to have an interest in the property. Service shall be by one of the
5567 following methods:

5568 (i) if the owner's or interest holder's name and current address are known, either by
5569 personal service by any person qualified to serve process, by a law enforcement officer, or by
5570 certified mail, return receipt requested, to that address;

5571 (ii) if the owner's or interest holder's name and address are required by law to be on
5572 record with any state agency in order to perfect an interest in property and the owner's or
5573 interest holder's current address is not known, by mailing a copy of the notice by certified mail,
5574 return receipt requested, to the most recent address listed by any of those agencies; or

5575 (iii) if the owner's or interest holder's address is not known and is not on record as
5576 provided in Subsection (3)(a)(i) or (ii), by publication;

5577 (A) until January 1, 2011, for two successive weeks in a newspaper of general
5578 circulation in the county in which the seizure occurred[-]; and

5579 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
5580 Section 63F-1-701 for two successive weeks.

5581 (b) Notice is effective upon the earlier of personal service, publication, or the mailing
5582 of a written notice.

5583 (c) The summons and notice of intent to seek forfeiture shall:

5584 (i) be addressed to the known owners and interest holders of the seized property, and to
5585 the person from whom the property was seized;

5586 (ii) contain the name, business address, and business telephone number of the
5587 prosecuting attorney seeking the forfeiture; and

5588 (iii) contain:

5589 (A) a description of the property which is the subject matter of the forfeiture
5590 proceeding;

5591 (B) notice that a complaint for forfeiture has been or will be filed;

5592 (C) the time and procedural requirements for filing an answer or claim;

5593 (D) notice of the availability of hardship or bond release of the property; and

5594 (E) notice that failure to file an answer or other claim regarding the seized property will
5595 result in a default judgment against the seized property.

5596 (d) The complaint shall describe with reasonable particularity:

5597 (i) the property which is the subject matter of the forfeiture proceeding;

5598 (ii) the date and place of seizure; and

5599 (iii) the allegations which constitute a basis for forfeiture.

5600 (4) (a) If the prosecuting attorney does not timely file a complaint for forfeiture of the
5601 property in accordance with Subsection (3), the agency shall promptly return the property to its
5602 owner and the prosecuting attorney may take no further action to effect the forfeiture of the
5603 property.

5604 (b) If the agency knows of more than one owner, it shall return the property to the
5605 owner who was in possession at the time of the seizure.

5606 (5) (a) In any case where the prosecuting attorney files a complaint for forfeiture of
5607 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) Notice of the request for proposals [~~must~~] shall be published:

(i) until January 1, 2011:

(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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 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

5639 conference for the proposers to submit proposals.

5640 (c) Subsequent to the presubmission conference, the political subdivision may issue
5641 addenda to the request for proposals. An addenda to a request for proposal must be finalized
5642 and posted by the political subdivision at least 45 days prior to the date on which the proposal
5643 must be submitted.

5644 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with
5645 respect to any opportunity for discussion and revisions of proposals, and revisions may be
5646 permitted after submission and before a contract is awarded for the purpose of obtaining best
5647 and final offers.

5648 (e) In conducting discussions, there shall be no disclosures of any information derived
5649 from proposals submitted by competing offerors.

5650 (3) (a) (i) A political subdivision may select an applicant approved by the department
5651 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the
5652 most responsible offeror as defined in Subsection 63G-6-103(24).

5653 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose
5654 proposal is determined in writing to be the most advantageous to the political subdivision,
5655 taking into consideration price and the evaluation factors set forth in the request for proposal.

5656 (b) The applicants who are approved under Section 26-8a-405 and who are selected
5657 under this section may be the political subdivision issuing the request for competitive sealed
5658 proposals, or any other public entity or entities, any private person or entity, or any
5659 combination thereof.

5660 (c) A political subdivision may reject all of the competitive proposals.

5661 (4) In seeking competitive sealed proposals and awarding contracts under this section,
5662 a political subdivision:

5663 (a) shall apply the public convenience and necessity factors listed in Subsections
5664 26-8a-408(2) through (6);

5665 (b) shall require the applicant responding to the proposal to disclose how the applicant
5666 will meet performance standards in the request for proposal;

5667 (c) may not require or restrict an applicant to a certain method of meeting the
5668 performance standards, including:

5669 (i) requiring ambulance medical personnel to also be a firefighter; or

5670 (ii) mandating that offerors use fire stations or dispatch services of the political
5671 subdivision;

5672 (d) (i) shall require an applicant to submit the proposal based on full cost accounting in
5673 accordance with generally accepted accounting principals; and

5674 (ii) if the applicant is a governmental entity, in addition to the requirements of
5675 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and
5676 in compliance with the State of Utah Legal Compliance Audit Guide; and

5677 (e) shall set forth in the request for proposal:

5678 (i) the method for determining full cost accounting in accordance with generally
5679 accepted accounting principles, and require an applicant to submit the proposal based on such
5680 full cost accounting principles;

5681 (ii) guidelines established to further competition and provider accountability; and

5682 (iii) a list of the factors that will be considered by the political subdivision in the award
5683 of the contract, including by percentage, the relative weight of the factors established under this
5684 Subsection (4)(e), which may include such things as:

5685 (A) response times;

5686 (B) staging locations;

5687 (C) experience;

5688 (D) quality of care; and

5689 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

5690 (5) (a) Notwithstanding the provisions of Subsection 63G-6-104(3), the provisions of
5691 Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies, apply to the procurement
5692 process required by this section, except as provided in Subsection (5)(c).

5693 (b) The Procurement Appeals Board created in Section 63G-6-807 shall have
5694 jurisdiction to review and determine an appeal of an offeror under this section in the same
5695 manner as provided in Section 63G-6-810.

5696 (c) (i) An offeror may appeal the solicitation or award as provided by the political
5697 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror
5698 may appeal under the provisions of Subsections (5)(a) and (b).

5699 (ii) The factual determination required by Subsection 63G-6-813(1) shall be based on
5700 whether the solicitation or award was made in accordance with the procedures set forth in this

5701 section and Section 26-8a-405.2.

5702 (d) The determination of an issue of fact by the appeals board shall be final and
5703 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section
5704 63G-6-813.

5705 Section 124. Section **26-8a-406** is amended to read:

5706 **26-8a-406. Ground ambulance and paramedic licenses -- Parties.**

5707 (1) When an applicant approved under Section 26-8a-404 seeks licensure under the
5708 provisions of Sections 26-8a-406 through 26-8a-409, the department shall:

5709 (a) issue a notice of agency action to the applicant to commence an informal
5710 administrative proceeding;

5711 (b) provide notice of the application to all interested parties; and

5712 (c) publish notice of the application, at the applicant's expense[;];

5713 (i) until January 1, 2011, once a week for four consecutive weeks, in a newspaper of
5714 general circulation in the geographic service area that is the subject of the application[-]; and

5715 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
5716 Section 63F-1-701 for four consecutive weeks.

5717 (2) An interested party has 30 days to object to an application.

5718 (3) If an interested party objects, the presiding officer must join the interested party as
5719 an indispensable party to the proceeding.

5720 (4) The department may join the proceeding as a party to represent the public interest.

5721 (5) Others who may be affected by the grant of a license to the applicant may join the
5722 proceeding, if the presiding officer determines that they meet the requirement of legal standing.

5723 Section 125. Section **26-19-6** is amended to read:

5724 **26-19-6. Action by department -- Notice to recipient.**

5725 (1) (a) Within 30 days after commencing an action under Subsection 26-19-5(3), the
5726 department shall give the recipient, his guardian, personal representative, trustee, estate, or
5727 survivor, whichever is appropriate, written notice of the action by:

5728 (i) personal service or certified mail to the last known address of the person receiving
5729 the notice; or

5730 (ii) if no last-known address is available, by publishing a notice;

5731 (a) until January 1, 2011, once a week for three successive weeks in a newspaper of

general circulation in the county where the recipient resides[-]; and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three successive weeks.

(b) Proof of service shall be filed in the action.

(c) The recipient may intervene in the department's action at any time before trial.

(2) The notice required by Subsection (1) shall name the court in which the action is commenced and advise the recipient of:

(a) the right to intervene in the proceeding;

(b) the right to obtain a private attorney; and

(c) the department's right to recover medical assistance directly from the third party.

Section 126. Section **31A-2-303** is amended to read:

31A-2-303. Notice.

(1) If the commissioner determines that the number of persons affected by a proposed action is so great as to render it impracticable to serve each person affected with a copy of an 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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 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

(iii) as determined by the receivership court, former policyholders and other creditors; and

(c) by ~~one-time~~ publication:

(i) until January 1, 2011, once in a newspaper of general circulation in:

~~[(†)]~~ (A) the county in which the insurer has its principal place of business; and

~~[(†)]~~ (B) other locations that the liquidator considers appropriate~~[-]; and~~

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(2) The notice of the entry of an order of liquidation shall contain or provide directions for obtaining the following information:

(a) a statement that the insurer has been placed in liquidation;

(b) a statement:

(i) explaining that certain acts are stayed under Section 31A-27a-108; and

(ii) describing any additional injunctive relief ordered by the receivership court;

(c) a statement whether, and to what extent, the insurer's policies continue in effect;

(d) to the extent applicable, a statement that coverage by guaranty associations may be available for all or part of policy benefits in accordance with applicable state guaranty laws;

(e) a statement of:

(i) the deadline for filing claims, if established; and

5794 (ii) the requirements for filing a proof of claim pursuant to Section 31A-27a-601 on or
5795 before that date;

5796 (f) a statement of the date, time, and location of any initial status hearing scheduled at
5797 the time the notice is sent;

5798 (g) a description of the process for obtaining notice of matters before the receivership
5799 court; and

5800 (h) other information as the liquidator or the receivership court considers appropriate.

5801 (3) If notice is given in accordance with this section, the distribution of property of the
5802 insurer under this chapter is conclusive with respect to all claimants, whether or not the
5803 claimant received notice.

5804 (4) (a) Notwithstanding the other provisions of this section, the liquidator has no duty
5805 to locate any person if:

5806 (i) no address is found in the records of the insurer; or

5807 (ii) a mailing is returned to the liquidator because of inability to deliver at the address
5808 shown in the insurer's records.

5809 (b) In the circumstances described in Subsection (4)(a), the notice by publication as
5810 required by this chapter or actual notice received is sufficient notice.

5811 (c) Written certification by the liquidator or other knowledgeable person acting for the
5812 liquidator that a notice is deposited in the United States mail, postage prepaid, or that the notice
5813 is electronically transmitted is prima facie evidence of mailing and receipt.

5814 (d) A claimant has a duty to keep the liquidator informed of any change of address.

5815 (5) Notwithstanding Subsection (1):

5816 (a) upon application of the liquidator, the receivership court may find that notice by
5817 publication as required in this section is sufficient notice to those persons holding an
5818 occurrence policy:

5819 (i) that expired more than four years before the day on which the order of liquidation is
5820 entered; and

5821 (ii) under which there are no pending claims; or

5822 (b) the receivership court may order other notice to those persons that the receivership
5823 court considers appropriate.

5824 Section 128. Section **38-2-3.2** is amended to read:

38-2-3.2. Sale of unclaimed personal property.

(1) Any garments, clothing, shoes, wearing apparel or household goods, remaining in the possession of a person, on which cleaning, pressing, glazing, laundry or washing or repair work has been done or upon which alterations or repairs have been made or on which materials or supplies have been used or furnished by said person holding possession thereof, for a period of 90 days or more after the completion of such services or labors, may be sold by 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) until January 1, 2011, 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

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for at least 20 days before the date of sale.

(ii) Such notice constitutes notice as required in this section if notice cannot be mailed as provided in Subsection (3)(b)(i).

(iii) The costs of one such publication shall be added to the charges.

(4) (a) The person to whom the charges are payable and owing shall from the proceeds of the sale, deduct the charges due plus the costs of notifying the owner or owners and shall immediately thereafter mail to the owner or owners thereof at their address, if known, a notice of the holding of such sale and the amount of the overplus, if any, due the owner or owners. At any time within 12 months after such notice, such person shall, upon demand by the owner or owners, pay to the owner or owners such overplus in his hands.

(b) If no such demand is made within such 12-month period, or, if the address of the owner or owners is unknown and no demand is made by the owner or owners within 12 months after the date of sale, then such overplus shall become the property of a person who has performed the services or labors as provided in Subsection (1).

(5) Each person taking advantage of this section must keep posted in a prominent place in his receiving office or offices at all times two notices which shall read as follows:

"All articles, cleaned, pressed, glazed, laundered, washed, altered, or repaired, and not called for in 90 days will be sold to pay charges."

"All articles stored by agreement and charges not having been paid for 12 months will be sold to pay charges."

(6) The rights and benefits provided for in this section shall be and are in addition to the rights and benefits provided for in Section 38-2-4.

Section 129. Section **38-8-3** is amended to read:

38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.

A claim of an owner which has become due against an occupant and which is secured

5887 by the owner's lien may be satisfied as follows:

5888 (1) No enforcement action may be taken by the owner until the occupant has been in
5889 default continuously for a period of 30 days.

5890 (2) After the occupant has been in default continuously for a period of 30 days, the
5891 owner may begin enforcement action if the occupant has been given notice in writing. The
5892 notice shall be delivered in person or sent by certified mail to the last known address of the
5893 occupant, and a copy of the notice shall, at the same time, be sent to the sheriff of the county
5894 where the self-service storage facility is located. Any lienholder with an interest in the property
5895 to be sold or otherwise disposed of, of whom the owner has knowledge either through the
5896 disclosure provision on the rental agreement or through the existence of a validly filed and
5897 perfected UCC-1 financing statement with the Division of Corporations and Commercial Code,
5898 or through other written notification, shall be included in the notice process as set forth in this
5899 section.

5900 (3) This notice shall include:

5901 (a) an itemized statement of the owner's claim showing the sum due at the time of the
5902 notice and the date when the sum became due;

5903 (b) a brief and general description of the personal property subject to the lien, which
5904 description shall be reasonably adequate to permit the person notified to identify the property;
5905 except that any container including, but not limited to, a trunk, valise, or box that is locked,
5906 fastened, sealed, or tied in a manner which deters immediate access to its contents may be
5907 described as such without describing its contents;

5908 (c) a notification of denial of access to the personal property, if such denial is permitted
5909 under the terms of the rental agreement, which notification shall provide the name, street
5910 address, and telephone number of the owner or his designated agent whom the occupant may
5911 contact to respond to the notification;

5912 (d) a demand for payment within a specified time not less than 15 days after delivery of
5913 the notice; and

5914 (e) a conspicuous statement that, unless the claim is paid within the time stated in the
5915 notice, the personal property will be advertised for sale or other disposition and will be sold or
5916 otherwise disposed of at a specified time and place.

5917 (4) Any notice made under this section shall be presumed delivered when it is

deposited with the United States postal service and properly addressed with postage prepaid.

(5) (a) After the expiration of the time given in the notice, an advertisement of the sale or other disposition shall be published:

(i) until January 1, 2011, once a week for two consecutive weeks in a newspaper of general circulation in the county where the self-service storage facility is located[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two consecutive weeks.

(b) The advertisement described in Subsection (5)(a) shall include:

(i) a brief and general description of the personal property reasonably adequate to permit its identification as provided for in Subsection (3)(b); the address of the self-service storage facility and the number, if any, of the space where the personal property is located; and the name of the occupant and his last known address; and

(ii) the time, place, and manner of the sale or other disposition, which sale or other disposition shall take place not sooner than 15 days after the first publication.

~~[(b) If there is no newspaper of general circulation in the county where the self-service storage facility is located, the]~~

(c) The advertisement shall also be posted at least ten days before the date of the sale or other disposition in not less than six conspicuous places in the neighborhood where the self-service storage facility is located.

(6) Any sale or other disposition of the personal property shall conform to the terms of the notice provided for in this section.

(7) Any sale or other disposition of the personal property shall be held at the self-service storage facility or at the nearest suitable place to where the personal property is held or stored.

(8) Before any sale or other disposition of personal property under this section, the occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred under this section and thereby redeem the personal property; upon receipt of this payment, the owner shall return the personal property, and thereafter the owner shall have no 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 corresponding agencies of any state in which the aircraft appears registered; and

(B) that is known by the repairman;

(c) the notice required by Subsection (1)(b) is sent by certified mail at least 30 days before the proposed or scheduled date of any sale; and

(d) the notice required by Subsection (1)(b) contains:

5980 (i) a description of the aircraft and its location;
5981 (ii) the name and address of each person described in Subsection (1)(b);
5982 (iii) the name, address, and telephone number of the repairman;
5983 (iv) notice:
5984 (A) that the repairman has a foreclosure judgment against the aircraft for the amount
5985 stated in the judgment;
5986 (B) of the cash sum which, if paid to the repairman would be sufficient to redeem the
5987 aircraft from the lien claimed by the repairman;
5988 (C) that the lien claimed by the repairman is subject to enforcement under this chapter;
5989 and
5990 (D) that the aircraft may be sold to satisfy the lien;
5991 (v) the date, time, and location of any proposed or scheduled sale of the aircraft;
5992 (vi) notice as to whether the sale is private or public; and
5993 (vii) notice that the owner of the aircraft or other person entitled to possession of the
5994 aircraft has a right to recover possession of the aircraft without instituting judicial proceedings
5995 by posting a bond in accordance with Section 38-13-206.
5996 (2) (a) The repairman shall at least 20 days before the proposed or scheduled date of
5997 sale of the aircraft publish the notice required by this section [~~once in a newspaper circulated in~~
5998 ~~the county where the aircraft is held~~] if:
5999 [~~(a)~~] (i) the owner of the aircraft is unknown;
6000 [~~(b)~~] (ii) the whereabouts of the owner of the aircraft cannot be determined; or
6001 [~~(c)~~] (iii) the owner of the aircraft or any person notified under Subsection (1)(b) fails
6002 to acknowledge receipt of the notice.
6003 (b) The notice described in Subsection (2)(a) shall be:
6004 (i) until January 1, 2011, published once at least 20 days before the proposed or
6005 scheduled date of sale of the aircraft in a newspaper circulated in the county where the aircraft
6006 is held; and
6007 (ii) beginning on January 1, 2011, published on the Utah Public Notice Website as
6008 described in Section 63F-1-701 at least 20 days before the proposed or scheduled date of sale
6009 of the aircraft.
6010 (3) (a) An aircraft subject to lien enforcement under this chapter may be sold by the

6011 repairman at public or private sale.

6012 (b) Notwithstanding Subsection (3)(a), in the case of a private sale, every aspect of the
6013 sale, including the method, manner, time, place, and terms shall be commercially reasonable.

6014 (4) This section may not be construed to affect an owner's right to redeem the owner's
6015 aircraft from the lien at any time prior to sale by paying the amount claimed by the repairman
6016 for:

6017 (a) work performed;

6018 (b) materials;

6019 (c) interest;

6020 (d) storage fees charged; and

6021 (e) any costs incurred by the repairman for using enforcement procedures under this
6022 chapter, including ~~[attorneys']~~ attorney fees.

6023 (5) The proceeds of a sale under this section shall be distributed as follows:

6024 (a) amounts owed persons having a security interest or lien on the aircraft shall be paid
6025 in the order that they have priority in accordance with Section 38-13-205; and

6026 (b) the amount remaining after the amount described in Subsection (5)(a) is paid shall
6027 be paid to the owner of the aircraft before the sale of the aircraft under this section.

6028 (6) An aircraft against which a lien is filed may not be sold earlier than the later of:

6029 (a) 45 days after the last day on which the repairman makes, alters, repairs, or performs
6030 labor on the aircraft; or

6031 (b) 30 days from the date on which the repairman sends notice of the lien in accordance
6032 with Section 38-12-102.

6033 Section 131. Section **39-1-15** is amended to read:

6034 **39-1-15. Adjutant general -- Disposition of unserviceable property.**

6035 (1) All military property of the state, which after proper inspection shall be found
6036 unserviceable, shall, under the direction of the governor, be disposed of by the adjutant general
6037 at public or private sale as he may ~~[deem]~~ consider advisable~~[- provided, that where such~~
6038 ~~property shall be deemed by]~~.

6039 (2) (a) If the inspecting officer ~~[to exceed]~~ decides that the value of the property
6040 described in Subsection (1) exceeds \$50 in value, [such] the sale in accordance with Subsection
6041 (1) shall be made after [ten days' notice] notice is published:

(i) until January 1, 2011, ten days before the sale in a newspaper published in the county where [such sale is to be made; and if] the sale will occur; and

(ii) beginning on January 1, 2011, for ten days before the sale on the Utah Public Notice Website as described in Section 63F-1-701.

(b) If such unserviceable property shall be found by the inspecting officer to be of no actual value, it shall be destroyed under the direction of the adjutant general.

Section 132. Section **40-6-10** is amended to read:

40-6-10. Procedures -- Adjudicative proceedings -- Emergency orders -- Hearing examiners.

(1) (a) The Board of Oil, Gas, and Mining and the Division of Oil, Gas, and Mining shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act, in their adjudicative proceedings.

(b) The board shall enact rules governing its practice and procedure that are not inconsistent with Title 63G, Chapter 4, Administrative Procedures Act.

(2) When an emergency requiring immediate action is found by the division director or any board member to exist, the division director or board member may issue an emergency order according to the requirements and procedures of Title 63G, Chapter 4, Administrative Procedures Act.

(3) ~~[Any]~~ A notice required by this chapter, except as otherwise provided, shall be:

(a) given at the election of the board either by personal service; or

(b) (i) until January 1, 2011:

(A) by one publication in a daily newspaper of general circulation in the city of Salt Lake and county of Salt Lake, Utah[;]; and

(B) in all newspapers of general circulation published in the county where the land is affected, or some part of the land is situated[;]; and

(ii) beginning on January 1, 2011, by publication on the Utah Public Notice Website as described in Section 63F-1-701.

(4) (a) Any order made by the board is effective on issuance.

(b) All rules and orders issued by the board shall be:

(i) in writing;

(ii) entered in full in books to be kept by the board for that purpose;

6073 (iii) indexed; and
6074 (iv) public records open for inspection at all times during reasonable office hours.
6075 (c) A copy of any rule, finding of fact, or order, certified by the board or by the division
6076 director, shall be received in evidence in all courts of this state with the same effect as the
6077 original.

6078 (5) The board may act upon its own motion or upon the petition of any interested
6079 person.

6080 (6) (a) The board may appoint a hearing examiner to take evidence and to recommend
6081 findings of fact and conclusions of law to the board.

6082 (b) Any member of the board, division staff, or any other person designated by the
6083 board may serve as a hearing examiner.

6084 (c) The board may enter an order based on the recommendations of the examiner.

6085 Section 133. Section **40-8-8** is amended to read:

6086 **40-8-8. Board authority to act -- Entry of order -- Confidential data.**

6087 (1) The board may:

6088 (a) file a notice of agency action; or
6089 (b) respond to a request for agency action initiated by an affected person.

6090 (2) (a) The board shall enter its order within 60 days after the hearing.

6091 (b) All orders entered by the board shall be:

6092 (i) entered in books to be kept by the board for that purpose;
6093 (ii) indexed; and
6094 (iii) public records open for inspection at all times during reasonable office hours.

6095 (c) Confidential data disclosed under this chapter shall be protected and not become
6096 public records, except as provided in ~~[Subsection]~~ Section 40-8-13[(2)].

6097 Section 134. Section **40-8-10** is amended to read:

6098 **40-8-10. Notice.**

6099 Except as otherwise provided in this chapter, any notification required by this chapter
6100 shall be:

6101 (1) given by the board or division by personal service to individuals directly affected;
6102 and
6103 (2) until January 1, 2011;

6104 (a) by one publication in a daily newspaper of general circulation in Salt Lake City,
6105 Utah[-]; and

6106 (b) in all newspapers of general circulation published in the county or counties in
6107 which the land affected is situated[-]; and

6108 (3) beginning on January 1, 2011, by publication on the Utah Public Notice Website as
6109 described in Section 63F-1-701.

6110 Section 135. Section **40-8-13** is amended to read:

6111 **40-8-13. Notice of intention required prior to mining operations -- Assurance of**
6112 **reclamation required in notice of intention -- When contents confidential -- Approval of**
6113 **notice of intention not required for small mining operations -- Procedure for reviewing**
6114 **notice of intention.**

6115 (1) (a) Before any operator begins mining operations, or continues mining operations
6116 pursuant to Section 40-8-23, the operator shall file a notice of intention for each individual
6117 mining operation with the division.

6118 (b) The notice of intention referred to in Subsection (1)(a) shall include:

6119 (i) identification of all owners of any interest in a mineral deposit, including any
6120 ownership interest in surface land affected by the notice;

6121 (ii) copies of underground and surface mine maps;

6122 (iii) locations of drill holes;

6123 (iv) accurate area maps of existing and proposed operations; and

6124 (v) information regarding the amount of material extracted, moved, or proposed to be
6125 moved, relating to the mining operation.

6126 (c) The notice of intention for small mining operations shall include a statement that
6127 the operator shall conduct reclamation as required by rules promulgated by the board.

6128 (d) The notice of intention for mining operations, other than small mining operations,
6129 shall include a plan for reclamation of the lands affected as required by rules promulgated by
6130 the board.

6131 (2) The division may require that the operator rehabilitate, close, or mitigate the
6132 impacts of each drill hole, shaft, or tunnel when no longer needed as part of the mining
6133 operation.

6134 (3) Information provided in the notice of intention, and its attachments relating to the

location, size, or nature of the deposit that is marked confidential by the operator shall be protected as confidential information by the board and the division and is not a matter of public record unless the board or division obtains a written release from the operator, or until the mining operation has been terminated as provided in Subsection 40-8-21(2).

(4) (a) Within 30 days from the receipt of a notice of intention, the division shall complete its review of the notice and shall make further inquiries, inspections, or examinations that are necessary to properly evaluate the notice.

(b) The division shall notify the operator of any objections to the notice and shall grant the operator a reasonable opportunity to take action that may be required to remove the objections or obtain a ruling relative to the objections from the board.

(5) Except for the form and amount of surety, an approval of a notice of intention for small mining operations is not required.

(6) The notice of intention for mining operations other than small mining operations, shall be reviewed as provided in this Subsection (6).

(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) until January 1, 2011:

(i) one time only, in all newspapers of general circulation published in the county where the land affected is situated[;]; and

(ii) in a daily newspaper of general circulation in Salt Lake City, Utah[;]; and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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

6166 agency action with the division.

6167 (ii) If no requests for agency action are received by the division within 30 days after the
6168 last date of publication, the tentative decision on the notice of intention is final and the division
6169 shall notify the operator.

6170 (iii) If written objections of substance are received, the division shall hold a formal
6171 adjudicative proceeding.

6172 (e) This Subsection (6) does not apply to exploration.

6173 (7) Within 30 days after receipt of a notice of intention concerning exploration
6174 operations other than small mining operations, the division will review the notice of intention
6175 and approve or disapprove it.

6176 Section 136. Section **40-10-13** is amended to read:

6177 **40-10-13. Advertisement of ownership, location, and boundaries -- Notice to**
6178 **interested agencies or bodies -- Objections -- Conference.**

6179 (1) (a) At the time of submission of an application for a surface coal mining and
6180 reclamation permit, or revision of an existing permit pursuant to the provisions of this chapter,
6181 the applicant shall submit to the division a copy of the applicant's advertisement of the
6182 ownership, precise location, and boundaries of the land to be affected.

