

**Representative John Dougall** proposes the following substitute bill:

**UTAH PUBLIC NOTICE WEBSITE**

**AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen H. Urquhart**

House Sponsor: Kevin S. Garn

Cosponsors:

Jon J. Greiner

Karen W. Morgan

Gregory S. Bell

David P. Hinkins

Wayne L. Niederhauser

Curtis S. Bramble

Scott K. Jenkins

Ralph Okerlund

D. Chris Buttars

Sheldon L. Killpack

Luz Robles

Allen M. Christensen

Daniel R. Liljenquist

Howard A. Stephenson

Margaret Dayton

Mark B. Madsen

Michael G. Waddoups

Brent H. Goodfellow

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**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 by providing substantive and technical changes.



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

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

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

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **3-1-7**, as last amended by Laws of Utah 1994, Chapter 204
- 38 **4-17-7**, as last amended by Laws of Utah 1985, Chapter 18
- 39 **4-30-5**, as enacted by Laws of Utah 1979, Chapter 2
- 40 **6-1-5**, Utah Code Annotated 1953
- 41 **7-1-704**, as last amended by Laws of Utah 2008, Chapter 382
- 42 **7-1-706**, as last amended by Laws of Utah 1997, Chapter 91
- 43 **7-1-709**, as last amended by Laws of Utah 1995, Chapter 49
- 44 **7-2-6**, as last amended by Laws of Utah 1994, Chapter 200
- 45 **7-7-10**, as last amended by Laws of Utah 2003, Chapter 327
- 46 **8-5-6**, as last amended by Laws of Utah 2002, Chapter 123
- 47 **9-3-409**, as last amended by Laws of Utah 2005, Chapter 105
- 48 **9-8-805**, as renumbered and amended by Laws of Utah 1992, Chapter 241
- 49 **10-2-108**, as repealed and reenacted by Laws of Utah 1997, Chapter 389
- 50 **10-2-111**, as repealed and reenacted by Laws of Utah 1997, Chapter 389
- 51 **10-2-114**, as last amended by Laws of Utah 2008, Chapter 19
- 52 **10-2-115**, as last amended by Laws of Utah 2000, Chapter 1
- 53 **10-2-116**, as enacted by Laws of Utah 1997, Chapter 389
- 54 **10-2-125**, as last amended by Laws of Utah 2008, Chapters 16 and 19
- 55 **10-2-406**, as last amended by Laws of Utah 2007, Chapter 329
- 56 **10-2-407**, as last amended by Laws of Utah 2003, Chapter 211
- 57 **10-2-415**, as last amended by Laws of Utah 2001, Chapter 206
- 58 **10-2-418**, as last amended by Laws of Utah 2007, Chapters 329 and 378

- 59           **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329
- 60           **10-2-501**, as last amended by Laws of Utah 2003, Chapter 279
- 61           **10-2-502.5**, as renumbered and amended by Laws of Utah 2003, Chapter 279
- 62           **10-2-607**, as last amended by Laws of Utah 1993, Chapter 227
- 63           **10-2-703**, as enacted by Laws of Utah 1977, Chapter 48
- 64           **10-2-708**, as enacted by Laws of Utah 1977, Chapter 48
- 65           **10-3-818**, as last amended by Laws of Utah 2008, Chapter 250
- 66           **10-5-108**, as last amended by Laws of Utah 2001, Chapter 178
- 67           **10-6-113**, as enacted by Laws of Utah 1979, Chapter 26
- 68           **10-6-152**, as last amended by Laws of Utah 1993, Chapter 4
- 69           **10-7-16**, as last amended by Laws of Utah 2002, Chapter 90
- 70           **10-7-19**, Utah Code Annotated 1953
- 71           **10-8-2**, as last amended by Laws of Utah 2008, Chapters 3 and 382
- 72           **10-9a-204**, as enacted by Laws of Utah 2005, Chapter 254
- 73           **10-9a-205**, as enacted by Laws of Utah 2005, Chapter 254
- 74           **10-9a-208**, as last amended by Laws of Utah 2006, Chapter 240
- 75           **10-18-203**, as enacted by Laws of Utah 2001, Chapter 83
- 76           **10-18-302**, as last amended by Laws of Utah 2008, Chapter 382
- 77           **10-18-303**, as enacted by Laws of Utah 2001, Chapter 83
- 78           **11-13-219**, as last amended by Laws of Utah 2005, Chapter 105
- 79           **11-14-202**, as last amended by Laws of Utah 2006, Chapter 83
- 80           **11-14-315**, as last amended by Laws of Utah 2006, Chapter 83
- 81           **11-14-316**, as last amended by Laws of Utah 2006, Chapter 83
- 82           **11-14-318**, as enacted by Laws of Utah 2008, Chapter 21
- 83           **11-14a-1**, as last amended by Laws of Utah 2007, Chapter 329
- 84           **11-17-16**, as last amended by Laws of Utah 1988, Third Special Session, Chapter 1
- 85           **11-27-4**, as enacted by Laws of Utah 1981, Chapter 43
- 86           **11-27-5**, as enacted by Laws of Utah 1981, Chapter 43
- 87           **11-30-5**, as last amended by Laws of Utah 1997, Chapter 84
- 88           **11-32-10**, as enacted by Laws of Utah 1987, Chapter 143
- 89           **11-32-11**, as enacted by Laws of Utah 1987, Chapter 143

- 90            **11-39-103**, as last amended by Laws of Utah 2007, Chapter 329
- 91            **11-42-202**, as enacted by Laws of Utah 2007, Chapter 329
- 92            **11-42-301**, as enacted by Laws of Utah 2007, Chapter 329
- 93            **11-42-402**, as enacted by Laws of Utah 2007, Chapter 329
- 94            **11-42-404**, as enacted by Laws of Utah 2007, Chapter 329
- 95            **11-42-604**, as enacted by Laws of Utah 2007, Chapter 329
- 96            **13-31-302**, as enacted by Laws of Utah 1998, Chapter 349
- 97            **13-44-202**, as enacted by Laws of Utah 2006, Chapter 343
- 98            **16-4-206**, as enacted by Laws of Utah 2007, Chapter 367
- 99            **16-4-303**, as enacted by Laws of Utah 2007, Chapter 367
- 100           **16-4-312**, as enacted by Laws of Utah 2007, Chapter 367
- 101           **16-6a-103**, as enacted by Laws of Utah 2000, Chapter 300
- 102           **16-6a-704**, as enacted by Laws of Utah 2000, Chapter 300
- 103           **16-6a-814**, as last amended by Laws of Utah 2006, Chapter 228
- 104           **16-6a-1407**, as last amended by Laws of Utah 2008, Chapter 364
- 105           **16-10a-103**, as last amended by Laws of Utah 2008, Chapter 364
- 106           **16-10a-1407**, as last amended by Laws of Utah 2008, Chapter 364
- 107           **16-16-1209**, as enacted by Laws of Utah 2008, Chapter 363
- 108           **17-27a-204**, as enacted by Laws of Utah 2005, Chapter 254
- 109           **17-27a-205**, as enacted by Laws of Utah 2005, Chapter 254
- 110           **17-27a-208**, as last amended by Laws of Utah 2006, Chapter 240
- 111           **17-27a-306**, as last amended by Laws of Utah 2008, Chapter 250
- 112           **17-27a-404**, as renumbered and amended by Laws of Utah 2005, Chapter 254
- 113           **17-30-6**, as last amended by Laws of Utah 1993, Chapter 234
- 114           **17-36-12**, as last amended by Laws of Utah 1979, Chapter 62
- 115           **17-36-25**, as enacted by Laws of Utah 1975, Chapter 22
- 116           **17-36-26**, as enacted by Laws of Utah 1975, Chapter 22
- 117           **17-36-40**, as enacted by Laws of Utah 1983, Chapter 73
- 118           **17-41-302**, as last amended by Laws of Utah 2006, Chapter 194
- 119           **17-41-304**, as last amended by Laws of Utah 2006, Chapter 194
- 120           **17-41-405**, as last amended by Laws of Utah 2006, Chapter 194

121           **17-52-101**, as last amended by Laws of Utah 2001, Chapter 241  
122           **17-53-208**, as last amended by Laws of Utah 2006, Chapter 192  
123           **17A-3-914**, as last amended by Laws of Utah 1991, Chapter 5  
124           **17A-3-915**, as renumbered and amended by Laws of Utah 1990, Chapter 186  
125           **17B-1-211**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
126           **17B-1-304**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
127           **17B-1-306**, as last amended by Laws of Utah 2008, Chapters 54, 182, and 360  
128           **17B-1-313**, as enacted by Laws of Utah 2007, Chapter 329  
129           **17B-1-413**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
130           **17B-1-417**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
131           **17B-1-512**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
132           **17B-1-609**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
133           **17B-1-643**, as last amended by Laws of Utah 2008, Chapter 360  
134           **17B-1-1204**, as enacted by Laws of Utah 2007, Chapter 329  
135           **17B-1-1307**, as renumbered and amended by Laws of Utah 2007, Chapter 329  
136           **17C-1-601**, as renumbered and amended by Laws of Utah 2006, Chapter 359  
137           **17C-2-108**, as renumbered and amended by Laws of Utah 2006, Chapter 359  
138           **17C-2-403**, as renumbered and amended by Laws of Utah 2006, Chapter 359  
139           **17C-3-107**, as enacted by Laws of Utah 2006, Chapter 359  
140           **17C-3-303**, as enacted by Laws of Utah 2006, Chapter 359  
141           **17C-4-106**, as enacted by Laws of Utah 2006, Chapter 359  
142           **17C-4-202**, as last amended by Laws of Utah 2007, Chapter 364  
143           **17C-4-302**, as enacted by Laws of Utah 2006, Chapter 359  
144           **17D-1-205**, as enacted by Laws of Utah 2008, Chapter 360  
145           **17D-2-601**, as enacted by Laws of Utah 2008, Chapter 360  
146           **17D-3-305**, as enacted by Laws of Utah 2008, Chapter 360  
147           **19-2-109**, as renumbered and amended by Laws of Utah 1991, Chapter 112  
148           **19-5-110**, as renumbered and amended by Laws of Utah 1991, Chapter 112  
149           **19-6-712**, as enacted by Laws of Utah 1993, Chapter 283  
150           **20A-3-201**, as last amended by Laws of Utah 2006, Chapter 326  
151           **20A-3-603**, as last amended by Laws of Utah 2008, Chapter 53

- 152            **20A-3-604**, as enacted by Laws of Utah 2006, Chapter 264
- 153            **20A-5-101**, as last amended by Laws of Utah 2007, Chapters 238 and 329
- 154            **20A-5-405**, as last amended by Laws of Utah 2007, Chapter 75
- 155            **20A-7-204.1**, as last amended by Laws of Utah 2005, Chapter 236
- 156            **20A-9-203**, as last amended by Laws of Utah 2008, Chapters 13, 19, and 225
- 157            **23-21-1.5**, as last amended by Laws of Utah 1998, Chapter 218
- 158            **24-1-4**, as last amended by Laws of Utah 2004, Chapter 296
- 159            **26-8a-405.3**, as last amended by Laws of Utah 2008, Chapter 382
- 160            **26-8a-406**, as last amended by Laws of Utah 2003, Chapter 213
- 161            **26-19-6**, as last amended by Laws of Utah 2004, Chapter 72
- 162            **31A-2-303**, as last amended by Laws of Utah 1987, Chapter 161
- 163            **31A-27a-406**, as enacted by Laws of Utah 2007, Chapter 309
- 164            **38-2-3.2**, as last amended by Laws of Utah 2007, Chapter 306
- 165            **38-8-3**, as last amended by Laws of Utah 1984, Chapter 66
- 166            **38-13-204**, as enacted by Laws of Utah 2005, Chapter 187
- 167            **39-1-15**, Utah Code Annotated 1953
- 168            **40-6-10**, as last amended by Laws of Utah 2008, Chapter 382
- 169            **40-8-8**, as last amended by Laws of Utah 2002, Chapter 194
- 170            **40-8-10**, as last amended by Laws of Utah 1987, Chapter 161
- 171            **40-8-13**, as last amended by Laws of Utah 2003, Chapter 35
- 172            **40-10-13**, as last amended by Laws of Utah 2008, Chapter 382
- 173            **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09)**, as last amended by Laws of Utah 2004,
- 174 Chapter 230
- 175            **40-10-27**, as last amended by Laws of Utah 1997, Chapter 135
- 176            **41-1a-1103**, as last amended by Laws of Utah 2005, Chapter 56
- 177            **47-2-4**, as last amended by Laws of Utah 2000, Chapter 75
- 178            **48-2c-1306**, as last amended by Laws of Utah 2008, Chapter 364
- 179            **52-4-202**, as last amended by Laws of Utah 2008, Chapters 234 and 360
- 180            **53A-3-202**, as last amended by Laws of Utah 2007, Chapter 375
- 181            **53A-3-402**, as last amended by Laws of Utah 2007, Chapter 92
- 182            **53A-18-104**, as enacted by Laws of Utah 1988, Chapter 2

183           **53A-19-102**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236  
184           **53A-19-104**, as enacted by Laws of Utah 1988, Chapter 2  
185           **53B-3-107**, as last amended by Laws of Utah 1997, Chapter 116  
186           **53B-7-101.5**, as enacted by Laws of Utah 2001, Chapter 186  
187           **54-4-27**, Utah Code Annotated 1953  
188           **54-7-17**, as last amended by Laws of Utah 1987, Chapter 161  
189           **54-8-10**, as enacted by Laws of Utah 1969, Chapter 157  
190           **54-8-16**, as enacted by Laws of Utah 1969, Chapter 157  
191           **54-8-23**, as enacted by Laws of Utah 1969, Chapter 157  
192           **57-1-25**, as last amended by Laws of Utah 2002, Chapter 209  
193           **57-11-11**, as last amended by Laws of Utah 2000, Chapter 86  
194           **59-2-918**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236  
195           **59-2-919**, as last amended by Laws of Utah 2008, Chapters 231 and 301  
196           **59-2-924**, as last amended by Laws of Utah 2008, Chapters 61, 118, 231, 236, 330, 360,  
197 and 382  
198           **59-2-926**, as last amended by Laws of Utah 2008, Chapter 330  
199           **59-2-1303**, as last amended by Laws of Utah 1999, Chapter 207  
200           **59-2-1309**, as last amended by Laws of Utah 1997, Chapter 360  
201           **59-2-1310**, as last amended by Laws of Utah 1995, Chapter 198  
202           **59-2-1332**, as last amended by Laws of Utah 1997, Chapter 143  
203           **59-2-1332.5**, as last amended by Laws of Utah 2002, Chapter 30  
204           **59-2-1351**, as last amended by Laws of Utah 2000, Chapter 75  
205           **59-12-402**, as last amended by Laws of Utah 2008, Chapter 384  
206           **59-12-1001**, as last amended by Laws of Utah 2008, Chapters 382 and 384  
207           **59-12-1102**, as last amended by Laws of Utah 2008, Chapters 237, 382, and 384  
208           **63B-1-317**, as renumbered and amended by Laws of Utah 2003, Chapter 86  
209           **63B-1a-501**, as enacted by Laws of Utah 2003, Chapter 2  
210           **63B-2-116**, as last amended by Laws of Utah 2005, Chapter 105  
211           **63B-2-216**, as last amended by Laws of Utah 2005, Chapter 105  
212           **63B-3-116**, as last amended by Laws of Utah 2005, Chapter 105  
213           **63B-3-216**, as last amended by Laws of Utah 2005, Chapter 105

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



- 245            **73-3a-107**, as last amended by Laws of Utah 2003, Chapter 99
- 246            **73-4-3**, as last amended by Laws of Utah 2007, Chapter 136
- 247            **73-4-4**, as last amended by Laws of Utah 2007, Chapter 136
- 248            **73-4-9**, Utah Code Annotated 1953
- 249            **73-5-14**, Utah Code Annotated 1953
- 250            **73-5-15**, as last amended by Laws of Utah 2008, Chapters 360 and 382
- 251            **73-6-2**, Utah Code Annotated 1953
- 252            **75-1-401**, as last amended by Laws of Utah 1977, Chapter 194
- 253            **75-3-801**, as last amended by Laws of Utah 1992, Chapter 179
- 254            **75-7-508**, as last amended by Laws of Utah 2007, Chapter 64
- 255            **76-8-809**, as enacted by Laws of Utah 1973, Chapter 196
- 256            **76-10-530**, as last amended by Laws of Utah 2003, Chapter 203
- 257            **77-24a-5**, as last amended by Laws of Utah 2005, Chapter 126
- 258            **78A-6-109**, as renumbered and amended by Laws of Utah 2008, Chapter 3
- 259            **78B-5-613**, as enacted by Laws of Utah 2008, Chapter 3

260 ENACTS:

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

262 RENUMBERS AND AMENDS:

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



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

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

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

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

276 (a) a regular meeting; or  
277 (b) a special meeting called for that purpose.  
278 (2) Written notice of the proposed amendment and of the time and place of the meeting  
279 shall be provided to the members of the association by any one of the following procedures:  
280 (a) by mail at the last-known address at least ten days prior to the meeting;  
281 (b) by personal delivery at least ten days prior to the meeting; or  
282 (c) by publication not less than ten days or more than 60 days prior to the meeting:  
283 (i) in a periodical published by or for the association, to which substantially all of its  
284 members are subscribers[;] or;  
285 (ii) in a newspaper or newspapers whose combined circulation is general in the  
286 territory in which the association operates[;]; and  
287 (iii) as required in Section 45-1-101.  
288 (3) In addition to one of the means set forth in Subsection (2), the association may give  
289 notice by any method established pursuant to the articles of incorporation or bylaws of the  
290 association.  
291 (4) The bylaws may require that the notice period be longer than ten days.  
292 (5) An amendment affecting the preferential rights of any outstanding preferred stock  
293 may not be adopted until the written consent of the holders of a majority of the outstanding  
294 preference shares has been obtained.  
295 (6) After an amendment has been adopted, articles of amendment shall be:  
296 (a) prepared, in duplicate, setting forth the amendment and the fact of the adoption;  
297 (b) signed and acknowledged by the president, chair, vice president, or vice chair and  
298 by the secretary or treasurer; and  
299 (c) filed in the same manner as the original articles of incorporation.  
300 Section 2. Section ~~4-17-7~~ is amended to read:  
301 **4-17-7. Notice of noxious weeds to be published annually in county -- Notice to**  
302 **particular property owners to control noxious weeds -- Methods of prevention or control**  
303 **specified -- Failure to control noxious weeds considered public nuisance.**  
304 (1) Each county weed control board before May 1 of each year shall post a general  
305 notice of the noxious weeds within the county in at least three public places within the county  
306 and publish the same notice on;

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

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

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

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

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

319           **4-30-5. Hearing on license application -- Notice of hearing.**

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

325           (a) each licensed livestock market operator within the state; and

326           (b) each livestock or other interested association or group of persons in the state that  
327 has filed written notice with the committee requesting receipt of notice of such hearings.

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

329           (i) in a daily or weekly newspaper of general circulation within the city or town where  
330 the hearing is scheduled[-]; and

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

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

333           **6-1-5. Notice of assignment.**

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

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

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

337           (ii) if there is not a newspaper as described in Subsection (1)(a)(i), in a newspaper

338 [~~having~~] of general circulation [~~therein, which notice shall be published at least once a week~~  
339 ~~for six weeks, and shall forthwith send a notice~~] in the county; and

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

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

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

345 **7-1-704. Authorization required to engage in business -- Exemptions --**

346 **Procedure.**

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

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

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

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

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

356 (2) An applicant for authorization to become an institution subject to the jurisdiction of  
357 the department shall pay to the department the appropriate filing fee, as provided in Section  
358 7-1-401, and shall file with the commissioner:

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

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

362 (c) an application in a form prescribed by the commissioner that includes all  
363 information the commissioner requires about the source of the proposed original capital and  
364 about the identity, personal history, business background and experience, financial condition,  
365 and participation in any litigation or administrative proceeding of the organizers, the proposed  
366 members of the board of directors, and the principal officers; and

367 (d) any other information the commissioner requires.

368 (3) In addition to the requirements of Title 63G, Chapter 4, Administrative Procedures

369 Act, the commissioner shall, at the expense of the applicant:

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

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

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

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

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

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

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

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

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

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

392 (4) (a) The supervisor shall submit findings and recommendations in writing to the  
393 commissioner.

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

399 (5) (a) If a hearing is held, the applicant shall publish notice of the hearing at the

400 applicant's expense;

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

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

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

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

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

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

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

418 (ii) in light of the ability of the proposed service area to support the proposed  
419 institution, including the extent and nature of existing competition, the economic history and  
420 future prospects of the community, and the opportunity for profitable employment of financial  
421 institution funds, conditions in the service area in which the proposed institution would transact  
422 business afford reasonable promise of a successful operation;

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

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

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

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

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

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

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

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

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

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

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

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

445 (iii) retain one file copy; and

446 (iv) return one copy to the applicant within ten days after the date of the

447 commissioner's decision approving the application.

448 (c) Upon disapproving an application, the commissioner shall mail notice of the  
449 disapproval to the applicant within ten days.

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

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

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

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

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

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

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

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

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

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

475 **7-1-706. Application to commissioner to exercise power -- Procedure.**

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

478 (a) issue any rule or order;

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

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

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

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

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

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

492 (i) in a newspaper of general circulation within the county where the applicant is



493 located at least once a week for three successive weeks before the date of the hearing[-]; and  
494 (ii) as required in Section 45-1-101 for three weeks before the date of the hearing.

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

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

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

- 501 (i) the application;
- 502 (ii) additional information filed with the commissioner; and
- 503 (iii) the findings and recommendations of the supervisor.

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

- 506 (i) the applicant;
- 507 (ii) all persons who have filed protests to the granting of the application; and
- 508 (iii) other persons that the commissioner considers should receive copies.

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

- 511 (a) protect the interest of creditors, depositors, and other customers of an institution;
- 512 (b) protect its shareholders or members; and
- 513 (c) carry out the purposes of this title.

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

515 **7-1-709. Branches -- Discontinuance of operation.**

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

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

- 521 (a) the location of the branch to be discontinued;
- 522 (b) the date of the proposed discontinuance;
- 523 (c) the reasons for closing the branch; and

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

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

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

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

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

532 (4) An out-of-state depository institution with a branch in Utah is not subject to the  
533 requirements of this section if the branch to be closed is located outside of Utah.

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

535 **7-2-6. Possession by commissioner -- Notice -- Presentation, allowance, and**  
536 **disallowance of claims -- Objections to claims.**

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

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

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

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

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

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

548 (iii) the court approves.

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

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

555            (iii) The notice shall be published:

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

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

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

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

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

586 receiver, or liquidator.

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

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

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

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

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

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

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

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

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

618 (a) Each claim filed on or before the filing date shall be allowed or disallowed within  
619 180 days after the final publication of notice.

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

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

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

639 (ii) If the commissioner finds there are or may be issues of fact or law as to the validity  
640 of a claim, liquidated or unliquidated, or its proper allowance or disallowance under the  
641 provisions of this chapter, he may appoint a hearing examiner to conduct a hearing and to  
642 prepare and submit recommended findings of fact and conclusions of law for final  
643 consideration by the commissioner. The hearing shall be conducted as provided in rules or  
644 regulations issued by the commissioner. The decision of the commissioner shall be based on  
645 the record before the hearing examiner and information the commissioner considers relevant  
646 and shall be subject to judicial review as provided in Subsection (9).

647 (e) A claim may be disallowed if it is based on actions or documents intended to

648 deceive the commissioner or any receiver or liquidator appointed by him.

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

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

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

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

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

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

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

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

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

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

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

679 claim after the commissioner has taken possession of an institution or other person under this  
680 chapter may be disallowed.

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

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

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

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

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

703 (10) If a claim against the institution has been asserted in any judicial, administrative,  
704 or other proceeding pending at the time the commissioner took possession of the institution  
705 under this chapter or under Chapter 19, Acquisition of Failing Depository Institutions or  
706 Holding Companies, the claimant shall file copies of all documents of record in the pending  
707 proceeding with the commissioner within the time for filing claims as provided in Subsection  
708 (2). Such a claim shall be allowed or disallowed within 90 days of the receipt of the complete  
709 record of the proceedings. No application to lift the stay of a pending proceeding shall be filed

710 until the claim has been allowed or disallowed. The commissioner may petition the court  
711 designated by Section 7-2-2 to lift the stay to determine whether the claim should be allowed or  
712 disallowed.

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

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

719 **7-7-10. Meetings of mutual association members -- Voting -- Notice.**

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

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

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

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

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

730 (a) one vote; and

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

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

734 (A) in person; or

735 (B) by proxy.

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

739 (b) Every proxy shall:

740 (i) be in writing;



- 741 (ii) be signed by the member or the member's duly authorized attorney in fact; and  
742 (iii) continue in force from year to year:  
743 (A) when filed with the secretary;  
744 (B) if so specified in the proxy; and  
745 (C) until:  
746 (I) revoked by a writing duly delivered to the secretary; or  
747 (II) superseded by subsequent proxies.  
748 (5) (a) At an annual meeting or at any special meeting of the members, any number of  
749 members present in person or by proxy eligible to be voted constitutes a quorum.  
750 (b) A majority of all votes cast at any meeting of members shall determine any  
751 question unless this chapter specifically provides otherwise.  
752 (6) (a) No notice of annual meetings of members need be given to members.  
753 (b) Subject to Subsection (6)(c), notice of each special meeting of members shall:  
754 (i) state:  
755 (A) the purpose for which the meeting is called;  
756 (B) the place of the meeting; and  
757 (C) the time when the meeting shall convene; and  
758 (ii) (A) be published:  
759 (I) once a week for two consecutive calendar weeks (in each instance, on any day of the  
760 week) before the date on which the special meeting shall convene~~[-and (H)]~~, in a newspaper of  
761 general circulation in the county in which the home office of the association is located; and  
762 (II) as required in Section 45-1-101 for two calendar weeks before the date on which  
763 the special meeting shall convene; and  
764 (B) be posted in a conspicuous place in all offices of the association during the 30 days  
765 immediately preceding the date on which the special meeting convenes.  
766 (c) No notice need be given of a meeting if all the members entitled to vote, vote in  
767 favor of an action at the meeting of the members.  
768 Section 10. Section **8-5-6** is amended to read:  
769 **8-5-6. Alternative council or board procedures for notice -- Termination of**  
770 **rights.**  
771 (1) As an alternative to the procedures set forth in Sections 8-5-1 through 8-5-4, a

772 municipal council or cemetery maintenance district board may pass a resolution demanding  
773 that the owner of a lot, site, or portion of the cemetery, which has been unused for burial  
774 purposes for more than 60 years, file with the county recorder, city recorder, or town clerk  
775 notice of any claim to the lot, site, or portion of the cemetery.

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

782 (3) If the owner cannot be personally served with the resolution of the municipal  
783 council or cemetery maintenance district board as required in Subsection (2), the municipal  
784 council or cemetery maintenance district board shall publish its resolution;

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

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

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

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

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

796 **9-3-409. Actions on validity or enforceability of bonds -- Time for bringing**  
797 **action.**

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

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

803 (i) (A) the legality of a resolution;  
 804 (B) notice of bonds to be issued; or  
 805 (C) a provision made for the security and payment of the bonds; and  
 806 ~~[(2) For]~~ (ii) for a period of 30 days after the publication of the resolution authorizing  
 807 the bonds, or a notice of bonds to be issued by the authority containing those items described in  
 808 Section 11-14-316;

809 (A) in a newspaper having general circulation in the area of operation~~[, any person may~~  
 810 ~~contest the legality of the resolution authorizing any bonds, notice of bonds to be issued, or any~~  
 811 ~~provisions made for the security and payment of the bonds.]; or~~

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

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

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

816 **9-8-805. Collecting institutions -- Perfecting title -- Notice.**

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

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

823 (i) if:

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

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

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

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

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

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

833 (a) the name, if known, and the last-known address, if any, of the last-known owner of

834 the repositied materials;

835 (b) a description of the repositied materials;

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

838 (d) a statement that if the repositied materials are not claimed within 90 days from the  
839 date that the notice is published [~~in the newspaper for the second time~~] in accordance with  
840 Subsection (1)(b), the repositied materials are considered to be abandoned and become the  
841 property of the collecting institution.

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

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

847 **10-2-108. Public hearings on feasibility study results -- Notice of hearings.**

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

852 (a) within the following 60 days;

853 (b) at least seven days apart;

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

855 (d) for the purpose of allowing:

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

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

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

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

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

864 (ii) The last publication of notice required under Subsection (2)(a)(i)(A) shall be at

865 least three days before the first public hearing required under Subsection (1).

866 (b) (i) If, under Subsection (2)(A)(i)(A), there is no newspaper of general circulation  
867 within the proposed city, the county clerk shall post at least one notice of the hearings per  
868 1,000 population in conspicuous places within the proposed city that are most likely to give  
869 notice of the hearings to the residents of the proposed city.

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

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

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

876 **10-2-111. Incorporation election.**

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

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

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

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

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

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

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

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

889 and

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

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

895 (d) (i) [~~Hf~~] In accordance with Subsection (2)(a)(i), if there is no newspaper of general

896 circulation within the proposed city, the county clerk shall post at least one notice of the  
897 election per 1,000 population in conspicuous places within the proposed city that are most  
898 likely to give notice of the election to the voters of the proposed city.

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

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

902 **10-2-114. Determination of number of council members -- Determination of**  
903 **election districts -- Hearings and notice.**

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

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

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

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

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

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

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

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

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

926 (A) in a newspaper of general circulation within the future city at least once a week for

927 two successive weeks before the hearing[-]; and

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

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

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

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

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

938 **10-2-115. Notice of number of commission or council members to be elected and**  
939 **of district boundaries -- Declaration of candidacy for city office.**

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

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

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

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

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

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

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

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

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

958 residents of the future city.

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

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

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

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

968 **10-2-116. Election of officers of new city.**

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

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

972 (b) hold a final election.

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

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

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

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

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

983 (i) regular general election under Section 20A-1-201;

984 (ii) municipal primary election under Section 20A-9-404;

985 (iii) municipal general election under Section 20A-1-202; or

986 (iv) special election under Section 20A-1-204.

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



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

991 (a) after the primary election; or

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

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

998 (a) with the results under Subsection 10-2-114(1)(d), the petition sponsors submit to  
999 the county legislative body a written request to that effect; and

1000 (b) the incorporation election under Section 10-2-111 took place in February or May of  
1001 an odd-numbered year.

1002 (6) (a) (i) The county clerk shall publish notice of an election under this section:

1003 (A) at least once a week for two successive weeks in a newspaper of general circulation  
1004 within the future city[-]; and

1005 (B) in accordance with Section 45-1-101 for two weeks.

1006 (ii) The later notice under Subsection (6)(a)(i) shall be at least one day but no more  
1007 than seven days before the election.

1008 (b) (i) [~~Hf~~] In accordance with Subsection (6)(a)(i)(A), if there is no newspaper of  
1009 general circulation within the future city, the county clerk shall post at least one notice of the  
1010 election per 1,000 population in conspicuous places within the future city that are most likely  
1011 to give notice of the election to the voters.

1012 (ii) The county clerk shall post the notices under Subsection (6)(b)(i) at least seven  
1013 days before each election under Subsection (1).

1014 (7) Until the city is incorporated, the county clerk is the election officer for all purposes  
1015 in an election of officers of the city approved at an incorporation election.

1016 Section 18. Section **10-2-125** is amended to read:

1017 **10-2-125. Incorporation of a town.**

1018 (1) As used in this section:

1019 (a) "Assessed value," with respect to agricultural land, means the value at which the

1020 land would be assessed without regard to a valuation for agricultural use under Section  
1021 59-2-503.

1022 (b) "Financial feasibility study" means a study to determine:

1023 (i) the projected revenues for the proposed town during the first three years after  
1024 incorporation; and

1025 (ii) the projected costs, including overhead, that the proposed town will incur in  
1026 providing governmental services during the first three years after incorporation.

1027 (c) "Municipal service" means a publicly provided service that is not provided on a  
1028 countywide basis.

1029 (d) "Nonurban" means having a residential density of less than one unit per acre.

1030 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of  
1031 at least 100 but less than 1,000, may incorporate as a town as provided in this section.