6183 (b) At the time of submission the advertisement shall be placed by the applicant:

6184 (i) until January 1, 2011, in a local newspaper of general circulation in the locality of
6185 the proposed surface mine at least once a week for four consecutive weeks[-]; and

6186 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
6187 Section 63F-1-701.

6188 (c) The division shall notify various local governmental bodies, planning agencies, and
6189 sewage and water treatment authorities of water companies in the locality in which the
6190 proposed surface mining will take place, notifying them of the operator's intention to surface
6191 mine a particularly described tract of land and indicating the application's permit number and
6192 where a copy of the proposed mining and reclamation plan may be inspected.

6193 (d) These local bodies, agencies, authorities, or companies may submit written
6194 comments within a reasonable period established by the division on the mining applications
6195 with respect to the effects of the proposed operation on the environment which are within their
6196 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 overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this chapter.

(d) Stabilize and protect all surface areas, including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution.

(e) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other spoil, and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation; except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner the other strata which is best able to support vegetation.

(f) Restore the topsoil or the best available subsoil which is best able to support vegetation.

(g) For all prime farmlands, as identified in the rules, to be mined and reclaimed, specifications for soil removal, storage, replacement, and reconstruction, the operator shall, as a minimum, be required to:

(i) segregate the A horizon of the natural soil, except where it can be shown that other available soil materials will create a final soil having a greater productive capacity, and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic material;

(ii) segregate the B horizon of the natural soil, or underlying C horizons or other strata, or a combination of these horizons or other strata that are shown to be both texturally and

chemically suitable for plant growth and that can be shown to be equally or more favorable for plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a root zone of comparable depth and quality to that which existed in the natural soil, and if not utilized immediately, stockpile this material separately from other spoil, and provide needed protection from wind and water erosion or contamination by other acid or toxic material;

(iii) replace and regrade the root zone material described in Subsection (2)(g)(ii) above with proper compaction and uniform depth over the regraded spoil material; and

(iv) redistribute and grade in a uniform manner the surface soil horizon described in Subsection (2)(g)(i).

(h) Create, if authorized in the approved mining and reclamation plan and permit, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that:

(i) the size of the impoundment is adequate for its intended purposes;

(ii) the impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006);

(iii) the quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality below water quality standards established pursuant to applicable federal and state law in the receiving stream;

(iv) the level of water will be reasonably stable;

(v) final grading will provide adequate safety and access for proposed water users; and

(vi) these water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses.

(i) Conducting any augering operation associated with surface mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete and seal all auger holes with an impervious and noncombustible material in order to prevent drainage except where the division determines that the resulting impoundment of 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

(vii) such other actions as the division may prescribe.

(k) With respect to surface disposal of mine wastes, tailings, coal processing wastes, and other waste in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers, including the use of incombustible and impervious materials, if necessary, and assure the final contour of the waste pile will be

compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of this chapter.

(l) Refrain from surface coal mining within 500 feet from active and abandoned underground mines in order to prevent breakthroughs and to protect health or safety of miners; but the division shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer to an active underground mine if:

(i) the nature, timing, and sequencing of the approximate coincidence of specific surface mine activities with specific underground mine activities are jointly approved by the departments, divisions, and agencies concerned with surface mine reclamation and the health and safety of underground miners; and

(ii) the operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

(m) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to the division's rules, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments.

(n) Insure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion.

(o) Insure that explosives are used only in accordance with existing state and federal law and the rules adopted by the board, which shall include provisions to:

(i) provide adequate advance written notice to local governments and residents who might be affected by the use of the explosives by:

(A) publication of the planned blasting schedule;

(I) until January 1, 2011, in a newspaper of general circulation in the locality; and [by]

(II) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701; and

(B) mailing a copy of the proposed blasting schedule to every resident living within 1/2 mile of the proposed blasting site and by providing daily notice to resident/occupiers in these

6383 areas prior to any blasting;

6384 (ii) maintain for a period of at least three years and make available for public
6385 inspection upon request a log detailing the location of the blasts, the pattern and depth of the
6386 drill holes, the amount of explosives used per hole, and the order and length of delay in the
6387 blasts;

6388 (iii) limit the type of explosives and detonating equipment, the size, the timing and
6389 frequency of blasts based upon the physical conditions of the site so as to prevent injury to
6390 persons, damage to public and private property outside the permit area, adverse impacts on any
6391 underground mine, and change in the course, channel, or availability of ground or surface water
6392 outside the permit area;

6393 (iv) require that all blasting operations be conducted by trained and competent persons,
6394 and to implement this requirement, the division shall promulgate rules requiring the training,
6395 examination, and certification of persons engaging in or directly responsible for blasting or the
6396 use of explosives in surface and coal mining operations; and

6397 (v) provide that upon the request of a resident or owner of a man-made dwelling or
6398 structure within 1/2 mile of any portion of the permitted area, the applicant or permittee shall
6399 conduct a preblasting survey of the structures and submit the survey to the division and a copy
6400 to the resident or owner making the request, the area of which survey shall be decided by the
6401 division and shall include such provisions as promulgated.

6402 (p) Insure that all reclamation efforts proceed in an environmentally sound manner and
6403 as contemporaneously as practicable with the surface coal mining operations; but where the
6404 applicant proposes to combine surface mining operations with underground mining operations
6405 to assure maximum practical recovery of the mineral resources, the division may grant a
6406 variance for specific areas within the reclamation plan from the requirement that reclamation
6407 efforts proceed as contemporaneously as practicable to permit underground operations prior to
6408 reclamation:

6409 (i) if the division finds in writing that:

6410 (A) the applicant has presented, as part of the permit application, specific, feasible
6411 plans for the proposed underground mining operations;

6412 (B) the proposed underground mining operations are necessary or desirable to assure
6413 maximum practical recovery of the mineral resource and will avoid multiple disturbance of the

6414 surface;

6415 (C) the applicant has satisfactorily demonstrated that the plan for the underground
6416 mining operations conforms to requirements for underground mining in the jurisdiction and
6417 that permits necessary for the underground mining operations have been issued by the
6418 appropriate authority;

6419 (D) the areas proposed for the variance have been shown by the applicant to be
6420 necessary for the implementing of the proposed underground mining operations;

6421 (E) no substantial adverse environmental damage, either onsite or offsite, will result
6422 from the delay in completion of reclamation as required by this chapter; and

6423 (F) provisions for the offsite storage of spoil will comply with Subsection (2)(v);

6424 (ii) if the board has adopted specific rules to govern the granting of the variances in
6425 accordance with the provisions of this Subsection (2)(p) and has imposed such additional
6426 requirements as considered necessary;

6427 (iii) if variances granted under this Subsection (2)(p) are to be reviewed by the division
6428 not more than three years from the date of issuance of the permit; and

6429 (iv) if liability under the bond filed by the applicant with the division pursuant to
6430 Section 40-10-15 shall be for the duration of the underground mining operations and until the
6431 requirements of this Subsection (2) and Section 40-10-16 have been fully complied with.

6432 (q) Insure that the construction, maintenance, and postmining conditions of access
6433 roads into and across the site of operations will control or prevent erosion and siltation,
6434 pollution of water, damage to fish or wildlife or their habitat, or public or private property.

6435 (r) Refrain from the construction of roads or other access ways up a stream bed or
6436 drainage channel or in such proximity to the channel so as to seriously alter the normal flow of
6437 water.

6438 (s) Establish on the regraded areas and all other lands affected, a diverse, effective, and
6439 permanent vegetative cover of the same seasonal variety native to the area of land to be
6440 affected and capable of self-regeneration and plant succession at least equal in extent of cover
6441 to the natural vegetation of the area; except that introduced species may be used in the
6442 revegetation process where desirable and necessary to achieve the approved postmining land
6443 use plan.

6444 (t) (i) Assume the responsibility for successful revegetation, as required by Subsection

(2)(s), for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with Subsection (2)(s), except in those areas or regions of the state where the annual average precipitation is 26 inches or less, then the operator's assumption of responsibility and liability will extend for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work; but when the division approves a long-term intensive agricultural postmining land use, the applicable five or ten-year period of responsibility for revegetation shall commence at the date of initial planting for this long-term intensive, agricultural postmining land use, except when the division issues a written finding approving a long-term, intensive, agricultural postmining land use, as part of the mining and reclamation plan, the division may grant exception to the provisions of Subsection (2)(s); and

(ii) on lands eligible for remining, assume the responsibility for successful revegetation for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards, except in areas of the state where the average annual precipitation is 26 inches or less, assume the responsibility for successful revegetation for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with the applicable standards.

(u) Protect offsite areas from slides or damage occurring during the surface coal mining and reclamation operations and not deposit spoil material or locate any part of the operations or waste accumulations outside the permit area.

(v) Place all excess spoil material resulting from coal surface mining and reclamation activities in a manner that:

(i) spoil is transported and placed in a controlled manner in position for concurrent compaction and in a way to assure mass stability and to prevent mass movement;

(ii) the areas of disposal are within the bonded permit areas and all organic matter shall be removed immediately prior to spoil placement;

(iii) appropriate surface and internal drainage systems and diversion ditches are used so as to prevent spoil erosion and movement;

(iv) the disposal area does not contain springs, natural water courses, or wet weather seeps unless lateral drains are constructed from the wet areas to the main underdrains in a manner that filtration of the water into the spoil pile will be prevented;

(v) if placed on a slope, the spoil is placed upon the most moderate slope among those upon which, in the judgment of the division, the spoil could be placed in compliance with all the requirements of this chapter and shall be placed, where possible, upon or above a natural terrace, bench, or berm, if this placement provides additional stability and prevents mass movement;

(vi) where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement, is constructed;

(vii) the final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses;

(viii) design of the spoil disposal area is certified by a qualified professional engineer, and to implement this requirement, the division shall promulgate rules regarding the certification of engineers in the area of spoil disposal design; and

(ix) all other provisions of this chapter are met.

(w) Meet such other criteria as are necessary to achieve reclamation in accordance with the purposes of this chapter, taking into consideration the physical, climatological, and other characteristics of the site.

(x) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of these resources where practicable.

(y) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for the distance as the division shall determine shall be retained in place as a barrier to slides and erosion.

(3) (a) Where an applicant meets the requirements of Subsections (3)(b) and (c), a permit without regard to the requirement to restore to approximate original contour provided in Subsections (2)(c), (4)(b), and (4)(c) may be granted for the surface mining of coal where the mining operation will remove an entire coal seam or seams running through the upper fraction of a mountain, ridge, or hill (except as provided in this Subsection (3)) by removing all of the overburden and creating a level plateau or a gently rolling contour with no highwalls remaining, and capable of supporting postmining uses in accord with the requirements of this Subsection (3).

(b) In cases where an industrial, commercial, agricultural, residential, or public facility

(including recreational facilities) use is proposed for the postmining use of the affected land, the division may grant a permit for a surface mining operation of the nature described in Subsection (3)(a) pursuant to procedures and criteria set forth in the rules, including:

(i) the applicant's presentation of specific plans for the proposed postmining land use which meet criteria concerning the type of use proposed;

(ii) the applicant's demonstration that the proposed use would be consistent with adjacent land uses and existing state and local land use plans and programs and with other 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) given by mail, if the owners are known; ~~and~~

(ii) posted upon the premises~~[-and advertised]~~, if the owners are not known; and

(iii) if the owners are not known, advertised:

(A) until January 1, 2011, once in a newspaper of general circulation in the county in which the land lies~~[-if the owners are not known.]; and~~

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(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 adversely affected by past coal mining practices if the board, after notice and hearing, determines that acquisition of this land is necessary to successful reclamation and that:

(a) the acquired land, after restoration, reclamation, abatement, control, or prevention

of the adverse effects of past coal mining practices, will serve recreation and historic purposes, conservation and reclamation purposes, or provide open space benefits; and

(b) (i) permanent facilities such as a treatment plant or a relocated stream channel will be constructed on the land for the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices; or

(ii) acquisitions of coal refuse disposal sites and all coal refuse on the sites will serve the purposes of this chapter or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal mining practices.

(4) (a) Title to all lands acquired under this section shall be in the name of the state.

(b) The price paid for land acquired under this section shall reflect the market value of the land as adversely affected by past coal mining practices.

(5) (a) If land acquired under this section is considered suitable for industrial, commercial, residential, or recreational development, the division, in conjunction with the Division of Forestry, Fire and State Lands, may sell this land by public sale under a system of competitive bidding, at not less than fair market value, and under any other rules promulgated to insure that the land is put to proper use consistent with local and state land use plans.

(b) (i) The state, when requested after appropriate public notice, shall hold a public hearing with the appropriate notice, in the counties or appropriate political subdivisions of the state in which lands acquired under this section are located.

(ii) The hearing shall be held at a time which shall afford local citizens and governments the maximum opportunity to participate in the decision concerning the use or disposition of the lands after restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(6) (a) The state, through the division and the Division of Forestry, Fire and State Lands, shall have the authority to accept lands acquired and reclaimed by the Secretary of the Interior pursuant to Section 407(h) of Public Law 95-87.

(b) The division has the authority to accept grants from the Secretary to carry out the purposes of Section 407(h) of Public Law 95-87.

(7) (a) Within six months after the completion of projects to restore, reclaim, abate, control, or prevent adverse effects of past coal mining practices on privately owned land, the division shall itemize the monies expended and may file a statement of those expenses in the

office of the county recorder of the county in which the land lies, together with a notarized appraisal by an independent appraiser of the value of the land before the restoration, reclamation, abatement, control, or prevention of adverse effects of past coal mining practices if the monies expended result in a significant increase in property value.

(b) This statement shall constitute a lien upon the land described in it.

(c) The lien may not exceed the amount determined by the appraisal to be the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(d) A lien may not be filed against the property of any person, in accordance with this subsection who owned the surface prior to May 2, 1977, and who neither consented to nor participated in nor exercised control over the mining operation which necessitated the reclamation performed.

(8) (a) The landowner may proceed to petition within 60 days after the filing of the lien to determine the increase in the market value of the land as a result of the restoration, reclamation, abatement, control, or prevention of the adverse effects of past coal mining practices.

(b) The amount reported to be the increase in value of the premises shall constitute the amount of the lien and shall be recorded with the statement provided for in Subsection (7).

(c) Any party aggrieved by the decision may appeal as provided by law.

(9) (a) The lien provided in this section shall be recorded in the office of the county recorder of the county in which the land lies.

(b) The statement shall constitute a lien upon the land as of the date of the expenditure of the monies and shall have priority as a lien second only to the lien of real estate taxes imposed upon the land.

(10) (a) The division may fill any voids, seal any abandoned tunnels, shafts, and entryways, and reclaim surface impacts of underground or surface mines which the division determines could endanger life and property, constitute a hazard to the public health and safety, or degrade the environment.

(b) The division may make expenditures and carry out the purposes of this section without regard to the provisions of Subsections 40-10-25(2) and (3) only after all reclamation with respect to abandoned coal lands or coal development impacts have been met, except for

those reclamation projects relating to the protection of the public health or safety.

(c) In those instances where mine waste piles are being reworked for conservation purposes, the incremental costs of disposing of the wastes from these operations by filling voids and sealing tunnels may be eligible for funding if the disposal of these wastes meets the purposes of this section.

(d) The division may acquire by purchase, donation, easement, or otherwise those interests in land it determines necessary to carry out the provisions of this section.

(11) (a) The division may request the attorney general, who is hereby authorized to initiate, in addition to any other remedies provided for in this chapter, in any court of competent jurisdiction, an action in equity for an injunction to restrain any interference with the exercise of the right to enter or to conduct any work provided in this section.

(b) (i) The division, in conjunction with appropriate state agencies as determined in the rules, may construct and operate plants for the control and treatment of water pollution resulting from mine drainage.

(ii) The extent of this control and treatment of water pollution may be dependent upon the ultimate use of the water.

(iii) This Subsection (11) may not be construed to repeal or supersede any portion of the federal Water Pollution Control Act, 33 U.S.C. Sec. 1151 et seq., and no control or treatment under this subsection shall in any way be less than that required under the federal Water Pollution Control Act.

(iv) The construction of a plant may include major interceptors and other facilities appurtenant to the plant.

(c) The division may transfer funds to other appropriate state agencies, in order to carry out the reclamation activities authorized by this chapter.

Section 139. Section **41-1a-1103** is amended to read:

41-1a-1103. Sale.

(1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the division is unable to determine the owner or lienholder through reasonable efforts, the division shall sell the vehicle, vessel, or outboard motor.

(2) The sale shall:

- 6693 (a) be held in the form of a public auction at the place of storage; and
6694 (b) at the discretion of the division, be conducted by:
6695 (i) an authorized representative of the division; or
6696 (ii) a public garage, impound lot, or impound yard that:
6697 (A) is authorized by the division;
6698 (B) meets the standards under Subsection 41-1a-1101(4); and
6699 (C) complies with the requirements of Section 72-9-603.

6700 (3) At least five days prior to the date set for sale, the division shall publish a notice of
6701 sale[~~in a newspaper of general statewide circulation~~] setting forth the date, time, and place of
6702 sale and a description of the vehicle, vessel, or outboard motor to be sold[~~;~~];

- 6703 (a) until January 1, 2011, in a newspaper of general statewide circulation; and
6704 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
6705 Section 63F-1-701.

6706 (4) At the time of sale the division or other person authorized to conduct the sale shall
6707 tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the
6708 vehicle, vessel, or outboard motor.

6709 (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this
6710 section shall be distributed as provided under Section 41-1a-1104.

6711 (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under
6712 Section 41-1a-1101 and subsequently released by the division fails to take possession of the
6713 vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30
6714 days from the date of release, the division shall renotify the owner or lienholder and sell the
6715 vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of
6716 the notice.

6717 Section 140. Section **47-2-4** is amended to read:

6718 **47-2-4. Elimination by the county executive -- Notice of intention.**

6719 (1) The county executive may provide for the elimination of abandoned horses in the
6720 respective counties in the following manner:

6721 ~~[They]~~ (a) The county executive shall cause notice to be:

6722 (i) (A) until January 1, 2011, published at least once a week for three successive weeks
6723 in ~~[some]~~ a newspaper of general circulation published in the county[~~;~~]; and [the notice shall

6724 also be]

6725 (B) beginning on January 1, 2011, published on the Utah Public Notice Website as
6726 described in Section 63F-1-701 for three successive weeks;

6727 (ii) posted in at least five public places outside of the county seat on public highways in
6728 such county[;]; and

6729 (iii) posted in three public places at the county seat, one of which shall be at the front
6730 door of the courthouse.

6731 (b) The notices posted outside of the county seat shall be posted not less than two miles
6732 apart, and all posted notices shall be posted at least 30 days before the date which the county
6733 executive shall fix for the beginning of the elimination of abandoned horses from the range in
6734 such county as hereinafter provided.

6735 ~~[If no newspaper is published in the county, publication in a newspaper shall not be~~
6736 ~~required.]~~

6737 (2) The notice shall be substantially in the following form:

6738 Notice is hereby given that in accordance with the provisions of law the county
6739 executive of ____ County, Utah, will proceed to eliminate abandoned horses from the open
6740 range in said county, and that beginning on _____(month\day\year), a drive will be held,
6741 and all abandoned horses running upon the open range will, under the direction and supervision
6742 of the county executive, be eliminated. All owners of horses running upon the open range are
6743 hereby given notice to file with the county executive a description of the horses, and the brands
6744 or marks thereon.

6745 Dated this _____(month\day\year).

6746 By order of the county executive of ____ County, Utah.

6747 _____
6748 County Clerk.

6749 Section 141. Section **48-2c-1306** is amended to read:

6750 **48-2c-1306. Disposition of claims by publication.**

6751 (1) A dissolved company in winding up may publish notice of its dissolution and
6752 request that persons with claims against the company present them in accordance with the
6753 notice.

6754 (2) The notice contemplated in Subsection (1) [~~must~~] shall:

6755 (a) (i) until January 1, 2011, be published once a week for three successive weeks in a
6756 newspaper of general circulation;

6757 (A) in the county where the dissolved company's principal office is; or[;]

6758 (B) if it has no principal office in this state, Salt Lake County; and

6759 (ii) beginning on January 1, 2011, be published on the Utah Public Notice Website as
6760 described in Section 63F-1-701 for three successive weeks;

6761 (b) describe the information that must be included in a claim and provide an address to
6762 which written notice of any claim must be given to the company;

6763 (c) state the deadline, which may not be fewer than 120 days after the first date of
6764 publication of the notice, by which the dissolved company must receive the claim; and

6765 (d) state that, unless sooner barred by another statute limiting actions, the claim will be
6766 barred if not received by the deadline.

6767 (3) If the dissolved company publishes a newspaper or website notice in accordance
6768 with Subsection (2), then unless sooner barred under Section 48-2c-1305 or under another
6769 statute limiting actions, the claim of any claimant against the dissolved company is barred if:

6770 (a) the claim is not received by the dissolved company by the deadline; or

6771 (b) the dissolved company delivers to the claimant written notice of rejection of the
6772 claim within 90 days after receipt of the claim and the claimant whose claim was rejected by
6773 the dissolved company does not commence a proceeding to enforce the claim within 90 days
6774 after the effective date of the rejection notice.

6775 (4) Claims which are not rejected by the dissolved company in writing within 90 days
6776 after receipt of the claim by the dissolved company shall be considered approved.

6777 (5) (a) For purposes of this section, "claim" means any claim, including claims of this
6778 state whether known or unknown, due or to become due, absolute or contingent, liquidated or
6779 unliquidated, founded on contract, tort, or other legal basis, or otherwise.

6780 (b) For purposes of this section and Section 48-2c-1305, a proceeding to enforce a
6781 claim means a civil action or an arbitration under an agreement for binding arbitration between
6782 the dissolved company and the claimant.

6783 Section 142. Section **52-4-202** is amended to read:

6784 **52-4-202. Public notice of meetings -- Emergency meetings.**

6785 (1) A public body shall give not less than 24 hours public notice of each meeting

6786 including the meeting:

6787 (a) agenda;

6788 (b) date;

6789 (c) time; and

6790 (d) place.

6791 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
6792 regular meetings that are scheduled in advance over the course of a year shall give public
6793 notice at least once each year of its annual meeting schedule as provided in this section.

6794 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
6795 the scheduled meetings.

6796 (3) (a) Public notice shall be satisfied by:

6797 (i) posting written notice:

6798 (A) at the principal office of the public body, or if no principal office exists, at the
6799 building where the meeting is to be held; and

6800 (B) beginning October 1, 2008 and except as provided in Subsection (3)(b), on the
6801 Utah Public Notice Website created under Section 63F-1-701; and

6802 (ii) providing notice to:

6803 (A) until January 1, 2011:

6804 ~~[(A)]~~ (I) at least one newspaper of general circulation within the geographic
6805 jurisdiction of the public body; or

6806 ~~[(B)]~~ (II) a local media correspondent~~[-]; and~~

6807 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
6808 Section 63F-1-701.

6809 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local
6810 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a
6811 special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged,
6812 but not required, to post written notice on the Utah Public Notice Website, if the municipality
6813 or district has a current annual budget of less than \$1 million.

6814 ~~[(c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by~~
6815 ~~providing notice to a newspaper or local media correspondent under the provisions of~~
6816 ~~Subsection 63F-1-701(4)(d).]~~

(4) A public body is encouraged to develop and use additional electronic means to provide notice of its meetings under Subsection (3).

(5) (a) The notice requirement of Subsection (1) may be disregarded if:

(i) because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

(ii) the public body gives the best notice practicable of:

(A) the time and place of the emergency meeting; and

(B) the topics to be considered at the emergency meeting.

(b) An emergency meeting of a public body may not be held unless:

(i) an attempt has been made to notify all the members of the public body; and

(ii) a majority of the members of the public body approve the meeting.

(6) (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

(b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance 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 143. 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) until January 1, 2011, 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) beginning on January 1, 2011, publication on the Utah Public Notice Website as described in Section 63F-1-701; 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 ~~[Subsection]~~ Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to July 1, 2007 until, at the discretion of the board, the compensation schedule is amended or a new compensation schedule is adopted.

Section 144. Section **53A-3-402** is amended to read:

53A-3-402. Powers and duties generally.

(1) Each local school board shall:

(a) implement the core curriculum utilizing instructional materials that best correlate to the core curriculum and graduation requirements;

(b) administer tests, required by the State Board of Education, which measure the progress of each student, and coordinate with the state superintendent and State Board of Education to assess results and create plans to improve the student's progress which shall be submitted to the State Office of Education for approval;

(c) use progress-based assessments as part of a plan to identify schools, teachers, and students that need remediation and determine the type and amount of federal, state, and local resources to implement remediation;

6879 (d) develop early warning systems for students or classes failing to make progress;
6880 (e) work with the State Office of Education to establish a library of documented best
6881 practices, consistent with state and federal regulations, for use by the local districts; and
6882 (f) implement training programs for school administrators, including basic
6883 management training, best practices in instructional methods, budget training, staff
6884 management, managing for learning results and continuous improvement, and how to help
6885 every child achieve optimal learning in core academics.

6886 (2) Local school boards shall spend minimum school program funds for programs and
6887 activities for which the State Board of Education has established minimum standards or rules
6888 under Section 53A-1-402.

6889 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,
6890 and equipment and construct, erect, and furnish school buildings.

6891 (b) School sites or buildings may only be conveyed or sold on board resolution
6892 affirmed by at least two-thirds of the members.

6893 (4) (a) A board may participate in the joint construction or operation of a school
6894 attended by children residing within the district and children residing in other districts either
6895 within or outside the state.

6896 (b) Any agreement for the joint operation or construction of a school shall:

6897 (i) be signed by the president of the board of each participating district;

6898 (ii) include a mutually agreed upon pro rata cost; and

6899 (iii) be filed with the State Board of Education.

6900 (5) A board may establish, locate, and maintain elementary, secondary, and applied
6901 technology schools.

6902 (6) A board may enroll children in school who are at least five years of age before
6903 September 2 of the year in which admission is sought.

6904 (7) A board may establish and support school libraries.

6905 (8) A board may collect damages for the loss, injury, or destruction of school property.

6906 (9) A board may authorize guidance and counseling services for children and their
6907 parents or guardians prior to, during, or following enrollment of the children in schools.

6908 (10) (a) A board shall administer and implement federal educational programs in
6909 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

6910 (b) Federal funds are not considered funds within the school district budget under Title
6911 53A, Chapter 19, School District Budgets.

6912 (11) (a) A board may organize school safety patrols and adopt rules under which the
6913 patrols promote student safety.

6914 (b) A student appointed to a safety patrol shall be at least ten years old and have written
6915 parental consent for the appointment.

6916 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
6917 of a highway intended for vehicular traffic use.

6918 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
6919 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
6920 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

6921 (12) (a) A board may on its own behalf, or on behalf of an educational institution for
6922 which the board is the direct governing body, accept private grants, loans, gifts, endowments,
6923 devises, or bequests that are made for educational purposes.

6924 (b) These contributions are not subject to appropriation by the Legislature.

6925 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue
6926 citations for violations of Subsection 76-10-105(2).

6927 (b) A person may not be appointed to serve as a compliance officer without the
6928 person's consent.