1032 (ii) An area within a county of the first class is not contiguous for purposes of  
1033 Subsection (2)(a)(i) if:

1034 (A) the area includes a strip of land that connects geographically separate areas; and

1035 (B) the distance between the geographically separate areas is greater than the average  
1036 width of the strip of land connecting the geographically separate areas.

1037 (b) The population figure under Subsection (2)(a) shall be determined:

1038 (i) as of the date the incorporation petition is filed; and

1039 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's  
1040 certification under Subsection (6) of a petition filed under Subsection (4).

1041 (3) (a) The process to incorporate an area as a town is initiated by filing a request for a  
1042 public hearing with the clerk of the county in which the area is located.

1043 (b) Each request for a public hearing under Subsection (3)(a) shall:

1044 (i) be signed by the owners of at least five separate parcels of private real property,  
1045 each owned by a different owner, located within the area proposed to be incorporated; and

1046 (ii) be accompanied by an accurate map or plat depicting the boundary of the proposed  
1047 town.

1048 (c) Within ten days after a request for a public hearing is filed under Subsection (3)(a),  
1049 the county clerk shall, with the assistance of other county officers from whom the clerk  
1050 requests assistance, determine whether the petition complies with the requirements of

1051 Subsection (3)(b).

1052 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with  
1053 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written  
1054 notice of the rejection to the signers of the request.

1055 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the  
1056 requirements of Subsection (3)(b), the clerk shall:

1057 (A) schedule and arrange for a public hearing to be held:

1058 (I) (Aa) at a public facility located within the boundary of the proposed town; or

1059 (Bb) if there is no public facility within the boundary of the proposed town, at another  
1060 nearby public facility or at the county seat; and

1061 (II) within 20 days after the clerk provides the last notice required under Subsection  
1062 (3)(e)(i)(B); and

1063 (B) subject to Subsection (3)(e)(ii), give notice of the public hearing on the proposed  
1064 incorporation by:

1065 (I) posting notice of the public hearing on the county's Internet website, if the county  
1066 has an Internet website; and

1067 (II) (Aa) (Ii) publishing notice of the public hearing at least once a week for two  
1068 consecutive weeks in a newspaper of general circulation within the proposed town; ~~[or]~~ and

1069 (Iiii) publishing notice of the public hearing in accordance with Section 45-1-101 for  
1070 two weeks; or

1071 (Bb) in accordance with Subsection (3)(e)(i)(B)(II)(Aa)(Ii), if there is no newspaper of  
1072 general circulation within the proposed town, posting notice of the public hearing in at least  
1073 five conspicuous public places within the proposed town.

1074 (ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,  
1075 Subsection (3)(e)(i)(B)(II)(Bb) and the first publishing of notice required under Subsection  
1076 (3)(e)(i)(B)(II)(Aa), if applicable, shall occur no later than ten days after the clerk determines  
1077 that a request complies with the requirements of Subsection (3)(b).

1078 (iii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the chair  
1079 of the county commission or council, or the chair's designee, to:

1080 (A) introduce the concept of the proposed incorporation to the public;

1081 (B) allow the public to review the map or plat of the boundary of the proposed town;

1082 (C) allow the public to ask questions and become informed about the proposed  
1083 incorporation; and

1084 (D) allow the public to express their views about the proposed incorporation, including  
1085 their views about the boundary of the area proposed to be incorporated.

1086 (4) (a) At any time within three months after the public hearing under Subsection  
1087 (3)(e), a petition to incorporate the area as a town may be filed with the clerk of the county in  
1088 which the area is located.

1089 (b) Each petition under Subsection (4)(a) shall:

1090 (i) be signed by:

1091 (A) the owners of private real property that:

1092 (I) is located within the area proposed to be incorporated;

1093 (II) covers a majority of the total private land area within the area;

1094 (III) is equal in assessed value to more than 1/2 of the assessed value of all private real  
1095 property within the area; and

1096 (IV) consists, in number of parcels, of at least 1/3 of the number of all parcels of  
1097 private real property within the area proposed to be incorporated; and

1098 (B) a majority of all registered voters within the area proposed to be incorporated as a  
1099 town, according to the official voter registration list maintained by the county on the date the  
1100 petition is filed;

1101 (ii) designate as sponsors at least five of the property owners who have signed the  
1102 petition, one of whom shall be designated as the contact sponsor, with the mailing address of  
1103 each owner signing as a sponsor;

1104 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a  
1105 licensed surveyor, showing a legal description of the boundary of the proposed town; and

1106 (iv) substantially comply with and be circulated in the following form:

1107 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed  
1108 town)

1109 To the Honorable County Legislative Body of (insert the name of the county in which  
1110 the proposed town is located) County, Utah:

1111 We, the undersigned owners of real property and registered voters within the area  
1112 described in this petition, respectfully petition the county legislative body for the area described

1113 in this petition to be incorporated as a town. Each of the undersigned affirms that each has  
1114 personally signed this petition and is an owner of real property or a registered voter residing  
1115 within the described area, and that the current residence address of each is correctly written  
1116 after the signer's name. The area proposed to be incorporated as a town is described as follows:  
1117 (insert an accurate description of the area proposed to be incorporated).

1118 (c) A petition under this Subsection (4) may not describe an area that includes some or  
1119 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

- 1120 (i) was filed before the filing of the petition; and
- 1121 (ii) is still pending on the date the petition is filed.

1122 (d) A petition may not be filed under this section if the private real property owned by  
1123 the petition sponsors, designated under Subsection (4)(b)(ii), cumulatively exceeds 40% of the  
1124 total private land area within the area proposed to be incorporated as a town.

1125 (e) A signer of a petition under this Subsection (4) may withdraw or, after withdrawn,  
1126 reinstate the signer's signature on the petition:

- 1127 (i) at any time until the county clerk certifies the petition under Subsection (6); and
- 1128 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

1129 (5) (a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town  
1130 an area located within a county of the first class, the county clerk shall deliver written notice of  
1131 the proposed incorporation:

- 1132 (i) to each owner of private real property owning more than 1% of the assessed value  
1133 of all private real property within the area proposed to be incorporated as a town; and
- 1134 (ii) within seven calendar days after the date on which the petition is filed.

1135 (b) A private real property owner described in Subsection (5)(a)(i) may exclude all or  
1136 part of the owner's property from the area proposed to be incorporated as a town by filing a  
1137 notice of exclusion:

- 1138 (i) with the county clerk; and
- 1139 (ii) within ten calendar days after receiving the clerk's notice under Subsection (5)(a).

1140 (c) The county legislative body shall exclude from the area proposed to be incorporated  
1141 as a town the property identified in the notice of exclusion under Subsection (5)(b) if:

- 1142 (i) the property:
  - 1143 (A) is nonurban; and

1144 (B) does not and will not require a municipal service; and  
1145 (ii) exclusion will not leave an unincorporated island within the proposed town.  
1146 (d) If the county legislative body excludes property from the area proposed to be  
1147 incorporated as a town, the county legislative body shall send written notice of the exclusion to  
1148 the contact sponsor within five days after the exclusion.  
1149 (6) Within 20 days after the filing of a petition under Subsection (4), the county clerk  
1150 shall:  
1151 (a) with the assistance of other county officers from whom the clerk requests  
1152 assistance, determine whether the petition complies with the requirements of Subsection (4);  
1153 and  
1154 (b) (i) if the clerk determines that the petition complies with those requirements:  
1155 (A) certify the petition and deliver the certified petition to the county legislative body;  
1156 and  
1157 (B) mail or deliver written notification of the certification to:  
1158 (I) the contact sponsor;  
1159 (II) if applicable, the chair of the planning commission of each township in which any  
1160 part of the area proposed for incorporation is located; and  
1161 (III) the Utah Population Estimates Committee; or  
1162 (ii) if the clerk determines that the petition fails to comply with any of those  
1163 requirements, reject the petition and notify the contact sponsor in writing of the rejection and  
1164 the reasons for the rejection.  
1165 (7) (a) (i) A petition that is rejected under Subsection (6)(b)(ii) may be amended to  
1166 correct a deficiency for which it was rejected and then refiled with the county clerk.  
1167 (ii) A valid signature on a petition filed under Subsection (4)(a) may be used toward  
1168 fulfilling the signature requirement of Subsection (4)(b) for the same petition that is amended  
1169 under Subsection (7)(a)(i) and then refiled with the county clerk.  
1170 (b) If a petition is amended and refiled under Subsection (7)(a)(i) after having been  
1171 rejected by the county clerk under Subsection (6)(b)(ii):  
1172 (i) the amended petition shall be considered as a newly filed petition; and  
1173 (ii) the amended petition's processing priority is determined by the date on which it is  
1174 refiled.

1175 (8) (a) (i) The legislative body of a county with which a petition is filed under  
1176 Subsection (4) may, at its option and upon the petition being certified under Subsection (6),  
1177 commission and pay for a financial feasibility study.

1178 (ii) If the county legislative body chooses to commission a financial feasibility study,  
1179 the county legislative body shall:

1180 (A) within 20 days after the incorporation petition is certified, select and engage a  
1181 feasibility consultant; and

1182 (B) require the feasibility consultant to complete the financial feasibility study and  
1183 submit written results of the study to the county legislative body no later than 30 days after the  
1184 feasibility consultant is engaged to conduct the financial feasibility study.

1185 (b) The county legislative body shall approve a petition proposing the incorporation of  
1186 a town and hold an election for town officers, as provided in Subsection (9), if:

1187 (i) the county clerk has certified the petition under Subsection (6); and

1188 (ii) (A) (I) the county legislative body has commissioned a financial feasibility study  
1189 under Subsection (8)(a); and

1190 (II) the results of the financial feasibility study show that the average annual amount of  
1191 revenues described in Subsection (1)(b)(i) does not exceed the average annual amount of costs  
1192 described in Subsection (1)(b)(ii) by more than 10%; or

1193 (B) the county legislative body chooses not to commission a financial feasibility study.

1194 (c) (i) If the county legislative body commissions a financial feasibility study under  
1195 Subsection (8)(a) and the results of the financial feasibility study show that the average annual  
1196 amount of revenues described in Subsection (1)(b)(i) exceeds the average annual amount of  
1197 costs described in Subsection (1)(b)(ii) by more than 10%, the county legislative body may:

1198 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial  
1199 feasibility study show that the average annual amount of revenues described in Subsection  
1200 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%  
1201 or more;

1202 (B) approve the petition and hold an election for town officers, as provided in  
1203 Subsection (9); or

1204 (C) (I) with the consent of the petition sponsors:

1205 (Aa) impose conditions to mitigate the fiscal inequities identified in the financial

1206 feasibility study; or

1207 (Bb) alter the boundaries of the area proposed to be incorporated as a town to  
1208 approximate the boundaries necessary to prevent the average annual amount of revenues  
1209 described in Subsection (1)(b)(i) from exceeding the average annual amount of costs described  
1210 in Subsection (1)(b)(ii); and

1211 (II) approve the incorporation petition and hold an election for town officers, as  
1212 provided in Subsection (9).

1213 (ii) A county legislative body intending to deny a petition under Subsection (8)(c)(i)(A)  
1214 shall deny the petition within 20 days after the feasibility consultant submits the written results  
1215 of the financial feasibility study.

1216 (d) Each town that incorporates pursuant to a petition approved after the county  
1217 legislative body imposes conditions under Subsection (8)(c)(i)(C)(I) shall comply with those  
1218 conditions.

1219 (9) (a) The legislative body of the county in which the proposed new town is located  
1220 shall hold the election for town officers provided for in Subsection (8) within:

1221 (i) 45 days after the petition is certified, for an election under Subsection (8)(b)(ii)(B);

1222 (ii) 45 days after the feasibility consultant submits the written results of the financial  
1223 feasibility study, for an election under Subsection (8)(b)(ii)(A) or (8)(c)(i)(B); or

1224 (iii) 60 days after the feasibility consultant submits the written results of the financial  
1225 feasibility study, for an election under Subsection (8)(c)(i)(C).

1226 (b) The officers elected at an election under Subsection (9)(a) shall take office:

1227 (i) at noon on the first Monday in January next following the election, if the election is  
1228 held on a regular general or municipal general election date; or

1229 (ii) at noon on the first day of the month next following the effective date of the  
1230 incorporation under Subsection (12), if the election of officers is held on any other date.

1231 (10) Each newly incorporated town shall operate under the five-member council form  
1232 of government as defined in Section 10-3b-102.

1233 (11) (a) Within seven days after the canvass of the election of town officers under  
1234 Subsection (9), the mayor-elect of the new town shall file at least three copies of the articles of  
1235 incorporation of the new town with the lieutenant governor.

1236 (b) The articles of incorporation shall meet the requirements of Subsection



1237 10-2-119(2).

1238 (12) A new town is incorporated:

1239 (a) on December 31 of the year in which the lieutenant governor issues a certificate of  
1240 entity creation for the town under Section 67-1a-6.5, if the election of town officers under  
1241 Subsection (9) is held on a regular general or municipal general election date; or

1242 (b) on the last day of the month during which the lieutenant governor issues a  
1243 certificate of entity creation for the town under Section 67-1a-6.5, if the election of town  
1244 officers under Subsection (9) is held on any other date.

1245 (13) For each petition filed before March 5, 2008:

1246 (a) the petition is subject to and governed by the law in effect at the time the petition  
1247 was filed; and

1248 (b) the law in effect at the time the petition was filed governs in all administrative and  
1249 judicial proceedings relating to the petition.

1250 Section 19. Section **10-2-406** is amended to read:

1251 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

1252 (1) After receipt of the notice of certification from the city recorder or town clerk under  
1253 Subsection 10-2-405(2)(c)(i), the municipal legislative body shall:

1254 (a) (i) publish a notice;

1255 (A) at least once a week for three successive weeks, beginning no later than ten days  
1256 after receipt of the notice of certification, in a newspaper of general circulation within:

1257 [~~A~~] I the area proposed for annexation; and

1258 [~~B~~] II the unincorporated area within 1/2 mile of the area proposed for annexation;

1259 [~~or~~] and

1260 (B) in accordance with Section 45-1-101, for three weeks, beginning no later than ten  
1261 days after receipt of the notice of certification; and

1262 (ii) in accordance with Subsection (1)(a)(i)(A), if there is no newspaper of general  
1263 circulation within those areas, post written notices in conspicuous places within those areas  
1264 that are most likely to give notice to residents within those areas; and

1265 (b) within 20 days of receipt of the notice of certification under Subsection  
1266 10-2-405(2)(c)(i), mail written notice to each affected entity.

1267 (2) (a) The notice under Subsections (1)(a) and (b) shall:

1268 (i) state that a petition has been filed with the municipality proposing the annexation of  
1269 an area to the municipality;

1270 (ii) state the date of the municipal legislative body's receipt of the notice of certification  
1271 under Subsection 10-2-405(2)(c)(i);

1272 (iii) describe the area proposed for annexation in the annexation petition;

1273 (iv) state that the complete annexation petition is available for inspection and copying  
1274 at the office of the city recorder or town clerk;

1275 (v) state in conspicuous and plain terms that the municipality may grant the petition  
1276 and annex the area described in the petition unless, within the time required under Subsection  
1277 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission  
1278 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing  
1279 municipality;

1280 (vi) state the address of the commission or, if a commission has not yet been created in  
1281 the county, the county clerk, where a protest to the annexation petition may be filed;

1282 (vii) state that the area proposed for annexation to the municipality will also  
1283 automatically be annexed to a local district providing fire protection, paramedic, and  
1284 emergency services, as provided in Section 17B-1-416, if:

1285 (A) the proposed annexing municipality is entirely within the boundaries of a local  
1286 district:

1287 (I) that provides fire protection, paramedic, and emergency services; and

1288 (II) in the creation of which an election was not required because of Subsection  
1289 17B-1-214(3)(c); and

1290 (B) the area proposed to be annexed to the municipality is not already within the  
1291 boundaries of the local district; and

1292 (viii) state that the area proposed for annexation to the municipality will be  
1293 automatically withdrawn from a local district providing fire protection, paramedic, and  
1294 emergency services, as provided in Subsection 17B-1-502(2), if:

1295 (A) the petition proposes the annexation of an area that is within the boundaries of a  
1296 local district:

1297 (I) that provides fire protection, paramedic, and emergency services; and

1298 (II) in the creation of which an election was not required because of Subsection

1299 17B-1-214(3)(c); and

1300 (B) the proposed annexing municipality is not within the boundaries of the local  
1301 district.

1302 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a  
1303 written protest in terms of the actual date rather than by reference to the statutory citation.

1304 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection  
1305 (1)(a) for a proposed annexation of an area within a county of the first class shall include a  
1306 statement that a protest to the annexation petition may be filed with the commission by  
1307 property owners if it contains the signatures of the owners of private real property that:

1308 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
1309 annexation;

1310 (ii) covers at least 25% of the private land area located in the unincorporated area  
1311 within 1/2 mile of the area proposed for annexation; and

1312 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
1313 area within 1/2 mile of the area proposed for annexation.

1314 Section 20. Section **10-2-407** is amended to read:

1315 **10-2-407. Protest to annexation petition -- Township planning commission**  
1316 **recommendation -- Petition requirements -- Disposition of petition if no protest filed.**

1317 (1) (a) A protest to an annexation petition under Section 10-2-403 may be filed by:

1318 (i) the legislative body or governing board of an affected entity; or

1319 (ii) for a proposed annexation of an area within a county of the first class, the owners  
1320 of private real property that:

1321 (A) is located in the unincorporated area within 1/2 mile of the area proposed for  
1322 annexation;

1323 (B) covers at least 25% of the private land area located in the unincorporated area  
1324 within 1/2 mile of the area proposed for annexation; and

1325 (C) is equal in value to at least 15% of all real property located in the unincorporated  
1326 area within 1/2 mile of the area proposed for annexation.

1327 (b) (i) A planning commission of a township located in a county of the first class may  
1328 recommend to the legislative body of the county in which the township is located that the  
1329 county legislative body file a protest against a proposed annexation under this part of an area

1330 located within the township.

1331 (ii) (A) The township planning commission shall communicate each recommendation  
1332 under Subsection (1)(b)(i) in writing to the county legislative body within 30 days of the city  
1333 recorder or town clerk's certification of the annexation petition under Subsection 10-2-405(2)  
1334 (c)(i).

1335 (B) At the time the recommendation is communicated to the county legislative body  
1336 under Subsection (1)(b)(ii)(A), the township planning commission shall mail or deliver a copy  
1337 of the recommendation to the legislative body of the proposed annexing municipality and to the  
1338 contact sponsor.

1339 (2) (a) Each protest under Subsection (1)(a) shall:

1340 (i) be filed:

1341 (A) no later than 30 days after the municipal legislative body's receipt of the notice of  
1342 certification under Subsection 10-2-405(2)(c)(i); and

1343 (B) (I) in a county that has already created a commission under Section 10-2-409, with  
1344 the commission; or

1345 (II) in a county that has not yet created a commission under Section 10-2-409, with the  
1346 clerk of the county in which the area proposed for annexation is located; and

1347 (ii) state each reason for the protest of the annexation petition and, if the area proposed  
1348 to be annexed is located in a specified county, justification for the protest under the standards  
1349 established in this chapter;

1350 (iii) if the area proposed to be annexed is located in a specified county, contain other  
1351 information that the commission by rule requires or that the party filing the protest considers  
1352 pertinent; and

1353 (iv) the name and address of a contact person who is to receive notices sent by the  
1354 commission with respect to the protest proceedings.

1355 (b) The party filing a protest under this section shall on the same date deliver or mail a  
1356 copy of the protest to the city recorder or town clerk of the proposed annexing municipality.

1357 (c) Each clerk who receives a protest under Subsection (2)(a)(i)(B)(II) shall  
1358 immediately notify the county legislative body of the protest and shall deliver the protest to the  
1359 boundary commission within five days of its creation under Subsection 10-2-409(1)(b).

1360 (d) Each protest of a proposed annexation of an area located in a county of the first

1361 class under Subsection (1)(a)(ii) shall, in addition to the requirements of Subsections (2)(a) and  
1362 (b):

1363 (i) indicate the typed or printed name and current residence address of each owner  
1364 signing the protest; and

1365 (ii) designate one of the signers of the protest as the contact person and state the  
1366 mailing address of the contact person.

1367 (3) (a) (i) If a protest is filed under this section:

1368 (A) the municipal legislative body may, at its next regular meeting after expiration of  
1369 the deadline under Subsection (2)(a)(i)(A) and, for a proposed annexation of an area located in  
1370 a county of the first class, except as provided in Subsection (3)(a)(iii), deny the annexation  
1371 petition; or

1372 (B) if the municipal legislative body does not deny the annexation petition under  
1373 Subsection (3)(a)(i)(A), the municipal legislative body may take no further action on the  
1374 annexation petition until after receipt of the commission's notice of its decision on the protest  
1375 under Section 10-2-416.

1376 (ii) If a municipal legislative body denies an annexation petition under Subsection  
1377 (3)(a)(i)(A), the municipal legislative body shall, within five days of the denial, send notice of  
1378 the denial in writing to:

1379 (A) the contact sponsor of the annexation petition;

1380 (B) the commission;

1381 (C) each entity that filed a protest; and

1382 (D) if a protest was filed under Subsection (1)(a)(ii) for a proposed annexation of an  
1383 area located in a county of the first class, the contact person.

1384 (iii) A municipal legislative body may not deny an annexation petition proposing to  
1385 annex an area located in a county of the first class if:

1386 (A) the petition contains the signatures of the owners of private real property that:

1387 (I) is located within the area proposed for annexation;

1388 (II) covers a majority of the private land area within the area proposed for annexation;

1389 and

1390 (III) is equal in value to at least 1/2 of the value of all private real property within the  
1391 area proposed for annexation;

1392 (B) the population in the area proposed for annexation does not exceed 10% of the  
1393 population of the proposed annexing municipality;

1394 (C) the property tax rate for municipal services in the area proposed to be annexed is  
1395 higher than the property tax rate of the proposed annexing municipality; and

1396 (D) all annexations by the proposed annexing municipality during the year that the  
1397 petition was filed have not increased the municipality's population by more than 20%.

1398 (b) (i) If no timely protest is filed under this section, the municipal legislative body  
1399 may, subject to Subsection (3)(b)(ii), grant the petition and, by ordinance, annex the area that is  
1400 the subject of the annexation petition.

1401 (ii) Before granting an annexation petition under Subsection (3)(b)(i), the municipal  
1402 legislative body shall:

1403 (A) hold a public hearing; and

1404 (B) at least seven days before the public hearing under Subsection (3)(b)(ii)(A):

1405 (I) (Aa) publish notice of the hearing in a newspaper of general circulation within the  
1406 municipality and the area proposed for annexation; or

1407 [~~II~~] (Bb) if there is no newspaper of general circulation in those areas, post written  
1408 notices of the hearing in conspicuous places within those areas that are most likely to give  
1409 notice to residents within those areas~~[-]; and~~

1410 (II) publish notice of the hearing in accordance with Section 45-1-101.

1411 Section 21. Section **10-2-415** is amended to read:

1412 **10-2-415. Public hearing -- Notice.**

1413 (1) (a) (i) If the results of the feasibility study or supplemental feasibility study meet  
1414 the requirements of Subsection 10-2-416(3) with respect to a proposed annexation of an area  
1415 located in a county of the first class, the commission shall hold a public hearing within 30 days  
1416 of receipt of the feasibility study or supplemental feasibility study results.

1417 (ii) At the hearing under Subsection (1)(a)(i), the commission shall:

1418 (A) require the feasibility consultant to present the results of the feasibility study and, if  
1419 applicable, the supplemental feasibility study;

1420 (B) allow those present to ask questions of the feasibility consultant regarding the study  
1421 results; and

1422 (C) allow those present to speak to the issue of annexation.

- 1423 (iii) (A) The commission shall:
- 1424 (I) publish notice of each hearing under Subsection (1)(a)(i);
- 1425 (Aa) at least once a week for two successive weeks in a newspaper of general
- 1426 circulation within the area proposed for annexation, the surrounding 1/2 mile of unincorporated
- 1427 area, and the proposed annexing municipality; and
- 1428 (Bb) in accordance with Section 45-1-101 for two weeks; and
- 1429 (II) send written notice of the hearing to the municipal legislative body of the proposed
- 1430 annexing municipality, the contact sponsor on the annexation petition, each entity that filed a
- 1431 protest, and, if a protest was filed under Subsection 10-2-407(1)(a)(ii), the contact person.
- 1432 (B) [H] In accordance with Subsection (1)(a)(iii)(A)(I)(Aa), if there is no newspaper of
- 1433 general circulation within the areas described in Subsection (1)(a)(iii)(A)(I)(Aa), the
- 1434 commission shall give the notice required under that subsection by posting notices, at least
- 1435 seven days before the hearing, in conspicuous places within those areas that are most likely to
- 1436 give notice of the hearing to the residents of those areas.
- 1437 (C) The [~~notices~~] notice under Subsections (1)(a)(iii)(A) and (B) shall include the
- 1438 feasibility study summary under Subsection 10-2-413(2)(b) and shall indicate that a full copy
- 1439 of the study is available for inspection and copying at the office of the commission.
- 1440 (b) (i) Within 30 days after the time under Subsection 10-2-407(2) for filing a protest
- 1441 has expired with respect to a proposed annexation of an area located in a specified county, the
- 1442 boundary commission shall hold a hearing on all protests that were filed with respect to the
- 1443 proposed annexation.
- 1444 (ii) (A) At least 14 days before the date of each hearing under Subsection (1)(b)(i), the
- 1445 commission chair shall cause notice of the hearing to be published in a newspaper of general
- 1446 circulation within the area proposed for annexation.
- 1447 (B) Each notice under Subsection (1)(b)(ii)(A) shall:
- 1448 (I) state the date, time, and place of the hearing;
- 1449 (II) briefly summarize the nature of the protest; and
- 1450 (III) state that a copy of the protest is on file at the commission's office.
- 1451 (iii) The commission may continue a hearing under Subsection (1)(b)(i) from time to
- 1452 time, but no continued hearing may be held later than 60 days after the original hearing date.
- 1453 (iv) In considering protests, the commission shall consider whether the proposed

1454 annexation:

1455 (A) complies with the requirements of Sections 10-2-402 and 10-2-403 and the  
1456 annexation policy plan of the proposed annexing municipality;

1457 (B) conflicts with the annexation policy plan of another municipality; and

1458 (C) if the proposed annexation includes urban development, will have an adverse tax  
1459 consequence on the remaining unincorporated area of the county.

1460 (2) (a) The commission shall record each hearing under this section by electronic  
1461 means.

1462 (b) A transcription of the recording under Subsection (2)(a), the feasibility study, if  
1463 applicable, information received at the hearing, and the written decision of the commission  
1464 shall constitute the record of the hearing.

1465 Section 22. Section **10-2-418** is amended to read:

1466 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
1467 **Hearing.**

1468 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
1469 unincorporated area under this section without an annexation petition if:

1470 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
1471 unincorporated peninsulas contiguous to the municipality;

1472 (B) the majority of each island or peninsula consists of residential or commercial  
1473 development;

1474 (C) the area proposed for annexation requires the delivery of municipal-type services;  
1475 and

1476 (D) the municipality has provided most or all of the municipal-type services to the area  
1477 for more than one year; or

1478 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or  
1479 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800  
1480 residents; and

1481 (B) the municipality has provided one or more municipal-type services to the area for  
1482 at least one year.

1483 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
1484 portion of an island or peninsula under this section, leaving unincorporated the remainder of



1485 the unincorporated island or peninsula, if:

1486 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body  
1487 determines that not annexing the entire unincorporated island or peninsula is in the  
1488 municipality's best interest; and

1489 (ii) for an annexation of one or more unincorporated islands under Subsection  
1490 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
1491 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

1492 (2) (a) The legislative body of each municipality intending to annex an area under this  
1493 section shall:

1494 (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
1495 area, describing the area proposed to be annexed;

1496 (ii) [~~(A)~~] publish notice;

1497 (A) (I) at least once a week for three successive weeks in a newspaper of general  
1498 circulation within the municipality and the area proposed for annexation; or

1499 [~~(B)~~] (II) if there is no newspaper of general circulation in the areas described in  
1500 Subsection (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those  
1501 areas that are most likely to give notice to the residents of those areas; and

1502 (B) in accordance with Section 45-1-101 for three weeks;

1503 (iii) send written notice to the board of each local district and special service district  
1504 whose boundaries contain some or all of the area proposed for annexation and to the legislative  
1505 body of the county in which the area proposed for annexation is located; and

1506 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the  
1507 adoption of the resolution under Subsection (2)(a)(i).

1508 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

1509 (i) state that the municipal legislative body has adopted a resolution indicating its intent  
1510 to annex the area proposed for annexation;

1511 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

1512 (iii) describe the area proposed for annexation; and

1513 (iv) except for an annexation that meets the property owner consent requirements of  
1514 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will  
1515 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written

1516 protests to the annexation are filed by the owners of private real property that:

1517 (A) is located within the area proposed for annexation;

1518 (B) covers a majority of the total private land area within the entire area proposed for  
1519 annexation; and

1520 (C) is equal in value to at least 1/2 the value of all private real property within the  
1521 entire area proposed for annexation.

1522 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be  
1523 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1524 (2)(a)(i).

1525 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the  
1526 municipal legislative body may adopt an ordinance annexing the area proposed for annexation  
1527 under this section unless, at or before the hearing, written protests to the annexation have been  
1528 filed with the city recorder or town clerk, as the case may be, by the owners of private real  
1529 property that:

1530 (i) is located within the area proposed for annexation;

1531 (ii) covers a majority of the total private land area within the entire area proposed for  
1532 annexation; and

1533 (iii) is equal in value to at least 1/2 the value of all private real property within the  
1534 entire area proposed for annexation.

1535 (b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a  
1536 municipality may adopt an ordinance annexing the area proposed for annexation under this  
1537 section without allowing or considering protests under Subsection (3)(a) if the owners of at  
1538 least 75% of the total private land area within the entire area proposed for annexation,  
1539 representing at least 75% of the value of the private real property within the entire area  
1540 proposed for annexation, have consented in writing to the annexation.

1541 (ii) Upon adoption of an annexation ordinance under Subsection (3)(b)(i), the area  
1542 annexed shall be conclusively presumed to be validly annexed.

1543 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal  
1544 legislative body may not adopt an ordinance annexing the area proposed for annexation, and  
1545 the annexation proceedings under this section shall be considered terminated.

1546 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body

1547 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an  
1548 unincorporated island regarding which protests have been filed and proceeding under  
1549 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

1550 Section 23. Section **10-2-419** is amended to read:

1551 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

1552 (1) The legislative bodies of two or more municipalities having common boundaries  
1553 may adjust their common boundaries as provided in this section.

1554 (2) (a) The legislative body of each municipality intending to adjust a boundary that is  
1555 common with another municipality shall:

1556 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a  
1557 common boundary;

1558 (ii) hold a public hearing on the proposed adjustment no less than 60 days after the  
1559 adoption of the resolution under Subsection (2)(a)(i); and

1560 (iii) (A) publish notice:

1561 (I) at least once a week for three successive weeks in a newspaper of general  
1562 circulation within the municipality; or

1563 ~~[(B)]~~ (II) if there is no newspaper of general circulation within the municipality, post at  
1564 least one notice per 1,000 population in places within the municipality that are most likely to  
1565 give notice to residents of the municipality[-]; and

1566 (B) in accordance with Section 45-1-101 for three weeks.

1567 (b) The notice required under Subsection (2)(a)(iii) shall:

1568 (i) state that the municipal legislative body has adopted a resolution indicating the  
1569 municipal legislative body's intent to adjust a boundary that the municipality has in common  
1570 with another municipality;

1571 (ii) describe the area proposed to be adjusted;

1572 (iii) state the date, time, and place of the public hearing required under Subsection  
1573 (2)(a)(ii);

1574 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust  
1575 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written  
1576 protests to the adjustment are filed by the owners of private real property that:

1577 (A) is located within the area proposed for adjustment;

1578 (B) covers at least 25% of the total private land area within the area proposed for  
1579 adjustment; and

1580 (C) is equal in value to at least 15% of the value of all private real property within the  
1581 area proposed for adjustment; [~~and~~]

1582 (v) state that the area that is the subject of the boundary adjustment will, because of the  
1583 boundary adjustment, be automatically annexed to a local district providing fire protection,  
1584 paramedic, and emergency services, as provided in Section 17B-1-416, if:

1585 (A) the municipality to which the area is being added because of the boundary  
1586 adjustment is entirely within the boundaries of a local district:

1587 (I) that provides fire protection, paramedic, and emergency services; and

1588 (II) in the creation of which an election was not required because of Subsection  
1589 17B-1-214(3)(c); and

1590 (B) the municipality from which the area is being taken because of the boundary  
1591 adjustment is not within the boundaries of the local district; and

1592 (vi) state that the area proposed for annexation to the municipality will be  
1593 automatically withdrawn from a local district providing fire protection, paramedic, and  
1594 emergency services, as provided in Subsection 17B-1-502(2), if:

1595 (A) the municipality to which the area is being added because of the boundary  
1596 adjustment is not within the boundaries of a local district:

1597 (I) that provides fire protection, paramedic, and emergency services; and

1598 (II) in the creation of which an election was not required because of Subsection  
1599 17B-1-214(3)(c); and

1600 (B) the municipality from which the area is being taken because of the boundary  
1601 adjustment is entirely within the boundaries of the local district.

1602 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be  
1603 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
1604 (2)(a)(i).

1605 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal  
1606 legislative body may adopt an ordinance adjusting the common boundary unless, at or before  
1607 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with  
1608 the city recorder or town clerk, as the case may be, by the owners of private real property that:

1609 (a) is located within the area proposed for adjustment;

1610 (b) covers at least 25% of the total private land area within the area proposed for  
1611 adjustment; and

1612 (c) is equal in value to at least 15% of the value of all private real property within the  
1613 area proposed for adjustment.

1614 (4) The municipal legislative body shall comply with the requirements of Section  
1615 10-2-425 as if the boundary change were an annexation.

1616 (5) An ordinance adopted under Subsection (3) becomes effective when each  
1617 municipality involved in the boundary adjustment has adopted an ordinance under Subsection  
1618 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an  
1619 annexation.

1620 Section 24. Section **10-2-501** is amended to read:

1621 **10-2-501. Municipal disconnection -- Definitions -- Request for disconnection --**  
1622 **Requirements upon filing request.**

1623 (1) As used in this part "petitioners" means persons who:

1624 (a) own title to real property within the area proposed for disconnection; and

1625 (b) have signed a request for disconnection proposing to disconnect that area from the  
1626 municipality.

1627 (2) (a) Petitioners proposing to disconnect an area within and lying on the borders of a  
1628 municipality shall file with that municipality's legislative body a request for disconnection.

1629 (b) Each request for disconnection shall:

1630 (i) contain the names, addresses, and signatures of the owners of more than 50% of the  
1631 real property in the area proposed for disconnection;

1632 (ii) give the reasons for the proposed disconnection;

1633 (iii) include a map or plat of the territory proposed for disconnection; and

1634 (iv) designate between one and five persons with authority to act on the petitioners'  
1635 behalf in the proceedings.

1636 (3) Upon filing the request for disconnection, petitioners shall:

1637 (a) cause notice of the request to be published;

1638 (i) once a week for three consecutive weeks in a newspaper of general circulation  
1639 within the municipality; and

1640 (ii) in accordance with Section 45-1-101 for three weeks;

1641 (b) cause notice of the request to be mailed to each owner of real property located  
1642 within the area proposed to be disconnected; and

1643 (c) deliver a copy of the request to the legislative body of the county in which the area  
1644 proposed for disconnection is located.

1645 Section 25. Section **10-2-502.5** is amended to read:

1646 **10-2-502.5. Hearing on request for disconnection -- Determination by municipal**  
1647 **legislative body -- Petition in district court.**

1648 (1) Within 30 calendar days after the last publication of notice required under  
1649 Subsection 10-2-501(3)(a), the legislative body of the municipality in which the area proposed  
1650 for disconnection is located shall hold a public hearing.

1651 (2) At least seven calendar days before the hearing date, the municipal legislative body  
1652 shall provide notice of the public hearing:

1653 (a) in writing to the petitioners and to the legislative body of the county in which the  
1654 area proposed for disconnection is located; and

1655 (b) by publishing a notice;

1656 (i) (A) in a newspaper of general circulation within the municipality; or[-]

1657 (B) if there is [~~none~~] no newspaper as described in Subsection (2)(b)(i)(A), then by  
1658 posting notice of the hearing in at least three public places within the municipality[-]; and

1659 (ii) as required in Section 45-1-101.

1660 (3) In the public hearing, any person may speak and submit documents regarding the  
1661 disconnection proposal.

1662 (4) Within 45 calendar days of the hearing, the municipal legislative body shall:

1663 (a) determine whether to grant the request for disconnection; and

1664 (b) if the municipality determines to grant the request, adopt an ordinance approving  
1665 disconnection of the area from the municipality.

1666 (5) (a) A petition against the municipality challenging the municipal legislative body's  
1667 determination under Subsection (4) may be filed in district court by:

1668 (i) petitioners; or

1669 (ii) the county in which the area proposed for disconnection is located.

1670 (b) Each petition under Subsection (5)(a) shall include a copy of the request for

1671 disconnection.

1672 Section 26. Section **10-2-607** is amended to read:

1673 **10-2-607. Notice of election.**

1674 If the county legislative bodies find that the resolution or petition for consolidation and  
1675 their attachments substantially conform with the requirements of this part, they shall give  
1676 notice of the election for consolidation to the electors of each municipality which would  
1677 become part of the consolidated municipality by publication:

1678 (a) in a newspaper having a general circulation within the boundaries of each  
1679 municipality to be consolidated at least once a week for four consecutive weeks prior to the  
1680 election on the question of consolidation[-]; and

1681 (b) in accordance with Section 45-1-101 for four consecutive weeks.

1682 Section 27. Section **10-2-703** is amended to read:

1683 **10-2-703. Publication of notice of election.**

1684 (1) Immediately after setting the date for the election, the court shall order for  
1685 publication notice of the:

1686 (a) petition; and

1687 (b) date the election is to be held to determine the question of dissolution.

1688 (2) The notice described in Subsection (1) shall be published:

1689 (a) (i) for at least once a week for a period of one month in a newspaper having general  
1690 circulation in the municipality[-]; or

1691 (ii) if there is [~~none, then~~] not a newspaper as described in Subsection (2)(a), by  
1692 posting in at least three public places in the municipality[-, notice of the petition and of the date  
1693 the election is to be held to determine the question of dissolution.]; and

1694 (b) in accordance with Section 45-1-101 for one month.

1695 Section 28. Section **10-2-708** is amended to read:

1696 **10-2-708. Notice of disincorporation -- Publication and filing.**

1697 When [~~any~~] a municipality has been dissolved, the clerk of the court shall cause a  
1698 notice thereof to be published:

1699 (1) in a newspaper having a general circulation in the county in which the municipality  
1700 is located at least once a week for four consecutive weeks[-]; and

1701 (2) in accordance with Section 45-1-101 for four weeks.

1702 Section 29. Section **10-3-818** is amended to read:

1703 **10-3-818. Salaries in municipalities.**

1704 (1) The elective and statutory officers of municipalities shall receive such  
1705 compensation for their services as the governing body may fix by ordinance adopting  
1706 compensation or compensation schedules enacted after public hearing.

1707 (2) Upon its own motion the governing body may review or consider the compensation  
1708 of any officer or officers of the municipality or a salary schedule applicable to any officer or  
1709 officers of the city for the purpose of determining whether or not it should be adopted, changed,  
1710 or amended. In the event that the governing body decides that the compensation or  
1711 compensation schedules should be adopted, changed, or amended, it shall set a time and place  
1712 for a public hearing at which all interested persons shall be given an opportunity to be heard.

1713 (3) (a) Notice of the time, place, and purpose of the meeting shall be published at least  
1714 seven days [~~prior thereto~~] before the meeting by publication:

1715 (i) at least once in a newspaper published in the county within which the municipality  
1716 is situated and generally circulated in the municipality[~~;~~]; and

1717 (ii) as required in Section 45-1-101.

1718 (b) If there is [~~no such newspaper~~] not a newspaper as described in Subsection  
1719 (3)(a)(i), then notice shall be given by posting this notice in three public places in the  
1720 municipality.

1721 (4) After the conclusion of the public hearing, the governing body may enact an  
1722 ordinance fixing, changing, or amending the compensation of any elective or appointive officer  
1723 of the municipality or adopting a compensation schedule applicable to any officer or officers.

1724 (5) Any ordinance enacted before Laws of Utah 1977, Chapter 48, by a municipality  
1725 establishing a salary or compensation schedule for its elective or appointive officers and any  
1726 salary fixed prior to Laws of Utah 1977, Chapter 48, shall remain effective until the  
1727 municipality has enacted an ordinance pursuant to the provisions of this chapter.

1728 (6) The compensation of all municipal officers shall be paid at least monthly out of the  
1729 municipal treasury provided that municipalities having 1,000 or fewer population may by  
1730 ordinance provide for the payment of its statutory officers less frequently. None of the  
1731 provisions of this chapter shall be considered as limiting or restricting the authority to any  
1732 municipality that has adopted or does adopt a charter pursuant to Utah Constitution, Article XI,



1733 Section 5, to determine the salaries of its elective and appointive officers or employees.

1734 Section 30. Section **10-5-108** is amended to read:

1735 **10-5-108. Budget hearing -- Notice -- Adjustments.**

1736 (1) Prior to the adoption of the final budget, each town council shall hold a public  
1737 hearing to receive public comment.

1738 (2) The council shall provide notice of the place, purpose, and time of the public  
1739 hearing by publishing notice at least seven days before the hearing:

1740 (a) (i) at least once in a newspaper of general circulation in the town~~[-but];~~ or

1741 (ii) if there is no newspaper of general circulation, then by posting the notice in three  
1742 public places at least 48 hours prior to the hearing~~[-];~~ and

1743 (b) as required in Section 45-1-101.

1744 (3) After the hearing, the council, subject to Section 10-5-110, may adjust expenditures  
1745 and revenues in conformity with this chapter.

1746 Section 31. Section **10-6-113** is amended to read:

1747 **10-6-113. Budget -- Notice of hearing to consider adoption.**

1748 At the meeting at which each tentative budget is adopted, the governing body shall  
1749 establish the time and place of a public hearing to consider its adoption and shall order that  
1750 notice ~~[thereof]~~ of the public hearing be published at least seven days prior to the hearing:

1751 (1) (a) in at least one issue of a newspaper of general circulation published in the  
1752 county in which the city is located~~[-. If no such newspaper is published,];~~ or

1753 (b) if there is not a newspaper as described in Subsection (1)(a), then the notice  
1754 required by this section may be posted in three public places within the city[-]; and

1755 (2) as required in Section 45-1-101.

1756 Section 32. Section **10-6-152** is amended to read:

1757 **10-6-152. Notice that audit completed and available for inspection.**

1758 Within ten days following the receipt of the audit report furnished by the independent  
1759 auditor, the city auditor in cities having an auditor and the city recorder in all other cities shall:

1760 (1) prepare and publish:

1761 (a) (i) at least twice in a newspaper of general circulation published within the county,  
1762 a notice to the public that the audit of the city has been completed ~~[and a copy thereof may be~~  
1763 ~~inspected at the office of the city auditor or recorder. If];~~ or

1764 (ii) if a newspaper of general circulation is not published within the county, the notice  
1765 required by this section may be posted in three public places[-]; and

1766 (b) a notice, published in accordance with Section 45-1-101, to the public that the audit  
1767 of the city has been completed; and

1768 (2) make a copy of the notice described in Subsection (1)(a) available for inspection at  
1769 the office of the city auditor or recorder.

1770 Section 33. Section **10-7-16** is amended to read:

1771 **10-7-16. Call for bids -- Notice -- Contents.**

1772 (1) (a) Before holding an election under Subsection 10-7-15(1)(a)(ii), the municipal  
1773 legislative body shall open to bid the sale or lease of the property mentioned in Section  
1774 10-7-15.

1775 (b) (i) The municipal legislative body shall cause notice of the bid process to be given  
1776 by publication for at least three consecutive weeks;

1777 (A) in a newspaper published or having general circulation in the city or town[, giving  
1778 a general description of the property to be sold or leased, and specifying the time when sealed  
1779 bids for the property, or for a lease on the property, will be received, and the time when and the  
1780 place where the bids will be opened.]; and

1781 (B) as required in Section 45-1-101.

1782 (c) The notice described in Subsection (1) shall:

1783 (i) give a general description of the property to be sold or leased;

1784 (ii) specify the time when sealed bids for the property, or for a lease on the property,  
1785 will be received; and

1786 (iii) specify the time when and the place where the bids will be opened.

1787 (2) (a) As used in this section and in Section 10-7-17, "responsible bidder" means an  
1788 entity with a proven history of successful operation of an electrical generation and distribution  
1789 system, or an equivalent proven history.

1790 (b) Subject to Subsection (2)(c), a municipal legislative body may receive or refuse to  
1791 receive any bid submitted for the sale or lease of the electrical works and plant.

1792 (c) A municipal legislative body may not receive a bid unless the municipal legislative  
1793 body determines that the bid is submitted by a responsible bidder.

1794 Section 34. Section **10-7-19** is amended to read:

1795 **10-7-19. Election to authorize -- Notice -- Ballots.**

1796 (1) The board of commissioners or city council of any city or the board of trustees of  
1797 any incorporated town is authorized to aid and encourage the building of railroads by granting  
1798 to any railroad company for depot or other railroad purposes real property of such city or  
1799 incorporated town, not necessary for municipal or public purposes, upon such limitations and  
1800 conditions as the board of commissioners, council or board of trustees may prescribe; provided,  
1801 however, that no such grant shall be made to any railroad company unless the question of  
1802 making it has been submitted to the qualified electors of the city or town at the next municipal  
1803 election, or special election to be called for that purpose by the board of commissioners, city  
1804 council or town board.

1805 (2) If the question is submitted at a special election, it shall be held as nearly as  
1806 practicable in conformity with the general election laws of the state.

1807 (3) Notice of [~~such election~~] an election described in Subsection (2) shall be given by  
1808 publication;

1809 (a) (i) in [~~some~~] a newspaper published or having general circulation in the city or  
1810 town once a week for four weeks prior [~~thereto,~~] to the election; or

1811 (ii) if there is [~~no such newspaper~~] not a newspaper as described in Subsection  
1812 (3)(a)(i), then by posting notices[-]; and

1813 (b) in accordance with Section 45-1-101 for four weeks prior to the election.

1814 (4) The board of commissioners, city council or town board shall cause ballots to be  
1815 printed and furnished to the qualified electors, which shall read: "For the proposed grant for  
1816 depot or other railroad purposes: Yes. No."

1817 (5) If a majority of the qualified electors voting thereon shall have voted in favor of  
1818 such grant, the board of commissioners, city council or town board shall then proceed to  
1819 convey the property to the railroad company.

1820 Section 35. Section **10-8-2** is amended to read:

1821 **10-8-2. Appropriations -- Acquisition and disposal of property -- Municipal**  
1822 **authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.**

1823 (1) (a) A municipal legislative body may:

1824 (i) appropriate money for corporate purposes only;

1825 (ii) provide for payment of debts and expenses of the corporation;

1826 (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and  
1827 dispose of real and personal property for the benefit of the municipality, whether the property is  
1828 within or without the municipality's corporate boundaries, if the action is in the public interest  
1829 and complies with other law;

1830 (iv) improve, protect, and do any other thing in relation to this property that an  
1831 individual could do; and

1832 (v) subject to Subsection (2) and after first holding a public hearing, authorize  
1833 municipal services or other nonmonetary assistance to be provided to or waive fees required to  
1834 be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

1835 (b) A municipality may:

1836 (i) furnish all necessary local public services within the municipality;

1837 (ii) purchase, hire, construct, own, maintain and operate, or lease public utilities  
1838 located and operating within and operated by the municipality; and

1839 (iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property  
1840 located inside or outside the corporate limits of the municipality and necessary for any of the  
1841 purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B,  
1842 Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

1843 (c) Each municipality that intends to acquire property by eminent domain under  
1844 Subsection (1)(b) shall, upon the first contact with the owner of the property sought to be  
1845 acquired, deliver to the owner a copy of a booklet or other materials provided by the Office of  
1846 the Property Rights Ombudsman, created under Section 13-43-201, dealing with the property  
1847 owner's rights in an eminent domain proceeding.

1848 (d) Subsection (1)(b) may not be construed to diminish any other authority a  
1849 municipality may claim to have under the law to acquire by eminent domain property located  
1850 inside or outside the municipality.

1851 (2) (a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to  
1852 the provisions of Subsection (3).

1853 (b) The total amount of services or other nonmonetary assistance provided or fees  
1854 waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the  
1855 municipality's budget for that fiscal year.

1856 (3) It is considered a corporate purpose to appropriate money for any purpose that, in

1857 the judgment of the municipal legislative body, provides for the safety, health, prosperity,  
1858 moral well-being, peace, order, comfort, or convenience of the inhabitants of the municipality  
1859 subject to the following:

1860 (a) The net value received for any money appropriated shall be measured on a  
1861 project-by-project basis over the life of the project.

1862 (b) The criteria for a determination under this Subsection (3) shall be established by the  
1863 municipality's legislative body. A determination of value received, made by the municipality's  
1864 legislative body, shall be presumed valid unless it can be shown that the determination was  
1865 arbitrary, capricious, or illegal.

1866 (c) The municipality may consider intangible benefits received by the municipality in  
1867 determining net value received.

1868 (d) (i) Prior to the municipal legislative body making any decision to appropriate any  
1869 funds for a corporate purpose under this section, a public hearing shall be held.

1870 (ii) Notice of the hearing described in Subsection (3)(d)(i) shall be published:

1871 (A) (I) in a newspaper of general circulation at least 14 days [~~prior to~~] before the date  
1872 of the hearing[~~;~~]; or

1873 (II) if there is no newspaper of general circulation, by posting notice in at least three  
1874 conspicuous places within the municipality for the same time period[~~;~~]; and

1875 (B) in accordance with Section 45-1-101, at least 14 days before the date of the  
1876 hearing.

1877 (e) A study shall be performed before notice of the public hearing is given and shall be  
1878 made available at the municipality for review by interested parties at least 14 days immediately  
1879 prior to the public hearing, setting forth an analysis and demonstrating the purpose for the  
1880 appropriation. In making the study, the following factors shall be considered:

1881 (i) what identified benefit the municipality will receive in return for any money or  
1882 resources appropriated;

1883 (ii) the municipality's purpose for the appropriation, including an analysis of the way  
1884 the appropriation will be used to enhance the safety, health, prosperity, moral well-being,  
1885 peace, order, comfort, or convenience of the inhabitants of the municipality; and

1886 (iii) whether the appropriation is necessary and appropriate to accomplish the  
1887 reasonable goals and objectives of the municipality in the area of economic development, job

1888 creation, affordable housing, blight elimination, job preservation, the preservation of historic  
1889 structures and property, and any other public purpose.

1890 (f) (i) An appeal may be taken from a final decision of the municipal legislative body,  
1891 to make an appropriation.

1892 (ii) The appeal shall be filed within 30 days after the date of that decision, to the  
1893 district court.

1894 (iii) Any appeal shall be based on the record of the proceedings before the legislative  
1895 body.

1896 (iv) A decision of the municipal legislative body shall be presumed to be valid unless  
1897 the appealing party shows that the decision was arbitrary, capricious, or illegal.

1898 (g) The provisions of this Subsection (3) apply only to those appropriations made after  
1899 May 6, 2002.

1900 (h) This section applies only to appropriations not otherwise approved pursuant to Title  
1901 10, Chapter 5, Uniform Fiscal Procedures Act for Utah Towns, or Title 10, Chapter 6, Uniform  
1902 Fiscal Procedures Act for Utah Cities.

1903 (4) (a) Before a municipality may dispose of a significant parcel of real property, the  
1904 municipality shall:

1905 (i) provide reasonable notice of the proposed disposition at least 14 days before the  
1906 opportunity for public comment under Subsection (4)(a)(ii); and

1907 (ii) allow an opportunity for public comment on the proposed disposition.

1908 (b) Each municipality shall, by ordinance, define what constitutes:

1909 (i) a significant parcel of real property for purposes of Subsection (4)(a); and

1910 (ii) reasonable notice for purposes of Subsection (4)(a)(i).

1911 (5) (a) Except as provided in Subsection (5)(d), each municipality intending to acquire  
1912 real property for the purpose of expanding the municipality's infrastructure or other facilities  
1913 used for providing services that the municipality offers or intends to offer shall provide written  
1914 notice, as provided in this Subsection (5), of its intent to acquire the property if:

1915 (i) the property is located:

1916 (A) outside the boundaries of the municipality; and

1917 (B) in a county of the first or second class; and

1918 (ii) the intended use of the property is contrary to:

1919 (A) the anticipated use of the property under the general plan of the county in whose  
1920 unincorporated area or the municipality in whose boundaries the property is located; or

1921 (B) the property's current zoning designation.

1922 (b) Each notice under Subsection (5)(a) shall:

1923 (i) indicate that the municipality intends to acquire real property;

1924 (ii) identify the real property; and

1925 (iii) be sent to:

1926 (A) each county in whose unincorporated area and each municipality in whose

1927 boundaries the property is located; and

1928 (B) each affected entity.

1929 (c) A notice under this Subsection (5) is a protected record as provided in Subsection  
1930 63G-2-305(7).

1931 (d) (i) The notice requirement of Subsection (5)(a) does not apply if the municipality  
1932 previously provided notice under Section 10-9a-203 identifying the general location within the  
1933 municipality or unincorporated part of the county where the property to be acquired is located.

1934 (ii) If a municipality is not required to comply with the notice requirement of  
1935 Subsection (5)(a) because of application of Subsection (5)(d)(i), the municipality shall provide  
1936 the notice specified in Subsection (5)(a) as soon as practicable after its acquisition of the real  
1937 property.

1938 Section 36. Section **10-9a-204** is amended to read:

1939 **10-9a-204. Notice of public hearings and public meetings to consider general plan**  
1940 **or modifications.**

1941 (1) Each municipality shall provide:

1942 (a) notice of the date, time, and place of the first public hearing to consider the original  
1943 adoption or any modification of all or any portion of a general plan; and

1944 (b) notice of each public meeting on the subject.

1945 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten  
1946 calendar days before the public hearing and shall be:

1947 (a) (i) published in a newspaper of general circulation in the area; and

1948 (ii) published as required in Section 45-1-101;

1949 (b) mailed to each affected entity; and

1950 (c) posted:  
1951 (i) in at least three public locations within the municipality; or  
1952 (ii) on the municipality's official website.  
1953 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
1954 before the meeting and shall be:  
1955 (a) (i) submitted to a newspaper of general circulation in the area; and  
1956 (ii) published as required in Section 45-1-101; and  
1957 (b) posted:  
1958 (i) in at least three public locations within the municipality; or  
1959 (ii) on the municipality's official website.  
1960 Section 37. Section **10-9a-205** is amended to read:  
1961 **10-9a-205. Notice of public hearings and public meetings on adoption or**  
1962 **modification of land use ordinance.**  
1963 (1) Each municipality shall give:  
1964 (a) notice of the date, time, and place of the first public hearing to consider the  
1965 adoption or any modification of a land use ordinance; and  
1966 (b) notice of each public meeting on the subject.  
1967 (2) Each notice of a public hearing under Subsection (1)(a) shall be:  
1968 (a) mailed to each affected entity at least ten calendar days before the public hearing;  
1969 (b) posted:  
1970 (i) in at least three public locations within the municipality; or  
1971 (ii) on the municipality's official website; and  
1972 (c) (i) (A) published in a newspaper of general circulation in the area at least ten  
1973 calendar days before the public hearing; [~~or~~] and  
1974 (B) published in accordance with Section 45-1-101, at least ten calendar days before  
1975 the public hearing; or  
1976 (ii) mailed at least three days before the public hearing to:  
1977 (A) each property owner whose land is directly affected by the land use ordinance  
1978 change; and  
1979 (B) each adjacent property owner within the parameters specified by municipal  
1980 ordinance.



1981 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
1982 before the meeting and shall be posted:

- 1983 (a) in at least three public locations within the municipality; or
- 1984 (b) on the municipality's official website.

1985 Section 38. Section **10-9a-208** is amended to read:

1986 **10-9a-208. Hearing and notice for proposal to vacate, alter, or amend a public**  
1987 **street or right-of-way.**

1988 For any proposal to vacate, alter, or amend a public street or right-of-way, the land use  
1989 authority shall hold a public hearing and shall give notice of the date, place, and time of the  
1990 hearing by:

1991 (1) mailing notice as required in Section 10-9a-207;

1992 (2) mailing notice to each affected entity; and

1993 (3) ~~(a)~~ publishing notice:

1994 (a) (i) once a week for four consecutive weeks before the hearing in a newspaper of  
1995 general circulation in the municipality in which the land subject to the petition is located; or

1996 ~~(b)~~ (ii) in accordance with Subsection (3)(a)(i), if there is no newspaper of general  
1997 circulation in the municipality, posting the property and posting notice in three public places  
1998 for four consecutive weeks before the hearing[-]; and

1999 (b) in accordance with Section 45-1-101 for four weeks before the hearing.

2000 Section 39. Section **10-18-203** is amended to read:

2001 **10-18-203. Feasibility study on providing cable television or public**  
2002 **telecommunications services -- Public hearings.**

2003 (1) If a feasibility consultant is hired under Section 10-18-202, the legislative body of  
2004 the municipality shall require the feasibility consultant to:

2005 (a) complete the feasibility study in accordance with this section;

2006 (b) submit to the legislative body by no later than 180 days from the date the feasibility  
2007 consultant is hired to conduct the feasibility study:

2008 (i) the full written results of the feasibility study; and

2009 (ii) a summary of the results that is no longer than one page in length; and

2010 (c) attend the public hearings described in Subsection (4) to:

2011 (i) present the feasibility study results; and

2012 (ii) respond to questions from the public.

2013 (2) The feasibility study described in Subsection (1) shall at a minimum consider:

2014 (a) (i) if the municipality is proposing to provide cable television services to

2015 subscribers, whether the municipality providing cable television services in the manner

2016 proposed by the municipality will hinder or advance competition for cable television services

2017 in the municipality;

2018 (ii) if the municipality is proposing to provide public telecommunications services to

2019 subscribers, whether the municipality providing public telecommunications services in the

2020 manner proposed by the municipality will hinder or advance competition for public

2021 telecommunications services in the municipality;

2022 (b) whether but for the municipality any person would provide the proposed:

2023 (i) cable television services; or

2024 (ii) public telecommunications services;

2025 (c) the fiscal impact on the municipality of:

2026 (i) the capital investment in facilities that will be used to provide the proposed:

2027 (A) cable television services; or

2028 (B) public telecommunications services; and

2029 (ii) the expenditure of funds for labor, financing, and administering the proposed:

2030 (A) cable television services; or

2031 (B) public telecommunications services;

2032 (d) the projected growth in demand in the municipality for the proposed:

2033 (i) cable television services; or

2034 (ii) public telecommunications services;

2035 (e) the projections at the time of the feasibility study and for the next five years, of a

2036 full-cost accounting for a municipality to purchase, lease, construct, maintain, or operate the

2037 facilities necessary to provide the proposed:

2038 (i) cable television services; or

2039 (ii) public telecommunications services; and

2040 (f) the projections at the time of the feasibility study and for the next five years of the

2041 revenues to be generated from the proposed:

2042 (i) cable television services; or

2043 (ii) public telecommunications services.

2044 (3) For purposes of the financial projections required under Subsections (2)(e) and (f),  
2045 the feasibility consultant shall assume that the municipality will price the proposed cable  
2046 television services or public telecommunications services consistent with Subsection  
2047 10-18-303(5).

2048 (4) If the results of the feasibility study satisfy the revenue requirement of Subsection  
2049 10-18-202(3), the legislative body, at the next regular meeting after the legislative body  
2050 receives the results of the feasibility study, shall schedule at least two public hearings to be  
2051 held:

2052 (a) within 60 days of the meeting at which the public hearings are scheduled;

2053 (b) at least seven days apart; and

2054 (c) for the purpose of allowing:

2055 (i) the feasibility consultant to present the results of the feasibility study; and

2056 (ii) the public to:

2057 (A) become informed about the feasibility study results; and

2058 (B) ask questions of the feasibility consultant about the results of the feasibility study.

2059 (5) (a) Except as provided in Subsection (5)~~[(c)]~~(b), the municipality shall publish  
2060 notice of the public hearings required under Subsection (4):

2061 (i) at least once a week for three consecutive weeks in a newspaper of general  
2062 circulation in the municipality~~[(b) The last publication of notice required under Subsection~~  
2063 ~~(5)(a) shall be]~~ and at least three days before the first public hearing required under Subsection  
2064 (4)~~[-];~~ and

2065 (ii) in accordance with Section 45-1-101 for three weeks, at least three days before the  
2066 first public hearing required under Subsection (4).

2067 ~~[(c)]~~ (b) (i) ~~[ff]~~ In accordance with Subsection (5)(a)(i), if there is no newspaper of  
2068 general circulation in the municipality, for each 1,000 residents, the municipality shall post at  
2069 least one notice of the hearings in a conspicuous place within the municipality that is likely to  
2070 give notice of the hearings to the greatest number of residents of the municipality.

2071 (ii) The municipality shall post the notices at least seven days before the first public  
2072 hearing required under Subsection (4) is held.

2073 Section 40. Section **10-18-302** is amended to read:

2074 **10-18-302. Bonding authority.**

2075 (1) In accordance with Title 11, Chapter 14, Local Government Bonding Act, the  
2076 legislative body of a municipality may by resolution determine to issue one or more revenue  
2077 bonds or general obligation bonds to finance the capital costs for facilities necessary to provide  
2078 to subscribers:

- 2079 (a) a cable television service; or
- 2080 (b) a public telecommunications service.

2081 (2) The resolution described in Subsection (1) shall:

- 2082 (a) describe the purpose for which the indebtedness is to be created; and
- 2083 (b) specify the dollar amount of the one or more bonds proposed to be issued.

2084 (3) (a) A revenue bond issued under this section shall be secured and paid for:

2085 (i) from the revenues generated by the municipality from providing:

2086 (A) cable television services with respect to revenue bonds issued to finance facilities  
2087 for the municipality's cable television services; and

2088 (B) public telecommunications services with respect to revenue bonds issued to finance  
2089 facilities for the municipality's public telecommunications services; and

2090 (ii) notwithstanding Subsection (3)(b) and Subsection 10-18-303(3)(a), from revenues  
2091 generated under Title 59, Chapter 12, Sales and Use Tax Act, if:

2092 (A) notwithstanding Subsection 11-14-201(3) and except as provided in Subsections  
2093 (4) and (5), the revenue bond is approved by the registered voters in an election held:

2094 (I) except as provided in Subsection (3)(a)(ii)(A)(II), pursuant to the provisions of Title  
2095 11, Chapter 14, Local Government Bonding Act, that govern bond elections; and

2096 (II) notwithstanding Subsection 11-14-203(2), at a regular general election;

2097 (B) the revenues described in this Subsection (3)(a)(ii) are pledged as security for the  
2098 revenue bond; and

2099 (C) the municipality or municipalities annually appropriate the revenues described in  
2100 this Subsection (3)(a)(ii) to secure and pay the revenue bond issued under this section.

2101 (b) Except as provided in Subsection (3)(a)(ii), a municipality may not pay the  
2102 origination, financing, or other carrying costs associated with the one or more revenue bonds  
2103 issued under this section from the general funds or other enterprise funds of the municipality.

2104 (4) (a) As used in this Subsection (4), "municipal entity" means an entity created

2105 pursuant to an agreement:

2106 (i) under Title 11, Chapter 13, Interlocal Cooperation Act; and

2107 (ii) to which a municipality is a party.