6929 (c) A teacher or student may not be appointed as a compliance officer.

6930 (14) A board shall adopt bylaws and rules for its own procedures.

6931 (15) (a) A board shall make and enforce rules necessary for the control and
6932 management of the district schools.

6933 (b) All board rules and policies shall be in writing, filed, and referenced for public
6934 access.

6935 (16) A board may hold school on legal holidays other than Sundays.

6936 (17) (a) Each board shall establish for each school year a school traffic safety
6937 committee to implement this Subsection (17).

6938 (b) The committee shall be composed of one representative of:

6939 (i) the schools within the district;

6940 (ii) the Parent Teachers' Association of the schools within the district;

- 6941 (iii) the municipality or county;
6942 (iv) state or local law enforcement; and
6943 (v) state or local traffic safety engineering.
- 6944 (c) The committee shall:
- 6945 (i) receive suggestions from parents, teachers, and others and recommend school traffic
6946 safety improvements, boundary changes to enhance safety, and school traffic safety program
6947 measures;
- 6948 (ii) review and submit annually to the Department of Transportation and affected
6949 municipalities and counties a child access routing plan for each elementary, middle, and junior
6950 high school within the district;
- 6951 (iii) consult the Utah Safety Council and the Division of Family Health Services and
6952 provide training to all school children in kindergarten through grade six, within the district, on
6953 school crossing safety and use; and
- 6954 (iv) help ensure the district's compliance with rules made by the Department of
6955 Transportation under Section 41-6a-303.
- 6956 (d) The committee may establish subcommittees as needed to assist in accomplishing
6957 its duties under Subsection (17)(c).
- 6958 (e) The board shall require the school community council of each elementary, middle,
6959 and junior high school within the district to develop and submit annually to the committee a
6960 child access routing plan.
- 6961 (18) (a) Each school board shall adopt and implement a comprehensive emergency
6962 response plan to prevent and combat violence in its public schools, on school grounds, on its
6963 school vehicles, and in connection with school-related activities or events.
- 6964 (b) The board shall implement its plan by July 1, 2000.
- 6965 (c) The plan shall:
- 6966 (i) include prevention, intervention, and response components;
- 6967 (ii) be consistent with the student conduct and discipline policies required for school
6968 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;
- 6969 (iii) require inservice training for all district and school building staff on what their
6970 roles are in the emergency response plan; and
- 6971 (iv) provide for coordination with local law enforcement and other public safety

6972 representatives in preventing, intervening, and responding to violence in the areas and activities
6973 referred to in Subsection (18)(a).

6974 (d) The State Board of Education, through the state superintendent of public
6975 instruction, shall develop comprehensive emergency response plan models that local school
6976 boards may use, where appropriate, to comply with Subsection (18)(a).

6977 (e) Each local school board shall, by July 1 of each year, certify to the State Board of
6978 Education that its plan has been practiced at the school level and presented to and reviewed by
6979 its teachers, administrators, students, and their parents and local law enforcement and public
6980 safety representatives.

6981 (19) (a) Each local school board may adopt an emergency response plan for the
6982 treatment of sports-related injuries that occur during school sports practices and events.

6983 (b) The plan may be implemented by each secondary school in the district that has a
6984 sports program for students.

6985 (c) The plan may:

6986 (i) include emergency personnel, emergency communication, and emergency
6987 equipment components;

6988 (ii) require inservice training on the emergency response plan for school personnel who
6989 are involved in sports programs in the district's secondary schools; and

6990 (iii) provide for coordination with individuals and agency representatives who:

6991 (A) are not employees of the school district; and

6992 (B) would be involved in providing emergency services to students injured while
6993 participating in sports events.

6994 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may
6995 review the plan each year and make revisions when required to improve or enhance the plan.

6996 (e) The State Board of Education, through the state superintendent of public
6997 instruction, shall provide local school boards with an emergency plan response model that local
6998 boards may use to comply with the requirements of this Subsection (19).

6999 (20) A board shall do all other things necessary for the maintenance, prosperity, and
7000 success of the schools and the promotion of education.

7001 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

7002 (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) until January 1, 2011, in a newspaper of general circulation in the area; and

(II) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701; and

(B) posted in at least three public locations within the municipality or on the district's official website.

Section 145. 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) until January 1, 2011, once a week for two successive weeks in a newspaper published in the school district; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701; 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 the board at a specified place within the district on a specified day and time.

(3) The time may not be less than 14 nor more than 60 days after the first publication or posting of the notice.

(4) The notice shall require the person to appear at the meeting with his objections in writing, duly verified.

(5) The board shall convene at the time and place specified in the notice and receive all objections as prescribed in Subsection (4).

(6) The objections shall be filed with and preserved by the board.

(7) If no written objections are presented at the time and place specified in the notice, the board shall so certify.

(8) All persons are then prohibited from questioning in any manner or proceeding the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds, and the board may then refund the bonds.

(9) Any person filing a written objection under Subsection (4) shall, within 20 days after the filing, commence appropriate legal proceedings against the board and others as may be proper parties, in the district court for the county in which the school district is situated, to challenge and determine the legality, regularity, and validity of the bond or bonds, their issue and sale, or the indebtedness represented by them.

(10) Failure to commence the proceedings within 20 days bars the person filing objections from questioning, in any manner or proceeding, the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.

(11) Upon proof of failure to commence proceedings, by certificate of the clerk of the court, the board may refund the bonds.

Section 146. Section **53A-19-102** is amended to read:

53A-19-102. Local school boards budget procedures.

(1) Prior to June 22 of each year, each local school board shall adopt a budget and make appropriations for the next fiscal year. If the tax rate in the proposed budget exceeds the 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

7065 Act, in regards to the hearing, the board shall do the following:

7066 (a) publish;

7067 (i) until January 1, 2011, the required newspaper notice at least ten days [~~prior~~] before
7068 to the hearing; and

7069 (ii) beginning January 1, 2011, the required notice for ten days before the hearing; and

7070 (b) file a copy of the proposed budget with the board's business administrator for public
7071 inspection at least ten days prior to the hearing.

7072 (3) The board shall file a copy of the adopted budget with the state auditor and the
7073 State Board of Education.

7074 Section 147. Section **53A-19-104** is amended to read:

7075 **53A-19-104. Limits on appropriations -- Estimated expendable revenue.**

7076 (1) A local school board may not make any appropriation in excess of its estimated
7077 expendable revenue, including undistributed reserves, for the following fiscal year.

7078 (2) In determining the estimated expendable revenue, any existing deficits arising
7079 through excessive expenditures from former years are deducted from the estimated revenue for
7080 the ensuing year to the extent of at least 10% of the entire tax revenue of the district for the
7081 previous year.

7082 (3) In the event of financial hardships, the board may deduct from the estimated
7083 expendable revenue for the ensuing year, by fund, at least 25% of the deficit amount.

7084 (4) All estimated balances available for appropriations at the end of the fiscal year shall
7085 revert to the funds from which they were appropriated and shall be fund balances available for
7086 appropriation in the budget of the following year.

7087 (5) A local school board may reduce a budget appropriation at its regular meeting if
7088 notice of the proposed action is given to all board members and the district superintendent at
7089 least one week prior to the meeting.

7090 (6) An increase in an appropriation may not be made by the board unless the following
7091 steps are taken:

7092 (a) the board receives a written request from the district superintendent that sets forth
7093 the reasons for the proposed increase;

7094 (b) notice of the request is published;

7095 (i) until January 1, 2011, in a newspaper of general circulation within the school

7096 district at least one week prior to the board meeting at which the request will be considered;
7097 and

7098 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
7099 Section 63F-1-701 at least one week prior to the board meeting at which the request will be
7100 considered; and

7101 (c) the board holds a public hearing on the request prior to the board's acting on the
7102 request.

7103 Section 148. Section **53B-3-107** is amended to read:

7104 **53B-3-107. Traffic violations -- Notice of rule or regulation.**

7105 (1) It is a violation of this section for any person to operate or park a vehicle upon any
7106 property owned or controlled by a state institution of higher education contrary to posted signs
7107 authorized by the published rules and regulations of the institution or to block or impede traffic
7108 through or on any of these properties.

7109 (2) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is
7110 published in one issue of a newspaper of general circulation in the county or counties in which
7111 the institution and the campus or facility is located.

7112 Section 149. Section **53B-7-101.5** is amended to read:

7113 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

7114 (1) If an institution within the State System of Higher Education listed in Section
7115 53B-1-102 considers increasing tuition rates for undergraduate students in the process of
7116 preparing or implementing its budget, it shall hold a meeting to receive public input and
7117 response on the issue.

7118 (2) The institution shall advertise the hearing required under Subsection (1) using the
7119 following procedure:

7120 (a) The institution shall advertise its intent to consider an increase in student tuition
7121 rates;

7122 (i) in the institution's student newspaper[-]; and

7123 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
7124 Section 63F-1-701.

7125 (b) The advertisement shall be run twice during a period of ten days prior to the
7126 meeting.

(c) The advertisement shall state that the institution will meet on a certain day, time, and place fixed in the advertisement, which shall not be less than seven days after the day the second advertisement is published, for the purpose of hearing comments regarding the proposed increase and to explain the reasons for the proposed increase.

(3) The form and content of the notice shall be substantially as follows:

"NOTICE OF PROPOSED TUITION INCREASE

The (name of the higher education institution) is proposing to increase student tuition rates. This would be an increase of _____ %, which is an increase of \$_____ per semester for a full-time resident undergraduate student. All concerned students and citizens are invited to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

(4) (a) The institution shall provide the following information to those in attendance at the meeting required under Subsection (1):

(i) the current year's student enrollment for:

(A) the State System of Higher Education, if a systemwide increase is being considered; or

(B) the institution, if an increase is being considered for just a single institution;

(ii) total tuition revenues for the current school year;

(iii) projected student enrollment growth for the next school year and projected tuition revenue increases from that anticipated growth; and

(iv) a detailed accounting of how and where the increased tuition revenues would be spent.

(b) The enrollment and revenue data required under Subsection (4)(a) shall be broken down into majors or departments if the proposed tuition increases are department or major specific.

(5) If the institution does not make a final decision on the proposed tuition increase at the meeting, it shall announce the date, time, and place of the meeting where that determination shall be made.

Section 150. Section **54-4-27** is amended to read:

54-4-27. Payment of dividends -- Notice -- Restraint.

(1) No gas or electric corporation doing business in this state shall pay any dividend upon its common stock prior to thirty days after the date of the declaration of such dividend by

the board of directors of such utility corporation.

(2) Within five days after the declaration of such dividend the management of such corporation shall:

(a) notify the utilities commission in writing of the declaration of said dividend, the amount thereof, the date fixed for payment of the same~~[-, and shall also cause to be published a notice]; and~~

(b) publish a notice, including the information described in Subsection (2)(a):

(i) until January 1, 2011, in a newspaper having general circulation in the city or town where its principal place of business is located~~[-, stating in substance the contents of the notice herein required to be given the utilities commission.]; and~~

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(3) If the commission, after investigation, shall find that the capital of any such corporation is being impaired or that its service to the public is likely to become impaired or is in danger of impairment, it may issue an order directing such utility corporation to refrain from the payment of said dividend until such impairment is made good or danger of impairment is avoided.

(4) The district court of any county in which said utility is doing business in this state 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 151. 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

7189 (ii) specifies the nature of the damage.

7190 (3) (a) The court's order staying or suspending the decision of the commission is not
7191 effective until a supersedeas bond is executed, filed with, and approved by the commission (or
7192 approved, on review, by the court).

7193 (b) The bond shall be payable to the state [~~of Utah~~], and shall be sufficient in amount
7194 and security to insure the prompt payment by the party petitioning for the review of:

7195 (i) all damages caused by the delay in the enforcement of the order or decision of the
7196 commission; and

7197 (ii) all moneys that any person or corporation is compelled to pay, pending the review
7198 proceedings, for transportation, transmission, product, commodity, or service in excess of the
7199 charges fixed by the order or decision of the commission.

7200 (c) Whenever necessary to insure the prompt payment of damages and any
7201 overcharges, the court may order the party petitioning for a review to give additional security or
7202 to increase the supersedeas bond.

7203 (4) (a) When the court stays or suspends the order or decision of the commission in any
7204 matter affecting rates, fares, tolls, rentals, charges, or classifications, it shall order the public
7205 utility affected to pay into court, or into some bank or trust company paying interest on
7206 deposits, all sums of money collected by the public utility that are greater than the sum a person
7207 would have paid if the order or decision of the commission had not been stayed or suspended.

7208 (b) (i) Upon the final decision by the court, the public utility shall refund all moneys
7209 collected by it that are greater than those authorized by the court's final decision, together with
7210 interest if the moneys were deposited in a bank or trust company, to the persons entitled to the
7211 refund.

7212 (ii) The commission shall prescribe the methods for distributing the refund.

7213 (c) (i) If any of the refund money has not been claimed within one year from the final
7214 decision of the court, the commission shall publish notice of the refund;

7215 (A) until January 1, 2011:

7216 (I) once per week for two successive weeks in a newspaper of general circulation
7217 printed and published in the city and county of Salt Lake[?]; and

7218 (II) in any other newspapers that the commission designates[?]; and

7219 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in

7220 Section 63F-1-701 for two successive weeks.

7221 (ii) The notice shall state the names of the persons entitled to the moneys and the
7222 amount due each person.

7223 (iii) All moneys not claimed within three months after the publication of the notice
7224 shall be paid by the public utility into the General Fund.

7225 (5) When the court stays or suspends any order or decision lowering any rate, fare, toll,
7226 rental, charge, or classification, after the execution and approval of the supersedeas bond, the
7227 commission shall order the public utility affected to keep accounts, verified by oath, that show:

7228 (a) the amounts being charged or received by the public utility; and

7229 (b) the names and addresses of the persons to whom overcharges will be refundable.

7230 Section 152. Section **54-8-10** is amended to read:

7231 **54-8-10. Public hearing -- Notice -- Publication.**

7232 (1) Such notice shall be:

7233 (a) published;

7234 (i) until January 1, 2011;

7235 (A) in full one time in a newspaper of general circulation in the district; or

7236 (B) if there be no such newspaper, by publication in a newspaper of general circulation
7237 in the county, city, or town in which said district is located; and

7238 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
7239 Section 63F-1-701; and

7240 (b) by posting in not less than three public places in such district.

7241 (2) A copy of such notice shall be mailed by certified mail to the last known address of
7242 each owner of land within the proposed district whose property will be assessed for the cost of
7243 the improvement.

7244 (3) The address to be used for said purpose shall be that last appearing on the real
7245 property assessment rolls of the county wherein said property is located.

7246 (4) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
7247 mailed addressed to the street number of each piece of improved property to be affected by the
7248 assessment.

7249 (5) Mailed notices and the published notice shall state where a copy of the resolution
7250 creating the district will be available for inspection by any interested parties.

7251 Section 153. Section **54-8-16** is amended to read:

7252 **54-8-16. Notice of assessment -- Publication.**

7253 (1) After the preparation of the aforesaid resolution, notice of a public hearing on the
7254 proposed assessments shall be given. [~~Such~~]

7255 (2) The notice described in Subsection (1) shall be:

7256 (a) published:

7257 (i) until January 1, 2011, one time in a newspaper in which the first notice of hearing
7258 was published at least [~~twenty~~] 20 days before the date fixed for the hearing; and [~~shall be~~]

7259 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
7260 Section 63F-1-701 for at least 20 days before the date fixed for the hearing; and

7261 (b) mailed by certified mail not less than [~~fifteen~~] 15 days prior to the date fixed for
7262 such hearing to each owner of real property whose property will be assessed for part of the cost
7263 of the improvement at the last known address of such owner using for such purpose the names
7264 and addresses appearing on the last completed real property assessment rolls of the county
7265 wherein said affected property is located.

7266 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so
7267 mailed addressed to the street number of each piece of improved property to be affected by
7268 such assessment.

7269 (4) Each notice shall state that at the specified time and place, the governing body will
7270 hold a public hearing upon the proposed assessments and shall state that any owner of any
7271 property to be assessed pursuant to the resolution will be heard on the question of whether his
7272 property will be benefited by the proposed improvement to the amount of the proposed
7273 assessment against his property and whether the amount assessed against his property
7274 constitutes more than his proper proportional share of the total cost of the improvement.

7275 (5) The notice shall further state where a copy of the resolution proposed to be adopted
7276 levying the assessments against all real property in the district will be on file for public
7277 inspection, and that subject to such changes and corrections therein as may be made by the
7278 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

7279 (6) A published notice shall describe the boundaries or area of the district with
7280 sufficient particularity to permit each owner of real property therein to ascertain that his
7281 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 154. 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 aggrieved by any such special assessment or proceeding may bring a civil action to cause such grievance to be adjudicated if such action is commenced prior to the expiration of the period specified in this section.

(2) The burden of proof to show that such special assessment or part thereof is invalid, inequitable or unjust shall rest upon the party who brings such suit.

(3) Any such litigation shall not be regarded as an appeal within the meaning of the prohibition contained in Section 54-8-18.

(4) Every person whose property is subject to such special assessment and who fails to appear during the public hearings on said assessments to raise his objection to such tax shall be deemed to have waived all objections to such levy except the objection that the governing body lacks jurisdiction to levy such tax.

(5) For a period of twenty days after the governing body has adopted the enactment authorizing the assessment, any taxpayer in the district shall have the right to institute litigation for the purpose of questioning or attacking the proceedings pursuant to which the assessments have been authorized subject to the provisions of the preceding paragraph.

(6) Whenever any enactment authorizing the issuance of any bonds pursuant to the improvement contemplated shall have been adopted such resolution shall be published:

(a) until January 1, 2011, once in a newspaper in which the original notice of hearing was published[-]; and

(b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(7) For a period of [~~twenty~~] 20 days thereafter, any person whose property shall have

been assessed and any taxpayer in the district shall have the right to institute litigation for the purpose of questioning or attacking the legality of such bonds.

(8) After the expiration of such ~~[twenty-day]~~ 20-day period, all proceedings theretofore had by the governing body, the bonds to be issued pursuant thereto, and the special assessments from which such bonds are to be paid, shall become incontestable, and no suit attacking or questioning the legality thereof may be instituted in this state, and no court shall have the authority to inquire into such matters.

Section 155. Section **57-1-25** is amended to read:

57-1-25. Notice of trustee's sale -- Description of property -- Time and place of sale.

(1) The trustee shall give written notice of the time and place of sale particularly describing the property to be sold:

(a) by publication of the notice:

(i) until January 1, 2011:

~~[(i)]~~ (A) at least three times;

~~[(ii)]~~ (B) once a week for three consecutive weeks;

~~[(iii)]~~ (C) the last publication to be at least ten days but not more than 30 days before the date the sale is scheduled; and

~~[(iv)]~~ (D) in a newspaper having a general circulation in each county in which the property to be sold, or some part of the property to be sold, is situated; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for 30 consecutive days before the date the sale is scheduled; and

(b) by posting the notice:

(i) at least 20 days before the date the sale is scheduled; and

(ii) (A) in some conspicuous place on the property to be sold; and

(B) at the office of the county recorder of each county in which the trust property, or some part of it, is located.

(2) (a) The sale shall be held at the time and place designated in the notice of sale.

(b) The time of sale shall be between the hours of 8 a.m. and 5 p.m.

(c) The place of sale shall be clearly identified in the notice of sale under Subsection

(1) and shall be at a courthouse serving the county in which the property to be sold, or some

part of the property to be sold, is located.

(3) The notice of sale shall be in substantially the following form:

Notice of Trustee's Sale

The following described property will be sold at public auction to the highest bidder, payable in lawful money of the United States at the time of sale, at (insert location of sale) _____ on _____ (month\day\year), at ____m. of said day, for the purpose of foreclosing a trust deed originally executed by ____ (and ____, his wife,) as trustors, in favor of ____, covering real property located at ____, and more particularly described as:

(Insert legal description)

The current beneficiary of the trust deed is _____ and the record owners of the property as of the recording of the notice of default are _____ and _____.

Dated _____ (month\day\year).

Trustee

Section 156. Section **57-11-11** is amended to read:

**57-11-11. Rules of division -- Filing advertising material -- Injunctions --
Intervention by division in suits -- General powers of division.**

(1) (a) The division shall prescribe reasonable rules which shall be adopted, amended, or repealed only after a public hearing [~~with notice thereof published~~].

(b) The division shall:

(i) publish notice of the public hearing described in Subsection (1)(a):

(A) (I) until January 1, 2011, once in a newspaper or newspapers with statewide circulation [and sent to any] and at least 20 days before the hearing; and

(ii) beginning January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for at least 20 days before the hearing; and

(B) send a notice to a nonprofit organization which files a written request for notice with the division[~~; said notice shall be published and sent not less than~~] at least 20 days prior to the hearing.

(2) The rules shall include but need not be limited to:

(a) provisions for advertising standards to assure full and fair disclosure;

(b) provisions for escrow or trust agreements, performance bonds, or other means

reasonably necessary to assure that all improvements referred to in the application for registration and advertising will be completed and that purchasers will receive the interest in land contracted for.

(3) These provisions, however, shall not be required if the city or county in which the subdivision is located requires similar means of assurance of a nature and in an amount no less adequate than is required under said rules[;];

~~[(c)]~~ (a) provisions for operating procedures;

~~[(d)]~~ (b) provisions for a shortened form of registration in cases where the division determines that the purposes of this act do not require a subdivision to be registered pursuant to an application containing all the information required by Section 57-11-6 or do not require that the public offering statement contain all the information required by Section 57-11-7; and

~~[(e)]~~ (c) other rules necessary and proper to accomplish the purpose of this [act] chapter.

~~[(2)]~~ (4) The division by rule or order, after reasonable notice, may require the filing of advertising material relating to subdivided lands prior to its distribution, provided that the division must approve or reject any advertising material within 15 days from the receipt thereof or the material shall be considered approved.

~~[(3)]~~ (5) If it appears that a person has engaged or is about to engage in an act or practice constituting a violation of a provision of this act or a rule or order hereunder, the agency, with or without prior administrative proceedings, may bring an action in the district court of the district where said person maintains his residence or a place of business or where said act or practice has occurred or is about to occur, to enjoin the acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon proper showing, injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator may be appointed. The division shall not be required to post a bond in any court proceedings.

~~[(4)]~~ (6) The division shall be allowed to intervene in a suit involving subdivided lands, either as a party or as an amicus curiae, where it appears that the interpretation or constitutionality of any provision of law will be called into question. In any suit by or against a subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division, constitute grounds for the division withholding any approval required by this [act] chapter.

7406 ~~[(5)]~~ (7) The division may:

7407 (a) accept registrations filed in other states or with the federal government;

7408 (b) contract with public agencies or qualified private persons in this state or other
7409 jurisdictions to perform investigative functions; and

7410 (c) accept grants-in-aid from any source.

7411 ~~[(6)]~~ (8) The division shall cooperate with similar agencies in other jurisdictions to
7412 establish uniform filing procedures and forms, uniform public offering statements, advertising
7413 standards, rules, and common administrative practices.

7414 Section 157. Section **59-2-918** is amended to read:

7415 **59-2-918. Advertisement of proposed tax increase -- Notice -- Contents.**

7416 (1) (a) Except as provided in Subsection (1)(b), a taxing entity may not budget an
7417 increased amount of ad valorem tax revenue exclusive of revenue from new growth as defined
7418 in Subsection 59-2-924(4) unless it advertises its intention to do so at the same time that it
7419 advertises its intention to fix its budget for the forthcoming fiscal year.

7420 (b) (i) Notwithstanding Subsection (1)(a), a taxing entity is not required to meet the
7421 advertisement or hearing requirements of this section if:

7422 (A) the taxing entity is expressly exempted by law from complying with the
7423 requirements of this section; or

7424 (B) the increased amount of ad valorem tax revenue results from a tax rate increase that
7425 is exempted under Subsection 59-2-919(2)(a)(ii)(B) from the advertisement and hearing
7426 requirements of Section 59-2-919.

7427 (ii) Notwithstanding Subsection (1)(a), a taxing entity is not required to meet the
7428 advertisement requirements of this section if:

7429 (A) Section 53A-17a-133 allows the taxing entity to budget an increased amount of ad
7430 valorem property tax revenue without having to comply with the advertisement requirements of
7431 this section; or

7432 (B) the taxing entity:

7433 (I) collected less than \$20,000 in ad valorem tax revenues for the previous fiscal year;
7434 and

7435 (II) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax
7436 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)."

(4) If a final decision regarding the budgeting of an increased amount of ad valorem tax revenue is not made at the public hearing described in Subsection (3), the taxing entity shall announce at the public hearing the scheduled time and place for consideration and adoption of the proposed budget increase.

(5) (a) Each taxing entity operating under the January 1 through December 31 fiscal

7468 year shall by March 1 notify the county of the date, time, and place of the public hearing at
7469 which the budget for the following fiscal year will be considered.

7470 (b) The county shall include the information described in Subsection (5)(a) with the tax
7471 notice.

7472 (6) A taxing entity shall hold a public hearing under this section beginning at or after 6
7473 p.m.

7474 Section 158. Section **59-2-919** is amended to read:

7475 **59-2-919. Resolution proposing tax increases -- Notice -- Contents of notice of**
7476 **proposed tax increase -- Personal mailed notice in addition to advertisement -- Contents**
7477 **of personal mailed notice -- Hearing -- Dates.**

7478 (1) A tax rate in excess of the certified tax rate may not be levied until a resolution has
7479 been approved by the taxing entity in accordance with this section.

7480 (2) (a) (i) The taxing entity shall advertise its intent to exceed the certified tax rate;
7481 (A) in a newspaper or combination of newspapers of general circulation in the taxing
7482 entity[?] until January 1, 2011; and

7483 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
7484 Section 63F-1-701.

7485 (ii) Notwithstanding Subsection (2)(a)(i), a taxing entity is not required to meet the
7486 advertisement or hearing requirements of this section if:

7487 (A) the taxing entity is expressly exempted by law from complying with the
7488 requirements of this section; or

7489 (B) (I) the taxing entity is a party to an interlocal agreement under Title 11, Chapter 13,
7490 Interlocal Cooperation Act, that creates an interlocal entity to provide fire protection,
7491 emergency, and emergency medical services;

7492 (II) the tax rate increase is approved by the taxing entity's voters at an election held for
7493 that purpose on or before December 31, 2010;

7494 (III) the purpose of the tax rate increase is to pay for fire protection, emergency, and
7495 emergency medical services provided by the interlocal entity; and

7496 (IV) at least 30 days before its annual budget hearing, the taxing entity:

7497 (Aa) adopts a resolution certifying that the taxing entity will dedicate all revenue from
7498 the tax rate increase exclusively to pay for fire protection, emergency, and emergency medical

services provided by the interlocal entity and that the amount of other revenues, independent of the revenue generated from the tax rate increase, that the taxing entity spends for fire protection, emergency, and emergency medical services each year after the tax rate increase will not decrease below the amount spent by the taxing entity during the year immediately before the tax rate increase without a corresponding decrease in the taxing entity's property tax revenues used in calculating the taxing entity's certified tax rate; and

(Bb) sends a copy of the resolution to the commission.

(iii) The exception under Subsection (2)(a)(ii)(B) from the advertisement and hearing requirements of this section does not apply to an increase in a taxing entity's tax rate that occurs after December 31, 2010, even if the tax rate increase is approved by the taxing entity's voters before that date.