2108 (b) The requirements of Subsection (3)(a)(ii)(A) do not apply to a municipality or  
2109 municipal entity that issues revenue bonds, or to a municipality that is a member of a municipal  
2110 entity that issues revenue bonds, if:

2111 (i) on or before March 2, 2004, the municipality that is issuing revenue bonds or that is  
2112 a member of a municipal entity that is issuing revenue bonds has published the first notice  
2113 described in Subsection (4)(b)(iii);

2114 (ii) on or before April 15, 2004, the municipality that is issuing revenue bonds or that  
2115 is a member of a municipal entity that is issuing revenue bonds makes the decision to pledge  
2116 the revenues described in Subsection (3)(a)(ii) as security for the revenue bonds described in  
2117 this Subsection (4)(b)(ii);

2118 (iii) the municipality that is issuing the revenue bonds or the municipality that is a  
2119 member of the municipal entity that is issuing the revenue bonds has:

2120 (A) held a public hearing for which public notice was given by publication of the  
2121 notice;

2122 (I) in a newspaper published in the municipality or in a newspaper of general  
2123 circulation within the municipality for two consecutive weeks, with the first publication being  
2124 not less than 14 days before the public hearing; and

2125 (II) in accordance with Section 45-1-101 for two weeks before the public hearing; and

2126 (B) the notice identifies:

2127 (I) that the notice is given pursuant to Title 11, Chapter 14, Local Government Bonding  
2128 Act;

2129 (II) the purpose for the bonds to be issued;

2130 (III) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will  
2131 be pledged in any fiscal year;

2132 (IV) the maximum number of years that the pledge will be in effect; and

2133 (V) the time, place, and location for the public hearing;

2134 (iv) the municipal entity that issues revenue bonds:

2135 (A) adopts a final financing plan; and

2136 (B) in accordance with Title 63G, Chapter 2, Government Records Access and  
2137 Management Act, makes available to the public at the time the municipal entity adopts the final  
2138 financing plan:

2139 (I) the final financing plan; and

2140 (II) all contracts entered into by the municipal entity, except as protected by Title 63G,  
2141 Chapter 2, Government Records Access and Management Act;

2142 (v) any municipality that is a member of a municipal entity described in Subsection  
2143 (4)(b)(iv):

2144 (A) not less than 30 calendar days after the municipal entity complies with Subsection  
2145 (4)(b)(iv)(B), holds a final public hearing;

2146 (B) provides notice, at the time the municipality schedules the final public hearing, to  
2147 any person who has provided to the municipality a written request for notice; and

2148 (C) makes all reasonable efforts to provide fair opportunity for oral testimony by all  
2149 interested parties; and

2150 (vi) except with respect to a municipality that issued bonds prior to March 1, 2004, not  
2151 more than 50% of the average annual debt service of all revenue bonds described in this section  
2152 to provide service throughout the municipality or municipal entity may be paid from the  
2153 revenues described in Subsection (3)(a)(ii).

2154 (5) On or after July 1, 2007, the requirements of Subsection (3)(a)(ii)(A) do not apply  
2155 to a municipality that issues revenue bonds if:

2156 (a) the municipality that is issuing the revenue bonds has:

2157 (i) held a public hearing for which public notice was given by publication of the notice  
2158 in a newspaper published in the municipality or in a newspaper of general circulation within  
2159 the municipality for two consecutive weeks, with the first publication being not less than 14  
2160 days before the public hearing; and

2161 (ii) the notice identifies:

2162 (A) that the notice is given pursuant to Title 11, Chapter 14, Local Government  
2163 Bonding Act;

2164 (B) the purpose for the bonds to be issued;

2165 (C) the maximum amount of the revenues described in Subsection (3)(a)(ii) that will be  
2166 pledged in any fiscal year;

- 2167 (D) the maximum number of years that the pledge will be in effect; and
- 2168 (E) the time, place, and location for the public hearing; and
- 2169 (b) except with respect to a municipality that issued bonds prior to March 1, 2004, not
- 2170 more than 50% of the average annual debt service of all revenue bonds described in this section
- 2171 to provide service throughout the municipality or municipal entity may be paid from the
- 2172 revenues described in Subsection (3)(a)(ii).

2173 (6) A municipality that issues bonds pursuant to this section may not make or grant any

2174 undue or unreasonable preference or advantage to itself or to any private provider of:

- 2175 (a) cable television services; or
- 2176 (b) public telecommunications services.

2177 Section 41. Section **10-18-303** is amended to read:

2178 **10-18-303. General operating limitations.**

2179 A municipality that provides a cable television service or a public telecommunications

2180 service under this chapter is subject to the operating limitations of this section.

2181 (1) A municipality that provides a cable television service shall comply with:

- 2182 (a) the Cable Communications Policy Act of 1984, 47 U.S.C. 521, et seq.; and
- 2183 (b) the regulations issued by the Federal Communications Commission under the Cable
- 2184 Communications Policy Act of 1984, 47 U.S.C. 521, et seq.

2185 (2) A municipality that provides a public telecommunications service shall comply

2186 with:

- 2187 (a) the Telecommunications Act of 1996, Pub. L. 104-104;
- 2188 (b) the regulations issued by the Federal Communications Commission under the
- 2189 Telecommunications Act of 1996, Pub. L. 104-104;
- 2190 (c) Section 54-8b-2.2 relating to:
  - 2191 (i) the interconnection of essential facilities; and
  - 2192 (ii) the purchase and sale of essential services; and
  - 2193 (d) the rules made by the Public Service Commission of Utah under Section 54-8b-2.2.

2194 (3) A municipality may not cross subsidize its cable television services or its public

2195 telecommunications services with:

- 2196 (a) tax dollars;
- 2197 (b) income from other municipal or utility services;

- 2198 (c) below-market rate loans from the municipality; or
- 2199 (d) any other means.
- 2200 (4) (a) A municipality may not make or grant any undue or unreasonable preference or
- 2201 advantage to itself or to any private provider of:
- 2202 (i) cable television services; or
- 2203 (ii) public telecommunications services.
- 2204 (b) A municipality shall apply without discrimination as to itself and to any private
- 2205 provider the municipality's ordinances, rules, and policies, including those relating to:
- 2206 (i) obligation to serve;
- 2207 (ii) access to public rights of way;
- 2208 (iii) permitting;
- 2209 (iv) performance bonding;
- 2210 (v) reporting; and
- 2211 (vi) quality of service.
- 2212 (c) Subsections (4)(a) and (b) do not supersede the exception for a rural telephone
- 2213 company in Section 251 of the Telecommunications Act of 1996, Pub. L. 104-104.
- 2214 (5) In calculating the rates charged by a municipality for a cable television service or a
- 2215 public telecommunications service, the municipality:
- 2216 (a) shall include within its rates an amount equal to all taxes, fees, and other
- 2217 assessments that would be applicable to a similarly situated private provider of the same
- 2218 services, including:
- 2219 (i) federal, state, and local taxes;
- 2220 (ii) franchise fees;
- 2221 (iii) permit fees;
- 2222 (iv) pole attachment fees; and
- 2223 (v) fees similar to those described in Subsections (5)(a)(i) through (iv); and
- 2224 (b) may not price any cable television service or public telecommunications service at a
- 2225 level that is less than the sum of:
- 2226 (i) the actual direct costs of providing the service;
- 2227 (ii) the actual indirect costs of providing the service; and
- 2228 (iii) the amount determined under Subsection (5)(a).



2229 (6) (a) A municipality that provides cable television services or public  
2230 telecommunications services shall establish and maintain a comprehensive price list of all cable  
2231 television services or public telecommunications services offered by the municipality.

2232 (b) The price list required by Subsection (6)(a) shall:

2233 (i) include all terms and conditions relating to the municipality providing each cable  
2234 television service or public telecommunications service offered by the municipality;

2235 (ii) (A) be published in a newspaper having general circulation in the municipality; and

2236 (B) be published in accordance with Section 45-1-101; and

2237 (iii) be available for inspection:

2238 (A) at a designated office of the municipality; and

2239 (B) during normal business hours.

2240 (c) At least five days before the date a change to a municipality's price list becomes  
2241 effective, the municipality shall:

2242 (i) notify the following of the change:

2243 (A) all subscribers to the services for which the price list is being changed; and

2244 (B) any other persons requesting notification of any changes to the municipality's price  
2245 list; and

2246 (ii) (A) publish notice in a newspaper of general circulation in the municipality[-]; and

2247 (B) publish notice in accordance with Section 45-1-101.

2248 (d) [~~H~~] In accordance with Subsection (6)(c)(ii)(A), if there is no newspaper of general  
2249 circulation in the municipality, the municipality shall publish the notice required by this  
2250 Subsection (6) in a newspaper of general circulation that is nearest the municipality.

2251 (e) A municipality may not offer a cable television service or a public  
2252 telecommunications service except in accordance with the prices, terms, and conditions set  
2253 forth in the municipality's price list.

2254 (7) A municipality may not offer to provide or provide cable television services or  
2255 public telecommunications services to a subscriber that does not reside within the geographic  
2256 boundaries of the municipality.

2257 (8) (a) A municipality shall keep accurate books and records of the municipality's:

2258 (i) cable television services; and

2259 (ii) public telecommunications services.

2260 (b) The books and records required to be kept under Subsection (8)(a) are subject to  
2261 legislative audit to verify the municipality's compliance with the requirements of this chapter  
2262 including:

- 2263 (i) pricing;
- 2264 (ii) recordkeeping; and
- 2265 (iii) antidiscrimination.

2266 (9) A municipality may not receive distributions from the Universal Public  
2267 Telecommunications Service Support Fund established in Section 54-8b-15.

2268 Section 42. Section **11-13-219** is amended to read:

2269 **11-13-219. Publication of resolutions or agreements -- Contesting legality of**  
2270 **resolution or agreement.**

2271 (1) As used in this section:

2272 (a) "Enactment" means:

2273 (i) a resolution adopted or proceedings taken by a governing body under the authority  
2274 of this chapter, and includes a resolution, indenture, or other instrument providing for the  
2275 issuance of bonds; and

2276 (ii) an agreement or other instrument that is authorized, executed, or approved by a  
2277 governing body under the authority of this chapter.

2278 (b) "Governing body" means:

2279 (i) the legislative body of a public agency; and

2280 (ii) the governing body of an interlocal entity created under this chapter.

2281 (c) "Notice of bonds" means the notice authorized by Subsection (3)(d).

2282 (d) "Notice of agreement" means the notice authorized by Subsection (3)(c).

2283 (e) "Official newspaper" means the newspaper selected by a governing body under  
2284 Subsection (4)(b) to publish its enactments.

2285 (2) Any enactment taken or made under the authority of this chapter is not subject to  
2286 referendum.

2287 (3) (a) A governing body need not publish any enactment taken or made under the  
2288 authority of this chapter.

2289 (b) A governing body may provide for the publication of any enactment taken or made  
2290 by it under the authority of this chapter according to the publication requirements established

2291 by this section.

2292 (c) (i) If the enactment is an agreement, document, or other instrument, or a resolution  
2293 or other proceeding authorizing or approving an agreement, document, or other instrument, the  
2294 governing body may, instead of publishing the full text of the agreement, resolution, or other  
2295 proceeding, publish a notice of agreement containing:

2296 (A) the names of the parties to the agreement;

2297 (B) the general subject matter of the agreement;

2298 (C) the term of the agreement;

2299 (D) a description of the payment obligations, if any, of the parties to the agreement;

2300 and

2301 (E) a statement that the resolution and agreement will be available for review at the  
2302 governing body's principal place of business during regular business hours for 30 days after the  
2303 publication of the notice of agreement.

2304 (ii) The governing body shall make a copy of the resolution or other proceeding and a  
2305 copy of the contract available at its principal place of business during regular business hours  
2306 for 30 days after the publication of the notice of agreement.

2307 (d) If the enactment is a resolution or other proceeding authorizing the issuance of  
2308 bonds, the governing body may, instead of publishing the full text of the resolution or other  
2309 proceeding and the documents pertaining to the issuance of bonds, publish a notice of bonds  
2310 that contains the information described in Subsection 11-14-316(2).

2311 (4) (a) If the governing body chooses to publish an enactment, notice of bonds, or  
2312 notice of agreement, the governing body shall comply with the requirements of this Subsection  
2313 (4).

2314 (b) If there is more than one newspaper of general circulation, or more than one  
2315 newspaper, published within the boundaries of the governing body, the governing body may  
2316 designate one of those newspapers as the official newspaper for all publications made under  
2317 this section.

2318 (c) (i) (A) The governing body shall publish the enactment, notice of bonds, or notice  
2319 of agreement in:

2320 [~~(A)~~] (I) the official newspaper;

2321 [~~(B)~~] (II) the newspaper published in the municipality in which the principal office of

2322 the governmental entity is located; or

2323 ~~[(C)]~~ (III) if no newspaper is published in that municipality, in a newspaper having

2324 general circulation in the municipality[-]; and

2325 (B) as required in Section 45-1-101.

2326 (ii) The governing body may publish the enactment, notice of bonds, or notice of  
2327 agreement;

2328 (A)(I) in a newspaper of general circulation; or

2329 (II) in a newspaper that is published within the boundaries of any public agency that is  
2330 a party to the enactment or agreement[-]; and

2331 (B) as required in Section 45-1-101.

2332 (5) (a) Any person in interest may contest the legality of an enactment or any action  
2333 performed or instrument issued under the authority of the enactment for 30 days after the  
2334 publication of the enactment, notice of bonds, or notice of agreement.

2335 (b) After the 30 days have passed, no one may contest the regularity, formality, or  
2336 legality of the enactment or any action performed or instrument issued under the authority of  
2337 the enactment for any cause whatsoever.

2338 Section 43. Section **11-14-202** is amended to read:

2339 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

2340 (1) ~~[(a)]~~ The governing body shall ensure that~~[-(i)]~~ notice of the election is published;

2341 (a) (i) (A) once per week during three consecutive weeks in a newspaper designated in  
2342 accordance with Section 11-14-316; and

2343 ~~[(ii)]~~ (B) the first publication described in Subsection (1)(a)(i)(A) occurs not less than  
2344 21 nor more than 35 days before the election[-]; and

2345 ~~[(b) Notice shall be published]~~

2346 (C) in a newspaper having general circulation in the local political subdivision[-]; and

2347 (b) in accordance with Section 45-1-101 for three weeks.

2348 (2) When the debt service on the bonds to be issued will increase the property tax  
2349 imposed upon the average value of a residence by an amount that is greater than or equal to \$15  
2350 per year, the governing body shall, at least seven days but not more than 30 days before the  
2351 bond election, if the bond election is not held on the date of a regular primary election, a  
2352 municipal primary election, a regular general election, or a municipal general election, either

2353 mail:

2354 (a) written notice of the bond election on a minimum three inch by five inch postcard  
2355 to every household containing a registered voter who is eligible to vote on the bonds; or

2356 (b) a voter information pamphlet prepared by the governing body, if one is prepared,  
2357 that includes the information required by Subsection (4).

2358 (3) (a) Except as provided in Subsection (3)(b), notice of the bond election need not be  
2359 posted.

2360 (b) (i) In a local political subdivision where there is no newspaper of general  
2361 circulation, the legislative body may require that notice of a bond election be given by posting  
2362 in lieu of the publication requirements of Subsection (1)(a)(i).

2363 (ii) When the governing body imposes a posting requirement, the governing body shall  
2364 ensure that notice of the bond election is posted in at least five public places in the local  
2365 political subdivision at least 21 days before the election.

2366 (4) Any notice required by this section shall include:

2367 (a) the date and place of the election;

2368 (b) the hours during which the polls will be open; and

2369 (c) the title and text of the ballot proposition.

2370 (5) The governing body shall pay the costs associated with the notice required by this  
2371 section.

2372 Section 44. Section **11-14-315** is amended to read:

2373 **11-14-315. Nature and validity of bonds issued -- Applicability of other statutory**  
2374 **provisions -- Budget provision required -- Applicable procedures for issuance.**

2375 Bonds issued under this chapter shall have all the qualities of negotiable paper, shall be  
2376 incontestable in the hands of bona fide purchasers or holders for value and shall not be invalid  
2377 for any irregularity or defect in the proceedings for their issuance and sale. This chapter is  
2378 intended to afford an alternative method for the issuance of bonds by local political  
2379 subdivisions and shall not be so construed as to deprive any local political subdivision of the  
2380 right to issue its bonds under authority of any other statute, but nevertheless this chapter shall  
2381 constitute full authority for the issue and sale of bonds by local political subdivisions. The  
2382 provisions of Section 11-1-1, Utah Code Annotated 1953, shall not be applicable to bonds  
2383 issued under this chapter. Any local political subdivision subject to the provisions of any

2384 budget law shall in its annual budget make proper provision for the payment of principal and  
2385 interest currently falling due on bonds issued hereunder, but no provision need be made in any  
2386 such budget prior to the issuance of the bonds for the issuance thereof or for the expenditure of  
2387 the proceeds thereof. No ordinance, resolution or proceeding in respect to the issuance of  
2388 bonds hereunder shall be necessary except as herein specifically required, nor shall the  
2389 publication of any resolution, proceeding or notice relating to the issuance of the bonds be  
2390 necessary except as herein required. Any publication made hereunder may be made in any  
2391 newspaper conforming to the terms hereof in which legal notices may be published under the  
2392 laws of Utah, without regard to the designation thereof as the official journal or newspaper of  
2393 the local political subdivision[-], and as required in Section 45-1-101. No resolution adopted  
2394 or proceeding taken hereunder shall be subject to referendum petition or to an election other  
2395 than as herein required. All proceedings adopted hereunder may be adopted on a single reading  
2396 at any legally convened meeting of the governing body.

2397 Section 45. Section **11-14-316** is amended to read:

2398 **11-14-316. Publication of notice, resolution, or other proceeding -- Contest.**

2399 (1) The governing body of any local political subdivision may provide for the  
2400 publication of any resolution or other proceeding adopted under this chapter:

2401 (a) in a newspaper having general circulation in the local political subdivision[-]; and

2402 (b) as required in Section 45-1-101.

2403 (2) When publication involves a resolution or other proceeding providing for the  
2404 issuance of bonds, the governing body may, in lieu of publishing the entire resolution or other  
2405 proceeding, publish a notice of bonds to be issued, titled as such, containing:

2406 (a) the name of the issuer;

2407 (b) the purpose of the issue;

2408 (c) the type of bonds and the maximum principal amount which may be issued;

2409 (d) the maximum number of years over which the bonds may mature;

2410 (e) the maximum interest rate which the bonds may bear, if any;

2411 (f) the maximum discount from par, expressed as a percentage of principal amount, at  
2412 which the bonds may be sold; and

2413 (g) the times and place where a copy of the resolution or other proceeding may be  
2414 examined, which shall be:

- 2415 (i) at an office of the issuer;
- 2416 (ii) identified in the notice;
- 2417 (iii) during regular business hours of the issuer as described in the notice; and
- 2418 (iv) for a period of at least 30 days after the publication of the notice.
- 2419 (3) For a period of 30 days after the publication, any person in interest may contest:
- 2420 (a) the legality of such resolution or proceeding;
- 2421 (b) any bonds which may be authorized by such resolution or proceeding; or
- 2422 (c) any provisions made for the security and payment of the bonds.
- 2423 (4) A person shall contest the matters set forth in Subsection (3) by filing a verified
- 2424 written complaint in the district court of the county in which he resides within the 30-day
- 2425 period.
- 2426 (5) After the 30-day period, no person may contest the regularity, formality, or legality
- 2427 of the resolution or proceeding for any reason.
- 2428 Section 46. Section **11-14-318** is amended to read:
- 2429 **11-14-318. Public hearing required.**
- 2430 (1) Before issuing bonds authorized under this chapter, a local political subdivision
- 2431 shall:
- 2432 (a) in accordance with Subsection (2), provide public notice of the local political
- 2433 subdivision's intent to issue bonds; and
- 2434 (b) hold a public hearing:
- 2435 (i) if an election is required under this chapter:
- 2436 (A) no sooner than 30 days before the day on which the notice of election is published
- 2437 under Section 11-14-202; and
- 2438 (B) no later than five business days before the day on which the notice of election is
- 2439 published under Section 11-14-202; and
- 2440 (ii) to receive input from the public with respect to:
- 2441 (A) the issuance of the bonds; and
- 2442 (B) the potential economic impact that the improvement, facility, or property for which
- 2443 the bonds pay all or part of the cost will have on the private sector.
- 2444 (2) A local political subdivision shall:
- 2445 (a) publish the notice required by Subsection (1)(a):

- 2446 (i) (A) once each week for two consecutive weeks in the official newspaper described  
2447 in Section 11-14-316; and  
2448 ~~[(ii)]~~ (B) with the first publication being not less than 14 days before the public hearing  
2449 required by Subsection (1)(b); and  
2450 ~~[(iii) on the Utah Public Notice Website created under Section 63F-1-701]~~  
2451 (ii) in accordance with Section 45-1-101, no less than 14 days before the public hearing  
2452 required by Subsection (1)(b); and  
2453 (b) ensure that the notice:  
2454 (i) identifies:  
2455 (A) the purpose for the issuance of the bonds;  
2456 (B) the maximum principal amount of the bonds to be issued;  
2457 (C) the taxes, if any, proposed to be pledged for repayment of the bonds; and  
2458 (D) the time, place, and location of the public hearing; and  
2459 (ii) informs the public that the public hearing will be held for the purposes described in  
2460 Subsection (1)(b)(ii).  
2461 Section 47. Section **11-14a-1** is amended to read:  
2462 **11-14a-1. Notice of debt issuance.**  
2463 (1) For purposes of this chapter:  
2464 (a) (i) "Debt" includes bonds, lease purchase agreements, certificates of participation,  
2465 and contracts with municipal building authorities.  
2466 (ii) "Debt" does not include tax and revenue anticipation notes or refunding bonds.  
2467 (b) (i) "Local government entity" means a county, city, town, school district, local  
2468 district, or special service district.  
2469 (ii) "Local government entity" does not mean an entity created by an interlocal  
2470 agreement under Title 11, Chapter 13, Interlocal Cooperation Act that has assets over  
2471 \$10,000,000.  
2472 (c) "New debt resolution" means a resolution authorizing the issuance of debt wholly  
2473 or partially to fund a rejected project.  
2474 (d) "Rejected Project" means a project for which a local government entity sought  
2475 voter approval for general obligation bond financing and failed to receive that approval.  
2476 (2) Unless a local government entity complies with the requirements of this section, it



2477 may not adopt a new debt resolution.

2478 (3) (a) Before adopting a new debt resolution, a local government entity shall:

2479 (i) advertise its intent to issue debt in a newspaper of general circulation~~[-or]~~;

2480 (A) (I) at least once each week for the two weeks before the meeting at which the

2481 resolution will be considered; and

2482 (II) on no less than 1/4 page or a 5 x7 inch advertisement with type size no smaller than

2483 18 point and surrounded by a 1/4 inch border; and

2484 (B) in accordance with Section 45-1-101, for the two weeks before the meeting at

2485 which the resolution will be considered; or

2486 (ii) include notice of its intent to issue debt in a bill or other mailing sent to at least

2487 95% of the residents of the local government entity.

2488 ~~[(b) (i) The local government entity shall ensure that the advertisement is published at~~

2489 ~~least once each week for the two weeks before the meeting at which the resolution will be~~

2490 ~~considered on no less than a 1/4 page or a 5 x 7 inch advertisement with type size no smaller~~

2491 ~~than 18 point and surrounded by a 1/4 inch border.]~~

2492 ~~[(ii)]~~ (b) The local government entity shall ensure that the notice:

2493 ~~[(A)]~~ (i) except for website publication, is at least as large as the bill or other mailing

2494 that it accompanies;

2495 ~~[(B)]~~ (ii) is entitled, in type size no smaller than 24 point, "Intent to Issue Debt"; and

2496 ~~[(C)]~~ (iii) contains the information required by Subsection (3)(c).

2497 (c) The local government entity shall ensure that the advertisement or notice described

2498 in Subsection (3)(a):

2499 (i) identifies the local government entity;

2500 (ii) states that the entity will meet on a day, time, and place identified in the

2501 advertisement or notice to hear public comments regarding a resolution authorizing the

2502 issuance of debt by the entity and to explain to the public the reasons for the issuance of debt;

2503 (iii) contains:

2504 (A) the name of the entity that will issue the debt;

2505 (B) the purpose of the debt; and

2506 (C) that type of debt and the maximum principal amount that may be issued;

2507 (iv) invites all concerned citizens to attend the public hearing; and

2508 (v) states that some or all of the proposed debt would fund a project whose general  
2509 obligation bond financing was rejected by the voters.

2510 (4) (a) The resolution considered at the hearing shall identify:

2511 (i) the type of debt proposed to be issued;

2512 (ii) the maximum principal amount that might be issued;

2513 (iii) the interest rate;

2514 (iv) the term of the debt; and

2515 (v) how the debt will be repaid.

2516 (b) (i) Except as provided in Subsection (4)(b)(ii), the resolution considered at the  
2517 hearing need not be in final form and need not be adopted or rejected at the meeting at which  
2518 the public hearing is held.

2519 (ii) The local government entity may not, in the final resolution, increase the maximum  
2520 principal amount of debt contained in the notice and discussed at the hearing.

2521 (c) The local government entity may adopt, amend and adopt, or reject the resolution at  
2522 a later meeting without recomplying with the published notice requirements of this section.

2523 Section 48. Section 11-17-16 is amended to read:

2524 **11-17-16. Publication of resolutions and notice of bonds to be issued.**

2525 (1) (a) The governing body may provide for the publication of any resolution or other  
2526 proceeding adopted by it under this chapter, including all resolutions providing for the sale or  
2527 lease of any land by the municipality, county, or state university in connection with the  
2528 establishment, acquisition, development, maintenance, and operation of an industrial park.

2529 (b) (i) The publication shall be:

2530 (A) in a newspaper qualified to carry legal notices having general circulation in the  
2531 municipality or county~~[- and];~~ or

2532 (B) in the case of a state university, in a newspaper of general circulation in the county  
2533 within which the principal administrative office of the state university is located~~[-];~~ and

2534 (ii) as required in Section 45-1-101.

2535 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the  
2536 governing body may, in lieu of publishing the entire resolution or other proceeding, publish a  
2537 notice of bonds to be issued, titled as such, containing:

2538 (a) the name of the issuer;

2539 (b) the purpose of the issue;  
2540 (c) the name of the users, if known; and  
2541 (d) the times and place where a copy of the resolution or other proceeding may be  
2542 examined, which shall be at an office of the issuer, identified in the notice, during regular  
2543 business hours of the issuer as described in the notice and for a period of at least 30 days after  
2544 the publication of the notice.

2545 (3) For a period of 30 days after publication any person in interest may contest the  
2546 legality of the resolution, proceeding, any bonds which may be authorized under them, or any  
2547 provisions made for the security and payment of the bonds. After expiration of the 30-day  
2548 period no person may contest the regularity, formality, or legality of the resolution,  
2549 proceedings, bonds, or security provisions for any cause.

2550 Section 49. Section **11-27-4** is amended to read:

2551 **11-27-4. Publication of resolution -- Notice of bond issue -- Contest of resolution**  
2552 **or proceeding.**

2553 (1) The governing body of any public body may provide for the publication of any  
2554 resolution or other proceeding adopted by it under this chapter:

2555 (a) in a newspaper having general circulation in the public body~~[-];~~ and

2556 (b) as required in Section 45-1-101.

2557 (2) In case of a resolution or other proceeding providing for the issuance of refunding  
2558 bonds (or for a combined issue of refunding bonds and bonds issued for any other purpose), the  
2559 governing body may, instead of publishing the entire resolution or other proceeding, publish a  
2560 notice of bonds to be issued, entitled accordingly, and containing:

2561 (a) the name of the issuer~~[-];~~

2562 (b) the purposes of the issue~~[-];~~

2563 (c) the maximum principal amount which may be issued~~[-];~~

2564 (d) the maximum number of years over which the bonds may mature~~[-];~~

2565 (e) the maximum interest rate which the bonds may bear~~[-];~~

2566 (f) the maximum discount from par, expressed as a percentage of principal amount, at  
2567 which the bonds may be sold, and any deposit to be required in connection with the sale~~[-];~~ and

2568 (g) the times and place where a copy of the resolution or other proceeding authorizing  
2569 the issuance of the bonds may be examined, which shall be at an office of the governing body

2570 identified in the notice, during regular business hours of the governing body as described in the  
2571 notice and for a period of at least 30 days after the publication of the notice.

2572 (3) For a period of 30 days after the publication, any person in interest shall have the  
2573 right to contest the legality of the resolution or proceeding or any bonds which may be so  
2574 authorized or any provisions made for the security and payment of these bonds; and after this  
2575 time no person shall have any cause of action to contest the regularity, formality, or legality  
2576 thereof for any cause.

2577 Section 50. Section 11-27-5 is amended to read:

2578 **11-27-5. Negotiability of bonds -- Intent and construction of chapter -- Budget for**  
2579 **payment of bonds -- Proceedings limited to those required by chapter -- No election**  
2580 **required -- Application of chapter.**

2581 (1) Refunding bonds shall have all the qualities of negotiable paper, shall be  
2582 incontestable in the hands of bona fide purchasers or holders for value, and shall not be invalid  
2583 for any irregularity or defect in the proceedings for their issuance and sale. This chapter is  
2584 intended to afford an alternative method for the issuance of refunding bonds by public bodies  
2585 and shall not be so construed as to deprive any public body of the right to issue bonds for  
2586 refunding purposes under authority of any other statute, but this chapter, nevertheless, shall  
2587 constitute full authority for the issue and sale of refunding bonds by public bodies. Section  
2588 11-1-1 [~~and Title 66, Chapter 2~~], however, shall not be applicable to refunding bonds.

2589 (2) Any public body subject to any budget law shall in its annual budget make proper  
2590 provision for the payment of principal and interest currently falling due on refunding bonds,  
2591 but no provision need be made in the budget prior to the issuance of the refunding bonds for  
2592 their issuance or for the expenditure of the proceeds from them.

2593 (3) (a) No ordinance, resolution, or proceeding concerning the issuance of refunding  
2594 bonds nor the publication of any resolution, proceeding, or notice relating to the issuance of the  
2595 refunding bonds shall be necessary except as specifically required by this chapter. [~~Any~~]

2596 (b) A publication made under this chapter may be made;

2597 (i) in any newspaper in which legal notices may be published under the laws of Utah,  
2598 without regard to its designation as the official journal or newspaper of the public body[-]; and

2599 (ii) as required in Section 45-1-101.

2600 (4) No resolution adopted or proceeding taken under this chapter shall be subject to any

2601 referendum petition or to an election other than as required by this chapter. All proceedings  
2602 adopted under this chapter may be adopted on a single reading at any legally-convened meeting  
2603 of the governing body. This chapter shall apply to all bonds issued and outstanding at the time  
2604 this chapter takes effect as well as to bonds issued after this chapter takes effect.

2605 Section 51. Section **11-30-5** is amended to read:

2606 **11-30-5. Publication of order for hearing.**

2607 (1) Prior to the date set for hearing, the clerk of the court shall cause the order to be  
2608 published:

2609 (a) once each week for three consecutive weeks:

2610 (i) in a newspaper published or of general circulation within the boundaries of the  
2611 public body; or[;]

2612 (ii) if the public body has no defined boundaries or there is no newspaper published or  
2613 of general circulation within the defined boundaries, a newspaper reasonably calculated to  
2614 notify all parties, which has been approved by the court[;]; and

2615 (b) in accordance with Section 45-1-101 for three weeks.

2616 (2) If a refunding bond is being validated, all holders of the bonds to be refunded may  
2617 be made defendants to the action, in which case notice may be made, and if so made shall be  
2618 considered sufficient, by mailing a copy of the order to each holder's last-known address.

2619 (3) By publication of the order, all defendants shall have been duly served and shall be  
2620 parties to the proceedings.

2621 Section 52. Section **11-32-10** is amended to read:

2622 **11-32-10. Application to other laws and proceedings.**

2623 (1) This chapter is supplemental to all existing laws relating to the collection of  
2624 delinquent taxes by participant members.

2625 (2) (a) No ordinance, resolution, or proceeding in respect to any transaction authorized  
2626 by this chapter is necessary except as specifically required in this chapter nor is the publication  
2627 of any resolution, proceeding, or notice relating to any transaction authorized by this chapter  
2628 necessary except as required by this chapter. [~~Any~~]

2629 (b) A publication made under this chapter may be made:

2630 (i) in [~~any~~] a newspaper conforming to the terms of this chapter and in which legal  
2631 notices may be published under the laws of Utah, without regard to the designation of it as the

2632 official journal or newspaper of the public body[-]; and

2633 (ii) as required in Section 45-1-101.

2634 (c) No resolution adopted or proceeding taken under this chapter may be subject to  
2635 referendum petition or to an election other than as permitted in this chapter.

2636 (d) All proceedings adopted under this chapter may be adopted on a single reading at  
2637 any legally convened meeting of the governing body or bodies or the board of trustees of the  
2638 authority as appropriate.

2639 (3) Any formal action or proceeding taken by the governing body of a county or other  
2640 public body or the board of trustees of an authority under the authority of this chapter may be  
2641 taken by resolution of the governing body or the board of trustees as appropriate.

2642 (4) This chapter shall apply to all authorities created, assignment agreements executed,  
2643 and bonds issued after this chapter takes effect.

2644 (5) All proceedings taken before the effective date of this chapter by a county or other  
2645 public body in connection with the creation and operation of a financing authority are  
2646 validated, ratified, approved, and confirmed.

2647 Section 53. Section **11-32-11** is amended to read:

2648 **11-32-11. Publication of resolutions -- Notice -- Content.**

2649 (1) The governing body of any county, or the board of trustees of any financing  
2650 authority, may provide for the publication of any resolution or other proceeding adopted by it  
2651 under this chapter:

2652 (a) in a newspaper having general circulation in the county[-]; and

2653 (b) as required in Section 45-1-101.

2654 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the  
2655 board of trustees of a financing authority may, in lieu of publishing the entire resolution or  
2656 other proceeding, publish a notice of bonds to be issued, titled as such, containing:

2657 (a) the name of the financing authority and the participant members;

2658 (b) the purposes of the issue;

2659 (c) the maximum principal amount which may be issued;

2660 (d) the maximum number of years over which the bonds may mature;

2661 (e) the maximum interest rate which the bonds may bear;

2662 (f) the maximum discount from par, expressed as a percentage of principal amount, at

2663 which the bonds may be sold; and

2664 (g) the time and place where a copy of the resolution or other proceedings authorizing  
2665 the issuance of the bonds may be examined, which shall be at an office of the financing  
2666 authority, identified in the notice, during regular business hours of the financing authority as  
2667 described in the notice and for a period of at least 30 days after the publication of the notice.

2668 (3) For a period of 30 days after the publication, any person in interest may contest the  
2669 legality of the resolution or proceeding or any bonds or assignment agreements which may be  
2670 authorized by them or any provisions made for the security and payment of the bonds or for the  
2671 security and payment of the assignment agreement. After such time no person has any cause of  
2672 action to contest the regularity, formality, or legality of same for any cause.

2673 Section 54. Section **11-39-103** is amended to read:

2674 **11-39-103. Requirements for undertaking a building improvement or public**  
2675 **works project -- Request for bids -- Authority to reject bids.**

2676 (1) If the estimated cost of the building improvement or public works project exceeds  
2677 the bid limit, the local entity shall, if it determines to proceed with the building improvement or  
2678 public works project:

2679 (a) (i) request bids for completion of the building improvement or public works project  
2680 by:

2681 ~~(i)~~ (A) publishing notice at least twice in a newspaper published or of general  
2682 circulation in the local entity at least five days before opening the bids; or

2683 ~~(i)~~ (B) if there is no newspaper published or of general circulation in the local entity  
2684 as described in Subsection (1)(a)(i)(A), posting notice at least five days before opening the bids  
2685 in at least five public places in the local entity and leaving the notice posted for at least three  
2686 days; and

2687 (ii) publishing notice in accordance with Section 45-1-101, at least five days before  
2688 opening the bids; and

2689 (b) except as provided in Subsection (3), enter into a contract for the completion of the  
2690 building improvement or public works project with:

2691 (i) the lowest responsive responsible bidder; or

2692 (ii) for a design-build project that the local entity began formulating before March 1,  
2693 2004 and with respect to which a contract is entered into before September 1, 2004, a

2694 responsible bidder that:

2695 (A) offers design-build services; and

2696 (B) satisfies the local entity's criteria relating to financial strength, past performance,  
2697 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder  
2698 to perform fully and in good faith the contract requirements for a design-build project.

2699 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject  
2700 any or all bids submitted.

2701 (b) (i) The cost of a building improvement or public works project may not be divided  
2702 to avoid:

2703 (A) exceeding the bid limit; and

2704 (B) subjecting the local entity to the requirements of this section.

2705 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a  
2706 building improvement or public works project that would, without dividing, exceed the bid  
2707 limit if the local entity complies with the requirements of this section with respect to each part  
2708 of the building improvement or public works project that results from dividing the cost.

2709 (3) (a) The local entity may reject any or all bids submitted.

2710 (b) If the local entity rejects all bids submitted but still intends to undertake the  
2711 building improvement or public works project, the local entity shall again request bids by  
2712 following the procedure provided in Subsection (1)(a).

2713 (c) If, after twice requesting bids by following the procedure provided in Subsection  
2714 (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing  
2715 body may undertake the building improvement or public works project as it considers  
2716 appropriate.

2717 Section 55. Section **11-42-202** is amended to read:

2718 **11-42-202. Requirements applicable to a notice of a proposed assessment area**  
2719 **designation.**

2720 (1) Each notice required under Subsection 11-42-201(2)(a) shall:

2721 (a) state that the local entity proposes to:

2722 (i) designate one or more areas within the local entity's jurisdictional boundaries as an  
2723 assessment area;

2724 (ii) provide an improvement to property within the proposed assessment area; and



- 2725 (iii) finance some or all of the cost of improvements by an assessment on benefitted  
2726 property within the assessment area;
- 2727 (b) describe the proposed assessment area by any reasonable method that allows an  
2728 owner of property in the proposed assessment area to determine that the owner's property is  
2729 within the proposed assessment area;
- 2730 (c) describe, in a general way, the improvements to be provided to the assessment area,  
2731 including:
- 2732 (i) the general nature of the improvements; and
- 2733 (ii) the general location of the improvements, by reference to streets or portions or  
2734 extensions of streets or by any other means that the governing body chooses that reasonably  
2735 describes the general location of the improvements;
- 2736 (d) a statement of the estimated cost of the improvements as determined by a project  
2737 engineer;
- 2738 (e) a statement that the local entity proposes to levy an assessment on benefitted  
2739 property within the assessment area to pay some or all of the cost of the improvements  
2740 according to the estimated direct and indirect benefits to the property from the improvements;
- 2741 (f) a statement of the assessment method by which the assessment is proposed to be  
2742 levied;
- 2743 (g) a statement of the time within which and the location at which protests against  
2744 designation of the proposed assessment area or of the proposed improvements are required to  
2745 be filed and the method by which the number of protests required to defeat the designation of  
2746 the proposed assessment area or acquisition or construction of the proposed improvements are  
2747 to be determined;
- 2748 (h) state the date, time, and place of the public hearing under Section 11-42-204;
- 2749 (i) if the governing body elects to create and fund a reserve fund under Section  
2750 11-42-702, a description of how the reserve fund will be funded and replenished and how  
2751 remaining money in the reserve fund is to be disbursed upon full payment of the bonds;
- 2752 (j) if the governing body intends to designate a voluntary assessment area, a property  
2753 owner consent form that:
- 2754 (i) estimates the total assessment to be levied against the particular parcel of property;
- 2755 (ii) describes any additional benefits that the governing body expects the assessed

2756 property to receive from the improvements; and  
2757 (iii) designates the date and time by which the fully executed consent form is required  
2758 to be submitted to the governing body;  
2759 (k) if the local entity intends to levy an assessment to pay operation and maintenance  
2760 costs or for economic promotion activities:  
2761 (i) a description of the operation and maintenance costs or economic promotion  
2762 activities to be paid by assessments and the initial estimated annual assessment to be levied;  
2763 (ii) a description of how the estimated assessment will be determined;  
2764 (iii) a description of how and when the governing body will adjust the assessment to  
2765 reflect current operation and maintenance costs or the costs of current economic promotion  
2766 activities;  
2767 (iv) a description of the method of assessment if different from the method of  
2768 assessment to be used for financing any improvement; and  
2769 (v) a statement of the maximum number of years over which the assessment for  
2770 operation and maintenance or economic promotion activities will be levied; and  
2771 (l) if the governing body intends to divide the proposed assessment area into zones  
2772 under Subsection 11-42-201(1)(b), a description of the proposed zones.  
2773 (2) A notice required under Subsection 11-42-201(2)(a) may contain other information  
2774 that the governing body considers to be appropriate, including:  
2775 (a) the amount or proportion of the cost of the improvement to be paid by the local  
2776 entity or from sources other than an assessment;  
2777 (b) the estimated amount of each type of assessment for the various improvements to  
2778 be financed according to the method of assessment that the governing body chooses; and  
2779 (c) provisions for any optional improvements.  
2780 (3) Each notice required under Subsection 11-42-201(2)(a) shall:  
2781 (a) (i) (A) be published in a newspaper of general circulation within the local entity's  
2782 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at  
2783 least five but not more than 20 days before the deadline under Section 11-42-203 for filing  
2784 protests; or  
2785 [~~(ii)~~] (B) if there is no newspaper of general circulation within the local entity's  
2786 jurisdictional boundaries, be posted in at least three public places within the local entity's

2787 jurisdictional boundaries at least 20 but not more than 35 days before the deadline under  
2788 Section 11-42-203 for filing protests; and

2789 (ii) be published in accordance with Section 45-1-101 for four weeks before the  
2790 deadline under Section 11-42-203 for filing protests; and

2791 (b) be mailed, postage prepaid, within ten days after the first publication or posting of  
2792 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed  
2793 assessment area at the property owner's mailing address.

2794 Section 56. Section **11-42-301** is amended to read:

2795 **11-42-301. Improvements made only under contract let to lowest responsive,**  
2796 **responsible bidder -- Publishing notice -- Sealed bids -- Procedure -- Exceptions to**  
2797 **contract requirement.**

2798 (1) Except as otherwise provided in this section, a local entity may make improvements  
2799 in an assessment area only under contract let to the lowest responsive, responsible bidder for  
2800 the kind of service, material, or form of construction that the local entity's governing body  
2801 determines in compliance with any applicable local entity ordinances.

2802 (2) A local entity may:

2803 (a) divide improvements into parts;

2804 (b) (i) let separate contracts for each part; or

2805 (ii) combine multiple parts into the same contract; and

2806 (c) let a contract on a unit basis.

2807 (3) (a) A local entity may not let a contract until after publishing notice as provided in  
2808 Subsection (3)(b):

2809 (i) at least one time in a newspaper of general circulation within the boundaries of the  
2810 local entity at least 15 days before the date specified for receipt of bids[-]; and

2811 (ii) in accordance with Section 45-1-101, at least 15 days before the date specified for  
2812 receipt of bids.

2813 (b) Each notice under Subsection (3)(a) shall notify contractors that the local entity will  
2814 receive sealed bids at a specified time and place for the construction of the improvements.

2815 (c) Notwithstanding a local entity's failure, through inadvertence or oversight, to  
2816 publish the notice or to publish the notice within 15 days before the date specified for receipt of  
2817 bids, the governing body may proceed to let a contract for the improvements if the local entity

2818 receives at least three sealed and bona fide bids from contractors by the time specified for the  
2819 receipt of bids.

2820 (d) A local entity may publish a notice required under this Subsection (3) at the same  
2821 time as a notice under Section 11-42-202.

2822 (4) (a) A local entity may accept as a sealed bid a bid that is:

2823 (i) manually sealed and submitted; or

2824 (ii) electronically sealed and submitted.

2825 (b) The governing body or project engineer shall, at the time specified in the notice  
2826 under Subsection (3), open and examine the bids.

2827 (c) In open session, the governing body:

2828 (i) shall declare the bids; and

2829 (ii) may reject any or all bids if the governing body considers the rejection to be for the  
2830 public good.

2831 (d) The local entity may award the contract to the lowest responsive, responsible bidder  
2832 even if the price bid by that bidder exceeds the estimated costs as determined by the project  
2833 engineer.

2834 (e) A local entity may in any case:

2835 (i) refuse to award a contract;

2836 (ii) obtain new bids after giving a new notice under Subsection (3);

2837 (iii) determine to abandon the assessment area; or

2838 (iv) not make some of the improvements proposed to be made.

2839 (5) A local entity is not required to let a contract as provided in this section for:

2840 (a) an improvement or part of an improvement the cost of which or the making of  
2841 which is donated or contributed;

2842 (b) an improvement that consists of furnishing utility service or maintaining  
2843 improvements;

2844 (c) labor, materials, or equipment supplied by the local entity;

2845 (d) the local entity's acquisition of completed or partially completed improvements in  
2846 an assessment area;

2847 (e) design, engineering, and inspection costs incurred with respect to the construction  
2848 of improvements in an assessment area; or

2849 (f) additional work performed in accordance with the terms of a contract duly let to the  
2850 lowest responsible bidder.

2851 (6) A local entity may itself furnish utility service and maintain improvements within  
2852 an assessment area.

2853 (7) (a) A local entity may acquire completed or partially completed improvements in an  
2854 assessment area, but may not pay an amount for those improvements that exceeds their fair  
2855 market value.

2856 (b) Upon the local entity's payment for completed or partially completed  
2857 improvements, title to the improvements shall be conveyed to the local entity or another public  
2858 agency.

2859 (8) The provisions of Title 11, Chapter 39, Building Improvements and Public Works  
2860 Projects, and Section 72-6-108 do not apply to improvements to be constructed in an  
2861 assessment area.

2862 Section 57. Section **11-42-402** is amended to read:

2863 **11-42-402. Notice of assessment and board of equalization hearing.**

2864 Each notice required under Subsection 11-42-401(2)(a)(iii) shall:

2865 (1) state:

2866 (a) that an assessment list is completed and available for examination at the offices of  
2867 the local entity;

2868 (b) the total estimated or actual cost of the improvements;

2869 (c) the amount of the total estimated or actual cost of the proposed improvements to be  
2870 paid by the local entity;

2871 (d) the amount of the assessment to be levied against benefitted property within the  
2872 assessment area;

2873 (e) the assessment method used to calculate the proposed assessment;

2874 (f) the unit cost used to calculate the assessments shown on the assessment list, based  
2875 on the assessment method used to calculate the proposed assessment; and

2876 (g) the dates, times, and place of the board of equalization hearings under Subsection  
2877 11-42-401(2)(b);

2878 (2) beginning at least 20 but not more than 35 days before the first hearing of the board  
2879 of equalization:

2880 (a) (i) be published at least once in a newspaper of general circulation within the local  
2881 entity's jurisdictional boundaries; or

2882 [~~(b)~~] (ii) if there is no newspaper of general circulation within the local entity's  
2883 jurisdictional boundaries, be posted in at least three public places within the local entity's  
2884 jurisdictional boundaries; and

2885 (b) be published in accordance with Section 45-1-101 for 35 days before the first  
2886 hearing of the board of equalization; and

2887 (3) be mailed, postage prepaid, within ten days after the first publication or posting of  
2888 the notice under Subsection (2) to each owner of property to be assessed within the proposed  
2889 assessment area at the property owner's mailing address.

2890 Section 58. Section **11-42-404** is amended to read:

2891 **11-42-404. Adoption of a resolution or ordinance levying an assessment -- Notice**  
2892 **of the adoption -- Effective date of resolution or ordinance -- Notice of assessment**  
2893 **interest.**

2894 (1) (a) After receiving a final report from a board of equalization under Subsection  
2895 11-42-403(5) or, if applicable, after the time for filing an appeal under Subsection  
2896 11-42-403(6) has passed, the governing body may adopt a resolution or ordinance levying an  
2897 assessment against benefitted property within the assessment area.

2898 (b) Each local entity that levies an assessment under this chapter shall levy the  
2899 assessment at one time only, unless the assessment is to pay operation and maintenance costs  
2900 or the costs of economic promotion activities.

2901 (c) An assessment resolution or ordinance adopted under Subsection (1)(a):

2902 (i) need not describe each tract, block, lot, part of block or lot, or parcel of property to  
2903 be assessed;

2904 (ii) need not include the legal description or tax identification number of the parcels of  
2905 property assessed in the assessment area; and

2906 (iii) is adequate for purposes of identifying the property to be assessed within the  
2907 assessment area if the assessment resolution or ordinance incorporates by reference the  
2908 corrected assessment list that describes the property assessed by legal description and tax  
2909 identification number.

2910 (2) (a) Each local entity that adopts an assessment resolution or ordinance shall give

2911 notice of the adoption by:

2912 (i) (A) publishing a copy of the resolution or ordinance once in a newspaper of general  
2913 circulation within the local entity's jurisdictional boundaries; or

2914 ~~[(ii)]~~ (B) if there is no newspaper of general circulation with the local entity's  
2915 jurisdictional boundaries as described in Subsection (2)(a)(i)(A), posting a copy of the  
2916 resolution or ordinance in at least three public places within the local entity's jurisdictional  
2917 boundaries for at least 21 days~~[-];~~ and

2918 (ii) publishing, in accordance with Section 45-1-101, a copy of the resolution or  
2919 ordinance for at least 21 days.

2920 (b) No other publication or posting of the resolution or ordinance is required.

2921 (3) Notwithstanding any other statutory provision regarding the effective date of a  
2922 resolution or ordinance, each assessment resolution or ordinance takes effect:

2923 (a) on the date of publication or posting of the notice under Subsection (2); or

2924 (b) at a later date provided in the resolution or ordinance.

2925 (4) (a) The governing body of each local entity that has adopted an assessment  
2926 resolution or ordinance under Subsection (1) shall, within five days after the 25-day  
2927 prepayment period under Subsection 11-42-411(6) has passed, file a notice of assessment  
2928 interest with the recorder of the county in which the assessed property is located.

2929 (b) Each notice of assessment interest under Subsection (4)(a) shall:

2930 (i) state that the local entity has an assessment interest in the assessed property;

2931 (ii) if the assessment is to pay operation and maintenance costs or for economic  
2932 promotion activities, state the maximum number of years over which an assessment will be  
2933 payable; and

2934 (iii) describe the property assessed by legal description and tax identification number.

2935 (c) A local entity's failure to file a notice of assessment interest under this Subsection  
2936 (4) has no affect on the validity of an assessment levied under an assessment resolution or  
2937 ordinance adopted under Subsection (1).

2938 Section 59. Section **11-42-604** is amended to read:

2939 **11-42-604. Notice regarding resolution or ordinance authorizing interim**  
2940 **warrants or bond anticipation notes -- Complaint contesting warrants or notes --**  
2941 **Prohibition against contesting warrants and notes.**

2942 (1) A local entity may publish notice, as provided in Subsection (2), of a resolution or  
2943 ordinance that the governing body has adopted authorizing the issuance of interim warrants or  
2944 bond anticipation notes.

2945 (2) (a) If a local entity chooses to publish notice under Subsection (1)(a), the notice  
2946 shall:

2947 (i) be published;

2948 (A) in a newspaper of general circulation within the local entity; and

2949 (B) as required in Section 45-1-101; and

2950 (ii) contain:

2951 (A) the name of the issuer of the interim warrants or bond anticipation notes;

2952 (B) the purpose of the issue;

2953 (C) the maximum principal amount that may be issued;

2954 (D) the maximum length of time over which the interim warrants or bond anticipation  
2955 notes may mature;

2956 (E) the maximum interest rate, if there is a maximum rate; and

2957 (F) the times and place where a copy of the resolution or ordinance may be examined,  
2958 as required under Subsection (2)(b).

2959 (b) The local entity shall allow examination of the resolution or ordinance authorizing  
2960 the issuance of the interim warrants or bond anticipation notes at its office during regular  
2961 business hours.

2962 (3) Any person may, within 30 days after publication of a notice under Subsection (1),  
2963 file a verified, written complaint in the district court of the county in which the person resides,  
2964 contesting the regularity, formality, or legality of the interim warrants or bond anticipation  
2965 notes issued by the local entity or the proceedings relating to the issuance of the interim  
2966 warrants or bond anticipation notes.

2967 (4) After the 30-day period under Subsection (3), no person may contest the regularity,  
2968 formality, or legality of the interim warrants or bond anticipation notes issued by a local entity  
2969 under the resolution or ordinance that was the subject of the notice under Subsection (1), or the  
2970 proceedings relating to the issuance of the interim warrants or bond anticipation notes.

2971 Section 60. Section **13-31-302** is amended to read:

2972 **13-31-302. Sale of molds for payment of lien.**



2973 (1) (a) Prior to selling a mold, the molder shall send written notice by registered mail to  
2974 the last-known address of the customer.

2975 (b) The notice required by Subsection (1)(a) shall include:

2976 (i) the molder's intention to sell the mold 30 days from the day the customer received  
2977 the notice;

2978 (ii) the description of the mold to be sold;

2979 (iii) the time and place of the sale; and

2980 (iv) an itemized statement for the amount due the molder from the customer.

2981 (c) A molder shall publish notice of the molder's intention to sell a mold in a  
2982 newspaper of general circulation covering the customer's last-known address[;] and as required  
2983 in Section 45-1-101 if:

2984 (i) the receipt of the mailing of the notice described in Subsection (1)(a) is not  
2985 returned; or

2986 (ii) the postal service returns the notice described in Subsection (1)(a) as being  
2987 nondeliverable.

2988 (d) The notice provided for in Subsection (1)(c) shall include a description of the mold.

2989 (2) A molder may sell a mold 30 days from the later of the day:

2990 (a) the customer received the notice in accordance with Subsection (1)(a); or

2991 (b) the date the molder published the notice under Subsection (1)(c).

2992 (3) If from the sale of a mold under this section the molder receives an amount in  
2993 excess of the amount of the lien, the excess shall be paid as follows:

2994 (a) to any prior lienholder known to the molder at the time of the sale; and

2995 (b) after paying any lienholder under Subsection (3)(a), the remainder:

2996 (i) if the customer's address is known at the time of sale, to the customer; or

2997 (ii) if the customer's address is not known at the time of sale, to the state in accordance  
2998 with Title 67, Chapter 4a, Unclaimed Property Act.

2999 Section 61. Section **13-44-202** is amended to read:

3000 **13-44-202. Personal information -- Disclosure of system security breach.**

3001 (1) (a) A person who owns or licenses computerized data that includes personal  
3002 information concerning a Utah resident shall, when the person becomes aware of a breach of  
3003 system security, conduct in good faith a reasonable and prompt investigation to determine the

3004 likelihood that personal information has been or will be misused for identity theft or fraud  
3005 purposes.

3006 (b) If an investigation under Subsection (1)(a) reveals that the misuse of personal  
3007 information for identity theft or fraud purposes has occurred, or is reasonably likely to occur,  
3008 the person shall provide notification to each affected Utah resident.

3009 (2) A person required to provide notification under Subsection (1) shall provide the  
3010 notification in the most expedient time possible without unreasonable delay:

3011 (a) considering legitimate investigative needs of law enforcement, as provided in  
3012 Subsection (4)(a);

3013 (b) after determining the scope of the breach of system security; and

3014 (c) after restoring the reasonable integrity of the system.

3015 (3) (a) A person who maintains computerized data that includes personal information  
3016 that the person does not own or license shall notify and cooperate with the owner or licensee of  
3017 the information of any breach of system security immediately following the person's discovery  
3018 of the breach if misuse of the personal information occurs or is reasonably likely to occur.

3019 (b) Cooperation under Subsection (3)(a) includes sharing information relevant to the  
3020 breach with the owner or licensee of the information.

3021 (4) (a) Notwithstanding Subsection (2), a person may delay providing notification  
3022 under Subsection (1) at the request of a law enforcement agency that determines that  
3023 notification may impede a criminal investigation.

3024 (b) A person who delays providing notification under Subsection (4)(a) shall provide  
3025 notification in good faith without unreasonable delay in the most expedient time possible after  
3026 the law enforcement agency informs the person that notification will no longer impede the  
3027 criminal investigation.

3028 (5) (a) A notification required by this section may be provided:

3029 (i) in writing by first-class mail to the most recent address the person has for the  
3030 resident;

3031 (ii) electronically, if the person's primary method of communication with the resident is  
3032 by electronic means, or if provided in accordance with the consumer disclosure provisions of  
3033 15 U.S.C. Section 7001;

3034 (iii) by telephone, including through the use of automatic dialing technology not

3035 prohibited by other law; or

3036 (iv) by publishing notice of the breach of system security;

3037 (A) in a newspaper of general circulation[-]; and

3038 (B) as required in Section 45-1-101.

3039 (b) If a person maintains the person's own notification procedures as part of an  
3040 information security policy for the treatment of personal information the person is considered  
3041 to be in compliance with this chapter's notification requirements if the procedures are otherwise  
3042 consistent with this chapter's timing requirements and the person notifies each affected Utah  
3043 resident in accordance with the person's information security policy in the event of a breach.

3044 (c) A person who is regulated by state or federal law and maintains procedures for a  
3045 breach of system security under applicable law established by the primary state or federal  
3046 regulator is considered to be in compliance with this part if the person notifies each affected  
3047 Utah resident in accordance with the other applicable law in the event of a breach.

3048 (6) A waiver of this section is contrary to public policy and is void and unenforceable.

3049 Section 62. Section **16-4-206** is amended to read:

3050 **16-4-206. Service and publication of notice of assessment.**

3051 (1) The notice of assessment required by Section 16-4-205 shall be:

3052 (a) personally served on each shareholder; or

3053 (b) sent by first-class mail to each shareholder at the address shown on the  
3054 corporation's records.

3055 (2) A shareholder is responsible for providing the shareholder's current mailing address  
3056 to the corporation for purposes of Subsection (1).

3057 (3) (a) Except as provided in Subsection (3)(b), a notice of assessment shall be  
3058 published:

3059 (i) once a week for two weeks in a newspaper of general circulation in the location of  
3060 the corporation's principal place of business[-]; and

3061 (ii) in accordance with Section 45-1-101 for two weeks.

3062 (b) A water company may elect not to publish notice under Subsection (3)(a).

3063 Section 63. Section **16-4-303** is amended to read:

3064 **16-4-303. Service and publication of notice of sale.**

3065 (1) The notice of sale required by Section 16-4-302 shall be:

3066 (a) personally served on each shareholder whose share is subject to sale; or  
3067 (b) sent by certified mail, return-receipt requested, to each shareholder whose share is  
3068 subject to sale at the address shown on the corporation's records.

3069 (2) A shareholder is responsible for providing the shareholder's current mailing address  
3070 to the corporation for purposes of Subsection (1).

3071 (3) The notice required by Subsection (1) shall be served or mailed at least 15 days, but  
3072 not more than 30 days before the day on which the sale is to occur.

3073 (4) A notice of sale shall be published:

3074 (a) once a week for two weeks in a newspaper of general circulation in the location of  
3075 the corporation's principal place of business beginning at least 15 days but no more than 45  
3076 days before the day on which the sale is to occur[-]; and

3077 (b) in accordance with Section 45-1-101 for 45 days before the day on which the sale is  
3078 to occur.

3079 Section 64. Section **16-4-312** is amended to read:

3080 **16-4-312. Affidavit and posting of notice -- Evidence.**

3081 (1) An affidavit made by the secretary of a corporation of the mailing of a notice  
3082 required by this chapter is prima facie evidence of the existence and mailing of the notice.

3083 (2) The publication of a notice under this chapter may be proved by the affidavit of:

3084 (a) the printer foreman or principal clerk of the newspaper in which the notice was  
3085 published[-]; and

3086 (b) in accordance with Section 45-1-101, the website publisher or website publisher's  
3087 designee charged with publishing the notice as required in Section 45-1-101.

3088 (3) The affidavit of the secretary of the corporation or the auctioneer responsible for  
3089 selling shares is prima facie evidence of:

3090 (a) the time and place of sale;

3091 (b) the quantity and particular description of the shares sold;

3092 (c) to whom and for what price the shares were sold; and

3093 (d) the fact of the purchase money being paid.

3094 (4) The affidavits referenced in this section shall be filed in the corporation's office.

3095 (5) A copy of an affidavit referenced in this section is prima facie evidence of the facts  
3096 contained in the affidavit if the affidavit is certified by the secretary.

3097 Section 65. Section **16-6a-103** is amended to read:

3098 **16-6a-103. Notice.**

3099 (1) Notice given under this chapter shall be in writing unless oral notice is reasonable  
3100 under the circumstances.

3101 (2) (a) Notice may be communicated:

3102 (i) in person;

3103 (ii) by telephone;

3104 (iii) by any form of electronic communication; or

3105 (iv) by mail or private carrier.

3106 (b) If the forms of personal notice described in Subsection (2)(a) are impracticable,  
3107 notice may be communicated by:

3108 (i) (A) a newspaper of general circulation in the county or similar governmental  
3109 subdivision in which the corporation's principal or registered office is located; ~~[or]~~ and

3110 (B) as required in Section 45-1-101; or

3111 (ii) radio, television, or other form of public broadcast communication in the county or  
3112 similar governmental subdivision in which the corporation's principal or registered office is  
3113 located.

3114 (3) Written notice to a domestic or foreign nonprofit corporation authorized to conduct  
3115 affairs in this state may be addressed to:

3116 (a) its registered agent at its registered office; or

3117 (b) the corporation's secretary at its principal office.

3118 (4) (a) Written notice by a domestic or foreign nonprofit corporation to its members, is  
3119 effective as to each member when mailed, if:

3120 (i) in a comprehensible form; and

3121 (ii) addressed to the member's address shown in the domestic or foreign nonprofit  
3122 corporation's current record of members.

3123 (b) If three successive notices given to a member pursuant to Subsection (5) have been  
3124 returned as undeliverable, further notices to that member are not necessary until another  
3125 address of the member is made known to the nonprofit corporation.

3126 (5) Except as provided in Subsection (4), written notice, if in a comprehensible form, is  
3127 effective at the earliest of the following:

- 3128 (a) when received;
- 3129 (b) five days after it is mailed; or
- 3130 (c) on the date shown on the return receipt if:
- 3131 (i) sent by registered or certified mail;
- 3132 (ii) sent return receipt requested; and
- 3133 (iii) the receipt is signed by or on behalf of the addressee.
- 3134 (6) Oral notice is effective when communicated if communicated in a comprehensible
- 3135 manner.
- 3136 (7) Notice by publication is effective on the date of first publication.
- 3137 (8) A written notice or report delivered as part of a newsletter, magazine, or other
- 3138 publication regularly sent to members shall constitute a written notice or report if:
- 3139 (a) addressed or delivered to the member's address shown in the nonprofit corporation's
- 3140 current list of members; or
- 3141 (b) if two or more members are residents of the same household and have the same
- 3142 address in the nonprofit corporation's current list of members, addressed or delivered to one of
- 3143 the members at the address appearing on the current list of members.
- 3144 (9) (a) If this chapter prescribes notice requirements for particular circumstances, the
- 3145 notice requirements for the particular circumstances govern.
- 3146 (b) If articles of incorporation or bylaws prescribe notice requirements not inconsistent
- 3147 with this section or other provisions of this chapter, the notice requirements of the articles of
- 3148 incorporation or bylaws govern.
- 3149 Section 66. Section **16-6a-704** is amended to read:
- 3150 **16-6a-704. Notice of meeting.**
- 3151 (1) A nonprofit corporation shall give to each member entitled to vote at the meeting
- 3152 notice consistent with its bylaws of meetings of members in a fair and reasonable manner.
- 3153 (2) Any notice that conforms to the requirements of Subsection (3) is fair and
- 3154 reasonable, but other means of giving notice may also be fair and reasonable when all the
- 3155 circumstances are considered.
- 3156 (3) Notice is fair and reasonable if:
- 3157 (a) the nonprofit corporation notifies its members of the place, date, and time of each
- 3158 annual, regular, and special meeting of members:

- 3159 (i) no fewer than ten days before the meeting;
- 3160 (ii) if notice is mailed by other than first-class or registered mail, no fewer than 30
- 3161 days, nor more than 60 days before the meeting date; and
- 3162 (iii) if notice is given:
- 3163 (A) by newspaper as provided in Subsection 16-6a-103(2)(b)(i)(A), by publication
- 3164 three separate times with:
- 3165 [~~(A)~~] (I) the first of the publications no more than 60 days before the meeting date; and
- 3166 [~~(B)~~] (II) the last of the publications no fewer than ten days before the meeting date;
- 3167 and
- 3168 (B) (I) by publication in accordance with Section 45-1-101; and
- 3169 (II) as provided in Subsection 16-6a-103(2)(b)(i)(B), for 60 days before the meeting
- 3170 date;
- 3171 (b) the notice of an annual or regular meeting includes a description of any matter or
- 3172 matters that:
- 3173 (i) must be approved by the members; or
- 3174 (ii) for which the members' approval is sought under Sections 16-6a-825, 16-6a-910,
- 3175 16-6a-1003, 16-6a-1010, 16-6a-1102, 16-6a-1202, and 16-6a-1402; and
- 3176 (c) unless otherwise provided by this chapter or the bylaws, the notice of a special
- 3177 meeting includes a description of the purpose or purposes for which the meeting is called.
- 3178 (4) (a) Unless otherwise provided by the bylaws, if an annual, regular, or special
- 3179 meeting of members is adjourned to a different date, time, or place, notice need not be given of
- 3180 the new date, time, or place, if the new date, time, or place is announced at the meeting before
- 3181 adjournment.
- 3182 (b) Notwithstanding Subsection (4)(a), if a new record date for the adjourned meeting
- 3183 is or shall be fixed under Section 16-6a-706, notice of the adjourned meeting shall be given
- 3184 under this section to the members of record as of the new record date.
- 3185 (5) When giving notice of an annual, regular, or special meeting of members, a
- 3186 nonprofit corporation shall give notice of a matter a member intends to raise at the meeting if:
- 3187 (a) requested in writing to do so by a person entitled to call a special meeting; and
- 3188 (b) the request is received by the secretary or president of the nonprofit corporation at
- 3189 least ten days before the nonprofit corporation gives notice of the meeting.