(iv) Notwithstanding Subsection (2)(a)(i), a taxing entity is not required to meet the advertisement requirements of this section if:

(A) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that certified tax rate without having to comply with the advertisement requirements of this section; or

(B) the taxing entity:

(I) collected less than \$20,000 in ad valorem tax revenues for the previous fiscal year; and

(II) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax revenues.

(b) The advertisement described in ~~[this section]~~ Subsection (2)(a)(i)(A) shall:

(i) be no less than 1/4 page in size;

(ii) use type no smaller than 18 point; and

(iii) be surrounded by a 1/4-inch border.

(c) The advertisement described in ~~[this section]~~ Subsection (2)(a)(i)(A) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(d) It is the intent of the Legislature that:

(i) whenever possible, the advertisement described in ~~[this section]~~ Subsection (2)(a)(i)(A) appear in a newspaper that is published at least one day per week; and

7530 (ii) the newspaper or combination of newspapers selected:
7531 (A) be of general interest and readership in the taxing entity; and
7532 (B) not be of limited subject matter.
7533 (e) The advertisement [~~described in this section shall~~]:
7534 (i) described in Subsection (2)(a)(i)(A) shall be run once each week for the two weeks
7535 preceding the adoption of the final budget; [~~and~~]
7536 (ii) described in Subsection (2)(a)(i)(B) shall be published two weeks preceding the
7537 adoption of the final budget; and
7538 [~~(ii)~~] (iii) shall state that the taxing entity will meet on a certain day, time, and place
7539 fixed in the advertisement, which shall be not less than seven days after the day the first
7540 advertisement is published, for the purpose of hearing comments regarding any proposed
7541 increase and to explain the reasons for the proposed increase.
7542 (f) The meeting on the proposed increase may coincide with the hearing on the
7543 proposed budget of the taxing entity.
7544 (3) The form and content of the notice shall be substantially as follows:
7545 "NOTICE OF PROPOSED TAX INCREASE
7546 (NAME OF TAXING ENTITY)
7547 The (name of the taxing entity) is proposing to increase its property tax revenue.
7548 • If the proposed budget is approved, this would be an increase of ____% above
7549 the (name of the taxing entity) property tax budgeted revenue for the prior year.
7550 • The (name of the taxing entity) tax on a (insert the average value of a residence
7551 in the taxing entity rounded to the nearest thousand dollars) residence would
7552 increase from \$_____ to \$_____, which is \$_____ per year.
7553 • The (name of the taxing entity) tax on a (insert the value of a business having
7554 the same value as the average value of a residence in the taxing entity) business
7555 would increase from \$_____ to \$_____, which is \$_____ per year.
7556 (Name of taxing entity) property tax revenue from new growth and other sources will
7557 increase from \$_____ to \$_____.
7558 All concerned citizens are invited to a public hearing on the tax increase.
7559 PUBLIC HEARING
7560 Date/Time: (date) (time)

7561 Location: (name of meeting place and address of meeting place)
7562 To obtain more information regarding the tax increase, citizens may contact the (name
7563 of the taxing entity) at (phone number of taxing entity)."
7564 (4) The commission:
7565 (a) shall adopt rules governing the joint use of one advertisement under this section or
7566 Section 59-2-918 by two or more taxing entities; and
7567 (b) may, upon petition by any taxing entity, authorize [~~either~~]:
7568 (i) until January 1, 2011, the use of weekly newspapers in counties having both daily
7569 and weekly newspapers where the weekly newspaper would provide equal or greater notice to
7570 the taxpayer; or
7571 (ii) the use of a commission-approved direct notice to each taxpayer if the:
7572 (A) cost of the advertisement would cause undue hardship; and
7573 (B) direct notice is different and separate from that provided for in Section 59-2-919.1.
7574 (5) (a) The taxing entity, after holding a hearing as provided in this section, may adopt
7575 a resolution levying a tax rate in excess of the certified tax rate.
7576 (b) If a resolution adopting a tax rate is not adopted on the day of the public hearing,
7577 the scheduled time and place for consideration and adoption of the resolution shall be
7578 announced at the public hearing.
7579 (c) If a resolution adopting a tax rate is to be considered at a day and time that is more
7580 than two weeks after the public hearing described in Subsection 59-2-919.1(2)(c)(v), a taxing
7581 entity, other than a taxing entity described in Subsection (2)(a)(ii), shall advertise the date of
7582 the proposed adoption of the resolution in the same manner as provided under Subsections (2)
7583 and (3).
7584 (6) (a) All hearings described in this section shall be open to the public.
7585 (b) The governing body of a taxing entity conducting a hearing shall permit all
7586 interested parties desiring to be heard an opportunity to present oral testimony within
7587 reasonable time limits.
7588 (7) (a) Each taxing entity shall notify the county legislative body by March 1 of each
7589 year of the date, time, and place a public hearing is held by the taxing entity pursuant to this
7590 section.
7591 (b) A taxing entity may not schedule a hearing described in this section at the same

time as another overlapping taxing entity in the same county, but all taxing entities in which the power to set tax levies is vested in the same governing board or authority may consolidate the required hearings into one hearing.

(c) The county legislative body shall resolve any conflicts in hearing dates and times after consultation with each affected taxing entity.

(8) A taxing entity shall hold a public hearing under this section beginning at or after 6 p.m.

Section 159. Section **59-2-924** is amended to read:

59-2-924. Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified tax rate -- Rulemaking authority -- Adoption of tentative budget.

(1) Before June 1 of each year, the county assessor of each county shall deliver to the county auditor and the commission the following statements:

(a) a statement containing the aggregate valuation of all taxable real property assessed by a county assessor in accordance with Part 3, County Assessment, for each taxing entity; and

(b) a statement containing the taxable value of all personal property assessed by a county assessor in accordance with Part 3, County Assessment, from the prior year end values.

(2) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:

(a) the statements described in Subsections (1)(a) and (b);

(b) an estimate of the revenue from personal property;

(c) the certified tax rate; and

(d) all forms necessary to submit a tax levy request.

(3) (a) The "certified tax rate" means a tax rate that will provide the same ad valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the prior year.

(b) For purposes of this Subsection (3):

(i) "Ad valorem property tax revenues" do not include:

(A) collections from redemptions;

(B) interest;

(C) penalties; and

7623 (D) revenue received by a taxing entity from personal property that is:
7624 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
7625 (II) semiconductor manufacturing equipment.

7626 (ii) "Aggregate taxable value of all property taxed" means:
7627 (A) the aggregate taxable value of all real property assessed by a county assessor in
7628 accordance with Part 3, County Assessment, for the current year;

7629 (B) the aggregate taxable year end value of all personal property assessed by a county
7630 assessor in accordance with Part 3, County Assessment, for the prior year; and

7631 (C) the aggregate taxable value of all real and personal property assessed by the
7632 commission in accordance with Part 2, Assessment of Property, for the current year.

7633 (c) (i) Except as otherwise provided in this section, the certified tax rate shall be
7634 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the
7635 taxing entity by the amount calculated under Subsection (3)(c)(ii).

7636 (ii) For purposes of Subsection (3)(c)(i), the legislative body of a taxing entity shall
7637 calculate an amount as follows:

7638 (A) calculate for the taxing entity the difference between:
7639 (I) the aggregate taxable value of all property taxed; and
7640 (II) any redevelopment adjustments for the current calendar year;

7641 (B) after making the calculation required by Subsection (3)(c)(ii)(A), calculate an
7642 amount determined by increasing or decreasing the amount calculated under Subsection
7643 (3)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for the
7644 equalization period for the three calendar years immediately preceding the current calendar
7645 year;

7646 (C) after making the calculation required by Subsection (3)(c)(ii)(B), calculate the
7647 product of:
7648 (I) the amount calculated under Subsection (3)(c)(ii)(B); and
7649 (II) the percentage of property taxes collected for the five calendar years immediately
7650 preceding the current calendar year; and

7651 (D) after making the calculation required by Subsection (3)(c)(ii)(C), calculate an
7652 amount determined by subtracting from the amount calculated under Subsection (3)(c)(ii)(C)
7653 any new growth as defined in this section:

7654 (I) within the taxing entity; and
7655 (II) for the following calendar year:
7656 (Aa) for new growth from real property assessed by a county assessor in accordance
7657 with Part 3, County Assessment and all property assessed by the commission in accordance
7658 with Section 59-2-201, the current calendar year; and
7659 (Bb) for new growth from personal property assessed by a county assessor in
7660 accordance with Part 3, County Assessment, the prior calendar year.
7661 (iii) For purposes of Subsection (3)(c)(ii)(A), the aggregate taxable value of all
7662 property taxed:
7663 (A) except as provided in Subsection (3)(c)(iii)(B) or (3)(c)(ii)(C), is as defined in
7664 Subsection (3)(b)(ii);
7665 (B) does not include the total taxable value of personal property contained on the tax
7666 rolls of the taxing entity that is:
7667 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
7668 (II) semiconductor manufacturing equipment; and
7669 (C) for personal property assessed by a county assessor in accordance with Part 3,
7670 County Assessment, the taxable value of personal property is the year end value of the personal
7671 property contained on the prior year's tax rolls of the entity.
7672 (iv) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after
7673 January 1, 2007, the value of taxable property does not include the value of personal property
7674 that is:
7675 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
7676 County Assessment; and
7677 (B) semiconductor manufacturing equipment.
7678 (v) For purposes of Subsection (3)(c)(ii)(C)(II), for calendar years beginning on or after
7679 January 1, 2007, the percentage of property taxes collected does not include property taxes
7680 collected from personal property that is:
7681 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
7682 County Assessment; and
7683 (B) semiconductor manufacturing equipment.
7684 (vi) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after

7685 January 1, 2009, the value of taxable property does not include the value of personal property
7686 that is within the taxing entity assessed by a county assessor in accordance with Part 3, County
7687 Assessment.

7688 (vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7689 the commission may prescribe rules for calculating redevelopment adjustments for a calendar
7690 year.

7691 (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
7692 the commission shall make rules determining the calculation of ad valorem property tax
7693 revenues budgeted by a taxing entity.

7694 (ii) For purposes of Subsection (3)(d)(i), ad valorem property tax revenues budgeted by
7695 a taxing entity shall be calculated in the same manner as budgeted property tax revenues are
7696 calculated for purposes of Section 59-2-913.

7697 (e) The certified tax rates for the taxing entities described in this Subsection (3)(e) shall
7698 be calculated as follows:

7699 (i) except as provided in Subsection (3)(e)(ii), for new taxing entities the certified tax
7700 rate is zero;

7701 (ii) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

7702 (A) in a county of the first, second, or third class, the levy imposed for municipal-type
7703 services under Sections 17-34-1 and 17-36-9; and

7704 (B) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
7705 purposes and such other levies imposed solely for the municipal-type services identified in
7706 Section 17-34-1 and Subsection 17-36-3(22); and

7707 (iii) for debt service voted on by the public, the certified tax rate shall be the actual
7708 levy imposed by that section, except that the certified tax rates for the following levies shall be
7709 calculated in accordance with Section 59-2-913 and this section:

7710 (A) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
7711 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

7712 (B) levies to pay for the costs of state legislative mandates or judicial or administrative
7713 orders under Section 59-2-1604.

7714 (f) (i) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be
7715 established at that rate which is sufficient to generate only the revenue required to satisfy one

7716 or more eligible judgments, as defined in Section 59-2-102.

7717 (ii) The ad valorem property tax revenue generated by the judgment levy shall not be
7718 considered in establishing the taxing entity's aggregate certified tax rate.

7719 (g) The ad valorem property tax revenue generated by the capital outlay levy described
7720 in Section 53A-16-107 within a taxing entity in a county of the first class:

7721 (i) may not be considered in establishing the school district's aggregate certified tax
7722 rate; and

7723 (ii) shall be included by the commission in establishing a certified tax rate for that
7724 capital outlay levy determined in accordance with the calculation described in Subsection
7725 59-2-913(3).

7726 (4) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

7727 (i) the taxable value of real property assessed by a county assessor contained on the
7728 assessment roll;

7729 (ii) the taxable value of real and personal property assessed by the commission; and

7730 (iii) the taxable year end value of personal property assessed by a county assessor
7731 contained on the prior year's assessment roll.

7732 (b) For purposes of Subsection (4)(a)(i), the taxable value of real property on the
7733 assessment roll does not include new growth as defined in Subsection (4)(c).

7734 (c) "New growth" means:

7735 (i) the difference between the increase in taxable value of the following property of the
7736 taxing entity from the previous calendar year to the current year:

7737 (A) real property assessed by a county assessor in accordance with Part 3, County
7738 Assessment; and

7739 (B) property assessed by the commission under Section 59-2-201; plus

7740 (ii) the difference between the increase in taxable year end value of personal property
7741 of the taxing entity from the year prior to the previous calendar year to the previous calendar
7742 year; minus

7743 (iii) the amount of an increase in taxable value described in Subsection (4)(e).

7744 (d) For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the
7745 taxing entity does not include the taxable value of personal property that is:

7746 (i) contained on the tax rolls of the taxing entity if that property is assessed by a county

7747 assessor in accordance with Part 3, County Assessment; and
7748 (ii) semiconductor manufacturing equipment.
7749 (e) Subsection (4)(c)(iii) applies to the following increases in taxable value:
7750 (i) the amount of increase to locally assessed real property taxable values resulting
7751 from factoring, reappraisal, or any other adjustments; or
7752 (ii) the amount of an increase in the taxable value of property assessed by the
7753 commission under Section 59-2-201 resulting from a change in the method of apportioning the
7754 taxable value prescribed by:
7755 (A) the Legislature;
7756 (B) a court;
7757 (C) the commission in an administrative rule; or
7758 (D) the commission in an administrative order.
7759 (f) For purposes of Subsection (4)(a)(ii), the taxable year end value of personal
7760 property on the prior year's assessment roll does not include:
7761 (i) new growth as defined in Subsection (4)(c); or
7762 (ii) the total taxable year end value of personal property contained on the prior year's
7763 tax rolls of the taxing entity that is:
7764 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and
7765 (B) semiconductor manufacturing equipment.
7766 (5) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.
7767 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
7768 auditor of:
7769 (i) its intent to exceed the certified tax rate; and
7770 (ii) the amount by which it proposes to exceed the certified tax rate.
7771 (c) The county auditor shall notify all property owners of any intent to exceed the
7772 certified tax rate in accordance with [~~Subsection~~] Section 59-2-919[~~(3)~~].
7773 Section 160. Section **59-2-926** is amended to read:
7774 **59-2-926. Proposed tax increase by state -- Notice -- Contents -- Dates.**
7775 If the state authorizes a levy pursuant to Section 53A-17a-135 that exceeds the certified
7776 revenue levy as defined in Section 53A-17a-103 or authorizes a levy pursuant to Section
7777 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) until January 1, 2011, in a newspaper of general circulation in the state[-]; and
(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(b) The advertisement described in Subsection (1)(a)(i):
(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 sources (include all of the following provisions):

(a) \$_____ of the increase will come from (provide an explanation of the cause of adjustment or increased revenues, such as reappraisals or factoring orders);

(b) \$_____ of the increase will come from natural increases in the value of the tax base due to (explain cause of new growth, such as new building activity, annexation, etc.);

(c) a home valued at \$100,000 in the state of Utah which based on last year's (levy for the basic state-supported school program, levy for the Property Tax Valuation Agency Fund, or both) paid \$_____ in property taxes would pay the following:

(i) \$_____ if the state of Utah did not budget an increase in property tax revenue exclusive of new growth; and

(ii) \$_____ under the increased property tax revenues exclusive of new growth budgeted by the state of Utah."

7809 Section 161. Section **59-2-1303** is amended to read:

7810 **59-2-1303. Seizure and sale -- Method and procedure.**

7811 Unless taxes or uniform fees on personal property assessed by the county assessor are
7812 paid or secured as provided under Section 59-2-1302, the assessor or, if this duty has been
7813 reassigned in an ordinance under Section 17-16-5.5, the treasurer shall collect the taxes,
7814 including accrued interest and penalties, by seizure or seizure and subsequent sale of any
7815 personal property owned by the person against whom the tax is assessed. The assessor or
7816 treasurer, as the case may be, may seize that personal property on which a delinquent property
7817 tax or uniform fee exists at any time in order to protect a county's interest in that personal
7818 property. The sale of personal property shall be made in the following manner:

7819 (1) (a) For all personal property, except manufactured homes and mobile homes as
7820 provided in Subsection (1)(b), the sale shall be made:

7821 (i) at public auction;

7822 (ii) of a sufficient amount of property to pay the taxes, or uniform fees and interest,
7823 penalties, and costs;

7824 (iii) when practicable, in the city, town, or precinct where the property was seized; and

7825 (iv) after one week's notice of the time and place of the sale, given by:

7826 (A) (I) until January 1, 2011, publication in a newspaper having general circulation in
7827 the county[~~, or by~~]; and

7828 (II) beginning on January 1, 2011, publication on the Utah Public Notice Website as
7829 described in Section 63F-1-701; and

7830 (B) posting in three public places in the county.

7831 (b) For manufactured homes and mobile homes that are used as a residence and that are
7832 listed on the personal property roll of the county, the sale shall be made:

7833 (i) at public auction;

7834 (ii) when practicable, in the city, town, or precinct where the property was seized;

7835 (iii) no sooner than one year after the taxes on the property became delinquent as
7836 determined in Section 59-2-1302;

7837 (iv) after publication of the date, time, and place of sale;

7838 (A) until January 1, 2011, in a newspaper having general circulation in the county,
7839 once in each of two successive weeks immediately preceding the date of the sale; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two successive weeks immediately preceding the date of the sale; and

(v) after notification, sent by certified mail at least ten days prior to the first date of publication ~~[of the sale in a newspaper]~~ under Subsection (1)(b)(iv), to the owner of the manufactured home or mobile home, all lien holders of record, and any other person known by the assessor to have an interest in the manufactured home or mobile home, of the date, time, and place of the sale.

(2) For seizing or selling personal property the assessor or treasurer, as the case may be, may charge in each case the actual and necessary expenses for travel and seizing, handling, keeping, selling, or caring for that property.

(3) Upon payment of the price bid for any personal property sold under this section, the delivery of the property, with a bill of sale, vests title in the purchaser.

(4) All sale proceeds in excess of taxes, or uniform fees and interest, penalties, and costs shall be returned to the owner of the personal property, and until claimed shall be deposited in the county treasury and made subject to the order of the owner, the owner's heirs, or assigns.

(5) The unsold portion of any property may be left at the place of sale at the risk of the owner.

(6) If there is no acceptable purchaser of the property, the property shall be declared the property of the county. The county executive may sell or rent any property held in the name of the county at any time after the sale upon terms determined by the county legislative body.

Section 162. Section **59-2-1309** is amended to read:

59-2-1309. Publication of delinquency -- Seizure and sale -- Redemption -- Distribution of proceeds.

(1) (a) On or before December 15 of each year, the commission shall publish a list of the delinquent rail car companies and state-assessed commercial vehicles:

(i) until January 1, 2011, in a newspaper having general circulation in the state [a list of the delinquent rail car companies and state-assessed commercial vehicles.]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(b) The list shall contain the names of the owners, when known, and a general

description of the property assessed as to which the taxes are delinquent, and the amount of the delinquent taxes.

(c) The commission shall publish with the list a notice that unless the delinquent taxes, together with the penalty, are paid before December 21, the property of the delinquent or so much of it as may be necessary to pay the amount of the taxes, penalty, and interest at the rate prescribed in Section 59-1-402 from December 31 to the date of sale, shall be seized and sold for taxes, interest, and costs, the sale to be made at any time and place at the discretion of the commission.

(d) The provisions of law governing the seizure and sale by county treasurers of personal property for delinquent taxes shall apply to sales made by the commission under this section, except that notice of the time and place of the sale shall be given by publication:

(i) until January 1, 2011, in a newspaper of general circulation in the state[-]; and
(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701.

(2) Property seized by the commission pursuant to this section may be redeemed, at any time prior to the sale, by payment of the full amount of taxes due from the delinquent together with all penalties, interest, and the costs then accrued.

(3) All sums collected by the commission upon the sale or redemption of property pursuant to this section shall be immediately distributed as follows:

(a) all interest, penalties, and costs to the appropriate county treasurer; and
(b) any excess over the taxes, penalties, interest, and cost shall be deposited with the state treasurer subject to the order of the owner of the property sold, or the owner's heirs or assigns.

Section 163. Section **59-2-1310** is amended to read:

59-2-1310. Collection by seizure and sale -- Procedure -- Costs.

(1) The treasurer shall collect the taxes delinquent on personal property assessed by the commission as determined by the assessor, except when sufficient real estate is liable for the tax, by seizure and sale of any personal property owned by the delinquent taxpayer.

(2) The sale shall be at public auction, and of a sufficient amount of property to pay the taxes and costs, and when practicable shall be made in the city, town, or precinct where seized.

(3) The sale shall be made after one week's notice of the time and place of the sale,

7902 given by:

7903 (a) (i) until January 1, 2011, publication in a newspaper having general circulation in
7904 the county[~~-, or by~~]; and

7905 (ii) beginning on January 1, 2011, publication on the Utah Public Notice Website as
7906 described in Section 63F-1-701; and

7907 (b) posting in three public places in the county.

7908 (4) For seizing or selling personal property the treasurer may charge in each case the
7909 actual and necessary expenses for travel and seizing, handling, keeping, selling, or caring for
7910 property so seized or sold.

7911 (5) On payment of the price bid for any personal property sold, its delivery, with a bill
7912 of sale, vests title in the purchaser.

7913 (6) All excess of the proceeds of any sale over the taxes and costs shall be returned to
7914 the owner of the property sold, and until claimed shall be deposited in the county treasury and
7915 disposed of under Title 67, Chapter 4a, Unclaimed Property Act, subject to the order of the
7916 owner, or the owner's heirs or assigns.

7917 (7) If there is no acceptable purchaser of the property, the property shall be declared the
7918 property of the county. The county executive may sell or rent any property held in the name of
7919 the county at any time after the sale upon terms determined by the county legislative body.

7920 (8) The unsold portion of any property may be left at the place of sale at the risk of the
7921 owner.

7922 Section 164. Section **59-2-1332** is amended to read:

7923 **59-2-1332. Extension of date of delinquency.**

7924 (1) (a) The county legislative body may, upon a petition of not less than 100 taxpayers
7925 or upon its own motion for good cause, by proclamation, extend the date when taxes become
7926 delinquent from November 30 to noon on December 30.

7927 (b) If the county legislative body so extends this date, the county legislative body shall
7928 publish a notice of the proclamation covering this extension;

7929 (i) until January 1, 2011, in a newspaper of general circulation in the county in at least
7930 two issues before November 1 of the year in which the taxes are to be paid[-]; and

7931 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
7932 Section 63F-1-701 for two weeks before November 1.

(2) In all cases where the county legislative body extends the date when taxes become delinquent, the date for the selling of property to the county for delinquent taxes shall be extended 30 days from the dates provided by law.

Section 165. Section **59-2-1332.5** is amended to read:

59-2-1332.5. Mailing notice of delinquency or publication of delinquent list -- Contents -- Notice -- Definitions.

(1) The county treasurer shall provide notice of delinquency in the payment of property taxes:

(a) except as provided in Subsection (4), on or before December 31 of each calendar year; and

(b) in a manner described in Subsection (2).

(2) A notice of delinquency in the payment of property taxes shall be provided by:

(a) (i) mailing a written notice, postage prepaid:

(A) to each delinquent taxpayer; and

(B) that includes the information required by Subsection (3)(a); and

(ii) making available to the public a list of delinquencies in the payment of property taxes:

(A) (I) subject to Subsection (2)(a)(ii)(A)(I) by electronic means;

(II) beginning on January 1, 2011, by electronic means on the Utah Public Notice Website as described in Section 63F-1-701; and

(B) that includes the information required by Subsection (3)(b); or

(b) publishing a list of delinquencies in the payment of property taxes:

(i) until January 1, 2011, in one issue of a newspaper having general circulation in the county;

(ii) that lists each delinquency in alphabetical order by:

(A) the last name of the delinquent taxpayer; or

(B) if the delinquent taxpayer is a business entity, the name of the business entity; and

(iii) that includes the information required by Subsection (3)(b).

(3) (a) A written notice of delinquency in the payment of property taxes described in Subsection (2)(a)(i) shall include:

(i) a statement that delinquent taxes are due;

7964 (ii) the amount of delinquent taxes due, not including any penalties imposed in
7965 accordance with this chapter;

7966 (iii) (A) the name of the delinquent taxpayer; or
7967 (B) if the delinquent taxpayer is a business entity, the name of the business entity;

7968 (iv) (A) a description of the delinquent property; or
7969 (B) the property identification number of the delinquent property;

7970 (v) a statement that a penalty shall be imposed in accordance with this chapter; and
7971 (vi) a statement that interest accrues as of January 1 following the date of the
7972 delinquency unless before January 16 the following are paid:

7973 (A) the delinquent taxes; and
7974 (B) the penalty.

7975 (b) The list of delinquencies described in Subsection (2)(a)(ii) or (2)(b) shall include:

7976 (i) the amount of delinquent taxes due, not including any penalties imposed in
7977 accordance with this chapter;

7978 (ii) (A) the name of the delinquent taxpayer; or
7979 (B) if the delinquent taxpayer is a business entity, the name of the business entity;

7980 (iii) (A) a description of the delinquent property; or
7981 (B) the property identification number of the delinquent property;

7982 (iv) a statement that a penalty shall be imposed in accordance with this chapter; and
7983 (v) a statement that interest accrues as of January 1 following the date of the
7984 delinquency unless before January 16 the following are paid:

7985 (A) the delinquent taxes; and
7986 (B) the penalty.

7987 (4) Notwithstanding Subsection (1)(a), if the county legislative body extends the date
7988 when taxes become delinquent under Subsection 59-2-1332(1), the notice of delinquency in the
7989 payment of property taxes shall be provided on or before January 10.

7990 (5) (a) In addition to the notice of delinquency in the payment of property taxes
7991 required by Subsection (1), a county treasurer may in accordance with this Subsection (5) mail
7992 a notice that property taxes are delinquent:

7993 (i) to:
7994 (A) a delinquent taxpayer;

- 7995 (B) an owner of record of the delinquent property;
7996 (C) any other interested party that requests notice; or
7997 (D) a combination of Subsections (5)(a)(i)(A) through (C); and
7998 (ii) at any time that the county treasurer considers appropriate.
7999 (b) A notice mailed in accordance with this Subsection (5):
8000 (i) shall include the information required by Subsection (3)(a); and
8001 (ii) may include any information that the county treasurer finds is useful to the owner
8002 of record of the delinquent property in determining:
8003 (A) the status of taxes owed on the delinquent property;
8004 (B) any penalty that is owed on the delinquent property;
8005 (C) any interest charged under Section 59-2-1331 on the delinquent property; or
8006 (D) any related matters concerning the delinquent property.
8007 (6) As used in this section, "business entity" means:
8008 (a) an association;
8009 (b) a corporation;
8010 (c) a limited liability company;
8011 (d) a partnership;
8012 (e) a trust; or
8013 (f) a business entity similar to Subsections (6)(a) through (e).
8014 Section 166. Section **59-2-1351** is amended to read:
8015 **59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.**
8016 (1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor
8017 shall select a date for the tax sale for all real property on which a delinquency exists that was
8018 not previously redeemed and upon which the period of redemption is expiring in the nearest tax
8019 sale.
8020 (b) The tax sale shall be conducted in May or June of the current year.
8021 (2) Notice of the tax sale shall be provided as follows:
8022 (a) sent by certified and first class mail to the last-known recorded owner, the occupant
8023 of any improved property, and all other interests of record, as of the preceding March 15, at
8024 their last-known address; and
8025 (b) published;

8026 (i) until January 1, 2011, four times in a newspaper published and having general
8027 circulation in the county, once in each of four successive weeks immediately preceding the date
8028 of sale; ~~[or]~~ and

8029 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8030 Section 63F-1-701 for four successive weeks immediately preceding the date of sale; and

8031 (c) if no newspaper is published in the county, posted in five public places in the
8032 county, as determined by the auditor, at least 25 but no more than 30 days prior to the date of
8033 sale.