3190 Section 67. Section **16-6a-814** is amended to read:

3191 **16-6a-814. Notice of meeting.**

3192 (1) (a) A nonprofit corporation shall give to each director entitled to vote at an annual  
3193 meeting notice of the annual meeting consistent with the nonprofit corporation's bylaws in a  
3194 fair and reasonable manner.

3195 (b) Notice under Subsection (1)(a) is fair and reasonable if the nonprofit corporation  
3196 notifies each director of the place, date, and time of the annual meeting:

3197 (i) no fewer than ten days before the meeting, unless otherwise provided by the bylaws;

3198 (ii) if notice is mailed by other than first-class or registered mail, no fewer than 30  
3199 days, nor more than 60 days before the meeting date; and

3200 (iii) if notice is given:

3201 (A) by newspaper as provided in Subsection 16-6a-103(2)(b)(i)(A), by publication  
3202 three separate times with:

3203 [~~(A)~~] (I) the first of the publications no more than 60 days before the meeting date; and

3204 [~~(B)~~] (II) the last of the publications no fewer than ten days before the meeting date[-];

3205 and

3206 (B) (I) as provided in Subsection 16-6a-103(2)(b)(i)(B); and

3207 (II) for 60 days before the meeting date.

3208 (2) Unless otherwise provided in this chapter or in the bylaws, regular meetings of the  
3209 board of directors may be held without notice of the date, time, place, or purpose of the  
3210 meeting.

3211 (3) (a) Unless the bylaws provide for a longer or shorter period, special meetings of the  
3212 board of directors shall be preceded by at least two days notice of the date, time, and place of  
3213 the meeting.

3214 (b) The notice required by Subsection (3)(a) need not describe the purpose of the  
3215 special meeting unless otherwise required by this chapter or the bylaws.

3216 Section 68. Section **16-6a-1407** is amended to read:

3217 **16-6a-1407. Disposition of claims by publication.**

3218 (1) A dissolved nonprofit corporation may publish notice of its dissolution and request  
3219 that persons with claims against the nonprofit corporation present them in accordance with the  
3220 notice.



- 3221 (2) The notice described in Subsection (1) shall:
- 3222 (a) be published;
- 3223 (i) one time in a newspaper of general circulation in:
- 3224 [~~(i)~~] (A) the county where:
- 3225 [~~(A)~~] (I) the dissolved nonprofit corporation's principal office is located; or
- 3226 [~~(B)~~] (II) if the dissolved nonprofit corporation has no principal office in this state, its
- 3227 registered office is or was last located; or
- 3228 [~~(i)~~] (B) if neither Subsection (2)(a)(i)(A) or (B) apply, Salt Lake County; and
- 3229 (ii) as required in Section 45-1-101;
- 3230 (b) describe the information that shall be included in a claim;
- 3231 (c) provide an address at which any claim shall be given to the nonprofit corporation;
- 3232 and
- 3233 (d) state that unless sooner barred by any other statute limiting actions, a claim will be
- 3234 barred if an action to enforce the claim is not commenced within three years after publication
- 3235 of the notice.
- 3236 (3) If the dissolved nonprofit corporation publishes a newspaper or website notice in
- 3237 accordance with Subsection (2), then unless sooner barred under Section 16-6a-1406 or under
- 3238 any other statute limiting actions, the claim of any claimant against the dissolved nonprofit
- 3239 corporation is barred unless the claimant commences an action to enforce the claim against the
- 3240 dissolved nonprofit corporation within three years after the publication date of the notice.
- 3241 (4) For purposes of this section:
- 3242 (a) "claim" means any claim, including claims of this state, whether:
- 3243 (i) known;
- 3244 (ii) due or to become due;
- 3245 (iii) absolute or contingent;
- 3246 (iv) liquidated or unliquidated;
- 3247 (v) founded on contract, tort, or other legal basis; or
- 3248 (vi) otherwise; and
- 3249 (b) an action to enforce a claim includes:
- 3250 (i) any civil action; and
- 3251 (ii) any arbitration under any agreement for binding arbitration between the dissolved

3252 nonprofit corporation and the claimant.

3253 Section 69. Section **16-10a-103** is amended to read:

3254 **16-10a-103. Notice.**

3255 (1) (a) Notice given under this chapter must be in writing unless oral notice is  
3256 reasonable under the circumstances.

3257 (b) Notice by electronic transmission is written notice.

3258 (2) (a) Subject to compliance with any requirement that notice be in writing, notice  
3259 may be communicated in person, by telephone, by any form of electronic transmission, or by  
3260 mail or private carrier.

3261 (b) If the forms of personal notice listed in Subsection (2)(a) are impracticable, notice  
3262 may be communicated:

3263 (i) (A) by a newspaper of general circulation in the county, or similar subdivision, in  
3264 which the corporation's principal office is located; and

3265 (B) by publication in accordance with Section 45-1-101;

3266 (ii) by radio, television, or other form of public broadcast communication in the county  
3267 or subdivision; or

3268 (iii) if the corporation has no office in this state, in the manner allowed by Subsection  
3269 (2)(b)(i) or (ii) but in Salt Lake County.

3270 (3) (a) Written notice by a domestic or foreign corporation to its shareholders or  
3271 directors, if in a comprehensible form, is effective as to each shareholder or director:

3272 (i) when mailed, if addressed to the shareholder's or director's address shown in the  
3273 corporation's current record of the shareholder or director; or

3274 (ii) when electronically transmitted to the shareholder or director, in a manner and to  
3275 an address provided by the shareholder or director in an unrevoked consent.

3276 (b) Consent under Subsection (3)(a)(ii) is considered revoked if:

3277 (i) the corporation is unable to deliver by electronic transmission two consecutive  
3278 notices transmitted by the corporation based on that consent; and

3279 (ii) the corporation's inability to deliver notice by electronic transmission under  
3280 Subsection (3)(b)(i) is known by the:

3281 (A) corporation's secretary;

3282 (B) an assistant secretary or transfer agent of the corporation; or

- 3283 (C) any other person responsible for providing notice.
- 3284 (c) Notwithstanding Subsection (3)(b), a corporation's failure to treat consent under  
3285 Subsection (3)(a) as revoked does not invalidate any meeting or other act.
- 3286 (d) Delivery of a notice to shareholders may be excused in accordance with Subsection  
3287 16-10a-705(5).
- 3288 (4) Written notice to a domestic or foreign corporation authorized to transact business  
3289 in this state may be addressed to the corporation's:
- 3290 (a) registered agent; or  
3291 (b) secretary at its principal office.
- 3292 (5) Except as provided in Subsection (3), written notice, if in a comprehensible form, is  
3293 effective at the earliest of the following:
- 3294 (a) when received;  
3295 (b) five days after it is mailed; or  
3296 (c) on the date shown on the return receipt if sent by registered or certified mail, return  
3297 receipt requested, and the receipt is signed by or on behalf of the addressee.
- 3298 (6) Oral notice is effective when communicated if communicated in a comprehensible  
3299 manner.
- 3300 (7) Notice by publication is effective on the date of first publication.
- 3301 (8) (a) If this chapter prescribes notice requirements for particular circumstances, those  
3302 requirements govern.
- 3303 (b) If articles of incorporation or bylaws prescribe notice requirements, not inconsistent  
3304 with this section or other provisions of this chapter, those requirements govern.
- 3305 Section 70. Section **16-10a-1407** is amended to read:
- 3306 **16-10a-1407. Disposition of claims by publication -- Disposition in absence of**  
3307 **publication.**
- 3308 (1) A dissolved corporation may publish notice of its dissolution and request that  
3309 persons with claims against the corporation present them in accordance with the notice.
- 3310 (2) The notice contemplated in Subsection (1) must:
- 3311 (a) be published;
- 3312 (i) one time in a newspaper of general circulation in the county where the dissolved  
3313 corporation's principal office is or was located or, if it has no principal office in this state, in

3314 Salt Lake County; and

3315 (ii) as required in Section 45-1-101;

3316 (b) describe the information that must be included in a claim and provide an address at  
3317 which any claim must be given to the corporation; and

3318 (c) state that unless sooner barred by any other statute limiting actions, the claim will  
3319 be barred if an action to enforce the claim is not commenced within five years after the  
3320 publication of the notice.

3321 (3) If the dissolved corporation publishes a newspaper or website notice in accordance  
3322 with Subsection (2), then unless sooner barred under Section 16-10a-1406 or under any other  
3323 statute limiting actions, the claim of any claimant against the dissolved corporation is barred  
3324 unless the claimant commences an action to enforce the claim against the dissolved corporation  
3325 within five years after the publication date of the notice.

3326 (4) (a) For purposes of this section, "claim" means any claim, including claims of this  
3327 state, whether known, due or to become due, absolute or contingent, liquidated or unliquidated,  
3328 founded on contract, tort, or other legal basis, or otherwise.

3329 (b) For purposes of this section, an action to enforce a claim includes any civil action,  
3330 and any arbitration under any agreement for binding arbitration between the dissolved  
3331 corporation and the claimant.

3332 (5) If a dissolved corporation does not publish a newspaper notice in accordance with  
3333 Subsection (2), then unless sooner barred under Section 16-10a-1406 or under any other statute  
3334 limiting actions, the claim of any claimant against the dissolved corporation is barred unless the  
3335 claimant commences an action to enforce the claim against the dissolved corporation within  
3336 seven years after the date the corporation was dissolved.

3337 Section 71. Section **16-16-1209** is amended to read:

3338 **16-16-1209. Other claims against dissolved limited cooperative association.**

3339 (1) A dissolved limited cooperative association may publish notice of its dissolution  
3340 and request persons having claims against the association to present them in accordance with  
3341 the notice.

3342 (2) A notice under Subsection (1) must:

3343 (a) be published;

3344 (i) at least once in a newspaper of general circulation in the county in which the

3345 dissolved limited cooperative association's principal office is located or, if the association does  
3346 not have a principal office in this state, in the county in which the association's designated  
3347 office is or was last located; and

3348 (ii) as required in Section 45-1-101;

3349 (b) describe the information required to be contained in a claim and provide an address  
3350 to which the claim is to be sent; and

3351 (c) state that a claim against the association is barred unless an action to enforce the  
3352 claim is commenced not later than three years after publication of the notice.

3353 (3) If a dissolved limited cooperative association publishes a notice in accordance with  
3354 Subsection (2), the claim of each of the following claimants is barred unless the claimant  
3355 commences an action to enforce the claim not later than three years after the first publication  
3356 date of the notice:

3357 (a) a claimant that is entitled to but did not receive notice in a record under Section  
3358 16-16-1208; and

3359 (b) a claimant whose claim is contingent or based on an event occurring after the  
3360 effective date of dissolution.

3361 (4) A claim not barred under this section may be enforced:

3362 (a) against a dissolved limited cooperative association, to the extent of its undistributed  
3363 assets; or

3364 (b) if the association's assets have been distributed in connection with winding up the  
3365 association's activities against a member or holder of financial rights to the extent of that  
3366 person's proportionate share of the claim or the association's assets distributed to the person in  
3367 connection with the winding up, whichever is less. The person's total liability for all claims  
3368 under this Subsection (4) shall not exceed the total amount of assets distributed to the person as  
3369 part of the winding up of the association.

3370 Section 72. Section **17-27a-204** is amended to read:

3371 **17-27a-204. Notice of public hearings and public meetings to consider general**  
3372 **plan or modifications.**

3373 (1) A county shall provide:

3374 (a) notice of the date, time, and place of the first public hearing to consider the original  
3375 adoption or any modification of all or any portion of a general plan; and

3376 (b) notice of each public meeting on the subject.  
3377 (2) Each notice of a public hearing under Subsection (1)(a) shall be at least ten  
3378 calendar days before the public hearing and shall be:  
3379 (a) (i) published in a newspaper of general circulation in the area; and  
3380 (ii) published in accordance with Section 45-1-101;  
3381 (b) mailed to each affected entity; and  
3382 (c) posted:  
3383 (i) in at least three public locations within the county; or  
3384 (ii) on the county's official website.  
3385 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
3386 before the meeting and shall be:  
3387 (a) (i) submitted to a newspaper of general circulation in the area; and  
3388 (ii) published in accordance with Section 45-1-101; and  
3389 (b) posted:  
3390 (i) in at least three public locations within the county; or  
3391 (ii) on the county's official website.  
3392 Section 73. Section **17-27a-205** is amended to read:  
3393 **17-27a-205. Notice of public hearings and public meetings on adoption or**  
3394 **modification of land use ordinance.**  
3395 (1) Each county shall give:  
3396 (a) notice of the date, time, and place of the first public hearing to consider the  
3397 adoption or modification of a land use ordinance; and  
3398 (b) notice of each public meeting on the subject.  
3399 (2) Each notice of a public hearing under Subsection (1)(a) shall be:  
3400 (a) mailed to each affected entity at least ten calendar days before the public hearing;  
3401 (b) posted:  
3402 (i) in at least three public locations within the county; or  
3403 (ii) on the county's official website; and  
3404 (c) (i) published;  
3405 (A) in a newspaper of general circulation in the area at least ten calendar days before  
3406 the public hearing; [~~or~~] and

3407 (B) in accordance with Section 45-1-101, at least ten calendar days before the public  
3408 hearing; or

3409 (ii) mailed at least three days before the public hearing to:

3410 (A) each property owner whose land is directly affected by the land use ordinance  
3411 change; and

3412 (B) each adjacent property owner within the parameters specified by county ordinance.

3413 (3) Each notice of a public meeting under Subsection (1)(b) shall be at least 24 hours  
3414 before the hearing and shall be posted:

3415 (a) in at least three public locations within the county; or

3416 (b) on the county's official website.

3417 Section 74. Section **17-27a-208** is amended to read:

3418 **17-27a-208. Hearing and notice for proposal to vacate, alter, or amend a public**  
3419 **street or right-of-way.**

3420 For any proposal to vacate, alter, or amend a public street or right-of-way, the land use  
3421 authority shall hold a public hearing and shall give notice of the date, place, and time of the  
3422 hearing by:

3423 (1) mailing notice as required in Section 17-27a-207;

3424 (2) mailing notice to each affected entity; and

3425 (3) (a) publishing notice;

3426 (i) (A) once a week for four consecutive weeks before the hearing in a newspaper of  
3427 general circulation in the county in which the land subject to the petition is located; or

3428 [~~(b)~~] (B) if there is no newspaper of general circulation in the county, posting the  
3429 property and posting notice in three public places for four consecutive weeks before the  
3430 hearing[-]; and

3431 (ii) in accordance with Section 45-1-101 for four weeks before the hearing.

3432 Section 75. Section **17-27a-306** is amended to read:

3433 **17-27a-306. Townships.**

3434 (1) (a) (i) Subject to Subsection (1)(a)(ii), a county legislative body may, without  
3435 having received a petition under Subsection (1)(b), enact an ordinance establishing a township  
3436 within the unincorporated county or dividing the unincorporated county into townships.

3437 (ii) Before enacting an ordinance under Subsection (1)(a)(i), the county legislative

3438 body shall, after providing reasonable advance notice, hold a public hearing on the proposal to  
3439 establish a township or to divide the unincorporated county into townships.

3440 (b) If 25% of the private real property owners in a contiguous area of the  
3441 unincorporated county petition the county legislative body to establish a township for that area,  
3442 the county legislative body shall:

3443 (i) hold a public hearing to discuss the petition;

3444 (ii) (A) [at least one week before the public hearing, publish] publish, at least one week  
3445 before the public hearing, notice of the petition and the time, date, and place of the public  
3446 hearing at least once in a newspaper of general circulation in the county; and

3447 (B) publish, in accordance with Section 45-1-101, notice of the petition and the time,  
3448 date, and place of the public hearing for one week before the public hearing; and

3449 (iii) at the public hearing, consider oral and written testimony from the public and vote  
3450 on the question of whether or not to establish a township.

3451 (c) If the county legislative body establishes a township pursuant to a petition, the  
3452 members of the township planning commission shall be appointed as provided in Subsection  
3453 17-27a-301(3)(b) to perform the duties established in this part for the township.

3454 (d) Except as provided in Subsection (1)(e), each township shall:

3455 (i) contain:

3456 (A) at least 20% but not more than 80% of:

3457 (I) the total private land area in the unincorporated county; or

3458 (II) the total value of locally assessed taxable property in the unincorporated county; or

3459 (B) (I) in a county of the first, second, or third class, at least 5% of the total population  
3460 of the unincorporated county; or

3461 (II) in a county of the fourth, fifth, or sixth class, at least 25% of the total population of  
3462 the unincorporated county; or

3463 (ii) have been declared by the United States Census Bureau as a census designated  
3464 place.

3465 (e) (i) (A) A township that was dissolved under Laws of Utah 1997, Chapter 389, is  
3466 reinstated as a township under this part with the same boundaries and name as before the  
3467 dissolution, if the former township consisted of a single, contiguous land area.

3468 (B) Notwithstanding Subsection (1)(e)(i)(A), a county legislative body may enact an



3469 ordinance establishing as a township under this part a former township that was dissolved  
3470 under Laws of Utah 1997, Chapter 389, even though the former township does not qualify to be  
3471 reinstated under Subsection (1)(e)(i)(A).

3472 (C) A township reinstated under Subsection (1)(e)(i)(A) or established under  
3473 Subsection (1)(e)(i)(B) shall be subject to the provisions of this part.

3474 (ii) Each planning district established under Laws of Utah 1995, Chapter 225, and each  
3475 township planning district established under Laws of Utah 1997, Chapter 389, shall continue in  
3476 existence as a township, subject to the provisions of this part.

3477 (f) (i) After May 1, 2002, the legislative body of each county in which a township that  
3478 has been reconstituted under Laws of Utah 1997, Chapter 389, or reinstated under Subsection  
3479 (1)(e)(i) is located shall review the township and determine whether its continued existence is  
3480 advisable.

3481 (ii) In conducting the review required under Subsection (1)(f)(i), the county legislative  
3482 body shall hold a public hearing with reasonable, advance, published notice of the hearing and  
3483 the purpose of the hearing.

3484 (iii) Each township that has been reconstituted under Laws of Utah 1997, Chapter 389,  
3485 or reinstated or established under Subsection (1)(e)(i) and its planning commission shall  
3486 continue in effect, unless, within 90 days after conducting the review and public hearing  
3487 required under Subsections (1)(f)(i) and (ii), the county legislative body by ordinance dissolves  
3488 the township and its planning commission.

3489 (g) A township established under this section on or after May 5, 1997, may use the  
3490 word "township" in its name.

3491 (2) (a) If the county legislative body establishes a township without having received a  
3492 petition, the county legislative body may:

3493 (i) assign to the countywide planning commission the duties established in this part that  
3494 would have been assumed by a township planning commission designated under Subsection  
3495 (2)(a)(ii); or

3496 (ii) designate a planning commission for the township.

3497 (b) (i) If the county legislative body fails to designate a planning commission for a  
3498 township, 40% of the private real property owners in the area proposed to be included in the  
3499 township, as shown by the last county assessment roll, may petition the county legislative body

3500 to designate and appoint a planning commission for the township.

3501 (ii) If the county legislative body determines that the petition is validly signed by 40%  
3502 of the private real property owners in the township, as shown by the last county assessment  
3503 roll, it shall designate and appoint a planning commission for the township.

3504 (3) (a) Except as provided in Subsection (1)(f)(iii), a county legislative body may  
3505 dissolve township planning commissions created under the authority of this section only by  
3506 following the procedures and requirements of this Subsection (3).

3507 (b) If 20% of the private real property owners in the county petition the county  
3508 legislative body to dissolve township planning commissions and to appoint a countywide  
3509 planning commission, the county legislative body shall:

3510 (i) hold a public hearing to discuss the petition;

3511 (ii) (A) [at least one week before the public hearing, publish] publish, at least one week  
3512 before the public hearing, notice of the petition and the time, date, and place of the public  
3513 hearing at least once in a newspaper of general circulation in the county; and

3514 (B) publish, in accordance with Section 45-1-101, notice of the petition and the time,  
3515 date, and place of the public hearing at least one week before the public hearing; and

3516 (iii) at the public hearing, consider oral and written testimony from the public and vote  
3517 on the question of whether or not to dissolve township planning commissions and to appoint a  
3518 countywide planning commission.

3519 (c) (i) If the county legislative body fails to dissolve township planning commissions  
3520 and to appoint a countywide planning commission when petitioned to do so by private real  
3521 property owners under this Subsection (3), 40% of private real property owners in the county,  
3522 as shown by the last county assessment roll, may petition the county legislative body to  
3523 dissolve the township planning commissions and to appoint a countywide planning  
3524 commission.

3525 (ii) If the county legislative body determines that the petition is validly signed by 40%  
3526 of private real property owners in the township, as shown by the last county assessment roll, it  
3527 shall dissolve the township planning commissions and appoint a countywide planning  
3528 commission.

3529 Section 76. Section **17-27a-404** is amended to read:

3530 **17-27a-404. Public hearing by planning commission on proposed general plan or**

3531 **amendment -- Notice -- Revisions to general plan or amendment -- Adoption or rejection**  
3532 **by legislative body.**

3533 (1) (a) After completing its recommendation for a proposed general plan, or proposal to  
3534 amend the general plan, the planning commission shall schedule and hold a public hearing on  
3535 the proposed plan or amendment.

3536 (b) The planning commission shall provide notice of the public hearing, as required by  
3537 Section 17-27a-204.

3538 (c) After the public hearing, the planning commission may modify the proposed  
3539 general plan or amendment.

3540 (2) The planning commission shall forward the proposed general plan or amendment to  
3541 the legislative body.

3542 (3) (a) As provided by local ordinance and by Section 17-27a-204, the legislative body  
3543 shall provide notice of its intent to consider the general plan proposal.

3544 (b) (i) In addition to the requirements of Subsections (1), (2), and (3)(a), the legislative  
3545 body shall hold a public hearing in Salt Lake City on provisions of the proposed county plan  
3546 regarding Subsection 17-27a-401(3). The hearing procedure shall comply with this Subsection  
3547 (3)(b).

3548 (ii) The hearing format shall allow adequate time for public comment at the actual  
3549 public hearing, and shall also allow for public comment in writing to be submitted to the  
3550 legislative body for not fewer than 90 days after the date of the public hearing.

3551 (c) (i) The legislative body shall give notice of the hearing in accordance with this  
3552 Subsection (3) when the proposed plan provisions required by Subsection 17-27a-401(3) are  
3553 complete.

3554 (ii) Direct notice of the hearing shall be given, in writing, to the governor, members of  
3555 the state Legislature, executive director of the Department of Environmental Quality, the state  
3556 planning coordinator, the Resource Development Coordinating Committee, and any other  
3557 citizens or entities who specifically request notice in writing.

3558 (iii) Public notice shall be given by publication:

3559 (A) in at least one major Utah newspaper having broad general circulation in the state[;  
3560 ~~and also~~]; and

3561 (B) in at least one Utah newspaper having a general circulation focused mainly on the

3562 county where the proposed high-level nuclear waste or greater than class C radioactive waste  
3563 site is to be located[-]; and

3564 (C) as required in Section 45-1-101.

3565 (iv) The notice [~~in these newspapers shall be published not fewer than 180 days prior~~  
3566 ~~to the date of the hearing to be held under this Subsection (3);]~~ shall be published to allow  
3567 reasonable time for interested parties and the state to evaluate the information regarding the  
3568 provisions of Subsection 17-27a-401(3)[-], including:

3569 (A) in a newspaper described in Subsection (3)(c)(iii)(A), no less than 180 days before  
3570 the date of the hearing to be held under this Subsection (3); and

3571 (B) publication described in Subsection (3)(c)(iii)(B) for 180 days before the date of  
3572 the hearing to be held under this Subsection (3).

3573 (4) (a) After the public hearing required under this section, the legislative body may  
3574 make any revisions to the proposed general plan that it considers appropriate.

3575 (b) The legislative body shall respond in writing and in a substantive manner to all  
3576 those providing comments as a result of the hearing required by Subsection (3).

3577 (5) (a) The county legislative body may adopt or reject the proposed general plan or  
3578 amendment either as proposed by the planning commission or after making any revision the  
3579 county legislative body considers appropriate.

3580 (b) If the county legislative body rejects the proposed general plan or amendment, it  
3581 may provide suggestions to the planning commission for its consideration.

3582 (6) The legislative body shall adopt:

3583 (a) a land use element as provided in Subsection 17-27a-403(2)(a)(i);

3584 (b) a transportation and traffic circulation element as provided in Subsection  
3585 17-27a-403(2)(a)(ii); and

3586 (c) after considering the factors included in Subsection 17-27a-403(2)(b), a plan to  
3587 provide a realistic opportunity to meet estimated needs for additional moderate income housing  
3588 if long-term projections for land use and development occur.

3589 Section 77. Section **17-30-6** is amended to read:

3590 **17-30-6. Examinations -- How prepared, conducted, and graded -- Notice of**  
3591 **examination.**

3592 (1) (a) When necessary, the commission shall give competitive examinations to

3593 determine the qualification of applicants for positions as peace officers.

3594 (b) The examinations shall be practical in character and shall relate to matters that will  
3595 fairly test the mental and physical ability and knowledge of the applicants to discharge the  
3596 duties of the positions.

3597 (c) The examinations shall be prepared, conducted, and graded under the direction of  
3598 the commission, or by impartial special examiners if the commission finds it necessary.

3599 (2) (a) Notice of examination shall be:

3600 (i) (A) published one time not less than 15 days [~~prior to~~] before the examination in a  
3601 newspaper of general circulation in the area concerned; and [~~shall be~~]

3602 (B) published, in accordance with Section 45-1-101, for 15 days before the  
3603 examination; and

3604 (ii) posted in a conspicuous place in the office of the department concerned.

3605 (b) The notice shall set forth minimum and maximum wages, physical and educational  
3606 requirements, and passing grades, which shall be not less than 70%.

3607 (c) A person completing an examination shall be promptly notified by mail at his last  
3608 known address of his final grade.

3609 Section 78. Section **17-36-12** is amended to read:

3610 **17-36-12. Notice of budget hearing.**

3611 (1) The governing body shall determine the time and place for the public hearing on the  
3612 adoption of the budget.

3613 (2) Notice of such hearing shall be published:

3614 (a) (i) at least seven days before the hearing in at least one newspaper of general  
3615 circulation within the county, if there is such a paper[; ~~otherwise, the hearing shall be~~  
3616 ~~published~~]; or

3617 (ii) if there is no newspaper as described in Subsection (2)(a)(i), by posting notice in  
3618 three conspicuous places within the county[;] seven days before the hearing; and

3619 (b) in accordance with Section 45-1-101 for seven days before the hearing.

3620 Section 79. Section **17-36-25** is amended to read:

3621 **17-36-25. Budget appropriation increase.**

3622 The budget appropriation of any budgetary fund other than the general fund may be  
3623 increased at any regular meeting of the governing body, provided that notice that such action

3624 will be considered is published:

3625 (1) (a) at least five days before the meeting in at least one issue of a newspaper of  
3626 general circulation in the county, if there is one[~~]; otherwise, the notice may be published~~]; or

3627 (b) if there is no newspaper as described in Subsection (1)(a), by posting it in three  
3628 conspicuous places within the county[-] five days before the meeting; and

3629 (2) in accordance with Section 45-1-101 for five days before the meeting.

3630 Section 80. Section **17-36-26** is amended to read:

3631 **17-36-26. Increase in general fund budget.**

3632 (1) (a) The budget of the general fund may be increased by resolution of the governing  
3633 body, only after a duly called hearing shall have been held and all interested parties shall have  
3634 been given an opportunity to be heard.

3635 (b) Notice of such hearing shall be published at least five days before such hearing:

3636 (i) (A) in at least one issue of a newspaper generally circulated in the county[~~, if there~~  
3637 ~~is one; otherwise,~~]; or

3638 (B) if there is not a newspaper generally circulated in the county, the hearing may be  
3639 published by posting notice in three conspicuous places within the county[-]; and

3640 (ii) as required in Section 45-1-101.

3641 (2) After such public hearing the governing body may amend the general fund budget  
3642 as it deems appropriate with due consideration to matters discussed at the public hearing and to  
3643 revised estimates of revenues.

3644 Section 81. Section **17-36-40** is amended to read:

3645 **17-36-40. Notice that audit complete.**

3646 (1) Within ten days after the receipt of the audit report furnished by the independent  
3647 auditor, the county auditor shall prepare and publish a notice to the public that the county audit  
3648 is complete:

3649 (a) at least twice in a newspaper of general circulation within the county[~~, a notice to~~  
3650 ~~the public that the county audit is complete. A copy~~]; and

3651 (b) as required in Section 45-1-101.

3652 (2) A copy of the county audit may be inspected at the office of the county auditor.

3653 Section 82. Section **17-41-302** is amended to read:

3654 **17-41-302. Notice of proposal for creation of agriculture protection area or**

3655 **industrial protection area -- Responses.**

3656 (1) Each applicable legislative body shall provide notice of the proposal by:

3657 (a) (i) publishing notice;

3658 (A) in a newspaper having general circulation within:

3659 ~~[(†)]~~ (I) the same county as the land proposed for inclusion within an agriculture  
3660 protection area or industrial protection area, as the case may be, if the land is within the  
3661 unincorporated part of the county; or

3662 ~~[(†)]~~ (II) the same city or town as the land proposed for inclusion within an agriculture  
3663 protection area or industrial protection area, as the case may be, if the land is within a city or  
3664 town; and

3665 (ii) as required in Section 45-1-101;

3666 (b) posting notice at five public places, designated by the county or municipal  
3667 legislative body, within or near the proposed agriculture protection area or industrial protection  
3668 area; and

3669 (c) mailing written notice to each owner of land within 1,000 feet of the land proposed  
3670 for inclusion within an agriculture protection area or industrial protection area.

3671 (2) The notice shall contain:

3672 (a) a statement that a proposal for the creation of an agriculture protection area or  
3673 industrial protection area has been filed with the applicable legislative body;

3674 (b) a statement that the proposal will be open to public inspection in the office of the  
3675 applicable legislative body;

3676 (c) a statement that any person or entity affected by the establishment of the area may,  
3677 within 15 days of the date of the notice, file with the applicable legislative body:

3678 (i) written objections to the proposal; or

3679 (ii) a written request to modify the proposal to exclude land from or add land to the  
3680 proposed agriculture protection area or industrial protection area, as the case may be;

3681 (d) a statement that the applicable legislative body will submit the proposal to the  
3682 advisory committee and to the planning commission for review and recommendations;

3683 (e) a statement that the applicable legislative body will hold a public hearing to discuss  
3684 and hear public comment on:

3685 (i) the proposal to create the agriculture protection area or industrial protection area;

3686 (ii) the recommendations of the advisory committee and planning commission; and  
3687 (iii) any requests for modification of the proposal and any objections to the proposal;  
3688 and

3689 (f) a statement indicating the date, time, and place of the public hearing.