8034 (3) The notice shall be in substantially the following form:

8035 NOTICE OF TAX SALE

8036 Notice is hereby given that on _____(month\day\year), at ___ o'clock __. m., at
8037 the front door of the county courthouse in ____ County, Utah, I will offer for sale at public
8038 auction and sell to the highest bidder for cash, under the provisions of Section 59-2-1351.1, the
8039 following described real property located in the county and now delinquent and subject to tax
8040 sale. A bid for less than the total amount of taxes, interest, penalty, and administrative costs
8041 which are a charge upon the real estate will not be accepted.

8042 (Here describe the real estate)

8043 IN WITNESS WHEREOF I have hereunto set my hand and official seal on

8044 _____(month\day\year).

8045 _____
8046 County Auditor
8047 _____
8048 County

8049 (4) (a) The notice sent by certified mail in accordance with Subsection (2)(a) shall
8050 include:

8051 (i) the name and last-known address of the last-known recorded owner of the property
8052 to be sold;

8053 (ii) the parcel, serial, or account number of the delinquent property; and

8054 (iii) the legal description of the delinquent property.

8055 (b) The notice published in a newspaper in accordance with Subsection (2)(b) shall
8056 include:

(i) the name and last-known address of the last-known recorded owner of each parcel of property to be sold; and

(ii) the street address or the parcel, serial, or account number of the delinquent parcels.

Section 167. Section **59-12-402** is amended to read:

59-12-402. Additional resort communities sales and use tax -- Base -- Rate -- Collection fees -- Resolution and voter approval requirements -- Election requirements -- Notice requirements -- Ordinance requirements.

(1) (a) Subject to Subsections (2) through (6), the governing body of a municipality in which the transient room capacity as defined in Section 59-12-405 is greater than or equal to 66% of the municipality's permanent census population may, in addition to the sales tax authorized under Section 59-12-401, impose an additional resort communities sales tax in an amount that is less than or equal to .5% on the transactions described in Subsection 59-12-103(1) located within the municipality.

(b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not impose a tax under this section on:

(i) the sale of:

(A) a motor vehicle;

(B) an aircraft;

(C) a watercraft;

(D) a modular home;

(E) a manufactured home; or

(F) a mobile home;

(ii) 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

(iii) 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 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

8088 property other than food and food ingredients.

8089 (2) (a) An amount equal to the total of any costs incurred by the state in connection
8090 with the implementation of Subsection (1) which exceed, in any year, the revenues received by
8091 the state from its collection fees received in connection with the implementation of Subsection
8092 (1) shall be paid over to the state General Fund by the cities and towns which impose the tax
8093 provided for in Subsection (1).

8094 (b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among
8095 those cities and towns according to the amount of revenue the respective cities and towns
8096 generate in that year through imposition of that tax.

8097 (3) To impose an additional resort communities sales tax under this section, the
8098 governing body of the municipality shall:

8099 (a) pass a resolution approving the tax; and

8100 (b) except as provided in Subsection (6), obtain voter approval for the tax as provided
8101 in Subsection (4).

8102 (4) To obtain voter approval for an additional resort communities sales tax under
8103 Subsection (3)(b), a municipality shall:

8104 (a) hold the additional resort communities sales tax election during:

8105 (i) a regular general election; or

8106 (ii) a municipal general election; and

8107 (b) publish notice of the election:

8108 (i) 15 days or more before the day on which the election is held; and

8109 (ii) (A) until January 1, 2011, in a newspaper of general circulation in the

8110 municipality[-]; and

8111 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8112 Section 63F-1-701.

8113 (5) An ordinance approving an additional resort communities sales tax under this
8114 section shall provide an effective date for the tax as provided in Section 59-12-403.

8115 (6) (a) Except as provided in Subsection (6)(b), a municipality is not subject to the
8116 voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the
8117 municipality imposed a license fee or tax on businesses based on gross receipts pursuant to
8118 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 168. 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 determined in accordance with Sections 59-12-211 through 59-12-215.

(d) A city or town 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) A city or town imposing a tax under this part may use the revenues generated by the tax:

(i) for the construction and maintenance of highways under the jurisdiction of the city or town imposing the tax;

8150 (ii) subject to Subsection (2)(b), to fund a system for public transit; or
8151 (iii) for a combination of the purposes described in Subsections (2)(a)(i) and (ii).
8152 (b) (i) For purposes of Subsection (2)(a)(ii) and except as provided in Subsection
8153 (2)(b)(ii), "public transit" is as defined in Section 17B-2a-802.
8154 (ii) Notwithstanding Subsection (2)(b)(i), "public transit" does not include a fixed
8155 guideway system.
8156 (3) To impose a tax under this part, the governing body of the city or town shall:
8157 (a) pass an ordinance approving the tax; and
8158 (b) except as provided in Subsection (7) or (8), obtain voter approval for the tax as
8159 provided in Subsection (4).
8160 (4) To obtain voter approval for a tax under Subsection (3)(b), a city or town shall:
8161 (a) hold an election during:
8162 (i) a regular general election; or
8163 (ii) a municipal general election; and
8164 (b) publish notice of the election:
8165 (i) 15 days or more before the day on which the election is held; and
8166 (ii) (A) until January 1, 2011, in a newspaper of general circulation in the city or
8167 town[-]; and
8168 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8169 Section 63F-1-701.
8170 (5) An ordinance approving a tax under this part shall provide an effective date for the
8171 tax as provided in Subsection (6).
8172 (6) (a) For purposes of this Subsection (6):
8173 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part
8174 4, Annexation.
8175 (ii) "Annexing area" means an area that is annexed into a city or town.
8176 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after April 1, 2008, a city
8177 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:
8178 (A) on the first day of a calendar quarter; and
8179 (B) after a 90-day period beginning on the date the commission receives notice meeting
8180 the requirements of Subsection (6)(b)(ii) from the city or town.

8181 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:
8182 (A) that the city or town will enact or repeal a tax under this part;
8183 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);
8184 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and
8185 (D) if the city or town enacts the tax described in Subsection (6)(b)(ii)(A), the rate of
8186 the tax.

8187 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:
8188 (A) that begins after the effective date of the enactment of the tax; and
8189 (B) if the billing period for the transaction begins before the effective date of the
8190 enactment of the tax under Subsection (1).

8191 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
8192 (A) that began before the effective date of the repeal of the tax; and
8193 (B) if the billing period for the transaction begins before the effective date of the repeal
8194 of the tax imposed under Subsection (1).

8195 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
8196 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
8197 Subsection (6)(b)(i) takes effect:
8198 (A) on the first day of a calendar quarter; and
8199 (B) beginning 60 days after the effective date of the enactment or repeal under
8200 Subsection (6)(b)(i).

8201 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8202 commission may by rule define the term "catalogue sale."

8203 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs
8204 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
8205 part for an annexing area, the enactment or repeal shall take effect:
8206 (A) on the first day of a calendar quarter; and
8207 (B) after a 90-day period beginning on the date the commission receives notice meeting
8208 the requirements of Subsection (6)(e)(ii) from the city or town that annexes the annexing area.

8209 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:
8210 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or
8211 repeal of a tax under this part for the annexing area;

8212 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);
8213 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and
8214 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).
8215 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:
8216 (A) that begins after the effective date of the enactment of the tax; and
8217 (B) if the billing period for the transaction begins before the effective date of the
8218 enactment of the tax under Subsection (1).
8219 (ii) The repeal of a tax shall take effect on the first day of the last billing period:
8220 (A) that began before the effective date of the repeal of the tax; and
8221 (B) if the billing period for the transaction begins before the effective date of the repeal
8222 of the tax imposed under Subsection (1).
8223 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
8224 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
8225 Subsection (6)(e)(i) takes effect:
8226 (A) on the first day of a calendar quarter; and
8227 (B) beginning 60 days after the effective date of the enactment or repeal under
8228 Subsection (6)(e)(i).
8229 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8230 commission may by rule define the term "catalogue sale."
8231 (7) (a) Except as provided in Subsection (7)(b), a city or town is not subject to the
8232 voter approval requirements of Subsection (3)(b) if:
8233 (i) on or before January 1, 1996, the city or town imposed a license fee or tax on
8234 businesses based on gross receipts pursuant to Section 10-1-203; or
8235 (ii) the city or town:
8236 (A) on or before June 30, 2002, obtained voter approval in accordance with Subsection
8237 (3)(b) to impose a tax under this part for a purpose described in Subsection (2)(a)(i); and
8238 (B) on or after July 1, 2002, uses the revenues generated by a tax under this part for a
8239 purpose described in Subsection (2)(a).
8240 (b) The exception from the voter approval requirements in Subsection (7)(a)(i) does not
8241 apply to a city or town that, on or before January 1, 1996, imposed a license fee or tax on only
8242 one class of businesses based on gross receipts pursuant to Section 10-1-203.

8243 (8) A city or town is not subject to the voter approval requirements of Subsection
8244 (3)(b) if:
8245 (a) on December 31, 2007, the city or town imposes a tax of .25% under this section;
8246 and
8247 (b) on or after January 1, 2008, the city or town increases the tax rate under this section
8248 to .30%.

8249 Section 169. Section **59-12-1102** is amended to read:

8250 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**

8251 **Administration -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

8252 (1) (a) (i) Subject to Subsections (2) through (5), and in addition to any other tax
8253 authorized by this chapter, a county may impose by ordinance a county option sales and use tax
8254 of .25% upon the transactions described in Subsection 59-12-103(1).

8255 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this
8256 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are
8257 exempt from taxation under Section 59-12-104.

8258 (b) For purposes of this Subsection (1), the location of a transaction shall be
8259 determined in accordance with Sections 59-12-211 through 59-12-215.

8260 (c) The county option sales and use tax under this section shall be imposed:

8261 (i) upon transactions that are located within the county, including transactions that are
8262 located within municipalities in the county; and

8263 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of
8264 January:

8265 (A) of the next calendar year after adoption of the ordinance imposing the tax if the
8266 ordinance is adopted on or before May 25; or

8267 (B) of the second calendar year after adoption of the ordinance imposing the tax if the
8268 ordinance is adopted after May 25.

8269 (d) Notwithstanding Subsection (1)(c)(ii), the county option sales and use tax under
8270 this section shall be imposed:

8271 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before
8272 September 4, 1997; or

8273 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997

8274 but after September 4, 1997.

8275 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a
8276 county shall hold two public hearings on separate days in geographically diverse locations in
8277 the county.

8278 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting
8279 time of no earlier than 6 p.m.

8280 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven
8281 days after the day the first advertisement required by Subsection (2)(c) is published.

8282 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county
8283 shall advertise [~~in a newspaper of general circulation in the county~~]:

8284 (A) its intent to adopt a county option sales and use tax;

8285 (B) the date, time, and location of each public hearing; and

8286 (C) a statement that the purpose of each public hearing is to obtain public comments
8287 regarding the proposed tax.

8288 (ii) The advertisement shall be published:

8289 (A) until January 1, 2011, in a newspaper of general circulation in the county once each
8290 week for the two weeks preceding the earlier of the two public hearings[-]; and

8291 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8292 Section 63F-1-701 for two weeks preceding the earlier of the two public hearings.

8293 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8
8294 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch
8295 border.

8296 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that
8297 portion of the newspaper where legal notices and classified advertisements appear.

8298 (v) [~~Whenever~~] In accordance with Subsection (2)(c)(ii)(A), whenever possible:

8299 (A) the advertisement shall appear in a newspaper that is published at least five days a
8300 week, unless the only newspaper in the county is published less than five days a week; and

8301 (B) the newspaper selected shall be one of general interest and readership in the
8302 community, and not one of limited subject matter.

8303 (d) The adoption of an ordinance imposing a county option sales and use tax is subject
8304 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part

8305 6, Local Referenda - Procedures.

8306 (3) (a) If the aggregate population of the counties imposing a county option sales and
8307 use tax under Subsection (1) is less than 75% of the state population, the tax levied under
8308 Subsection (1) shall be distributed to the county in which the tax was collected.

8309 (b) If the aggregate population of the counties imposing a county option sales and use
8310 tax under Subsection (1) is greater than or equal to 75% of the state population:

8311 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to
8312 the county in which the tax was collected; and

8313 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection
8314 (1) in each county shall be distributed proportionately among all counties imposing the tax,
8315 based on the total population of each county.

8316 (c) If the amount to be distributed annually to a county under Subsection (3)(b)(ii),
8317 when combined with the amount distributed to the county under Subsection (3)(b)(i), does not
8318 equal at least \$75,000, then:

8319 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall
8320 be increased so that, when combined with the amount distributed to the county under
8321 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

8322 (ii) the amount to be distributed annually to all other counties under Subsection
8323 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under
8324 Subsection (3)(c)(i).

8325 (d) The commission shall establish rules to implement the distribution of the tax under
8326 Subsections (3)(a), (b), and (c).

8327 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part
8328 shall be administered, collected, and enforced in accordance with:

8329 (i) the same procedures used to administer, collect, and enforce the tax under:

8330 (A) Part 1, Tax Collection; or

8331 (B) Part 2, Local Sales and Use Tax Act; and

8332 (ii) Chapter 1, General Taxation Policies.

8333 (b) Notwithstanding Subsection (4)(a), a tax under this part is not subject to
8334 Subsections 59-12-205(2) through (6).

8335 (c) Notwithstanding Subsection (4)(a), the fee charged by the commission under

8336 Section 59-12-206 shall be based on the distribution amounts resulting after all the applicable
8337 distribution calculations under Subsection (3) have been made.

8338 (5) (a) For purposes of this Subsection (5):

8339 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,

8340 Annexation to County.

8341 (ii) "Annexing area" means an area that is annexed into a county.

8342 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a
8343 county enacts or repeals a tax under this part:

8344 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

8345 (II) the repeal shall take effect on the first day of a calendar quarter; and

8346 (B) after a 90-day period beginning on the date the commission receives notice meeting
8347 the requirements of Subsection (5)(b)(ii) from the county.

8348 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:

8349 (A) that the county will enact or repeal a tax under this part;

8350 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

8351 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

8352 (D) if the county enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the
8353 tax.

8354 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:

8355 (A) that begins after the effective date of the enactment of the tax; and

8356 (B) if the billing period for the transaction begins before the effective date of the
8357 enactment of the tax under Subsection (1).

8358 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8359 (A) that began before the effective date of the repeal of the tax; and

8360 (B) if the billing period for the transaction begins before the effective date of the repeal
8361 of the tax imposed under Subsection (1).

8362 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
8363 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
8364 Subsection (5)(b)(i) takes effect:

8365 (A) on the first day of a calendar quarter; and

8366 (B) beginning 60 days after the effective date of the enactment or repeal under

8367 Subsection (5)(b)(i).

8368 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8369 commission may by rule define the term "catalogue sale."

8370 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs
8371 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this
8372 part for an annexing area, the enactment or repeal shall take effect:

8373 (A) on the first day of a calendar quarter; and

8374 (B) after a 90-day period beginning on the date the commission receives notice meeting
8375 the requirements of Subsection (5)(e)(ii) from the county that annexes the annexing area.

8376 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

8377 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or
8378 repeal of a tax under this part for the annexing area;

8379 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

8380 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

8381 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).

8382 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:

8383 (A) that begins after the effective date of the enactment of the tax; and

8384 (B) if the billing period for the transaction begins before the effective date of the
8385 enactment of the tax under Subsection (1).

8386 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8387 (A) that began before the effective date of the repeal of the tax; and

8388 (B) if the billing period for the transaction begins before the effective date of the repeal
8389 of the tax imposed under Subsection (1).

8390 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of
8391 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in
8392 Subsection (5)(e)(i) takes effect:

8393 (A) on the first day of a calendar quarter; and

8394 (B) beginning 60 days after the effective date of the enactment or repeal under
8395 Subsection (5)(e)(i).

8396 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
8397 commission may by rule define the term "catalogue sale."

8398 Section 170. Section **63B-1-317** is amended to read:

8399 **63B-1-317. Publication of resolution or other proceeding -- Contest of**
8400 **proceedings -- Mandamus to compel official to sign obligations.**

8401 (1) The authority may provide for the publication of any resolution it adopts for the
8402 authorization of obligations under this part;

8403 (a) until January 1, 2011, in one issue of a newspaper having general circulation in this
8404 state[-]; and

8405 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8406 Section 63F-1-701.

8407 (2) In case of resolution or other proceeding providing for the issuance of obligations
8408 under this part, the authority may, in lieu of publishing the entire resolution or other
8409 proceeding, publish a notice of obligations to be issued, titled as such, containing:

8410 (a) the name of the authority;

8411 (b) the purpose of the issue;

8412 (c) the type of obligations and the principal amount to be issued;

8413 (d) the maximum maturity of the obligations;

8414 (e) the maximum net effective rate of interest payable on the issue of obligations;

8415 (f) the maximum discount from par which is to be permitted if the obligations may be
8416 sold at a discount below par value; and

8417 (g) the times and place where a copy of the resolution or other proceeding may be
8418 examined, during regular business hours, for a period of at least 30 days after the publication of
8419 the notice.

8420 (3) (a) For a period of 30 days after the date of publication under Subsection (1) or (2),
8421 any interested person may contest the legality of the resolution, of the obligations authorized by
8422 it, or any of the provisions made for the security and payment of these obligations.

8423 (b) After this period, no one shall have any cause of action to contest the regularity,
8424 formality, or legality of same for any cause whatsoever, except as provided in Subsection (4).

8425 (4) (a) If any official required to sign the obligations refuses to sign them because the
8426 official alleges that the obligations to be signed are illegal, the authority may bring an original
8427 action in the supreme court for a writ of mandamus requiring the official to sign the
8428 obligations.

8429 (b) Because of the importance of the facilities construction and acquisition program
8430 provided for in this part, the Utah Supreme Court shall:

- 8431 (i) give this action precedence over any other matters pending before the court; and
8432 (ii) consider and determine these matters at the earliest possible time.

8433 Section 171. Section **63B-1a-501** is amended to read:

8434 **63B-1a-501. Publication of resolution or notice -- Limitation on actions to contest**
8435 **legality.**

8436 (1) The commission may either:

8437 (a) (i) until January 1, 2011, publish once in a newspaper having general circulation in
8438 Utah any resolution adopted by it; [or] and

8439 (ii) beginning on January 1, 2011, publish on the Utah Public Notice Website as
8440 described in Section 63F-1-701 any resolution adopted by it; or

8441 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8442 titled as such, containing:

8443 (i) the purpose of the bond issue;

8444 (ii) the type of bonds and the maximum principal amount that may be issued;

8445 (iii) the maximum number of years over which the bonds may mature;

8446 (iv) the maximum interest rate that the bonds may bear, if any;

8447 (v) the maximum discount from par, expressed as a percentage of principal amount, at
8448 which the bonds may be sold; and

8449 (vi) that a copy of the resolution or other proceedings may be examined at the office of
8450 the state treasurer during regular business hours for at least 30 days after the publication of the
8451 notice.

8452 (2) For 30 days after the date of publication, any interested person may contest:

8453 (a) the legality of the resolution;

8454 (b) any of the bonds authorized under it; or

8455 (c) any of the provisions made for the repayment of the bonds.

8456 (3) After 30 days, a person may not, for any cause, contest:

8457 (a) the legality of the resolution;

8458 (b) any of the bonds authorized under the resolution; or

8459 (c) any of the provisions made for the security and repayment of the bonds.

8460 Section 172. Section **63B-2-116** is amended to read:

8461 **63B-2-116. Publication of resolution or notice -- Limitation on actions to contest**
8462 **legality.**

8463 (1) The commission may:

8464 (a) publish any resolution it adopts under this chapter;

8465 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]

8466 and

8467 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8468 Section 63F-1-701; or

8469 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8470 titled as such, containing the information required in Subsection 11-14-316(2).

8471 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8472 (i) the legality of the resolution;

8473 (ii) any of the bonds authorized under it; or

8474 (iii) any of the provisions made for the security and repayment of the bonds.

8475 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8476 bonds authorized under it, or any of the provisions made for the security and repayment of the
8477 bonds for any cause.

8478 Section 173. Section **63B-2-216** is amended to read:

8479 **63B-2-216. Publication of resolution or notice -- Limitation on actions to contest**
8480 **legality.**

8481 (1) The commission may:

8482 (a) publish any resolution it adopts under this chapter;

8483 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]

8484 and

8485 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8486 Section 63F-1-701; or

8487 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8488 titled as such, containing the information required by Subsection 11-14-316(2).

8489 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8490 (i) the legality of the resolution;

8491 (ii) any of the bonds authorized under it; or
8492 (iii) any of the provisions made for the security and repayment of the bonds.
8493 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8494 bonds authorized under it, or any of the provisions made for the security and repayment of the
8495 bonds for any cause.

8496 Section 174. Section **63B-3-116** is amended to read:

8497 **63B-3-116. Publication of resolution or notice -- Limitation on actions to contest**
8498 **legality.**

8499 (1) The commission may:

8500 (a) publish any resolution it adopts under this chapter;

8501 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; ~~or~~
8502 and

8503 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8504 Section 63F-1-701; or

8505 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8506 titled as such, containing the information required in Subsection 11-14-316(2).

8507 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8508 (i) the legality of the resolution;

8509 (ii) any of the bonds authorized under it; or

8510 (iii) any of the provisions made for the security and repayment of the bonds.

8511 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8512 bonds authorized under it, or any of the provisions made for the security and repayment of the
8513 bonds for any cause.

8514 Section 175. Section **63B-3-216** is amended to read:

8515 **63B-3-216. Publication of resolution or notice -- Limitation on actions to contest**
8516 **legality.**

8517 (1) The commission may:

8518 (a) publish any resolution it adopts under this chapter;

8519 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; ~~or~~
8520 and

8521 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8522 Section 63F-1-701; or

8523 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8524 titled as such, containing the information required by Subsection 11-14-316(2).

8525 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8526 (i) the legality of the resolution;

8527 (ii) any of the bonds authorized under it; or

8528 (iii) any of the provisions made for the security and repayment of the bonds.

8529 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8530 bonds authorized under it, or any of the provisions made for the security and repayment of the
8531 bonds for any cause.

8532 Section 176. Section **63B-4-116** is amended to read:

8533 **63B-4-116. Publication of resolution or notice -- Limitation on actions to contest**
8534 **legality.**

8535 (1) The commission may:

8536 (a) publish any resolution it adopts under this chapter;

8537 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; ~~[or]~~

8538 and

8539 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8540 Section 63F-1-701; or

8541 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8542 titled as such, containing the information required in Subsection 11-14-316(2).

8543 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8544 (i) the legality of the resolution;

8545 (ii) any of the bonds authorized under it; or

8546 (iii) any of the provisions made for the security and repayment of the bonds.

8547 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8548 bonds authorized under it, or any of the provisions made for the security and repayment of the
8549 bonds for any cause.

8550 Section 177. Section **63B-5-116** is amended to read:

8551 **63B-5-116. Publication of resolution or notice -- Limitation on actions to contest**
8552 **legality.**

8553 (1) The commission may:
8554 (a) publish any resolution it adopts under this chapter;
8555 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8556 and
8557 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8558 Section 63F-1-701; 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 178. Section **63B-6-116** is amended to read:
8569 **63B-6-116. 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) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8574 and
8575 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8576 Section 63F-1-701; or
8577 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8578 titled as such, containing the information required in Subsection 11-14-316(2).
8579 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8580 (i) the legality of the resolution;
8581 (ii) any of the bonds authorized under it; or
8582 (iii) any of the provisions made for the security and repayment of the bonds.
8583 (b) After 30 days, a person may not contest the legality of the resolution, any of the

8584 bonds authorized under it, or any of the provisions made for the security and repayment of the
8585 bonds for any cause.

8586 Section 179. Section **63B-6-216** is amended to read:

8587 **63B-6-216. Publication of resolution or notice -- Limitation on actions to contest**
8588 **legality.**

8589 (1) The commission may:

8590 (a) publish any resolution it adopts under this chapter;

8591 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]

8592 and

8593 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8594 Section 63F-1-701; or

8595 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8596 titled as such, containing the information required by Subsection 11-14-316(2).

8597 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8598 (i) the legality of the resolution;

8599 (ii) any of the bonds authorized under it; or

8600 (iii) any of the provisions made for the security and repayment of the bonds.

8601 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8602 bonds authorized under it, or any of the provisions made for the security and repayment of the
8603 bonds for any cause.

8604 Section 180. Section **63B-6-416** is amended to read:

8605 **63B-6-416. Publication of resolution or notice -- Limitation on actions to contest**
8606 **legality.**

8607 (1) The commission may:

8608 (a) publish any resolution it adopts under this chapter;

8609 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]

8610 and

8611 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8612 Section 63F-1-701; or

8613 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8614 titled as such, containing the information required in Subsection 11-14-316(2).

8615 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8616 (i) the legality of the resolution;
8617 (ii) any of the bonds authorized under it; or
8618 (iii) any of the provisions made for the security and repayment of the bonds.
8619 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8620 bonds authorized under it, or any of the provisions made for the security and repayment of the
8621 bonds for any cause.

8622 Section 181. Section **63B-7-116** is amended to read:

8623 **63B-7-116. Publication of resolution or notice -- Limitation on actions to contest**
8624 **legality.**

8625 (1) The commission may:

8626 (a) publish any resolution it adopts under this chapter;

8627 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8628 and

8629 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8630 Section 63F-1-701; or

8631 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8632 titled as such, containing the information required in Subsection 11-14-316(2).

8633 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8634 (i) the legality of the resolution;

8635 (ii) any of the bonds authorized under it; or

8636 (iii) any of the provisions made for the security and repayment of the bonds.

8637 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8638 bonds authorized under it, or any of the provisions made for the security and repayment of the
8639 bonds for any cause.

8640 Section 182. Section **63B-7-216** is amended to read:

8641 **63B-7-216. Publication of resolution or notice -- Limitation on actions to contest**
8642 **legality.**

8643 (1) The commission may:

8644 (a) publish any resolution it adopts under this chapter;

8645 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]

8646 and
8647 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8648 Section 63F-1-701; or
8649 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8650 titled as such, containing the information required by Subsection 11-14-316(2).
8651 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8652 (i) the legality of the resolution;
8653 (ii) any of the bonds authorized under it; or
8654 (iii) any of the provisions made for the security and repayment of the bonds.
8655 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8656 bonds authorized under it, or any of the provisions made for the security and repayment of the
8657 bonds for any cause.
8658 Section 183. Section **63B-7-416** is amended to read:
8659 **63B-7-416. Publication of resolution or notice -- Limitation on actions to contest**
8660 **legality.**
8661 (1) The commission may:
8662 (a) publish any resolution it adopts under this chapter;
8663 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8664 and
8665 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8666 Section 63F-1-701; or
8667 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8668 titled as such, containing the information required in Subsection 11-14-316(2).
8669 (2) (a) Any interested person, for 30 days after the date of publication, may contest:
8670 (i) the legality of the resolution;
8671 (ii) any of the bonds authorized under it; or
8672 (iii) any of the provisions made for the security and repayment of the bonds.
8673 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8674 bonds authorized under it, or any of the provisions made for the security and repayment of the
8675 bonds for any cause.
8676 Section 184. Section **63B-8-116** is amended to read:

8677 **63B-8-116. Publication of resolution or notice -- Limitation on actions to contest**
8678 **legality.**

8679 (1) The commission may:

8680 (a) publish any resolution it adopts under this chapter;

8681 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]

8682 and

8683 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8684 Section 63F-1-701; or

8685 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8686 titled as such, containing the information required in Subsection 11-14-316(2).

8687 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8688 (i) the legality of the resolution;

8689 (ii) any of the bonds authorized under it; or

8690 (iii) any of the provisions made for the security and repayment of the bonds.

8691 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8692 bonds authorized under it, or any of the provisions made for the security and repayment of the
8693 bonds for any cause.

8694 Section 185. Section **63B-8-216** is amended to read:

8695 **63B-8-216. Publication of resolution or notice -- Limitation on actions to contest**
8696 **legality.**

8697 (1) The commission may:

8698 (a) publish any resolution it adopts under this chapter;

8699 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]

8700 and

8701 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8702 Section 63F-1-701; or

8703 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8704 titled as such, containing the information required by Subsection 11-14-316(2).

8705 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8706 (i) the legality of the resolution;

8707 (ii) any of the bonds authorized under it; or

8708 (iii) any of the provisions made for the security and repayment of the bonds.

8709 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8710 bonds authorized under it, or any of the provisions made for the security and repayment of the
8711 bonds for any cause.

8712 Section 186. Section **63B-8-416** is amended to read:

8713 **63B-8-416. Publication of resolution or notice -- Limitation on actions to contest**
8714 **legality.**

8715 (1) The commission may:

8716 (a) publish any resolution it adopts under this chapter;

8717 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8718 and

8719 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8720 Section 63F-1-701; or

8721 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8722 titled as such, containing the information required in Subsection 11-14-316(2).

8723 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8724 (i) the legality of the resolution;

8725 (ii) any of the bonds authorized under it; or

8726 (iii) any of the provisions made for the security and repayment of the bonds.

8727 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8728 bonds authorized under it, or any of the provisions made for the security and repayment of the
8729 bonds for any cause.

8730 Section 187. Section **63B-10-116** is amended to read:

8731 **63B-10-116. Publication of resolution or notice -- Limitation on actions to contest**
8732 **legality.**

8733 (1) The commission may:

8734 (a) publish any resolution it adopts under this chapter;

8735 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8736 and

8737 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8738 Section 63F-1-701; or

8739 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8740 titled as such, containing the information required by Subsection 11-14-316(2).

8741 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8742 (i) the legality of the resolution;

8743 (ii) any of the bonds authorized under it; or

8744 (iii) any of the provisions made for the security and repayment of the bonds.

8745 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8746 bonds authorized under it, or any of the provisions made for the security and repayment of the
8747 bonds for any cause.

8748 Section 188. Section **63B-11-116** is amended to read:

8749 **63B-11-116. Publication of resolution or notice -- Limitation on actions to contest**
8750 **legality.**

8751 (1) The commission may:

8752 (a) publish any resolution it adopts under this chapter;

8753 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8754 and

8755 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8756 Section 63F-1-701; or

8757 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8758 titled as such, containing the information required in Subsection 11-14-316(2).

8759 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8760 (i) the legality of the resolution;

8761 (ii) any of the bonds authorized under it; or

8762 (iii) any of the provisions made for the security and repayment of the bonds.

8763 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8764 bonds authorized under it, or any of the provisions made for the security and repayment of the
8765 bonds for any cause.

8766 Section 189. Section **63B-11-216** is amended to read:

8767 **63B-11-216. Publication of resolution or notice -- Limitation on actions to contest**
8768 **legality.**

8769 (1) The commission may:

8770 (a) publish any resolution it adopts under this chapter;
8771 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8772 and

8773 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8774 Section 63F-1-701; or

8775 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8776 titled as such, containing the information required in Subsection 11-14-316(2).

8777 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8778 (i) the legality of the resolution;

8779 (ii) any of the bonds authorized under it; or

8780 (iii) any of the provisions made for the security and repayment of the bonds.

8781 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8782 bonds authorized under it, or any of the provisions made for the security and repayment of the
8783 bonds for any cause.

8784 Section 190. Section **63B-11-316** is amended to read:

8785 **63B-11-316. Publication of resolution or notice -- Limitation on actions to contest**
8786 **legality.**

8787 (1) The commission may:

8788 (a) publish any resolution it adopts under this chapter;

8789 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; [or]
8790 and

8791 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8792 Section 63F-1-701; or

8793 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8794 titled as such, containing the information required by Subsection 11-14-316(2).

8795 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8796 (i) the legality of the resolution;

8797 (ii) any of the bonds authorized under it; or

8798 (iii) any of the provisions made for the security and repayment of the bonds.

8799 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8800 bonds authorized under it, or any of the provisions made for the security and repayment of the

8801 bonds for any cause.

8802 Section 191. Section **63B-11-516** is amended to read:

8803 **63B-11-516. Publication of resolution or notice -- Limitation on actions to contest**
8804 **legality.**

8805 (1) The commission may:

8806 (a) publish any resolution it adopts under this chapter;

8807 (i) until January 1, 2011, once in a newspaper having general circulation in Utah; ~~[or]~~

8808 and

8809 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8810 Section 63F-1-701; or

8811 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,
8812 titled as such, containing the information required by Subsection 11-14-316(2).

8813 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8814 (i) the legality of the resolution;

8815 (ii) any of the bonds authorized under it; or

8816 (iii) any of the provisions made for the security and repayment of the bonds.

8817 (b) After 30 days, a person may not contest the legality of the resolution, any of the
8818 bonds authorized under it, or any of the provisions made for the security and repayment of the
8819 bonds for any cause.

8820 Section 192. Section **63C-7-306** is amended to read:

8821 **63C-7-306. Publication of notice, resolution, or other proceeding -- Period for**
8822 **contesting.**

8823 (1) The executive committee of the Utah Communications Agency Network may
8824 provide for the publication of any resolution or other proceedings adopted under this chapter;

8825 (a) until January 1, 2011, in a newspaper of general circulation within the state~~[-]; and~~

8826 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in

8827 Section 63F-1-701.

8828 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the
8829 executive committee may, in lieu of publishing the entire resolution or other proceeding,
8830 publish a notice of bonds to be issued containing:

8831 (a) the name of the issuer;

- 8832 (b) the purpose of the issue;
- 8833 (c) the type of bonds and the maximum principal amount which may be issued;
- 8834 (d) the maximum number of years over which the bonds may mature;
- 8835 (e) the maximum interest rate which the bonds may bear, if any;
- 8836 (f) the maximum discount from par, expressed as a percentage of principal amount, at
- 8837 which the bonds may be sold; and
- 8838 (g) the times and place where a copy of the resolution or other proceeding may be
- 8839 examined, which shall be at the principal office of the Utah Communications Agency Network
- 8840 during regular business hours and for a period of at least 30 days after the publication of the
- 8841 notice.
- 8842 (3) For a period of 30 days after the publication, any person in interest may contest the
- 8843 legality of the resolution or proceeding, any bonds which may be authorized by the resolution
- 8844 or proceeding, or any provision made for the security and payment of the bonds by filing a
- 8845 pleading with the district court for the city in which the Utah Communications Network
- 8846 maintains its principal office.

8847 Section 193. Section **63F-1-701** is amended to read:

8848 **63F-1-701. Utah Public Notice Website -- Establishment and administration.**

- 8849 (1) As used in this part:
- 8850 (a) "Division" means the Division of Archives and Records Service of the Department
- 8851 of Administrative Services.
- 8852 (b) "Public body" has the same meaning as provided under Section 52-4-103.
- 8853 (c) "Website" means the Utah Public Notice Website created under this section.
- 8854 (2) There is created the Utah Public Notice Website to be administered by the Division
- 8855 of Archives and Records Service.
- 8856 (3) The website shall consist of an Internet website provided to assist the public to find:
- 8857 (a) posted public notices of a public body of the state and its political subdivisions as
- 8858 required under Title 52, Chapter 4, Open and Public Meetings Act, and under other state
- 8859 statutes or state agency rules[-];
- 8860 (b) in accordance with Subsection (8), notices required to be made available to the
- 8861 public by a state statute or a state agency rule; and
- 8862 (c) in accordance with Subsection (8), legal notices required for judicial proceedings or

8863 by judicial decision.

8864 (4) The division, with the technical assistance of the Department of Technology
8865 Services, shall create ~~[the]~~ a website ~~[which]~~ that shall:

8866 (a) allow a public body, or other certified entity, to easily post any public notice
8867 information under Subsection (3)(a) that the public body or other entity is required to post
8868 under statute;

8869 (b) allow the public to search the public notices by:

8870 (i) public body name;

8871 (ii) date of posting of the public notice;

8872 (iii) date of any meeting or deadline included as part of the public notice; and

8873 (iv) any other criteria approved by the division;

8874 (c) allow a person to easily post a notice described in Subsections (3)(b) and (c);

8875 (d) send a confirmation when the person's notice is successfully posted to the website;

8876 (e) allow the public to search the notices described in Subsections (3)(b) and (c) by:

8877 (i) name;

8878 (ii) date of posting of the notice;

8879 (iii) a general geographic location, including city or county;

8880 (iv) type of notice; and

8881 (v) any other criteria approved by the division;

8882 ~~[(e)]~~ (f) allow the public to search and view past, archived public notices;

8883 ~~[(d)]~~ (g) allow a person to subscribe to receive updates and notices associated with a
8884 public body or a particular type of notice described in Subsection (3);

8885 ~~[(e)]~~ (h) be easily accessible by the public from the State of Utah home page;

8886 ~~[(f)]~~ (i) have a unique and simplified website address;

8887 ~~[(g)]~~ (j) be directly accessible via a link from the main page of the official state
8888 website; and

8889 ~~[(h)]~~ (k) include other links, features, or functionality that will assist the public in
8890 obtaining and reviewing information in relation to ~~[public notices]~~ a notice described in
8891 Subsection (3) posted on the website, as may be approved by the division.

8892 (5) The division shall be responsible for:

8893 (a) establishing and maintaining the website, including the provision of equipment,

8894 resources, and personnel as is necessary;

8895 (b) providing a mechanism for public bodies or other certified entities to have access to
8896 the website for the purpose of posting and modifying public notices; [~~and~~]

8897 (c) providing a mechanism for a person to have access to the website for the purpose of
8898 posting and modifying a legal notice;

8899 [~~(c)~~] (d) maintaining an archive of all notices posted to the website[-]; and

8900 (e) creating rules for using and posting to the website in accordance with the provisions
8901 of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

8902 (6) The timing for posting and the content of the public notices posted to the website
8903 shall be the responsibility of the public body, person, or other entity posting the notice.

8904 (7) (a) In accordance with Section 63J-1-303, the division shall charge a person posting
8905 a notice described in Subsections (3)(b) and (c) a fee to cover the cost of processing, posting,
8906 and digitization.

8907 (b) A fee approved by the Legislature pursuant to this Subsection (7) that relates to the
8908 processing, posting, digitization, or other similar service provided by the division shall be
8909 deposited into the General Fund as a dedicated credit to be used by the division.

8910 (8) (a) Beginning on January 1, 2011, a notice described in Subsection (3)(b) or (c)
8911 shall be posted on the website.

8912 (b) Notwithstanding Subsection (8)(a), a notice posted by or in a county of the third
8913 through sixth class shall be posted:

8914 (i) on the website;

8915 (ii) in a newspaper in accordance with state statute; and

8916 (iii) by local posting in accordance with state statute.

8917 (c) A person may post a notice described in Subsections (3)(b) and (c) on the website
8918 before January 1, 2011.

8919 (9) (a) The division shall make a report to the Public Utilities and Technology Interim
8920 Committee by no later than September 30 of each year.

8921 (b) The report shall provide information about the website and recent updates to the
8922 website, including:

8923 (i) an update on the construction and maintenance of the website; and

8924 (ii) information on the number of postings and website users.

8925 Section 194. Section **63G-6-401** is amended to read:

8926 **63G-6-401. Contracts awarded by sealed bidding -- Procedure.**

8927 (1) Contracts shall be awarded by competitive sealed bidding except as otherwise
8928 provided by this chapter.

8929 (2) (a) An invitation for bids shall be issued when a contract is to be awarded by
8930 competitive sealed bidding.

8931 (b) The invitation shall include a purchase description and all contractual terms and
8932 conditions applicable to the procurement.

8933 (3) (a) Public notice of the invitation for bids shall be given a reasonable time before
8934 the date set forth in the invitation for the opening of bids, in accordance with rules.

8935 (b) The notice may include:

8936 (i) until January 1, 2011, publication in a newspaper of general circulation a reasonable
8937 time before bid opening[-]; and

8938 (ii) beginning on January 1, 2011, publication on the Utah Public Notice Website as
8939 described in Section 63F-1-701 for a reasonable time before bid opening.

8940 (4) (a) Bids shall be opened publicly in the presence of one or more witnesses at the
8941 time and place designated in the invitation for bids.

8942 (b) The amount of each bid and any other relevant information specified by rules,
8943 together with the name of each bidder, shall be recorded.

8944 (c) The record and each bid shall be open to public inspection.

8945 (5) (a) Bids shall be unconditionally accepted without alteration or correction, except
8946 as authorized in this chapter.

8947 (b) (i) Bids shall be evaluated based on the requirements set forth in the invitation for
8948 bids, which may include criteria to determine acceptability such as inspection, testing, quality,
8949 workmanship, delivery, and suitability for a particular purpose.

8950 (ii) Those criteria that will affect the bid price and be considered in evaluation for
8951 award shall be objectively measurable.

8952 (iii) The criteria may include discounts, transportation costs, and total or life cycle
8953 costs.

8954 (c) No criteria may be used in bid evaluation that are not set forth in the invitation for
8955 bids.

8956 (6) (a) Correction or withdrawal of inadvertently erroneous bids before or after award,
8957 or cancellation of awards or contracts based on the bid mistakes, shall be permitted in
8958 accordance with rules.

8959 (b) After bid opening, no changes in bid prices or other provisions of bids prejudicial
8960 to the interest of the state or fair competition may be permitted.

8961 (c) Except as otherwise provided by rule, all decisions to permit the correction or
8962 withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by
8963 a written determination made by the chief procurement officer or the head of a purchasing
8964 agency.

8965 (7) (a) The contract shall be awarded with reasonable promptness by written notice to
8966 the lowest responsive and responsible bidder whose bid meets the requirements and criteria set
8967 forth in the invitation for bids.

8968 (b) (i) If all bids for a construction project exceed available funds as certified by the
8969 appropriate fiscal officer, and the low responsive and responsible bid does not exceed those
8970 funds by more than 5%, the chief procurement officer or the head of a purchasing agency may,
8971 in situations where time or economic considerations preclude resolicitation of work of a
8972 reduced scope, negotiate an adjustment of the bid price, including changes in the bid
8973 requirements, with the low responsive and responsible bidder in order to bring the bid within
8974 the amount of available funds.

8975 (ii) If the State Building Board establishes alternative procedures by rule under Section
8976 63A-5-103, the Division of Facilities Construction and Management need not comply with the
8977 provisions of this Subsection (7) when a bid meets the requirements of the State Building
8978 Board's rule.

8979 (8) When it is considered impractical to prepare initially a purchase description to
8980 support an award based on price, an invitation for bids may be issued requesting the
8981 submission of unpriced offers to be followed by an invitation for bids limited to those bidders
8982 whose offers have been qualified under the criteria set forth in the first solicitation.

8983 Section 195. Section **63G-9-303** is amended to read:

8984 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

8985 (1) At least 60 days preceding the meeting of each Legislature the board must hold a
8986 session for the purpose of examining the claims referred to in Section 63G-9-302, and may

8987 adjourn from time to time until the work is completed.

8988 (2) The board [~~must~~] shall cause notice of such meeting or meetings to be published;

8989 (a) until January 1, 2011, in some newspaper at the seat of government and such other
8990 newspapers as may be determined by the board for such time as the board may prescribe[-]; and

8991 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
8992 Section 63F-1-701.

8993 Section 196. Section **63H-1-403** is amended to read:

8994 **63H-1-403. Notice of project area plan adoption -- Effective date of plan --**

8995 **Contesting the formation of the plan.**

8996 (1) (a) Upon the board's adoption of a project area plan, the board shall provide notice
8997 as provided in Subsection (1)(b) by:

8998 (i) publishing or causing to be published a notice;

8999 (A) until January 1, 2011, in a newspaper of general circulation within the authority's
9000 boundaries; [~~or~~] and

9001 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9002 Section 63F-1-701; or

9003 (ii) if there is no newspaper of general circulation within the authority's boundaries as
9004 described in Subsection (1)(a)(i)(A), causing a notice to be posted in at least three public places
9005 within the authority's boundaries.

9006 (b) Each notice under Subsection (1)(a) shall:

9007 (i) set forth the board resolution adopting the project area plan or a summary of the
9008 resolution; and

9009 (ii) include a statement that the project area plan is available for general public
9010 inspection and the hours for inspection.

9011 (2) The project area plan shall become effective on the date of:

9012 (a) if notice was published under Subsection (1)(a), publication of the notice; or

9013 (b) if notice was posted under Subsection (1)(a), posting of the notice.

9014 (3) The authority shall make the adopted project area plan available to the general
9015 public at its offices during normal business hours.

9016 Section 197. Section **63H-1-701** is amended to read:

9017 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**

9018 **Auditor forms -- Requirement to file form.**

9019 (1) The authority shall prepare and its board adopt an annual budget of revenues and
9020 expenditures for the authority for each fiscal year.

9021 (2) Each annual authority budget shall be adopted before June 22.

9022 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

9023 (4) (a) Before adopting an annual budget, the authority board shall hold a public
9024 hearing on the annual budget.

9025 (b) The authority shall provide notice of the public hearing on the annual budget by:

9026 (i) publishing [~~at least one~~] notice;

9027 (A) until January 1, 2011, at least once in a newspaper of general circulation within the
9028 authority boundaries, one week before the public hearing; [~~or~~] and

9029 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9030 Section 63F-1-701 for one week before the public hearing; or

9031 (ii) if there is no newspaper of general circulation within the authority boundaries as
9032 described in Subsection (4)(a)(i)(A), posting a notice of the public hearing in at least three
9033 public places within the authority boundaries.

9034 (c) The authority shall make the annual budget available for public inspection at least
9035 three days before the date of the public hearing.

9036 (5) The state auditor shall prescribe the budget forms and the categories to be contained
9037 in each authority budget, including:

9038 (a) revenues and expenditures for the budget year;

9039 (b) legal fees; and

9040 (c) administrative costs, including rent, supplies, and other materials, and salaries of
9041 authority personnel.

9042 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a
9043 copy of the annual budget with the auditor of the county in which the authority is located, the
9044 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity
9045 that levies a tax on property from which the authority collects tax increment.

9046 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the
9047 state as a taxing entity is met if the authority files a copy with the State Tax Commission and
9048 the state auditor.

9049 Section 198. Section **63H-1-801** is amended to read:

9050 **63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance --**
9051 **Authority records -- Dissolution expenses.**

9052 (1) The authority may not be dissolved unless the authority has no outstanding bonded
9053 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual
9054 obligations with persons or entities other than the state.

9055 (2) Upon the dissolution of the authority, the Governor's Office of Economic
9056 Development shall publish a notice of dissolution;

9057 (a) until January 1, 2011, in a newspaper of general circulation in the county in which
9058 the dissolved authority is located[-]; and

9059 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9060 Section 63F-1-701.

9061 (3) The books, documents, records, papers, and seal of each dissolved authority shall
9062 be deposited for safekeeping and reference with the state auditor.

9063 (4) The authority shall pay all expenses of the deactivation and dissolution.

9064 Section 199. Section **67-4a-402** is amended to read:

9065 **67-4a-402. Publication of notice.**

9066 Within 12 months of the date the unclaimed property was paid or delivered to the
9067 administrator, the administrator shall:

9068 (1) cause a notice to be published;

9069 (a) until January 1, 2011, once in a newspaper having general circulation in Utah; and

9070 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9071 Section 63F-1-701; and

9072 (2) ensure that the notice is in a form that is likely to attract the attention of the
9073 apparent owner of the unclaimed property.

9074 Section 200. Section **67-4a-403** is amended to read:

9075 **67-4a-403. Disposition of abandoned property -- Sale.**

9076 (1) (a) Except as provided in Subsections (2) and (3), the administrator shall:

9077 (i) within three years after the receipt of abandoned property, sell the property to the
9078 highest bidder at a public sale, which may include sale via the Internet; and

9079 (ii) if the sale is held at a specified physical location, publish notice of the sale;

9080 (A) until January 1, 2011, in a newspaper of general circulation in this state at least
9081 three weeks before the sale[-]; and

9082 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9083 Section 63F-1-701 for at least three weeks before the sale.

9084 (b) The administrator may hold the sale in whatever city in Utah he believes will
9085 provide the most favorable market for the property.

9086 (c) The administrator may decline the highest bid and reoffer the property for sale if the
9087 bid is insufficient.

9088 (d) If the administrator determines that the probable cost of sale exceeds the value of
9089 the property, the administrator need not offer the property for sale.

9090 (e) When any person makes a claim, the administrator shall provide the person with:

9091 (i) the property delivered by the holder to the administrator; or

9092 (ii) the proceeds received from the sale.

9093 (f) The administrator may, in the administrator's discretion, deduct reasonable fees and
9094 expenses incurred from the sale.

9095 (2) (a) The administrator shall sell:

9096 (i) securities listed on an established stock exchange at prices prevailing at the time of
9097 sale on the exchange; and

9098 (ii) securities not listed on an established stock exchange:

9099 (A) over-the-counter at prices prevailing at the time of sale; or

9100 (B) by any other method the administrator considers to be in the best interest of the
9101 state.

9102 (b) The administrator may sell securities upon receipt.

9103 (c) When any person makes a claim, the administrator shall provide the person with:

9104 (i) the securities delivered to the administrator by the holder, if they still remain in the
9105 hands of the administrator; or

9106 (ii) the proceeds received from the sale.

9107 (d) The administrator may, in the administrator's discretion, deduct reasonable fees and
9108 expenses incurred from the sale.

9109 (e) A person making a claim under this section may not make any claim against the
9110 state, the holder, any transfer agent, registrar or other person acting for or on behalf of a holder

9111 for any appreciation in the value of the property occurring after delivery by the holder to the
9112 administrator.

9113 (3) (a) The purchaser of any property at any sale conducted by the administrator under
9114 the authority of this chapter takes the property free of all claims of the owner or previous
9115 holder of the property and of all persons claiming through or under them.

9116 (b) The administrator shall execute all documents necessary to complete the transfer of
9117 ownership.

9118 Section 201. Section **72-3-108** is amended to read:

9119 **72-3-108. County roads -- Vacation and narrowing.**

9120 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road
9121 without petition or after petition by a property owner.

9122 (2) A county may not vacate a county road unless notice of the hearing is:

9123 (a) published;

9124 (i) until January 1, 2011, in a newspaper of general circulation in the county once a
9125 week for four consecutive weeks [~~prior to~~] before the hearing; [~~or~~] and

9126 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9127 Section 63F-1-701 for four consecutive weeks before the hearing; and

9128 (b) posted in three public places for four consecutive weeks prior to the hearing; and

9129 (c) mailed to the department and all owners of property abutting the county road.

9130 (3) The right-of-way and easements, if any, of a property owner and the franchise rights
9131 of any public utility may not be impaired by vacating or narrowing a county road.

9132 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the
9133 state's right-of-way interest in the county road is also vacated.

9134 Section 202. Section **72-5-105** is amended to read:

9135 **72-5-105. Highways, streets, or roads once established continue until abandoned**
9136 **-- Temporary closure.**

9137 (1) All public highways, streets, or roads once established shall continue to be
9138 highways, streets, or roads until abandoned or vacated by order of a highway authority having
9139 jurisdiction or by other competent authority.

9140 (2) (a) For purposes of assessment, upon the recordation of an order executed by the
9141 proper authority with the county recorder's office, title to the vacated or abandoned highway,

9142 street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway,
9143 street, or road assessed to each of the adjoining owners.

9144 (b) Provided, however, that should a description of an owner of record extend into the
9145 vacated or abandoned highway, street, or road that portion of the vacated or abandoned
9146 highway, street, or road shall vest in the record owner, with the remainder of the highway,
9147 street, or road vested as otherwise provided in this Subsection (2).

9148 (3) (a) In accordance with this section, a state or local highway authority may
9149 temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D
9150 road or R.S. 2477 right-of-way.

9151 (b) A temporary closure authorized under this section is not an abandonment.

9152 (c) A temporary closure under Subsection (3)(a) may be authorized only under the
9153 following circumstances:

9154 (i) when a federal authority, or other person, provides an alternate route to an R.S.
9155 2477 right-of-way or portion of an R.S. 2477 right-of-way that is:

9156 (A) accepted by the highway authority; and

9157 (B) formalized by:

9158 (I) a federal permit; or

9159 (II) a written agreement between the federal authority or other person and the highway
9160 authority; or

9161 (ii) when a state or local highway authority determines that correction or mitigation of
9162 injury to private or public land resources is necessary on or near a class B or D road or portion
9163 of a class B or D road.

9164 (d) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.
9165 2477 right-of-way temporarily closed under this section if the alternate route is closed for any
9166 reason.

9167 (e) A temporary closure authorized under Subsection (3)(c)(ii) shall:

9168 (i) be authorized annually; and

9169 (ii) not exceed two years or the time it takes to complete the correction or mitigation,
9170 whichever is less.