3690 (3) (a) Any person wishing to modify the proposal for the creation of the agriculture  
3691 protection area or industrial protection area shall, within 15 days after the date of the notice,  
3692 file a written request for modification of the proposal, which identifies specifically the land that  
3693 should be added to or removed from the proposal.

3694 (b) Any person wishing to object to the proposal for the creation of the agriculture  
3695 protection area or industrial protection area shall, within 15 days after the date of the notice,  
3696 file a written objection to the creation of the agriculture protection area or industrial protection  
3697 area.

3698 Section 83. Section **17-41-304** is amended to read:

3699 **17-41-304. Public hearing -- Review and action on proposal.**

3700 (1) After receipt of the written reports from the advisory committee and planning  
3701 commission, or after the 45 days have expired, whichever is earlier, the county or municipal  
3702 legislative body shall:

3703 (a) schedule a public hearing;

3704 (b) provide notice of the public hearing by:

3705 (i) publishing notice;

3706 (A) in a newspaper having general circulation within:

3707 [~~(A)~~] (I) the same county as the land proposed for inclusion within the agriculture  
3708 protection area or industrial protection area, if the land is within the unincorporated part of the  
3709 county; or

3710 [~~(B)~~] (II) the same city or town as the land proposed for inclusion within an agriculture  
3711 protection area or industrial protection area, if the land is within a city or town; and

3712 (B) as required in Section 45-1-101;

3713 (ii) posting notice at five public places, designated by the applicable legislative body,  
3714 within or near the proposed agriculture protection area or industrial protection area; and

3715 (iii) mailing written notice to each owner of land within 1,000 feet of the land proposed  
3716 for inclusion within an agriculture protection area or industrial protection area; and



- 3717 (c) ensure that the notice includes:
- 3718 (i) the time, date, and place of the public hearing on the proposal;
- 3719 (ii) a description of the proposed agriculture protection area or industrial protection
- 3720 area;
- 3721 (iii) any proposed modifications to the proposed agriculture protection area or
- 3722 industrial protection area;
- 3723 (iv) a summary of the recommendations of the advisory committee and planning
- 3724 commission; and
- 3725 (v) a statement that interested persons may appear at the public hearing and speak in
- 3726 favor of or against the proposal, any proposed modifications to the proposal, or the
- 3727 recommendations of the advisory committee and planning commission.
- 3728 (2) The applicable legislative body shall:
- 3729 (a) convene the public hearing at the time, date, and place specified in the notice; and
- 3730 (b) take verbal or written testimony from interested persons.
- 3731 (3) (a) Within 120 days of the submission of the proposal, the applicable legislative
- 3732 body shall approve, modify and approve, or reject the proposal.
- 3733 (b) The creation of an agriculture protection area or industrial protection area is
- 3734 effective at the earlier of:
- 3735 (i) the applicable legislative body's approval of a proposal or modified proposal; or
- 3736 (ii) 120 days after submission of a proposal complying with Subsection 17-41-301(2) if
- 3737 the applicable legislative body has failed to approve or reject the proposal within that time.
- 3738 (4) (a) In order to give constructive notice of the existence of the agriculture protection
- 3739 area or industrial protection area to all persons who have, may acquire, or may seek to acquire
- 3740 an interest in land in or adjacent to the agriculture protection area or industrial protection area,
- 3741 respectively, within ten days of the creation of an agriculture protection area or industrial
- 3742 protection area, the applicable legislative body shall file an executed document containing a
- 3743 legal description of the agriculture protection area or industrial protection area, as the case may
- 3744 be, with:
- 3745 (i) the county recorder of deeds; and
- 3746 (ii) the affected planning commission.
- 3747 (b) If the legal description of the property to be included in the agriculture protection

3748 area or industrial protection area is available through the county recorder's office, the  
3749 applicable legislative body shall use that legal description in its executed document required in  
3750 Subsection (4)(a).

3751 (5) Within ten days of the recording of the agriculture protection area, the applicable  
3752 legislative body shall:

3753 (a) send written notification to the commissioner of agriculture and food that the  
3754 agriculture protection area has been created; and

3755 (b) include in the notification:

3756 (i) the number of landowners owning land within the agriculture protection area;

3757 (ii) the total acreage of the area;

3758 (iii) the date of approval of the area; and

3759 (iv) the date of recording.

3760 (6) The applicable legislative body's failure to record the notice required under  
3761 Subsection (4) or to send the written notification under Subsection (5) does not invalidate the  
3762 creation of an agriculture protection area.

3763 (7) The applicable legislative body may consider the cost of recording notice under  
3764 Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee  
3765 under Subsection 17-41-301(4)(b).

3766 Section 84. Section **17-41-405** is amended to read:

3767 **17-41-405. Eminent domain restrictions.**

3768 (1) A political subdivision having or exercising eminent domain powers may not  
3769 condemn for any purpose any land within an agriculture protection area that is being used for  
3770 agricultural production or any land within an industrial protection area that is being put to an  
3771 industrial use unless it has obtained approval, according to the procedures and requirements of  
3772 this section, from the applicable legislative body and the advisory board.

3773 (2) Any condemnor wishing to condemn property within an agriculture protection area  
3774 or industrial protection area shall file a notice of condemnation with the applicable legislative  
3775 body and the agriculture protection area or industrial protection area's advisory board at least  
3776 30 days before filing an eminent domain complaint.

3777 (3) The applicable legislative body and the advisory board shall:

3778 (a) hold a joint public hearing on the proposed condemnation at a location within the

3779 county in which the agriculture protection area or industrial protection area is located;

3780 (b) publish notice of the time, date, place, and purpose of the public hearing;

3781 (i) in a newspaper of general circulation within the agriculture protection area or  
3782 industrial protection area, as the case may be; and

3783 (ii) as required in Section 45-1-101; and

3784 (c) post notice of the time, date, place, and purpose of the public hearing in five  
3785 conspicuous public places, designated by the applicable legislative body, within or near the  
3786 agriculture protection area or industrial protection area, as the case may be.

3787 (4) (a) If the condemnation is for highway purposes or for the disposal of solid or  
3788 liquid waste materials, the applicable legislative body and the advisory board may approve the  
3789 condemnation only if there is no reasonable and prudent alternative to the use of the land  
3790 within the agriculture protection area or industrial protection area for the project.

3791 (b) If the condemnation is for any other purpose, the applicable legislative body and the  
3792 advisory board may approve the condemnation only if:

3793 (i) the proposed condemnation would not have an unreasonably adverse effect upon the  
3794 preservation and enhancement of agriculture within the agriculture protection area or of the  
3795 industrial use within the industrial protection area; or

3796 (ii) there is no reasonable and prudent alternative to the use of the land within the  
3797 agriculture protection area or industrial protection area for the project.

3798 (5) (a) Within 60 days after receipt of the notice of condemnation, the applicable  
3799 legislative body and the advisory board shall approve or reject the proposed condemnation.

3800 (b) If the applicable legislative body and the advisory board fail to act within the 60  
3801 days or such further time as the applicable legislative body establishes, the condemnation shall  
3802 be considered rejected.

3803 (6) The applicable legislative body or the advisory board may request the county or  
3804 municipal attorney to bring an action to enjoin any condemnor from violating any provisions of  
3805 this section.

3806 Section 85. Section **17-52-101** is amended to read:

3807 **17-52-101. Definitions.**

3808 As used in this chapter:

3809 (1) "Appointment council" means a group of persons consisting of:

3810 (a) a resident of the county in which the optional plan is proposed, designated by a  
3811 majority of all state senators and representatives whose districts include any part of the county  
3812 in which the optional plan is proposed;

3813 (b) a resident of the county in which the optional plan is proposed, designated by the  
3814 county legislative body;

3815 (c) a resident of the county in which the optional plan is proposed, designated by the  
3816 petition sponsors; and

3817 (d) two other residents of the county in which the optional plan is proposed, designated  
3818 by majority vote of the three other members of the appointment council.

3819 (2) "Optional plan" means a plan establishing an alternate form of government for a  
3820 county as provided in Section 17-52-401.

3821 (3) "Reasonable notice" means, at a minimum:

3822 (a) ~~(i)~~ publication;

3823 (i) (A) in a newspaper of general circulation within the county at least once a week for  
3824 at least two consecutive weeks ending no more than ten and no fewer than three days before the  
3825 event that is the subject of the notice; or

3826 ~~(i)~~ (B) if there is no newspaper of general circulation within the county, posting at  
3827 least one notice per 1,000 population within the county, for at least a week ending no more than  
3828 three days before the event that is the subject of the notice, at locations throughout the county  
3829 that are most likely to give actual notice to county residents; and

3830 (ii) in accordance with Section 45-1-101 for two weeks before the event that is the  
3831 subject of the notice; and

3832 (b) if the county has an Internet home page, posting an electronic notice on the Internet  
3833 for at least seven days immediately before the event that is the subject of the notice.

3834 (4) "Study committee" means a group of persons:

3835 (a) appointed under Section 17-52-301; and

3836 (b) charged with the duties provided in Section 17-52-303.

3837 Section 86. Section **17-53-208** is amended to read:

3838 **17-53-208. Ordinances -- Effective dates -- Publication -- Adoption of ordinances**  
3839 **printed in book form.**

3840 (1) The enacting clause of all ordinances of the county legislative body shall be as

3841 follows: "The County Legislative Body of \_\_\_\_\_County ordains as follows:".

3842 (2) Every ordinance shall be signed by the chair of the county legislative body and  
3843 attested by the clerk. On the passage of all ordinances the votes of the several members of the  
3844 county legislative body shall be entered on the minutes, and all ordinances shall be entered at  
3845 length in the ordinance book.

3846 (3) (a) No ordinance passed by the county legislative body may take effect within less  
3847 than 15 days after its passage.

3848 (b) The legislative body of each county adopting an ordinance shall, before the  
3849 ordinance may take effect:

3850 (i) deposit a copy of the ordinance in the office of the county clerk; and

3851 (ii) (A) publish a short summary of the ordinance, together with a statement that a  
3852 complete copy of the ordinance is available at the county clerk's office and with the name of the  
3853 members voting for and against the ordinance[;]:

3854 (I) for at least one publication in:

3855 [~~(H)~~] (Aa) a newspaper published in and having general circulation in the county, if  
3856 there is one; or

3857 [~~(H)~~] (Bb) if there is none published in the county, in a newspaper of general  
3858 circulation within the county; [~~or~~] and

3859 (II) as required in Section 45-1-101; or

3860 (B) post a complete copy of the ordinance in nine public places within the county.

3861 (4) Any ordinance printed by authority of the county legislative body in book form or  
3862 electronic media, or any general revision of county ordinances printed in book form or  
3863 electronic media, may be adopted by an ordinance making reference to the printed ordinance or  
3864 revision if a copy of the ordinance or revision is filed in the office of the county clerk at the  
3865 time of adoption for use and examination by the public.

3866 (5) Ordinances establishing rules and regulations, printed as a code in book form or  
3867 electronic media, for the construction of buildings, the installation of plumbing, the installation  
3868 of electric wiring, or other related or similar work may be adopted by reference to the code  
3869 book if a copy of the code book is filed in the office of the county clerk at the time of the  
3870 adoption of the ordinance for use and examination by the public.

3871 (6) Ordinances that in the opinion of the county legislative body are necessary for the

3872 immediate preservation of the peace, health, or safety of the county and the county's inhabitants  
3873 may, if so provided in the ordinance, take effect immediately upon publication in one issue of a  
3874 newspaper published in and having general circulation in the county, if there is one, and if there  
3875 is none published in the county, then immediately after posting at the courthouse door.

3876 (7) An ordinance may take effect at a later date than provided in this section, if the  
3877 ordinance so provides.

3878 (8) An order entered in the minutes of the county legislative body that an ordinance has  
3879 been duly published or posted shall be prima facie proof of the publication or posting.

3880 Section 87. Section **17A-3-914** is amended to read:

3881 **17A-3-914. Supplemental to other laws -- Nonapplicability of other laws --**  
3882 **Validation of existing building authorities.**

3883 (1) This part is supplemental to all existing laws relating to the acquisition, use,  
3884 maintenance, management, or operation of projects by public bodies.

3885 (2) It shall not be necessary for a public body or a building authority to comply with the  
3886 provisions of other laws concerning the acquisition, construction, use, and maintenance of  
3887 projects, including, but not limited to, public bidding laws and the Utah Procurement Code,  
3888 where the projects are acquired, expanded, or improved under this part.

3889 (3) No board, commission, or agency of the state, including the Utah Public Service  
3890 Commission, shall have any jurisdiction over building authorities or projects.

3891 (4) (a) No ordinance, resolution, or proceeding in respect to any transaction authorized  
3892 by this part shall be necessary except as specifically required in this part nor shall the  
3893 publication of any resolution, proceeding, or notice relating to any transaction authorized by  
3894 this part be necessary except as required by this part. [~~Any~~]

3895 (b) ~~A~~ publication made under this part may be made:

3896 (i) in [~~any~~] a newspaper conforming to the terms of this part and in which legal notices  
3897 may be published under the laws of Utah, without regard to the designation of it as the official  
3898 journal or newspaper of the public body[~~;~~]; and

3899 (ii) as required in Section 45-1-101.

3900 (c) No resolution adopted or proceeding taken under this part shall be subject to  
3901 referendum petition or to an election other than as permitted in this part.

3902 (d) All proceedings adopted under this part may be adopted on a single reading at any

3903 legally-convened meeting of the governing body or the board of trustees of the authority as  
3904 appropriate.

3905 (5) Any formal action or proceeding taken by the governing body of a public body or  
3906 the board of trustees of an authority under the authority of this part may be taken by resolution  
3907 of the governing body or the board of trustees as appropriate.

3908 (6) This part shall apply to all authorities created, projects undertaken, leasing contracts  
3909 executed, and bonds issued after this part takes effect.

3910 (7) All proceedings heretofore taken by a public body in connection with the creation  
3911 and operation of a public building authority are hereby validated, ratified, approved, and  
3912 confirmed.

3913 Section 88. Section **17A-3-915** is amended to read:

3914 **17A-3-915. Publication of notice of proceedings -- Contest of proceedings.**

3915 (1) The governing body of any public body, or the board of trustees of any building  
3916 authority, may provide for the publication of any resolution or other proceeding adopted by it  
3917 under this part:

3918 (a) in a newspaper having general circulation in the public body~~[-]; and~~

3919 (b) as required in Section 45-1-101.

3920 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the  
3921 board of trustees of a building authority may, in lieu of publishing the entire resolution or other  
3922 proceeding, publish a notice of bonds to be issued, titled as such, containing:

3923 (a) the name of the building authority;

3924 (b) the purposes of the issue;

3925 (c) the maximum principal amount which may be issued;

3926 (d) the maximum number of years over which the bonds may mature;

3927 (e) the maximum interest rate which the bonds may bear;

3928 (f) the maximum discount from par, expressed as a percentage of principal amount, at  
3929 which the bonds may be sold, and any deposit to be required in connection with the sale; and

3930 (g) the time and place where a copy of the resolution or other proceedings authorizing  
3931 the issuance of the bonds may be examined, which shall be at an office of the building  
3932 authority, identified in the notice, during regular business hours of the building authority as  
3933 described in the notice and for a period of at least 30 days after the publication of the notice.

3934 (3) For a period of 30 days after the publication, any person in interest shall have the  
3935 right to contest the legality of the resolution or proceeding or any bonds or leasing contract  
3936 which may be authorized by them or any provisions made for the security and payment of the  
3937 bonds or for the security and payment of the leasing contract; and after such time no one shall  
3938 have any cause of action to contest the regularity, formality, or legality of same for any cause  
3939 whatsoever.

3940 Section 89. Section 17B-1-211 is amended to read:

3941 **17B-1-211. Notice of public hearings -- Publication of resolution.**

3942 (1) Before holding a public hearing or set of public hearings under Section 17B-1-210,  
3943 the legislative body of each county or municipality with which a request is filed or that adopts a  
3944 resolution under Subsection 17B-1-203(1)(c) and the board of trustees of each local district that  
3945 adopts a resolution under Subsection 17B-1-203(1)(d) shall:

3946 (a) (i) (A) except as provided in ~~[Subsection]~~ Subsections (1)(a)(~~(ii)~~(i)(B) and  
3947 (1)(a)(ii), publish notice in a newspaper or combination of newspapers of general circulation  
3948 within the applicable area in accordance with Subsection (2); or

3949 ~~[(ii)]~~ (B) if there is no newspaper or combination of newspapers of general circulation  
3950 within the applicable area, post notice in accordance with Subsection (2):

3951 (I) at least one notice per 1,000 population of that area~~;~~; and

3952 (II) at places within the area that are most likely to provide actual notice to residents of  
3953 the area; ~~[or]~~ and

3954 (ii) publish, in accordance with Section 45-1-101, for two weeks before the hearing or  
3955 the first of the set of hearings; or

3956 (b) mail a notice to each registered voter residing within and each owner of real  
3957 property located within the proposed local district.

3958 (2) Each published notice under Subsection (1)(a)(i)(A) shall:

3959 (a) be no less than 1/4 page in size, use type no smaller than 18 point, and be  
3960 surrounded by a 1/4-inch border;

3961 (b) if possible, appear in a newspaper that is published at least one day per week;

3962 (c) if possible, appear in a newspaper of general interest and readership in the area and  
3963 not of limited subject matter;

3964 (d) be placed in a portion of the newspaper other than where legal notices and



3965 classified advertisements appear; and

3966 (e) be run at least once each week for two successive weeks, with the final publication  
3967 being no less than three and no more than ten days before the hearing or the first of the set of  
3968 hearings.

3969 (3) Each notice required under Subsection (1) shall:

3970 (a) if the hearing or set of hearings is concerning a resolution:

3971 (i) contain the entire text or an accurate summary of the resolution; and

3972 (ii) state the deadline for filing a protest against the creation of the proposed local  
3973 district;

3974 (b) clearly identify each governing body involved in the hearing or set of hearings;

3975 (c) state the date, time, and place for the hearing or set of hearings and the purposes for  
3976 the hearing or set of hearings; and

3977 (d) describe or include a map of the entire proposed local district.

3978 (4) County or municipal legislative bodies may jointly provide the notice required  
3979 under this section if all the requirements of this section are met as to each notice.

3980 Section 90. Section **17B-1-304** is amended to read:

3981 **17B-1-304. Appointment procedures for appointed members.**

3982 (1) The appointing authority may, by resolution, appoint persons to serve as members  
3983 of a local district board by following the procedures established by this section.

3984 (2) (a) In any calendar year when appointment of a new local district board member is  
3985 required, the appointing authority shall prepare a notice of vacancy that contains:

3986 (i) the positions that are vacant that must be filled by appointment;

3987 (ii) the qualifications required to be appointed to those positions;

3988 (iii) the procedures for appointment that the governing body will follow in making  
3989 those appointments; and

3990 (iv) the person to be contacted and any deadlines that a person must meet who wishes  
3991 to be considered for appointment to those positions.

3992 (b) The appointing authority shall:

3993 (i) post the notice of vacancy in four public places within the local district at least one  
3994 month before the deadline for accepting nominees for appointment; and

3995 (ii) (A) publish the notice of vacancy:

3996            [~~(A)~~] (I) in a daily newspaper of general circulation within the local district for five  
3997 consecutive days before the deadline for accepting nominees for appointment; or

3998            [~~(B)~~] (II) in a local weekly newspaper circulated within the local district in the week  
3999 before the deadline for accepting nominees for appointment~~[-]; and~~

4000            (B) in accordance with Section 45-1-101 for five days before the deadline for accepting  
4001 nominees for appointment.

4002            (c) The appointing authority may bill the local district for the cost of preparing,  
4003 printing, and publishing the notice.

4004            (3) (a) Not sooner than two months after the appointing authority is notified of the  
4005 vacancy, the appointing authority shall select a person to fill the vacancy from the applicants  
4006 who meet the qualifications established by law.

4007            (b) The appointing authority shall:

4008            (i) comply with Title 52, Chapter 4, Open and Public Meetings Act, in making the  
4009 appointment;

4010            (ii) allow any interested persons to be heard; and

4011            (iii) adopt a resolution appointing a person to the local district board.

4012            (c) If no candidate for appointment to fill the vacancy receives a majority vote of the  
4013 appointing authority, the appointing authority shall select the appointee from the two top  
4014 candidates by lot.

4015            (4) Persons appointed to serve as members of the local district board serve four-year  
4016 terms, but may be removed for cause at any time after a hearing by 2/3 vote of the appointing  
4017 body.

4018            (5) At the end of each board member's term, the position is considered vacant and the  
4019 appointing authority may either reappoint the old board member or appoint a new member after  
4020 following the appointment procedures established in this section.

4021            (6) Notwithstanding any other provision of this section, if the appointing authority  
4022 appoints one of its own members, it need not comply with the provisions of this section.

4023            Section 91. Section **17B-1-306** is amended to read:

4024            **17B-1-306. Local district board -- Election procedures.**

4025            (1) Except as provided in Subsection (11), each elected board member shall be selected  
4026 as provided in this section.

4027 (2) (a) Each election of a local district board member shall be held:  
4028 (i) at the same time as the municipal general election; and  
4029 (ii) at polling places designated by the clerk of each county in which the local district is  
4030 located.

4031 (b) (i) Subject to Subsections (4)(f) and (g), the number of polling places under  
4032 Subsection (2)(a)(ii) in an election of board members of an irrigation district shall be one  
4033 polling place per division of the district, designated by the district board.

4034 (ii) Each polling place designated by an irrigation district board under Subsection  
4035 (2)(b)(i) shall coincide with a polling place designated by the county clerk under Subsection  
4036 (2)(a)(ii).

4037 (3) (a) The clerk of each local district with a board member position to be filled at the  
4038 next municipal general election shall provide notice of:

4039 (i) each elective position of the local district to be filled at the next municipal general  
4040 election;

4041 (ii) the constitutional and statutory qualifications for each position; and

4042 (iii) the dates and times for filing a declaration of candidacy.

4043 (b) The notice required under Subsection (3)(a) shall be:

4044 (i) posted in at least five public places within the local district at least ten days before  
4045 the first day for filing a declaration of candidacy; or

4046 (ii) (A) published in a newspaper of general circulation within the local district at least  
4047 three but no more than ten days before the first day for filing a declaration of candidacy[-]; and

4048 (B) published, in accordance with Section 45-1-101, for ten days before the first day  
4049 for filing a declaration of candidacy.

4050 (4) (a) To become a candidate for an elective local district board position, the  
4051 prospective candidate shall file a declaration of candidacy in person with the local district,  
4052 during office hours and not later than 5 p.m. between July 1 and July 15 of any odd-numbered  
4053 year.

4054 (b) When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended  
4055 until 5 p.m. on the following regular business day.

4056 (c) (i) Before the filing officer may accept any declaration of candidacy, the filing  
4057 officer shall:

4058 (A) read to the prospective candidate the constitutional and statutory qualification  
4059 requirements for the office that the candidate is seeking; and

4060 (B) require the candidate to state whether or not the candidate meets those  
4061 requirements.

4062 (ii) If the prospective candidate does not meet the qualification requirements for the  
4063 office, the filing officer may not accept the declaration of candidacy.

4064 (iii) If it appears that the prospective candidate meets the requirements of candidacy,  
4065 the filing officer shall accept the declaration of candidacy.

4066 (d) The declaration of candidacy shall substantially comply with the following form:

4067 "I, (print name) \_\_\_\_\_, being first duly sworn, say that I reside at (Street)  
4068 \_\_\_\_\_, City of \_\_\_\_\_, County of \_\_\_\_\_, State of Utah,  
4069 (Zip Code) \_\_\_\_\_, (Telephone Number, if any) \_\_\_\_\_; that I meet the qualifications  
4070 for the office of board of trustees member for \_\_\_\_\_ (state the name of  
4071 the local district); that I am a candidate for that office to be voted upon at the next election, and  
4072 I hereby request that my name be printed upon the official ballot for that election.

4073 (Signed) \_\_\_\_\_

4074 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ day  
4075 of \_\_\_\_\_, \_\_\_\_\_.

4076 (Signed) \_\_\_\_\_

4077 (Clerk or Notary Public)"

4078 (e) Each person wishing to become a valid write-in candidate for an elective local  
4079 district board position is governed by Section 20A-9-601.

4080 (f) If at least one person does not file a declaration of candidacy as required by this  
4081 section, a person shall be appointed to fill that board position by following the procedures and  
4082 requirements for appointment established in Section 20A-1-512.

4083 (g) If only one candidate files a declaration of candidacy for a position on the board of  
4084 an irrigation district, the board need not hold an election for that position and may appoint that  
4085 candidate to the board.

4086 (5) (a) A primary election may be held if:

4087 (i) the election is authorized by the local district board; and

4088 (ii) the number of candidates for a particular local board position or office exceeds

4089 twice the number of persons needed to fill that position or office.

4090 (b) The primary election shall be conducted:

4091 (i) on the same date as the municipal primary election, as provided for in Section  
4092 20A-1-201.5; and

4093 (ii) according to the procedures for municipal primary elections provided under Title  
4094 20A, Election Code.

4095 (6) (a) Except as provided in Subsection (6)(c), the local district clerk shall certify the  
4096 candidate names to the clerk of each county in which the local district is located no later than  
4097 August 20 of the municipal election year.

4098 (b) (i) Except as provided in Subsection (6)(c), the clerk of each county in which the  
4099 local district is located shall coordinate the placement of the name of each candidate for local  
4100 district office in the nonpartisan section of the municipal general election ballot with the  
4101 municipal election clerk.

4102 (ii) If consolidation of the local district election ballot with the municipal general  
4103 election ballot is not feasible, the county clerk shall provide for a separate local district election  
4104 ballot to be administered by separate election judges at polling locations designated by the  
4105 county clerk in consultation with the local district.

4106 (c) (i) Subsections (6)(a) and (b) do not apply to an election of a member of the board  
4107 of an irrigation district established under Chapter 2a, Part 5, Irrigation District Act.

4108 (ii) (A) Subject to Subsection (6)(c)(ii)(B), the board of each irrigation district shall  
4109 prescribe the form of the ballot for each board member election.

4110 (B) Each ballot for an election of an irrigation district board member shall be in a  
4111 nonpartisan format.

4112 (7) (a) Each voter at an election for a board of trustees member of a local district shall:

4113 (i) be a registered voter within the district, except for an election of:

4114 (A) an irrigation district board of trustees member; or

4115 (B) a basic local district board of trustees member who is elected by property owners;

4116 and

4117 (ii) meet the requirements to vote established by the district.

4118 (b) Each voter may vote for as many candidates as there are offices to be filled.

4119 (c) The candidates who receive the highest number of votes are elected.

4120 (8) Except as otherwise provided by this section, the election of local district board  
4121 members is governed by Title 20A, Election Code.

4122 (9) (a) A person elected to serve on a local district board shall serve a four-year term,  
4123 beginning at noon on the January 1 after the person's election.

4124 (b) A person elected shall be sworn in as soon as practical after January 1.

4125 (10) (a) Except as provided in Subsection (10)(b), each local district shall reimburse  
4126 the county holding an election under this section for the costs of the election attributable to that  
4127 local district.

4128 (b) Each irrigation district shall bear its own costs of each election it holds under this  
4129 section.

4130 (11) This section does not apply to an improvement district that provides electric or gas  
4131 service.

4132 (12) The provisions of Title 20A, Chapter 3, Part 3, [~~Early~~] Absentee Voting, do not  
4133 apply to an election under this section.

4134 Section 92. Section **17B-1-313** is amended to read:

4135 **17B-1-313. Publication of notice of board resolution or action -- Contest period --**  
4136 **No contest after contest period.**

4137 (1) After the board of trustees of a local district adopts a resolution or takes other  
4138 action on behalf of the district, the board may provide for the publication of a notice of the  
4139 resolution or other action.

4140 (2) Each notice under Subsection (1) shall:

4141 (a) include, as the case may be:

4142 (i) the language of the resolution or a summary of the resolution; or

4143 (ii) a description of the action taken by the board;

4144 (b) state that:

4145 (i) any person in interest may file an action in district court to contest the regularity,  
4146 formality, or legality of the resolution or action within 30 days after the date of publication; and

4147 (ii) if the resolution or action is not contested by filing an action in district court within  
4148 the 30-day period, no one may contest the regularity, formality, or legality of the resolution or  
4149 action after the expiration of the 30-day period; and

4150 (c) be published;

4151 (i) in a newspaper that is published or has general circulation in the district[-]; and  
4152 (ii) as required in Section 45-1-101.

4153 (3) For a period of 30 days after the date of the publication, any person in interest may  
4154 contest the regularity, formality, or legality of the resolution or other action by filing an action  
4155 in district court.

4156 (4) After the expiration of the 30-day period under Subsection (3), no one may contest  
4157 the regularity, formality, or legality of the resolution or action for any cause.

4158 Section 93. Section **17B-1-413** is amended to read:

4159 **17B-1-413. Hearing, notice, and protest provisions do not apply for certain**  
4160 **petitions.**

4161 (1) Section 17B-1-412 does not apply, and, except as provided in Subsection (2)(a),  
4162 Sections 17B-1-409 and 17B-1-410 do not apply:

4163 (a) if the process to annex an area to a local district was initiated by:

4164 (i) a petition under Subsection 17B-1-403(1)(a)(i);

4165 (ii) a petition under Subsection 17B-1-403(1)(a)(ii)(A) that was signed by the owners  
4166 of private real property that:

4167 (A) is located within the area proposed to be annexed;

4168 (B) covers at least 75% of the total private land area within the entire area proposed to  
4169 be annexed and within each applicable area; and

4170 (C) is equal in assessed value to at least 75% of the assessed value of all private real  
4171 property within the entire area proposed to be annexed and within each applicable area; or

4172 (iii) a petition under Subsection 17B-1-403(1)(a)(ii)(B) that was signed by registered  
4173 voters residing within the entire area proposed to be annexed and within each applicable area  
4174 equal in number to at least 75% of the number of votes cast within the entire area proposed to  
4175 be annexed and within each applicable area, respectively, for the office of governor at the last  
4176 regular general election before the filing of the petition;

4177 (b) to an annexation under Section 17B-1-415; or

4178 (c) to a boundary adjustment under Section 17B-1-417.

4179 (2) (a) If a petition that meets the requirements of Subsection (1)(a) is certified under  
4180 Section 17B-1-405, the local district board:

4181 (i) shall provide notice of the proposed annexation as provided in Subsection (2)(b);

4182 and

4183 (ii) (A) may, in the board's discretion, hold a public hearing as provided in Section  
4184 17B-1-409 after giving notice of the public hearing as provided in Subsection (2)(b); and

4185 (B) shall, after giving notice of the public hearing as provided in Subsection (2)(b),  
4186 hold a public hearing as provided in Section 17B-1-409 if a written request to do so is  
4187 submitted, within 20 days after the local district provides notice under Subsection (2)(a)(i), to  
4188 the local district board by an owner of property that is located within or a registered voter  
4189 residing within the area proposed to be annexed who did not sign the annexation petition.

4190 (b) The notice required under Subsections (2)(a)(i) and (ii) shall:

4191 (i) be given:

4192 (A) (I) for a notice under Subsection (2)(a)(i), within 30 days after petition  
4193 certification; or

4194 (II) for a notice of a public hearing under Subsection (2)(a)(ii), at least ten but not more  
4195 than 30 days before the public hearing; and

4196 (B) by:

4197 (I) posting written notice at the local district's principal office and in one or more other  
4198 locations within or proximate to the area proposed to be annexed as are reasonable under the  
4199 circumstances, considering the number of parcels included in that area, the size of the area, the  
4200 population of the area, and the contiguousness of the area; and

4201 (II) providing written notice to:

4202 (Aa) at least one newspaper of general circulation, if there is one, within the area  
4203 proposed to be annexed or to a local media correspondent; and

4204 (Bb) as required in Section 45-1-101; and

4205 (ii) contain a brief explanation of the proposed annexation and include the name of the  
4206 local district, the service provided by the local district, a description or map of the area  
4207 proposed to be annexed, a local district telephone number where additional information about  
4208 the proposed annexation may be obtained, and, for a notice under Subsection (2)(a)(i), an  
4209 explanation of the right of a property owner or registered voter to request a public hearing as  
4210 provided in Subsection (2)(a)(ii)(B).