9171 (4) Prior to authorizing a temporary closure under Subsection (3), a highway authority
9172 shall:

9173 (a) hold a hearing on the proposed temporary closure;
9174 (b) provide notice of the hearing by:
9175 (i) mailing a notice to the Department of Transportation and all owners of property
9176 abutting the highway; and
9177 (ii) (A) publishing the notice:
9178 (I) until January 1, 2011, in a newspaper of general circulation in the county at least
9179 once a week for four consecutive weeks [prior to] before the hearing; [or] and
9180 (II) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9181 Section 63F-1-701 for four consecutive weeks before the hearing; or
9182 (B) posting the notice in three public places for at least four consecutive weeks prior to
9183 the hearing; and
9184 (c) pass an ordinance authorizing the temporary closure.
9185 (5) The right-of-way and easements, if any, of a property owner and the franchise rights
9186 of any public utility may not be impaired by a temporary closure authorized under this section.
9187 Section 203. Section **72-6-108** is amended to read:
9188 **72-6-108. Class B and C roads -- Improvement projects -- Contracts -- Retainage.**
9189 (1) A county executive for class B roads and the municipal executive for class C roads
9190 shall cause plans, specifications, and estimates to be made prior to the construction of any
9191 improvement project, as defined in Section 72-6-109, on a class B or C road if the estimated
9192 cost for any one project exceeds the bid limit as defined in Section 72-6-109 for labor,
9193 equipment, and materials.
9194 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let
9195 to the lowest responsible bidder.
9196 (b) If the estimated cost of the improvement project exceeds the bid limit for labor,
9197 equipment, and materials, the project may not be divided to permit the construction in parts,
9198 unless each part is done by contract.
9199 (3) (a) The advertisement on bids shall be published:
9200 (i) until January 1, 2011, in a newspaper of general circulation in the county in which
9201 the work is to be performed at least once a week for three consecutive weeks[:]; and
9202 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9203 Section 63F-1-701 for three consecutive weeks.

9204 (b) If there is no newspaper of general circulation as described in Subsection (3)(a)(i),
9205 the notice shall be posted for at least 20 days in at least five public places in the county.

9206 (4) The county or municipal executive or their designee shall receive sealed bids and
9207 open the bids at the time and place designated in the advertisement. The county or municipal
9208 executive or their designee may then award the contract but may reject any and all bids.

9209 (5) The person, firm, or corporation that is awarded a contract under this section is
9210 subject to the provisions of Title 63G, Chapter 6, Utah Procurement Code.

9211 (6) If any payment on a contract with a private contractor for construction or
9212 improvement of a class B or C road is retained or withheld, the payment shall be retained or
9213 withheld and released as provided in Section 13-8-5.

9214 Section 204. Section **73-1-4** is amended to read:

9215 **73-1-4. Reversion to the public by abandonment or forfeiture for nonuse within**
9216 **seven years -- Nonuse application.**

9217 (1) As used in this section:

9218 (a) "Public entity" means:

9219 (i) the United States;

9220 (ii) an agency of the United States;

9221 (iii) the state;

9222 (iv) a state agency;

9223 (v) a political subdivision of the state; or

9224 (vi) an agency of a political subdivision of the state.

9225 (b) "Public water supplier" means an entity that:

9226 (i) supplies water, directly or indirectly, to the public for municipal, domestic, or
9227 industrial use; and

9228 (ii) is:

9229 (A) a public entity;

9230 (B) a water corporation, as defined in Section 54-2-1, that is regulated by the Public
9231 Service Commission;

9232 (C) a community water system:

9233 (I) that:

9234 (Aa) supplies water to at least 100 service connections used by year-round residents; or

9235 (Bb) regularly serves at least 200 year-round residents; and
9236 (II) whose voting members:
9237 (Aa) own a share in the community water system;
9238 (Bb) receive water from the community water system in proportion to the member's
9239 share in the community water system; and
9240 (Cc) pay the rate set by the community water system based on the water the member
9241 receives; or
9242 (D) a water users association:
9243 (I) in which one or more public entities own at least 70% of the outstanding shares; and
9244 (II) that is a local sponsor of a water project constructed by the United States Bureau of
9245 Reclamation.
9246 (c) "Shareholder" is as defined in Section 73-3-3.5.
9247 (d) "Water company" is as defined in Section 73-3-3.5.
9248 (e) "Water supply entity" means an entity that supplies water as a utility service or for
9249 irrigation purposes and is also:
9250 (i) a municipality, water conservancy district, metropolitan water district, irrigation
9251 district, or other public agency;
9252 (ii) a water company regulated by the Public Service Commission; or
9253 (iii) any other owner of a community water system.
9254 (2) (a) When an appropriator or the appropriator's successor in interest abandons or
9255 ceases to use all or a portion of a water right for a period of seven years, the water right or the
9256 unused portion of that water right is subject to forfeiture in accordance with Subsection (2)(c),
9257 unless the appropriator or the appropriator's successor in interest files a nonuse application
9258 with the state engineer.
9259 (b) (i) A nonuse application may be filed on all or a portion of the water right,
9260 including water rights held by a water company.
9261 (ii) After giving written notice to the water company, a shareholder may file a nonuse
9262 application with the state engineer on the water represented by the stock.
9263 (c) (i) A water right or a portion of the water right may not be forfeited unless a judicial
9264 action to declare the right forfeited is commenced within 15 years from the end of the latest
9265 period of nonuse of at least seven years.

9266 (ii) If forfeiture is asserted in an action for general determination of rights in
9267 conformance with the provisions of Chapter 4, Determination of Water Rights, the 15-year
9268 limitation period shall commence to run back in time from the date the state engineer's
9269 proposed determination of rights is served upon each claimant.

9270 (iii) A decree entered in an action for general determination of rights under Chapter 4,
9271 Determination of Water Rights, shall bar any claim of forfeiture for prior nonuse against any
9272 right determined to be valid in the decree, but does not bar a claim for periods of nonuse that
9273 occur after the entry of the decree.

9274 (iv) A proposed determination by the state engineer in an action for general
9275 determination of rights under Chapter 4, Determination of Water Rights, bars a claim of
9276 forfeiture for prior nonuse against any right proposed to be valid, unless a timely objection has
9277 been filed within the time allowed in Chapter 4, Determination of Water Rights.

9278 (v) If in a judicial action a court declares a water right forfeited, on the date on which
9279 the water right is forfeited:

9280 (A) the right to use the water reverts to the public; and

9281 (B) the water made available by the forfeiture:

9282 (I) first, satisfies other water rights in the hydrologic system in order of priority date;

9283 and

9284 (II) second, may be appropriated as provided in this title.

9285 (d) This section applies whether the unused or abandoned water or a portion of the
9286 water is:

9287 (i) permitted to run to waste; or

9288 (ii) used by others without right with the knowledge of the water right holder.

9289 (e) This section does not apply to:

9290 (i) the use of water according to a lease or other agreement with the appropriator or the
9291 appropriator's successor in interest;

9292 (ii) a water right if its place of use is contracted under an approved state agreement or
9293 federal conservation fallowing program;

9294 (iii) those periods of time when a surface water or groundwater source fails to yield
9295 sufficient water to satisfy the water right;

9296 (iv) a water right when water is unavailable because of the water right's priority date;

9297 (v) a water right to store water in a surface reservoir or an aquifer, in accordance with
9298 Title 73, Chapter 3b, Groundwater Recharge and Recovery Act, if:
9299 (A) the water is stored for present or future use; or
9300 (B) storage is limited by a safety, regulatory, or engineering restraint that the
9301 appropriator or the appropriator's successor in interest cannot reasonably correct;
9302 (vi) a water right if a water user has beneficially used substantially all of the water right
9303 within a seven-year period, provided that this exemption does not apply to the adjudication of a
9304 water right in a general determination of water rights under Chapter 4, Determination of Water
9305 Rights;
9306 (vii) except as provided by Subsection (2)(g), a water right:
9307 (A) (I) owned by a public water supplier;
9308 (II) represented by a public water supplier's ownership interest in a water company; or
9309 (III) to which a public water supplier owns the right of use; and
9310 (B) conserved or held for the reasonable future water requirement of the public, which
9311 is determined according to Subsection (2)(f);
9312 (viii) a supplemental water right during a period of time when another water right
9313 available to the appropriator or the appropriator's successor in interest provides sufficient water
9314 so as to not require use of the supplemental water right; or
9315 (ix) a water right subject to an approved change application where the applicant is
9316 diligently pursuing certification.
9317 (f) (i) The reasonable future water requirement of the public is the amount of water
9318 needed in the next 40 years by the persons within the public water supplier's projected service
9319 area based on projected population growth or other water use demand.
9320 (ii) For purposes of Subsection (2)(f)(i), a community water system's projected service
9321 area:
9322 (A) is the area served by the community water system's distribution facilities; and
9323 (B) expands as the community water system expands the distribution facilities in
9324 accordance with Title 19, Chapter 4, Safe Drinking Water Act.
9325 (g) For a water right acquired by a public water supplier on or after May 5, 2008,
9326 Subsection (2)(e)(vii) applies if:
9327 (i) the public water supplier submits a change application under Section 73-3-3; and

9328 (ii) the state engineer approves the change application.

9329 (3) (a) The state engineer shall furnish a nonuse application form requiring the

9330 following information:

9331 (i) the name and address of the applicant;

9332 (ii) a description of the water right or a portion of the water right, including the point of

9333 diversion, place of use, and priority;

9334 (iii) the quantity of water;

9335 (iv) the period of use;

9336 (v) the extension of time applied for;

9337 (vi) a statement of the reason for the nonuse of the water; and

9338 (vii) any other information that the state engineer requires.

9339 (b) (i) Filing the nonuse application extends the time during which nonuse may

9340 continue until the state engineer issues an order on the nonuse application.

9341 (ii) Approval of a nonuse application protects a water right from forfeiture for nonuse

9342 from the application's filing date until the approved application's expiration date.

9343 (c) (i) Upon receipt of the application, the state engineer shall publish a notice of the

9344 application once a week for two successive weeks:

9345 (A) until January 1, 2011, in a newspaper of general circulation in the county in which

9346 the source of the water supply is located and where the water is to be used[-]; and

9347 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in

9348 Section 63F-1-701.

9349 (ii) The notice shall:

9350 (A) state that an application has been made; and

9351 (B) specify where the interested party may obtain additional information relating to the

9352 application.

9353 (d) Any interested person may file a written protest with the state engineer against the

9354 granting of the application:

9355 (i) within 20 days after the notice is published, if the adjudicative proceeding is

9356 informal; and

9357 (ii) within 30 days after the notice is published, if the adjudicative proceeding is

9358 formal.

(e) In any proceedings to determine whether the nonuse application should be approved or rejected, the state engineer shall follow the procedures and requirements of Title 63G, Chapter 4, Administrative Procedures Act.

(f) After further investigation, the state engineer may approve or reject the application.

(4) (a) The state engineer shall grant a nonuse application on all or a portion of a water right for a period of time not exceeding seven years if the applicant shows a reasonable cause for nonuse.

(b) A reasonable cause for nonuse includes:

(i) a demonstrable financial hardship or economic depression;

(ii) the initiation of water conservation or efficiency practices, or the operation of a groundwater recharge recovery program approved by the state engineer;

(iii) operation of legal proceedings;

(iv) the holding of a water right or stock in a mutual water company without use by any water supply entity to meet the reasonable future requirements of the public;

(v) situations where, in the opinion of the state engineer, the nonuse would assist in implementing an existing, approved water management plan; or

(vi) the loss of capacity caused by deterioration of the water supply or delivery equipment if the applicant submits, with the application, a specific plan to resume full use of the water right by replacing, restoring, or improving the equipment.

(5) (a) Sixty days before the expiration of a nonuse application, the state engineer shall notify the applicant by mail or by any form of electronic communication through which receipt is verifiable, of the date when the nonuse application will expire.

(b) An applicant may file a subsequent nonuse application in accordance with this section.

Section 205. Section **73-1-16** is amended to read:

73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading -- Costs -- Review.

Where any water users' association, irrigation company, canal company, ditch company, reservoir company, or other corporation of like character or purpose, organized under the laws of this state has entered into or proposes to enter into a contract with the United States for the payment by such association or company of the construction and other charges of a federal

reclamation project constructed, under construction, or to be constructed within this state, and where funds for the payment of such charges are to be obtained from assessments levied upon the stock of such association or company, or where a lien is created or will be created against any of the land, property, canals, water rights or other assets of such association or company or against the land, property, canals, water rights or other assets of any stockholder of such association or company to secure the payment of construction or other charges of a reclamation project, the water users' association, irrigation company, canal company, ditch company, reservoir company or other corporation of like character or purpose may file in the district court of the county wherein is situated the office of such association or company a petition entitled "..... Water Users' Association" or "..... Company," as the case may be, "against the stockholders of said association or company and the owners and mortgagees of land within the Federal Reclamation Project." No other or more specific description of the defendants shall be required. In the petition it may be stated that the water users' association, irrigation company, canal company, ditch company, reservoir company or other corporation of like character and purpose has entered into or proposes to enter into a contract with the United States, to be set out in full in said petition, with a prayer that the court find said contract to be valid, and a modification of any individual contracts between the United States and the stockholders of such association or company, or between the association or company, and its stockholders, so far as such individual contracts are at variance with the contract or proposed contract between the association or company and the United States.

Thereupon a notice in the nature of a summons shall issue under the hand and seal of the clerk of said court, stating in brief outline the contents of said petition, and showing where a full copy of said contract or proposed contract may be examined, such notice to be directed to the said defendants under the same general designations, which shall be deemed sufficient to give the court jurisdiction of all matters involved and parties interested. Service shall be obtained (a) until January 1, 2011, by publication of such notice once a week for three consecutive weeks (three times) in a newspaper published in each county where the irrigable land of such federal reclamation project is situated, (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three consecutive weeks, and ~~(b)~~ (c) by the posting at least three weeks prior to the date of the hearing on said petition of the notice and a complete copy of the said contract or proposed contract in the office of the

9421 plaintiff association or company, and at three other public places within the boundaries of such
9422 federal reclamation project. Any stockholder in the plaintiff association or company, or owner,
9423 or mortgagee of land within said federal reclamation project affected by the contract proposed
9424 to be made by such association or company, may demur to or answer said petition before the
9425 date set for such hearing or within such further time as may be allowed therefor by the court.
9426 The failure of any persons affected by the said contract to answer or demur shall be construed,
9427 so far as such persons are concerned as an acknowledgment of the validity of said contract and
9428 as a consent to the modification of said individual contracts if any with such association or
9429 company or with the United States, to the extent that such modification is required to cause the
9430 said individual contracts if any to conform to the terms of the contract or proposed contract
9431 between the plaintiff and the United States. All persons filing demurrers or answers shall be
9432 entered as defendants in said cause and their defense consolidated for hearing or trial. Upon
9433 hearing the court shall examine all matters and things in controversy and shall enter judgment
9434 and decree as the case warrants, showing how and to what extent, if any, the said individual
9435 contracts of the defendants or under which they claim are modified by the plaintiff's contract or
9436 proposed contract with the United States. In reaching his conclusion in such causes, the court
9437 shall follow a liberal interpretation of the laws, and shall disregard informalities or omissions
9438 not affecting the substantial rights of the parties, unless it is affirmatively shown that such
9439 informalities or omissions led to a different result than would have been obtained otherwise.
9440 The Code of Civil Procedure shall govern matters of pleading and practice as nearly as may be.
9441 Costs may be assessed or apportioned among contesting parties in the discretion of the trial
9442 court. Review of the judgment of the district court by the Supreme Court may be had as in
9443 other civil causes.

9444 Section 206. Section **73-3-6** is amended to read:

9445 **73-3-6. Publication of notice of application -- Corrections or amendments of**
9446 **applications.**

9447 (1) (a) When an application is filed in compliance with this title, the state engineer
9448 shall publish a notice of the application:

9449 (i) until January 1, 2011, once a week for a period of two successive weeks in a
9450 newspaper of general circulation in the county in which the source of supply is located, and
9451 where the water is to be used[-]; and

9452 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9453 Section 63F-1-701 for two successive weeks.

9454 (b) The notice shall:

9455 (i) state that an application has been made; and

9456 (ii) specify where the interested party may obtain additional information relating to the
9457 application.

9458 (c) Clerical errors, ambiguities, and mistakes that do not prejudice the rights of others
9459 may be corrected by order of the state engineer either before or after the publication of notice.

9460 (2) After publication of notice to water users, the state engineer may authorize
9461 amendments or corrections that involve a change of point of diversion, place, or purpose of use
9462 of water, only after republication of notice to water users.

9463 Section 207. Section **73-3-12** is amended to read:

9464 **73-3-12. Time limit on construction and application to beneficial use --**
9465 **Extensions -- Procedures and criteria.**

9466 (1) As used in this section:

9467 (a) "Public agency" means:

9468 (i) a public water supply agency of the state or a political subdivision of the state; or

9469 (ii) the Bureau of Reclamation.

9470 (b) "Wholesale electrical cooperative" is as defined in Section 54-2-1.

9471 (2) (a) An applicant shall construct works, if necessary, and apply the water to
9472 beneficial use within the time fixed by the state engineer.

9473 (b) Except as provided by Subsection (2)(c), the state engineer may grant an extension
9474 of time, not exceeding 50 years from the application's approval date, if the applicant shows
9475 diligence or a reasonable cause for delay.

9476 (c) The state engineer may grant an extension of time, beyond 50 years, on an
9477 application held by a public agency or a wholesale electrical cooperative if the public agency or
9478 wholesale electrical cooperative shows that the water will be needed to meet the reasonable
9479 future water or electricity requirements of the public.

9480 (d) An applicant shall file a request for an extension of time with the office of the state
9481 engineer on or before the date fixed for filing proof of appropriation.

9482 (e) The state engineer may grant an extension of time:

9483 (i) not exceeding 14 years after the approval date upon a sufficient showing; and
9484 (ii) beyond 14 years after application and publication of notice.

9485 (f) (i) The state engineer shall publish a notice of the application;
9486 (A) until January 1, 2011, once a week for two successive weeks, in a newspaper of
9487 general circulation, in the county in which the water supply source is located and where the
9488 water is to be used[-]; and

9489 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9490 Section 63F-1-701 for two successive weeks.

9491 (ii) The notice shall:

9492 (A) state that an application has been made; and
9493 (B) specify where the interested party may obtain additional information relating to the
9494 application.

9495 (g) Any person who owns a water right or holds an application from the source of
9496 supply referred to in Subsection (2)(f) may file a protest with the state engineer:

9497 (i) within 20 days after the notice is published, if the adjudicative proceeding is
9498 informal; and
9499 (ii) within 30 days after the notice is published, if the adjudicative proceeding is
9500 formal.

9501 (h) In considering an application to extend the time in which to place water to
9502 beneficial use under an approved application, the state engineer shall deny the extension of
9503 time and declare the application lapsed, unless the applicant affirmatively shows that the
9504 applicant has exercised or is exercising reasonable and due diligence in working toward
9505 completion of the appropriation.

9506 (i) (i) The state engineer shall approve the extension of time if the applicant shows
9507 reasonable and due diligence.

9508 (ii) The approved extension of time is effective so long as the applicant continues to
9509 exercise reasonable diligence in completing the appropriation.

9510 (j) (i) The state engineer shall consider the holding of an approved application by a
9511 public agency or a wholesale electrical cooperative to meet the reasonable future water or
9512 electricity requirements of the public to be reasonable and due diligence within the meaning of
9513 this section for the first 50 years.

(ii) The state engineer may approve an extension of time beyond 50 years for a public agency or a wholesale electrical cooperative, if the public agency or wholesale electrical cooperative provides information that shows the water will be needed to meet the reasonable future water or electricity requirements of the public.

(k) If the state engineer finds unjustified delay or lack of diligence in prosecuting the works to completion, the state engineer may:

(i) deny the extension of time; or

(ii) grant the request in part or upon conditions, including a reduction of the priority of all or part of the application.

(3) (a) Except as provided by Subsections (3)(b) and (c), an application upon which proof has not been submitted shall lapse and have no further force or effect after the expiration of 50 years from the date of its approval.

(b) If the works are constructed with which to make beneficial use of the water applied for, the state engineer may, upon showing of that fact, grant additional time beyond the 50-year period in which to make proof.

(c) An application held by a public agency or a wholesale electrical cooperative to meet the reasonable future water or electricity requirements of the public, for which proof of appropriation has not been submitted, shall lapse, unless extended as provided in Subsection (2)(j).

Section 208. Section **73-3a-107** is amended to read:

73-3a-107. Publication of notice of application -- Corrections or amendments of applications.

(1) (a) When an application is filed in accordance with Section 73-3a-106 and relevant provisions of Chapter 3, Appropriation, the state engineer shall publish a notice of the application;

(i) until January 1, 2011, once a week for a period of two successive weeks in a newspaper of general circulation in the county in which the water source is located and where the water is to be used[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for two successive weeks.

(b) The notice shall:

9545 (i) state that an application has been made; and
9546 (ii) specify where the interested party may obtain additional information relating to the
9547 application.

9548 (c) The notice described in Subsection (1)(a)(i) may be published in more than one
9549 newspaper.

9550 (2) Clerical errors, ambiguities, and mistakes in the application that do not prejudice
9551 the rights of others may be corrected by order of the state engineer either before or after the
9552 publication of notice.

9553 (3) If amendments or corrections to the application are made that involve a change of
9554 point of diversion, place of use, or purpose of use of water, the notice must be republished.

9555 Section 209. Section **73-4-3** is amended to read:

9556 **73-4-3. Procedure for action to determine rights -- Notice to and list of claimants**
9557 **-- Manner of giving notice of further proceedings -- Duties of engineer -- Survey -- Notice**
9558 **of completion.**

9559 (1) Upon the filing of any action by the state engineer as provided in Section 73-4-1, or
9560 by any person claiming the right to use the waters of any river system, lake, underground water
9561 basin, or other natural source of supply that involves a determination of the rights to the major
9562 part of the water of the source of supply or the rights of ten or more of the claimants of the
9563 source of supply, the clerk of the district court shall notify the state engineer that a suit has
9564 been filed.

9565 (2) (a) The state engineer then shall give notice to the claimants by publishing notice:

9566 (i) until January 1, 2011, once a week for two consecutive weeks in a newspaper
9567 designated by the court as most likely to give notice to such claimants[-]; and

9568 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9569 Section 63F-1-701 for two consecutive weeks.

9570 (b) The notice shall state:

9571 (i) an action has been filed;

9572 (ii) the name of the action;

9573 (iii) the name and location of the court in which the action is pending; and

9574 (iv) the name or description of the water source involved.

9575 (c) Claimants to the use of water shall notify the state engineer within 90 days from the

9576 date notice is given of their names and addresses.

9577 (d) After the expiration of 90 days, the state engineer shall prepare a list that shall
9578 include the names and addresses of all claimants then of record in the state engineer's office
9579 and all claimants who have notified the state engineer of their addresses, and this list shall be
9580 certified by the state engineer as complete and filed with the clerk of the court.

9581 (e) The court upon petition may by order permit the addition of names and addresses to
9582 this list at any time during the pendency of the action, and the clerk of the court may, without
9583 court order, upon notice from the claimant note any change of address.

9584 (f) If any claimant appears in this action by an attorney, the clerk shall note on the list
9585 the address of the attorney.

9586 (g) After the list is filed by the state engineer, notice of further proceedings, after
9587 service of summons, may be given without court order by mailing a copy thereof to the persons
9588 listed at the addresses listed and by mailing a copy thereof to any attorney of record for any
9589 such person, and notice may be given to such listed persons and to all other claimants by
9590 publication in the manner and for the time prescribed by order of the district court and in
9591 accordance with Subsection (2)(a).

9592 (3) After the statement or list is filed, the state engineer shall begin the survey of the
9593 water source and the ditches, canals, wells, tunnels, or other works diverting water therefrom.

9594 (4) (a) As soon as the survey is complete, the state engineer shall file notice of
9595 completion with the clerk and give notice by mail or by personal service to all claimants whose
9596 names appear on the list that:

9597 (i) the survey is complete;

9598 (ii) their claims are due within 90 days from the date of notice; and

9599 (iii) within 90 days after service of the notice, each claimant must file a written
9600 statement with the clerk of the court setting forth the claimant's respective claim to the use of
9601 the water.

9602 (b) Notice given by mail is complete when the notice is mailed.

9603 (5) When a suit has been filed by the state engineer as provided by Section 73-4-1, or
9604 by any person involving the major part of the waters of any river system, lake, underground
9605 water basin, or other source of supply, or the rights of ten or more of the water claimants of the
9606 source of supply, whether the suit is filed prior to or after the enactment hereof, the state

engineer, upon receiving notice, shall examine the records of the state engineer's office with respect to the water source involved, and if they are incomplete to make such further investigation and survey as may be necessary for the preparation of the report and recommendation as required by Section 73-4-11.

(6) In all such cases the court shall proceed to determine the water rights involved in the manner provided by this chapter, and not otherwise.

Section 210. 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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for five successive 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 and thereafter you must file said claim within the time set and your failure so to do will constitute a default in the premises and a judgment may be entered against you declaring and adjudging that you have no right in or to the waters of described water source."

(2) At the time the said notice of completion of survey is given, the state engineer must mail or otherwise deliver a form upon which the claimant shall present in writing, as provided in the next succeeding section, all the particulars relating to the appropriation of the water of said river system or water source to which the claimant lays claim.

Section 211. Section **73-4-9** is amended to read:

73-4-9. Failure to file statement -- Relief.

The filing of each statement by a claimant shall be considered notice to all persons of the claim of the party making the same, and any person failing to make and deliver such statement of claim to the clerk of the court within the time prescribed by law shall be forever barred and estopped from subsequently asserting any rights, and shall be held to have forfeited all rights to the use of the water theretofore claimed by him; provided, that any claimant, upon whom no other service of said notice shall have been made than by publication, until January 1, 2011, in a newspaper, and beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701, may apply to the court for permission to file a statement of claim after the time therefor has expired, and the court may extend the time for filing such statement, not exceeding six months from the publication of said notice; but, before said time is extended, the applicant shall give notice by publication, until January 1, 2011, in a newspaper having general circulation, and beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701, on such river system or near the water source to all other persons interested in the water of such river system or water source, and shall make it appear to the satisfaction of the court that during the pendency of the proceedings he had no actual notice thereof in time to appear and file a statement and make proof of his claim; and all parties interested may be heard as to the matter of his actual notice of the

9669 pendency of such proceedings.

9670 Section 212. Section **73-5-14** is amended to read:

9671 **73-5-14. Determination by the state engineer of watershed to which particular**
9672 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

9673 (1) The state engineer shall have the power to determine for administrative and
9674 distribution purposes the watershed to which any particular stream or source of water is
9675 tributary.

9676 (2) Said determination may be made only after publication of notice to the water users.

9677 (3) Said publication of notice shall be made:

9678 (a) until January 1, 2011, in a newspaper or newspapers having general circulation in
9679 every county in this state in which any rights might be affected[. ~~The publication is to be made~~
9680 ~~once each week for five consecutive weeks.~~] once each week for five consecutive weeks; and

9681 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9682 Section 63F-1-701 for five consecutive weeks.

9683 (4) It shall fix the date and place of hearing and at said hearing any water user shall be
9684 given an opportunity to appear and adduce evidence material to the determination of the
9685 question involved.

9686 (5) The result of said determination by the state engineer shall likewise be published in
9687 the manner set forth above and said notice of the decision of the state engineer shall also notify
9688 the public that any person aggrieved by said decision may appeal from said decision as
9689 provided by Section 73-3-14; and notice shall be deemed to have been given so as to start the
9690 time for appeal upon completion of the publication of notice.

9691 Section 213. Section **73-5-15** is amended to read:

9692 **73-5-15. Groundwater management plan.**

9693 (1) As used in this section:

9694 (a) "Critical management area" means a groundwater basin in which the groundwater
9695 withdrawals consistently exceed the safe yield.

9696 (b) "Safe yield" means the amount of groundwater that can be withdrawn from a
9697 groundwater basin over a period of time without exceeding the long-term recharge of the basin
9698 or unreasonably affecting the basin's physical and chemical integrity.

9699 (2) (a) The state engineer may regulate groundwater withdrawals within a specific

9700 groundwater basin by adopting a groundwater management plan in accordance with this section
9701 for any groundwater basin or aquifer or combination of hydrologically connected groundwater
9702 basins or aquifers.

9703 (b) The objectives of a groundwater management plan are to:

9704 (i) limit groundwater withdrawals to safe yield;

9705 (ii) protect the physical integrity of the aquifer; and

9706 (iii) protect water quality.

9707 (c) The state engineer shall adopt a groundwater management plan for a groundwater
9708 basin if more than 1/3 of the water right owners in the groundwater basin request that the state
9709 engineer adopt a groundwater management plan.

9710 (3) (a) In developing a groundwater management plan, the state engineer may consider:

9711 (i) the hydrology of the groundwater basin;

9712 (ii) the physical characteristics of the groundwater basin;

9713 (iii) the relationship between surface water and groundwater, including whether the
9714 groundwater should be managed in conjunction with hydrologically connected surface waters;

9715 (iv) the geographic spacing and location of groundwater withdrawals;

9716 (v) water quality;

9717 (vi) local well interference; and

9718 (vii) other relevant factors.

9719 (b) The state engineer shall base the provisions of a groundwater management plan on
9720 the principles of prior appropriation.

9721 (c) (i) The state engineer shall use the best available scientific method to determine
9722 safe yield.

9723 (ii) As hydrologic conditions change or additional information becomes available, safe
9724 yield determinations made by the state engineer may be revised by following the procedures
9725 listed in Subsection (5).

9726 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a
9727 groundwater basin shall be limited to the basin's safe yield.

9728 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer
9729 shall:

9730 (A) determine the groundwater basin's safe yield; and

9731 (B) adopt a groundwater management plan for the groundwater basin.

9732 (iii) If the state engineer determines that groundwater withdrawals in a groundwater
9733 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that
9734 groundwater basin based on the priority date of the water rights under the groundwater
9735 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a
9736 different distribution.

9737 (b) When adopting a groundwater management plan for a critical management area, the
9738 state engineer shall, based on economic and other impacts to an individual water user or a local
9739 community caused by the implementation of safe yield limits on withdrawals, allow gradual
9740 implementation of the groundwater management plan.

9741 (c) (i) In consultation with the state engineer, water users in a groundwater basin may
9742 agree to participate in a voluntary arrangement for managing withdrawals at any time, either
9743 before or after a determination that groundwater withdrawals exceed the groundwater basin's
9744 safe yield.

9745 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other
9746 law.

9747 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than
9748 all of the water users in a groundwater basin does not affect the rights of water users who do
9749 not agree to the voluntary arrangement.

9750 (5) To adopt a groundwater management plan, the state engineer shall:

9751 (a) give notice as specified in Subsection (7) at least 30 days before the first public
9752 meeting held in accordance with Subsection (5)(b):

9753 (i) that the state engineer proposes to adopt a groundwater management plan;

9754 (ii) describing generally the land area proposed to be included in the groundwater
9755 management plan; and

9756 (iii) stating the location, date, and time of each public meeting to be held in accordance
9757 with Subsection (5)(b);

9758 (b) hold one or more public meetings in the geographic area proposed to be included
9759 within the groundwater management plan to:

9760 (i) address the need for a groundwater management plan;

9761 (ii) present any data, studies, or reports that the state engineer intends to consider in

9762 preparing the groundwater management plan;

9763 (iii) address safe yield and any other subject that may be included in the groundwater
9764 management plan;

9765 (iv) outline the estimated administrative costs, if any, that groundwater users are likely
9766 to incur if the plan is adopted; and

9767 (v) receive any public comments and other information presented at the public
9768 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);

9769 (c) receive and consider written comments concerning the proposed groundwater
9770 management plan from any person for a period determined by the state engineer of not less
9771 than 60 days after the day on which the notice required by Subsection (5)(a) is given;

9772 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,
9773 publish notice:

9774 (A) that a draft of the groundwater management plan has been proposed; and
9775 (B) specifying where a copy of the draft plan may be reviewed; and

9776 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of
9777 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and

9778 (e) provide notice of the adoption of the groundwater management plan.

9779 (6) A groundwater management plan shall become effective on the date notice of
9780 adoption is completed under Subsection (7), or on a later date if specified in the plan.

9781 (7) (a) A notice required by this section shall be:

9782 (i) published;

9783 (A) until January 1, 2011, once a week for two successive weeks in a newspaper of
9784 general circulation in each county that encompasses a portion of the land area proposed to be
9785 included within the groundwater management plan; and

9786 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9787 Section 63F-1-701 for two successive weeks;

9788 (ii) published conspicuously on the state engineer's Internet website; and

9789 (iii) mailed to each of the following that has within its boundaries a portion of the land
9790 area to be included within the proposed groundwater management plan:

9791 (A) county;

9792 (B) incorporated city or town;

9793 (C) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District
9794 Act;

9795 (D) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;

9796 (E) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;

9797 (F) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;

9798 (G) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan
9799 Water District Act;

9800 (H) special service district providing water, sewer, drainage, or flood control services,
9801 under Title 17D, Chapter 1, Special Service District Act;

9802 (I) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water
9803 Conservancy District Act; and

9804 (J) conservation district, under Title 17D, Chapter 3, Conservation District Act.

9805 (b) A notice required by this section is effective upon substantial compliance with
9806 Subsections (7)(a)(i) through (iii).

9807 (8) A groundwater management plan may be amended in the same manner as a
9808 groundwater management plan may be adopted under this section.

9809 (9) The existence of a groundwater management plan does not preclude any otherwise
9810 eligible person from filing any application or challenging any decision made by the state
9811 engineer within the affected groundwater basin.

9812 (10) (a) A person aggrieved by a groundwater management plan may challenge any
9813 aspect of the groundwater management plan by filing a complaint within 60 days after the
9814 adoption of the groundwater management plan in the district court for any county in which the
9815 groundwater basin is found.

9816 (b) Notwithstanding Subsection (9), a person may challenge the components of a
9817 groundwater management plan only in the manner provided by Subsection (10)(a).

9818 (c) An action brought under this Subsection (10) is reviewed de novo by the district
9819 court.

9820 (d) A person challenging a groundwater management plan under this Subsection (10)
9821 shall join the state engineer as a defendant in the action challenging the groundwater
9822 management plan.

9823 (e) (i) Within 30 days after the day on which a person files an action challenging any

9824 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action
9825 shall publish notice of the action;

9826 (A) until January 1, 2011, in a newspaper of general circulation in the county in which
9827 the district court is located[-]; and

9828 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9829 Section 63F-1-701 for two consecutive weeks.

9830 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for
9831 two consecutive weeks.

9832 (iii) The notice required by Subsection (10)(e)(i) shall:

9833 (A) identify the groundwater management plan the person is challenging;

9834 (B) identify the case number assigned by the district court;

9835 (C) state that a person affected by the groundwater management plan may petition the
9836 district court to intervene in the action challenging the groundwater management plan; and

9837 (D) list the address for the clerk of the district court in which the action is filed.

9838 (iv) (A) Any person affected by the groundwater management plan may petition to
9839 intervene in the action within 60 days after the day on which notice is last published under
9840 Subsections (10)(e)(i) and (ii).

9841 (B) The district court's treatment of a petition to intervene under this Subsection
9842 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

9843 (v) A district court in which an action is brought under Subsection (10)(a) shall
9844 consolidate all actions brought under that Subsection and include in the consolidated action any
9845 person whose petition to intervene is granted.

9846 (11) A groundwater management plan adopted or amended in accordance with this
9847 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative
9848 Rulemaking Act.

9849 (12) Recharge and recovery projects permitted under Chapter 3b, Groundwater
9850 Recharge and Recovery Act, are exempted from this section.

9851 (13) Nothing in this section may be interpreted to require the development,
9852 implementation, or consideration of a groundwater management plan as a prerequisite or
9853 condition to the exercise of the state engineer's enforcement powers under other law, including
9854 powers granted under Section 73-2-25.

9855 (14) A groundwater management plan adopted in accordance with this section may not
9856 apply to the dewatering of a mine.

9857 (15) (a) A groundwater management plan adopted by the state engineer before May 1,
9858 2006, remains in force and has the same legal effect as it had on the day on which it was
9859 adopted by the state engineer.

9860 (b) If a groundwater management plan that existed before May 1, 2006, is amended on
9861 or after May 1, 2006, the amendment is subject to this section's provisions.

9862 Section 214. Section **73-6-2** is amended to read:

9863 **73-6-2. Restoration by proclamation -- Priority of applications.**

9864 (1) Waters withdrawn from appropriation under this chapter may be restored by
9865 proclamation of the governor upon the recommendation of the state engineer.

9866 (2) Such proclamation shall not become effective until notice thereof has been
9867 published;

9868 (a) until January 1, 2011, at least once a week for three successive weeks in a
9869 newspaper of general circulation within the boundaries of the river system or water source
9870 within which the waters so to be restored are situated[-]; and

9871 (b) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9872 Section 63F-1-701 for three successive weeks.

9873 (3) Applications for appropriations shall not be filed during the time such waters are
9874 withdrawn from appropriation; provided, that after the first publication of notice aforesaid
9875 applications may be deposited with the state engineer and at the time such proclamation
9876 becomes effective the engineer shall hold public hearings, giving all applicants notice, to
9877 determine which applications so filed during the period of publication of such notice are most
9878 conducive to the public good, and shall file such applications in order of priority according to
9879 such determination.

9880 Section 215. Section **75-1-401** is amended to read:

9881 **75-1-401. Notice -- Method and time of giving.**

9882 (1) If notice of a hearing on any petition is required and except for specific notice
9883 requirements as otherwise provided, the petitioner shall cause notice of the time and place of
9884 hearing of any petition to be given to any interested person or his attorney if he has appeared by
9885 attorney or requested that notice be sent to his attorney. Notice shall be given by the clerk

posting a copy of the notice for the ten consecutive days immediately preceding the time set for the hearing in at least three public places in the county, one of which must be at the courthouse of the county[;] and;

(a) (i) by the clerk mailing a copy thereof at least ten days before the time set for the hearing by certified, registered, or ordinary first class mail addressed to the person being notified at the post-office address given in his demand for notice, if any, or at his office or place of residence, if known; or

~~[(b)]~~ (ii) by delivering a copy thereof to the person being notified personally at least ten days before the time set for the hearing; and

~~[(c)]~~ (b) if the address, or identity of any person is not known and cannot be ascertained with reasonable diligence, by publishing:

(i) until January 1, 2011, at least once a week for three consecutive weeks a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the last publication of which is to be at least ten days before the time set for the hearing[-]; and

(ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for three consecutive weeks.

(2) The court for good cause shown may provide for a different method or time of giving notice for any hearing.

(3) Proof of the giving of notice shall be made on or before the hearing and filed in the proceeding.

Section 216. Section **75-3-801** is amended to read:

75-3-801. Notice to creditors.

(1) (a) Unless notice has already been given under this section, a personal representative upon his appointment shall publish a notice to creditors ~~[once a week for three successive weeks in a newspaper of general circulation in the county]~~ announcing the personal representative's appointment and address and notifying creditors of the estate to present their claims within three months after the date of the first publication of the notice or be forever barred.

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

(i) until January 1, 2011, once a week for three successive weeks in a newspaper of general circulation in the county; and

9917 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9918 Section 63F-1-701 for three successive weeks.

9919 (2) A personal representative may give written notice by mail or other delivery to any
9920 creditor, notifying the creditor to present his claim within 90 days from the published notice if
9921 given as provided in Subsection (1) above or within 60 days from the mailing or other delivery
9922 of the notice, whichever is later, or be forever barred. Written notice shall be the notice
9923 described in Subsection (1) above or a similar notice.

9924 (3) The personal representative shall not be liable to any creditor or to any successor of
9925 the decedent for giving or failing to give notice under this section.

9926 Section 217. Section **75-7-508** is amended to read:

9927 **75-7-508. Notice to creditors.**

9928 (1) (a) A trustee for an inter vivos revocable trust, upon the death of the settlor, may
9929 publish a notice to creditors;

9930 (i) until January 1, 2011, once a week for three successive weeks in a newspaper of
9931 general circulation in the county where the settlor resided at the time of death[-]; and

9932 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
9933 Section 63F-1-701 for three successive weeks.

9934 (b) The notice required by [~~this~~] Subsection (1)(a) must:

9935 [~~(a)~~] (i) provide the trustee's name and address; and

9936 [~~(b)~~] (ii) notify creditors:

9937 [~~(i)~~] (A) of the deceased settlor; and

9938 [~~(ii)~~] (B) to present their claims within three months after the date of the first
9939 publication of the notice or be forever barred from presenting the claim.

9940 (2) A trustee shall give written notice by mail or other delivery to any known creditor
9941 of the deceased settlor, notifying the creditor to present his claim within 90 days from the
9942 published notice if given as provided in Subsection (1) or within 60 days from the mailing or
9943 other delivery of the notice, whichever is later, or be forever barred. Written notice shall be the
9944 notice described in Subsection (1) or a similar notice.

9945 (3) (a) If the deceased settlor received medical assistance, as defined in Section
9946 26-19-2, at any time after the age of 55, the trustee for an inter vivos revocable trust, upon the
9947 death of the settlor, shall mail or deliver written notice to the Director of the Office of

9948 Recovery Services, on behalf of the Department of Health, to present any claim under Section
9949 26-19-13.5 within 60 days from the mailing or other delivery of notice, whichever is later, or
9950 be forever barred.

9951 (b) If the trustee does not mail notice to the director of the Office of Recovery Services
9952 on behalf of the department in accordance with Subsection (3)(a), the department shall have
9953 one year from the death of the settlor to present its claim.

9954 (4) The trustee shall not be liable to any creditor or to any successor of the deceased
9955 settlor for giving or failing to give notice under this section.

9956 Section 218. Section **76-8-809** is amended to read:

9957 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**
9958 **-- Posting of notices.**

9959 Any individual, partnership, association, corporation, municipal corporation or state or
9960 any political subdivision thereof engaged in or preparing to engage in the manufacture,
9961 transportation or storage of any product to be used in the preparation of the United States or
9962 any of the states for defense or for war or in the prosecution of war by the United States, or in
9963 the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or
9964 any of said natural or artificial persons operating any public utility who has property so used
9965 which he or it believes will be endangered if public use and travel is not restricted or prohibited
9966 on one or more highways or parts thereof upon which the property abuts, may petition the
9967 highway commissioners of any city, town, or county to close one or more of the highways or
9968 parts thereof to public use and travel or to restrict by order the use and travel upon one or more
9969 of the highways or parts thereof.

9970 Upon receipt of the petition, the highway commissioners shall set a day for hearing and
9971 give notice thereof by publication, until January 1, 2011, in a newspaper having general
9972 circulation in the city, town, or county in which the property is located, and, beginning on
9973 January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701, the
9974 publication shall be made at least seven days prior to the date set for hearing. If, after hearing,
9975 the highway commissioners determine that the public safety and the safety of the property of
9976 the petitioner so require, they shall by suitable order close to public use and travel or
9977 reasonably restrict the use of and travel upon one or more of the highways or parts thereof;
9978 provided the highway commissioners may issue written permits to travel over the highway so

closed or restricted to responsible and reputable persons for a term, under conditions and in a form as the commissioners may prescribe. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restricted by an order. The highway commissioners may at any time revoke or modify any order so made.

Section 219. Section **76-10-530** is amended to read:

76-10-530. Trespass with a firearm in a house of worship or private residence -- Notice -- Penalty.

(1) A person, including a person licensed to carry a concealed firearm pursuant to Title 53, Chapter 5, Part 7, Concealed Weapon Act, after notice has been given as provided in Subsection (2) that firearms are prohibited, may not knowingly and intentionally:

(a) transport a firearm into:

(i) a house of worship; or

(ii) a private residence; or

(b) while in possession of a firearm, enter or remain in:

(i) a house of worship; or

(ii) a private residence.

(2) Notice that firearms are prohibited may be given by:

(a) personal communication to the actor by:

(i) the church or organization operating the house of worship;

(ii) the owner, lessee, or person with lawful right of possession of the private residence; or

(iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and (ii);

(b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence;

(c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;

(d) publication in a bulletin, newsletter, worship program, or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or

(e) publication;

10010 (i) until January 1, 2011, in a newspaper of general circulation in the county in which
10011 the house of worship is located or the church or organization operating the house of worship
10012 has its principal office in this state[-]; and

10013 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
10014 Section 63F-1-701.

10015 (3) A church or organization operating a house of worship and giving notice that
10016 firearms are prohibited may:

10017 (a) revoke the notice, with or without supersedure, by giving further notice in any
10018 manner provided in Subsection (2); and

10019 (b) provide or allow exceptions to the prohibition as the church or organization
10020 considers advisable.

10021 (4) (a) (i) Within 30 days of giving or revoking any notice pursuant to Subsection
10022 (2)(c), (d), or (e), a church or organization operating a house of worship shall notify the
10023 division on a form and in a manner as the division shall prescribe.

10024 (ii) The division shall post on its website a list of the churches and organizations
10025 operating houses of worship who have given notice under Subsection (4)(a)(i).

10026 (b) Any notice given pursuant to Subsection (2)(c), (d), or (e) shall remain in effect
10027 until revoked or for a period of one year from the date the notice was originally given,
10028 whichever occurs first.

10029 (5) Nothing in this section permits an owner who has granted the lawful right of
10030 possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm
10031 in the residence.

10032 (6) A violation of this section is an infraction.

10033 Section 220. Section **77-24a-5** is amended to read:

10034 **77-24a-5. Disposition of unclaimed property.**

10035 (1) (a) If the owner of any unclaimed property cannot be determined or notified, or if
10036 he is determined and notified, and fails to appear and claim the property after three months of
10037 its receipt by the local law enforcement agency, the agency shall:

10038 (i) publish at least one notice of the intent to dispose of the unclaimed property;

10039 (A) until January 1, 2011, in a newspaper of general circulation within the county; and

10040 (B) beginning on January 1, 2011, on the Utah Public Notice Website as described in

10041 Section 63F-1-701; and

10042 (ii) post a similar notice in a public place designated for notice within the law
10043 enforcement agency.

10044 (b) The notice shall:

10045 (i) give a general description of the item; and

10046 (ii) the date of intended disposition.

10047 (c) The agency may not dispose of the unclaimed property until at least eight days after
10048 the date of publication and posting.

10049 (2) (a) If no claim is made for the unclaimed property within nine days of publication
10050 and posting, the agency shall notify the person who turned the property over to the local law
10051 enforcement agency, if it was turned over by a person under Section 77-24a-3.

10052 (b) Except as provided in Subsection (4), if that person has complied with the
10053 provisions of this chapter, ~~[he]~~ the person may take the unclaimed property if ~~[he]~~ the person:

10054 (i) pays the costs incurred for advertising and storage; and

10055 (ii) signs a receipt for the item.

10056 (3) If the person who found the unclaimed property fails to take the property under the
10057 provisions of this chapter, the agency shall dispose of that property and any other property that
10058 is not claimed under this chapter as provided by Section 77-24-4.

10059 (4) Any person employed by a law enforcement agency who finds property may not
10060 claim or receive property under this section.

10061 Section 221. Section **78A-6-109** is amended to read:

10062 **78A-6-109. Summons -- Service and process -- Issuance and contents -- Notice to**
10063 **absent parent or guardian -- Emergency medical or surgical treatment -- Compulsory**
10064 **process for attendance of witnesses when authorized.**

10065 (1) After a petition is filed the court shall promptly issue a summons, unless the judge
10066 directs that a further investigation is needed. No summons is required as to any person who
10067 appears voluntarily or who files a written waiver of service with the clerk of the court at or
10068 prior to the hearing.

10069 (2) The summons shall contain:

10070 (a) the name of the court;

10071 (b) the title of the proceedings; and

10072 (c) except for a published summons, a brief statement of the substance of the
10073 allegations in the petition.

10074 (3) A published summons shall state:

10075 (a) that a proceeding concerning the minor is pending in the court; and

10076 (b) an adjudication will be made.

10077 (4) The summons shall require the person or persons who have physical custody of the
10078 minor to appear personally and bring the minor before the court at a time and place stated. If
10079 the person or persons summoned are not the parent, parents, or guardian of the minor, the
10080 summons shall also be issued to the parent, parents, or guardian, as the case may be, notifying
10081 them of the pendency of the case and of the time and place set for the hearing.

10082 (5) Summons may be issued requiring the appearance of any other person whose
10083 presence the court finds necessary.

10084 (6) If it appears to the court that the welfare of the minor or of the public requires that
10085 the minor be taken into custody, the court may by endorsement upon the summons direct that
10086 the person serving the summons take the minor into custody at once.

10087 (7) Subject to Subsection 78A-6-117(2)(n)(iii), upon the sworn testimony of one or
10088 more reputable physicians, the court may order emergency medical or surgical treatment that is
10089 immediately necessary for a minor concerning whom a petition has been filed pending the
10090 service of summons upon the minor's parents, guardian, or custodian.

10091 (8) A parent or guardian is entitled to the issuance of compulsory process for the
10092 attendance of witnesses on the parent's or guardian's own behalf or on behalf of the minor. A
10093 guardian ad litem or a probation officer is entitled to compulsory process for the attendance of
10094 witnesses on behalf of the minor.

10095 (9) Service of summons and process and proof of service shall be made in the manner
10096 provided in the Utah Rules of Civil Procedure.

10097 (10) Service of summons or process shall be made by the sheriff of the county where
10098 the service is to be made, or by his deputy; but upon request of the court service shall be made
10099 by any other peace officer, or by another suitable person selected by the court.

10100 (11) Service of summons in the state shall be made personally, by delivering a copy to
10101 the person summoned; provided, however, that parents of a minor living together at their usual
10102 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) until January 1, 2011, 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) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 for four successive 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 the time set in the summons for the appearance of the person served, shall be sufficient to confer jurisdiction. In the case of service outside the state, service completed not less than five days before the time set in the summons for appearance of the person served, shall be sufficient

10134 to confer jurisdiction.

10135 (15) Computation of periods of time under this chapter shall be made in accordance
10136 with the Utah Rules of Civil Procedure.

10137 Section 222. Section **78B-5-613** is amended to read:

10138 **78B-5-613. Proof of publication of document, notice, or order.**

10139 (1) (a) If a court or judge orders a document or notice published in a newspaper,
10140 evidence of the publication shall be made by affidavit of the publisher, the publisher's foreman,
10141 or principal clerk with a copy of the publication attached.

10142 (b) The affidavit shall state the date and newspaper of publication.

10143 (2) (a) If a court or judge orders a document or notice published on the Utah Public
10144 Notice Website as described in Section 63F-1-701, evidence of the publication shall be made
10145 by affidavit of the state archivist or the archivist's designee with a printed copy of the
10146 publication attached.

10147 (b) The affidavit shall state the date of publication.

10148 Section 223. **Coordinating S.B. 208 with H.B. 67 -- Substantive and technical**
10149 **changes.**

10150 If this S.B. 208 and H.B. 67, Public Hearings on Property Tax Increases, both pass, it is
10151 the intent of the Legislature that the Office of Legislative Research and General Counsel in
10152 preparing the Utah Code database for publication:

10153 (1) modify Subsection 59-2-919(2)(e) to read:

10154 "(e) The advertisement [~~described in this section shall~~]:

10155 (i) described in Subsection (2)(a)(i)(A) shall, except as provided in Subsection (2)(g),
10156 be run once each week for the two weeks preceding the adoption of the taxing entity's:

10157 (A) final budget; [~~and~~] or

10158 (B) final tax rate; and

10159 (ii) described in Subsection (2)(a)(i)(B) shall, except as provided in Subsection (2)(g),
10160 be published two weeks preceding the adoption of the taxing entity's:

10161 (A) final budget; or

10162 (B) final tax rate.";

10163 (2) modify Subsection 59-2-919(2)(g) to read:

10164 "(g) If a taxing entity's public hearing information is published by the county auditor in

10165 accordance with Section 59-2-919.2, the taxing entity:
10166 (i) is not subject to the requirement to run the advertisement twice, as required in
10167 Subsection (2)(e)(i), but shall run the advertisement once during the week preceding the
10168 adoption of the taxing entity's:
10169 (A) final budget; or
10170 (B) final tax rate; and
10171 (ii) is not subject to the requirement to run the advertisement for two weeks, as
10172 required in Subsection (2)(e)(ii), but shall run the advertisement for one week preceding the
10173 adoption of the taxing entity's:
10174 (A) final budget; or
10175 (B) final tax rate."; and
10176 (3) modify Subsections 59-2-919.2(3)(b), (c), and (d) to read:
10177 "(b) Except as provided in Subsection (3)(d)(ii), the information described in
10178 Subsection (3)(a) shall be published:
10179 (i) in no less than 1/4 page in size;
10180 (ii) in type no smaller than 18 point; and
10181 (iii) surrounded by a 1/4-inch border.
10182 (c) The published information described in Subsection (3)(a) and published in
10183 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a
10184 legal notice or classified advertisement appears.
10185 (d) A county auditor shall publish the information described in Subsection (3)(a):
10186 (i) until January 1, 2011:
10187 (A) in a newspaper or a combination of newspapers that are:
10188 (I) published at least one day per week;
10189 (II) of general interest and readership in the county; and
10190 (III) not of limited subject matter; and
10191 (B) once each week for the two weeks preceding the first hearing included in the list
10192 compiled under Subsection (2); and
10193 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
10194 Section 63F-1-701 for two weeks preceding the first hearing included in the list compiled
10195 under Subsection (2)."

Section 224. **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)(g)(iii) to read:

"(iii) At least one week before holding a public hearing under Subsection (1)(g)(i), the county legislative body shall publish notice of the petition and the time, date, and place of the public hearing:

(A) until January 1, 2011, at least once in a newspaper of general circulation in the county; and

(B) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701."; and

(2) modify Subsection 17-27a-306(3)(f)(iii) to read:

"(iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative body shall:

(A) publish notice of the petition and the time, date, and place of the public hearing:

(I) until January 1, 2011, at least once a week for three consecutive weeks in a newspaper of general circulation in the township; and

(II) beginning on January 1, 2011, for three consecutive weeks on the Utah Public Notice Website as described in Section 63F-1-701; and

(B) mail a notice of the petition and the time, date, and place of the public hearing to each owner of private real property within the area proposed to be withdrawn.".

Section 225. **Coordinating S.B. 208 with S.B. 209 -- Substantive and technical changes.**

If this S.B. 208 and S.B. 209, Land Use, Development, and Management Act 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 10-9a-208(2)(d) to read:

"(d) (i) until January 1, 2011, published in a newspaper of general circulation in the municipality in which the land subject to the petition is located; and

10227 (ii) beginning on January 1, 2011, published on the Utah Public Notice Website as
10228 described in Section 63F-1-701."; and
10229 (2) modify Subsection 17-27a-208(2)(d) to read:
10230 "(d) (i) until January 1, 2011, published in a newspaper of general circulation in the
10231 municipality in which the land subject to the petition is located; and
10232 (ii) beginning on January 1, 2011, published on the Utah Public Notice Website as
10233 described in Section 63F-1-701."