4211 (c) A notice under Subsection (2)(a)(i) may be combined with the notice that is  
4212 required for a public hearing under Subsection (2)(a)(ii)(A).



4213 Section 94. Section **17B-1-417** is amended to read:

4214 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**  
4215 **adjusting boundaries -- Notice of the adjustment -- Notice to lieutenant governor.**

4216 (1) As used in this section, "affected area" means the area located within the  
4217 boundaries of one local district that will be removed from that local district and included within  
4218 the boundaries of another local district because of a boundary adjustment under this section.

4219 (2) The boards of trustees of two or more local districts having a common boundary  
4220 and providing the same service on the same wholesale or retail basis may adjust their common  
4221 boundary as provided in this section.

4222 (3) (a) The board of trustees of each local district intending to adjust a boundary that is  
4223 common with another local district shall:

4224 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

4225 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days  
4226 after the adoption of the resolution under Subsection (3)(a)(i); and

4227 (iii) (A) [~~⊕~~] publish notice;

4228 (I) (Aa) once a week for two successive weeks in a newspaper of general circulation  
4229 within the local district; or

4230 [~~⊕~~] (Bb) if there is no newspaper of general circulation within the local district, post  
4231 notice in at least four conspicuous places within the local district; [~~⊕~~] and

4232 (II) in accordance with Section 45-1-101 for two weeks; or

4233 (B) mail a notice to each owner of property located within the affected area and to each  
4234 registered voter residing within the affected area.

4235 (b) The notice required under Subsection (3)(a)(iii) shall:

4236 (i) state that the board of trustees of the local district has adopted a resolution  
4237 indicating the board's intent to adjust a boundary that the local district has in common with  
4238 another local district that provides the same service as the local district;

4239 (ii) describe the affected area;

4240 (iii) state the date, time, and location of the public hearing required under Subsection  
4241 (3)(a)(ii);

4242 (iv) provide a local district telephone number where additional information about the  
4243 proposed boundary adjustment may be obtained;

4244 (v) explain the financial and service impacts of the boundary adjustment on property  
4245 owners or residents within the affected area; and

4246 (vi) state in conspicuous and plain terms that the board of trustees may approve the  
4247 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),  
4248 written protests to the adjustment are filed with the board by:

4249 (A) the owners of private real property that:

4250 (I) is located within the affected area;

4251 (II) covers at least 50% of the total private land area within the affected area; and

4252 (III) is equal in assessed value to at least 50% of the assessed value of all private real  
4253 property within the affected area; or

4254 (B) registered voters residing within the affected area equal in number to at least 50%  
4255 of the votes cast in the affected area for the office of governor at the last regular general  
4256 election before the filing of the protests.

4257 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be  
4258 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

4259 (d) The boards of trustees of the local districts whose boundaries are being adjusted  
4260 may jointly:

4261 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

4262 (ii) hold the public hearing required under Subsection (3)(a)(ii).

4263 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees  
4264 may adopt a resolution approving the adjustment of the common boundary unless, at or before  
4265 the public hearing, written protests to the boundary adjustment have been filed with the board  
4266 by:

4267 (a) the owners of private real property that:

4268 (i) is located within the affected area;

4269 (ii) covers at least 50% of the total private land area within the affected area; and

4270 (iii) is equal in assessed value to at least 50% of the assessed value of all private real  
4271 property within the affected area; or

4272 (b) registered voters residing within the affected area equal in number to at least 50%  
4273 of the votes cast in the affected area for the office of governor at the last regular general  
4274 election before the filing of the protests.

4275 (5) A resolution adopted under Subsection (4) does not take effect until the board of  
4276 each local district whose boundaries are being adjusted has adopted a resolution under  
4277 Subsection (4).

4278 (6) (a) Within 30 days after the resolutions take effect under Subsection (5), the board  
4279 of the local district whose boundaries are being adjusted to include the affected area shall file a  
4280 notice with the lieutenant governor.

4281 (b) The notice required under Subsection (6)(a) shall:

4282 (i) be accompanied by:

4283 (A) a copy of each of the board resolutions approving the boundary adjustment; and

4284 (B) an accurate map depicting the affected area or a legal description of the affected  
4285 area, adequate for purposes of the county assessor and recorder; and

4286 (ii) include a certification by the board of the local district whose boundaries are being  
4287 adjusted to include the affected area that all requirements for the boundary adjustment have  
4288 been complied with.

4289 (7) Upon the lieutenant governor's issuance of a certificate of boundary change under  
4290 Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being  
4291 adjusted to include the affected area, and the affected area is withdrawn from the local district  
4292 whose boundaries are being adjusted to exclude the affected area.

4293 Section 95. Section **17B-1-512** is amended to read:

4294 **17B-1-512. Notice of withdrawal -- Contest period -- Judicial review.**

4295 (1) (a) The board of trustees shall file a written notice of withdrawal with the lieutenant  
4296 governor:

4297 (i) within ten days after adopting a resolution approving a withdrawal under Section  
4298 17B-1-510; and

4299 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an  
4300 automatic withdrawal under Subsection 17B-1-502(2), after receiving a copy of the municipal  
4301 legislative body's resolution approving an automatic withdrawal under Subsection  
4302 17B-1-502(3)(a), or after receiving notice of a withdrawal of a municipality from a local  
4303 district under Section 17B-2-505.

4304 (b) The notice required under Subsection (1)(a) shall:

4305 (i) be accompanied by:

4306 (A) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, a copy  
4307 of the board resolution approving the withdrawal; and

4308 (B) an accurate map depicting the boundaries of the withdrawn area or a legal  
4309 description of the withdrawn area, adequate for purposes of the county assessor and recorder;  
4310 and

4311 (ii) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, include  
4312 a certification by the local district board that all requirements for the withdrawal have been  
4313 complied with.

4314 (2) (a) Upon the lieutenant governor's issuance of the certificate of boundary change  
4315 under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic  
4316 withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a  
4317 local district under Section 17B-2-505, the withdrawal shall be effective, subject to the  
4318 conditions of the withdrawal resolution, if applicable.

4319 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon  
4320 the lieutenant governor's issuance of a certificate of boundary change under Section 67-1a-6.5.

4321 (3) (a) The local district may provide for the publication of any resolution approving or  
4322 denying the withdrawal of an area:

4323 (i) in a newspaper of general circulation in the area proposed for withdrawal[-]; and

4324 (ii) as required in Section 45-1-101.

4325 (b) In lieu of publishing the entire resolution, the local district may publish a notice of  
4326 withdrawal or denial of withdrawal, containing:

4327 ~~(a)~~ (i) the name of the local district;

4328 ~~(b)~~ (ii) a description of the area proposed for withdrawal;

4329 ~~(c)~~ (iii) a brief explanation of the grounds on which the board of trustees determined  
4330 to approve or deny the withdrawal; and

4331 ~~(d)~~ (iv) the times and place where a copy of the resolution may be examined, which  
4332 shall be at the place of business of the local district, identified in the notice, during regular  
4333 business hours of the local district as described in the notice and for a period of at least 30 days  
4334 after the publication of the notice.

4335 (4) Any sponsor of the petition or receiving entity may contest the board's decision to  
4336 deny a withdrawal of an area from the local district by submitting a request, within 60 days

4337 after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting  
4338 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees  
4339 based its decision to deny the withdrawal.

4340 (5) Within 60 days after the request under Subsection (4) is submitted to the board of  
4341 trustees, the board may consider the suggestions for mitigation and adopt a resolution  
4342 approving or denying the request in the same manner as provided in Section 17B-1-510 with  
4343 respect to the original resolution denying the withdrawal and file a notice of the action as  
4344 provided in Subsection (1).

4345 (6) (a) Any person in interest may seek judicial review of:

4346 (i) the board of trustees' decision to withdraw an area from the local district;

4347 (ii) the terms and conditions of a withdrawal; or

4348 (iii) the board's decision to deny a withdrawal.

4349 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the  
4350 district court in the county in which a majority of the area proposed to be withdrawn is located:

4351 (i) if the resolution approving or denying the withdrawal is published under Subsection  
4352 (3), within 60 days after the publication or after the board of trustees' denial of the request  
4353 under Subsection (5);

4354 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after  
4355 the resolution approving or denying the withdrawal is adopted; or

4356 (iii) if a request is submitted to the board of trustees of a local district under Subsection  
4357 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board  
4358 adopts a resolution under Subsection (5) unless the resolution is published under Subsection  
4359 (3), in which event the action must be filed within 60 days after the publication.

4360 (c) A court in which an action is filed under this Subsection (6) may not overturn, in  
4361 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

4362 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

4363 (ii) the court finds that the board materially failed to follow the procedures set forth in  
4364 this part.

4365 (d) A court may award costs and expenses of an action under this section, including  
4366 reasonable attorney fees, to the prevailing party.

4367 (7) After the applicable contest period under Subsection (4) or (6), no person may

4368 contest the board of trustees' approval or denial of withdrawal for any cause.

4369 Section 96. Section **17B-1-609** is amended to read:

4370 **17B-1-609. Hearing to consider adoption.**

4371 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

4372 (a) establish the time and place of a public hearing to consider its adoption; and

4373 (b) order that notice of the hearing:

4374 (i) (A) be published at least seven days [~~prior to~~] before the hearing in at least one issue  
4375 of a newspaper of general circulation published in the county or counties in which the district is  
4376 located; or

4377 [~~(ii)~~] (B) if no newspaper is published, be posted in three public places within the  
4378 district[-]; and

4379 (ii) be published, in accordance with Section 45-1-101, at least seven days before the  
4380 hearing.

4381 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice  
4382 shall be published in accordance with Sections 59-2-918 and 59-2-919.

4383 Section 97. Section **17B-1-643** is amended to read:

4384 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

4385 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided  
4386 by a local district, each local district board of trustees shall first hold a public hearing at which  
4387 any interested person may speak for or against the proposal to impose a fee or to increase an  
4388 existing fee.

4389 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning  
4390 no earlier than 6 p.m.

4391 (c) A public hearing required under this Subsection (1) may be combined with a public  
4392 hearing on a tentative budget required under Section 17B-1-610.

4393 (d) Except to the extent that this section imposes more stringent notice requirements,  
4394 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,  
4395 in holding the public hearing under Subsection (1)(a).

4396 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as  
4397 provided in Subsection (2)(b)(i) or (ii).

4398 (b) (i) (A) The notice required under Subsection (2)(a) shall be published;

4399 (I) (Aa) in a newspaper or combination of newspapers of general circulation in the  
4400 local district, if there is a newspaper or combination of newspapers of general circulation in the  
4401 local district[-]; or

4402 (Bb) if there is no newspaper or combination of newspapers of general circulation in  
4403 the local district, the local district board shall post at least one notice per 1,000 population  
4404 within the local district, at places within the local district that are most likely to provide actual  
4405 notice to residents within the local district; and

4406 (II) as required in Section 45-1-101.

4407 (B) The notice described in Subsection (2)(b)(i)(A)(I)(Aa):

4408 (I) shall be no less than 1/4 page in size and the type used shall be no smaller than 18  
4409 point, and surrounded by a 1/4-inch border[-];

4410 [~~(C) The notice~~] (II) may not be placed in that portion of the newspaper where legal  
4411 notices and classified advertisements appear[-];

4412 [~~(D) It is legislative intent that;~~]

4413 (III) whenever possible, [~~the advertisement~~] shall appear in a newspaper that is  
4414 published at least one day per week[-];

4415 [~~(E) It is further the intent of the Legislature that the~~]

4416 (IV) shall be in a newspaper or combination of newspapers [~~selected be~~] of general  
4417 interest and readership in the local district, and not of limited subject matter[-]; and

4418 [~~(F) The notice~~] (V) shall be run once each week for the two weeks preceding the  
4419 hearing.

4420 [~~(G)~~] (ii) The notice described in Subsection (2)(b)(i)(A) shall state that the local  
4421 district board intends to impose or increase a fee for a service provided by the local district and  
4422 will hold a public hearing on a certain day, time, and place fixed in the notice, which shall be  
4423 not less than seven days after the day the first notice is published, for the purpose of hearing  
4424 comments regarding the proposed imposition or increase of a fee and to explain the reasons for  
4425 the proposed imposition or increase.

4426 [~~(ii) (A) If there is no newspaper or combination of newspapers of general circulation~~  
4427 ~~in the local district, the local district board shall post at least one notice per 1,000 population~~  
4428 ~~within the local district, at places within the local district that are most likely to provide actual~~  
4429 ~~notice to residents within the local district.]~~

4430            [~~(B) Each notice under Subsection (2)(b)(ii)(A) shall comply with Subsection~~  
4431 ~~(2)(b)(i)(G):~~]

4432            (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of  
4433 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those  
4434 within the district who:

4435            (A) will be charged the fee for a district service, if the fee is being imposed for the first  
4436 time; or

4437            (B) are being charged a fee, if the fee is proposed to be increased.

4438            (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection  
4439 (2)(b)[~~(i)(G)~~](ii).

4440            (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing  
4441 fee.

4442            (d) If the hearing required under this section is combined with the public hearing  
4443 required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied  
4444 if a notice that meets the requirements of Subsection (2)(b)[~~(i)(G)~~](ii) is combined with the  
4445 notice required under Section 17B-1-609.

4446            (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima facie  
4447 evidence that notice was properly given.

4448            (f) If no challenge is made to the notice given of a hearing required by Subsection (1)  
4449 within 30 days after the date of the hearing, the notice is considered adequate and proper.

4450            (3) After holding a public hearing under Subsection (1), a local district board may:

4451            (a) impose the new fee or increase the existing fee as proposed;

4452            (b) adjust the amount of the proposed new fee or the increase of the existing fee and  
4453 then impose the new fee or increase the existing fee as adjusted; or

4454            (c) decline to impose the new fee or increase the existing fee.

4455            (4) This section applies to each new fee imposed and each increase of an existing fee  
4456 that occurs on or after July 1, 1998.

4457            (5) (a) This section does not apply to an impact fee.

4458            (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36,  
4459 Impact Fees Act.

4460            Section 98. Section **17B-1-1204** is amended to read:



4461           **17B-1-1204. Notice of the hearing on a validation petition -- Amended or**  
4462 **supplemented validation petition.**

4463           (1) Upon the entry of an order under Section 17B-1-1203 setting a hearing on a  
4464 validation petition, the local district that filed the petition shall:

4465           (a) publish notice;

4466           (i) at least once a week for three consecutive weeks in a newspaper of general  
4467 circulation in the county in which the principal office of the district is located; and

4468           (ii) in accordance with Section 45-1-101 for three weeks; and

4469           (b) post notice in its principal office at least 21 days before the date set for the hearing.

4470           (2) Each notice under Subsection (1) shall:

4471           (a) state the date, time, and place of the hearing on the validation petition;

4472           (b) include a general description of the contents of the validation petition; and

4473           (c) if applicable, state the location where a complete copy of a contract that is the  
4474 subject of the validation petition may be examined.

4475           (3) If a district amends or supplements a validation petition under Subsection  
4476 17B-1-1202(3) after publishing and posting notice as required under Subsection (1), the district  
4477 is not required to publish or post notice again unless required by the court.

4478           Section 99. Section **17B-1-1307** is amended to read:

4479           **17B-1-1307. Notice of public hearing and of dissolution.**

4480           (1) Before holding a public hearing required under Section 17B-1-1306, the  
4481 administrative body shall:

4482           (a) (i) publish notice of the public hearing and of the proposed dissolution;

4483           (A) in a newspaper of general circulation within the local district proposed to be  
4484 dissolved; and

4485           (B) in accordance with Section 45-1-101 for 30 days before the public hearing; and

4486           (ii) post notice of the public hearing and of the proposed dissolution in at least four  
4487 conspicuous places within the local district proposed to be dissolved, no less than five and no  
4488 more than 30 days before the public hearing; or

4489           (b) mail a notice to each owner of property located within the local district and to each  
4490 registered voter residing within the local district.

4491           (2) Each notice required under Subsection (1) shall:

4492 (a) identify the local district proposed to be dissolved and the service it was created to  
4493 provide; and

4494 (b) state the date, time, and location of the public hearing.

4495 Section 100. Section **17C-1-601** is amended to read:

4496 **17C-1-601. Annual agency budget -- Fiscal year -- Public hearing required --**  
4497 **Auditor forms -- Requirement to file form.**

4498 (1) Each agency shall prepare and its board adopt an annual budget of revenues and  
4499 expenditures for the agency for each fiscal year.

4500 (2) Each annual agency budget shall be adopted:

4501 (a) for an agency created by a city or town, before June 22; or

4502 (b) for an agency created by a county, before December 15.

4503 (3) The agency's fiscal year shall be the same as the fiscal year of the community that  
4504 created the agency.

4505 (4) (a) Before adopting an annual budget, each agency board shall hold a public hearing  
4506 on the annual budget.

4507 (b) Each agency shall provide notice of the public hearing on the annual budget by:

4508 (i) publishing:

4509 (A) (I) at least one notice in a newspaper of general circulation within the agency  
4510 boundaries, one week before the public hearing; or

4511 [~~(ii)~~] (II) if there is no newspaper of general circulation within the agency boundaries,  
4512 posting a notice of the public hearing in at least three public places within the agency  
4513 boundaries[-:]; and

4514 (B) in accordance with Section 45-1-101, at least one week before the public hearing.

4515 (c) Each agency shall make the annual budget available for public inspection at least  
4516 three days before the date of the public hearing.

4517 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
4518 in each agency budget, including:

4519 (a) revenues and expenditures for the budget year;

4520 (b) legal fees; and

4521 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
4522 agency personnel.

4523 (6) (a) Within 30 days after adopting an annual budget, each agency board shall file a  
4524 copy of the annual budget with the auditor of the county in which the agency is located, the  
4525 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity  
4526 that levies a tax on property from which the agency collects tax increment.

4527 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the  
4528 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the  
4529 state auditor.

4530 Section 101. Section **17C-2-108** is amended to read:

4531 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**  
4532 **of plan -- Contesting the formation of the plan.**

4533 (1) (a) (i) Upon the community legislative body's adoption of an urban renewal project  
4534 area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by~~[-(i)]~~  
4535 publishing or causing to be published a notice:

4536 (A) in a newspaper of general circulation within the agency's boundaries; or  
4537 ~~[(ii)]~~ (B) if there is no newspaper of general circulation within the agency's boundaries,  
4538 causing a notice to be posted in at least three public places within the agency's boundaries~~[-];~~  
4539 and

4540 (ii) as required in Section 45-1-101.

4541 (b) Each notice under Subsection (1)(a) shall:

4542 (i) set forth the community legislative body's ordinance adopting the project area plan  
4543 or a summary of the ordinance; and

4544 (ii) include a statement that the project area plan is available for general public  
4545 inspection and the hours for inspection.

4546 (2) The project area plan shall become effective on the date of:

4547 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4548 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4549 (3) (a) For a period of 30 days after the effective date of the project area plan under  
4550 Subsection (2), any person in interest may contest the project area plan or the procedure used to  
4551 adopt the project area plan if the plan or procedure fails to comply with applicable statutory  
4552 requirements.

4553 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the

4554 project area plan or procedure used to adopt the project area plan for any cause.

4555 (4) Upon adoption of the project area plan by the community's legislative body, the  
4556 agency may carry out the project area plan.

4557 (5) Each agency shall make the adopted project area plan available to the general  
4558 public at its offices during normal business hours.

4559 Section 102. Section **17C-2-403** is amended to read:

4560 **17C-2-403. Notice required for continued hearing.**

4561 The board shall give notice of a hearing continued under Section 17C-2-402 by  
4562 announcing at the hearing:

4563 (1) the date, time, and place the hearing will be resumed; or

4564 (2) that it is being continued to a later time and causing a notice of the continued  
4565 hearing to be:

4566 (a) published;

4567 (i) (A) once in a newspaper of general circulation within the agency boundaries at least  
4568 seven days before the hearing is scheduled to resume; or

4569 [~~(b)~~] (B) if there is no newspaper of general circulation, posted in at least three  
4570 conspicuous places within the boundaries of the agency in which the project area or proposed  
4571 project area is located[-]; and

4572 (ii) in accordance with Section 45-1-101, at least seven days before the hearing is  
4573 schedule to resume.

4574 Section 103. Section **17C-3-107** is amended to read:

4575 **17C-3-107. Notice of economic development project area plan adoption --**

4576 **Effective date of plan -- Contesting the formation of the plan.**

4577 (1) (a) Upon the community legislative body's adoption of an economic development  
4578 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4579 (i) (A) publishing or causing to be published a notice;

4580 (I) in a newspaper of general circulation within the agency's boundaries; or

4581 [~~(ii)~~] (II) if there is no newspaper of general circulation within the agency's boundaries,  
4582 causing a notice to be posted in at least three public places within the agency's boundaries[-];

4583 and

4584 (B) as required in Section 45-1-101.

- 4585 (b) Each notice under Subsection (1)(a) shall:
- 4586 (i) set forth the community legislative body's ordinance adopting the project area plan
- 4587 or a summary of the ordinance; and
- 4588 (ii) include a statement that the project area plan is available for general public
- 4589 inspection and the hours for inspection.
- 4590 (2) The project area plan shall become effective on the date of:
- 4591 (a) if notice was published under Subsection (1)(a), publication of the notice; or
- 4592 (b) if notice was posted under Subsection (1)(a), posting of the notice.
- 4593 (3) (a) For a period of 30 days after the effective date of the project area plan under
- 4594 Subsection (2), any person in interest may contest the project area plan or the procedure used to
- 4595 adopt the project area plan if the plan or procedure fails to comply with applicable statutory
- 4596 requirements.
- 4597 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
- 4598 project area plan or procedure used to adopt the project area plan for any cause.
- 4599 (4) Upon adoption of the economic development project area plan by the community's
- 4600 legislative body, the agency may carry out the project area plan.
- 4601 (5) Each agency shall make the adopted economic development project area plan
- 4602 available to the general public at its offices during normal business hours.
- 4603 Section 104. Section **17C-3-303** is amended to read:
- 4604 **17C-3-303. Notice required for continued hearing.**
- 4605 The board shall give notice of a hearing continued under Section 17C-3-302 by
- 4606 announcing at the hearing:
- 4607 (1) the date, time, and place the hearing will be resumed; or
- 4608 (2) that it is being continued to a later time and causing a notice of the continued
- 4609 hearing to be:
- 4610 (a) (i) published once in a newspaper of general circulation within the agency
- 4611 boundaries at least seven days before the hearing is scheduled to resume; or
- 4612 ~~[(b)]~~ (ii) if there is no newspaper of general circulation, posted in at least three
- 4613 conspicuous places within the boundaries of the agency in which the project area or proposed
- 4614 project area is located~~[-]; and~~
- 4615 (b) published, in accordance with Section 45-1-101, at least seven days before the

4616 hearing is schedule to resume.

4617 Section 105. Section **17C-4-106** is amended to read:

4618 **17C-4-106. Notice of community development project area plan adoption --**  
4619 **Effective date of plan -- Contesting the formation of the plan.**

4620 (1) (a) Upon the community legislative body's adoption of a community development  
4621 project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:

4622 (i) (A) publishing or causing to be published a notice in a newspaper of general  
4623 circulation within the agency's boundaries; or

4624 [~~(ii)~~] (B) if there is no newspaper of general circulation within the agency's boundaries,  
4625 causing a notice to be posted in at least three public places within the agency's boundaries[-];

4626 and

4627 (ii) publishing or causing to be published in accordance with Section 45-1-101.

4628 (b) Each notice under Subsection (1)(a) shall:

4629 (i) set forth the community legislative body's ordinance adopting the community  
4630 development project area plan or a summary of the ordinance; and

4631 (ii) include a statement that the project area plan is available for general public  
4632 inspection and the hours for inspection.

4633 (2) The community development project area plan shall become effective on the date  
4634 of:

4635 (a) if notice was published under Subsection (1)(a), publication of the notice; or

4636 (b) if notice was posted under Subsection (1)(a), posting of the notice.

4637 (3) (a) For a period of 30 days after the effective date of the community development  
4638 project area plan under Subsection (2), any person in interest may contest the project area plan  
4639 or the procedure used to adopt the project area plan if the plan or procedure fails to comply  
4640 with applicable statutory requirements.

4641 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the  
4642 community development project area plan or procedure used to adopt the project area plan for  
4643 any cause.

4644 (4) Upon adoption of the community development project area plan by the  
4645 community's legislative body, the agency may carry out the project area plan.

4646 (5) Each agency shall make the adopted project area plan available to the general

4647 public at its offices during normal business hours.

4648 Section 106. Section **17C-4-202** is amended to read:

4649 **17C-4-202. Resolution or interlocal agreement to provide funds for the**  
4650 **community development project area plan -- Notice -- Effective date of resolution or**  
4651 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**  
4652 **of resolution or interlocal agreement.**

4653 (1) The approval and adoption of each resolution or interlocal agreement under  
4654 Subsection 17C-4-201(2) shall be in an open and public meeting.

4655 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section  
4656 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

4657 (i) (A) publishing or causing to be published a notice in a newspaper of general  
4658 circulation within the agency's boundaries; or

4659 [~~(ii)~~] (B) if there is no newspaper of general circulation within the agency's boundaries,  
4660 causing a notice to be posted in at least three public places within the agency's boundaries[-];

4661 and

4662 (ii) publishing or causing to be published in accordance with Section 45-1-101.

4663 (b) Each notice under Subsection (2)(a) shall:

4664 (i) set forth a summary of the resolution or interlocal agreement; and

4665 (ii) include a statement that the resolution or interlocal agreement is available for  
4666 general public inspection and the hours of inspection.

4667 (3) The resolution or interlocal agreement shall become effective on the date of:

4668 (a) if notice was published under Subsection (2)(a)(i)(A) or (ii), publication of the  
4669 notice; or

4670 (b) if notice was posted under Subsection (2)(a)(B), posting of the notice.

4671 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal  
4672 agreement under Subsection (3), any person in interest may contest the resolution or interlocal  
4673 agreement or the procedure used to adopt the resolution or interlocal agreement if the  
4674 resolution or interlocal agreement or procedure fails to comply with applicable statutory  
4675 requirements.

4676 (b) After the 30-day period under Subsection (4)(a) expires, no person may contest the  
4677 resolution or interlocal agreement for any cause.

4678 (5) Each agency that is to receive funds under a resolution or interlocal agreement  
4679 under Section 17C-4-201 and each taxing entity or public agency that approves a resolution or  
4680 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or  
4681 interlocal agreement, as the case may be, available at its offices to the general public for  
4682 inspection and copying during normal business hours.

4683 Section 107. Section **17C-4-302** is amended to read:

4684 **17C-4-302. Notice required for continued hearing.**

4685 The board shall give notice of a hearing continued under Section 17C-4-301 by  
4686 announcing at the hearing:

4687 (1) the date, time, and place the hearing will be resumed; or

4688 (2) that it is being continued to a later time and causing a notice of the continued  
4689 hearing to be:

4690 (a) (i) published once in a newspaper of general circulation within the agency  
4691 boundaries at least seven days before the hearing is scheduled to resume; or

4692 [~~(b)~~] (ii) if there is no newspaper of general circulation, posted in at least three  
4693 conspicuous places within the boundaries of the agency in which the project area or proposed  
4694 project area is located[-]; and

4695 (b) published, in accordance with Section 45-1-101, at least seven days before the  
4696 hearing is schedule to resume.

4697 Section 108. Section **17D-1-205** is amended to read:

4698 **17D-1-205. Notice.**

4699 (1) Each notice required under Subsection 17D-1-204(1) shall:

4700 (a) state that:

4701 (i) the legislative body has adopted a resolution stating its intent to create a special  
4702 service district; or

4703 (ii) a petition has been filed proposing the creation of a special service district;

4704 (b) describe the boundary of the proposed special service district;

4705 (c) generally describe each service that the special service district is proposed to  
4706 provide;

4707 (d) state that taxes may be levied annually upon all taxable property within the  
4708 proposed special service district;



4709 (e) state that fees or charges may be imposed to pay for some or all of the services that  
4710 the special service district is proposed to provide;

4711 (f) explain the process, requirements, and timetable for filing a protest against the  
4712 creation of the special service district or against a service that the special service district is  
4713 proposed to provide;

4714 (g) designate a date, time, and place for a public hearing on the proposed creation of  
4715 the special service district; and

4716 (h) except as provided in Subsection (2), be published:

4717 (i) (A) at least once a week during three consecutive weeks[-];

4718 ~~[(i)]~~ (B) not less than 21 days or more than 35 days before the date of the public  
4719 hearing required under Subsection 17D-1-204(2); and

4720 ~~[(ii)]~~ (C) in a newspaper of general circulation in the county or municipality by which  
4721 the special service district is proposed to be created[-]; and

4722 (ii) in accordance with Section 45-1-101 for 35 days before the date of the public  
4723 hearing required under Subsection 17D-1-204(2).

4724 (2) Notwithstanding Subsection (1)(h)(i), if the proposed special service district is  
4725 located entirely within a city of the third, fourth, or fifth class or a town that has no newspaper  
4726 of general circulation in the city or town, the legislative body of the city or town may provide  
4727 that the notice required under Subsection 17D-1-204(1) be given by posting the notice in at  
4728 least five public places in the city or town at least 21 days before the public hearing required  
4729 under Subsection 17D-1-204(2).

4730 (3) The legislative body of the county or municipality by which the special service  
4731 district is proposed to be created may include in a notice under this section any other  
4732 information that the legislative body considers necessary or appropriate.

4733 Section 109. Section **17D-2-601** is amended to read:

4734 **17D-2-601. Publishing notice of local entity or local building authority resolution**  
4735 **or other proceeding.**

4736 (1) The governing body of a local entity or the authority board of a local building  
4737 authority may provide for the publication of a resolution or other proceeding adopted under this  
4738 chapter by the governing body or authority board, respectively[-];

4739 (a) in a newspaper of general circulation in the local entity[-]; and

4740 (b) as required in Section 45-1-101.

4741 (2) (a) If the resolution or other proceeding provides for the local building authority's  
4742 issuance of bonds, the authority board may, in lieu of publishing the entire resolution or other  
4743 proceeding, publish a notice of the bonds to be issued.

4744 (b) Each notice under Subsection (2)(a) shall comply with the requirements of  
4745 Subsection 11-14-316(2).

4746 (c) The authority board of a local building authority publishing a notice under  
4747 Subsection (2)(a) shall make a copy of the resolution or other proceeding authorizing the  
4748 issuance of the local building authority bonds available for public inspection during regular  
4749 business hours at the office of the local building authority for a period of at least 30 days after  
4750 publication of the notice.

4751 Section 110. Section **17D-3-305** is amended to read:

4752 **17D-3-305. Setting the date of an election of the board of supervisors -- Notice of**  
4753 **the election.**

4754 (1) The commission shall:

4755 (a) set the date of the election of members of the board of supervisors of a conservation  
4756 district; and

4757 (b) publish notice of the election;

4758 (i) in a newspaper or other media outlet method with general circulation within the  
4759 conservation district[-]; and

4760 (ii) as required in Section 45-1-101.

4761 (2) The date set for an election under Subsection (1)(a) may not be later than six weeks  
4762 after the date set by the commission for the close of nominations.

4763 (3) The notice required under Subsection (1)(b) shall:

4764 (a) state:

4765 (i) the date of the election;

4766 (ii) the names of all candidates; and

4767 (iii) that a ballot request form for the election may be obtained from the commission  
4768 office or from any other place that the commission designates; and

4769 (b) specify the address of the commission office or other place where a ballot request  
4770 form may be obtained.

4771 Section 111. Section **19-2-109** is amended to read:

4772 **19-2-109. Air quality standards -- Hearings on adoption -- Orders of executive**  
4773 **secretary -- Adoption of emission control requirements.**

4774 (1) (a) The board, in adopting standards of quality for ambient air, shall conduct public  
4775 hearings.

4776 (b) Notice of any public hearing for the consideration, adoption, or amendment of air  
4777 quality standards shall specify the locations to which the proposed standards apply and the  
4778 time, date, and place of the hearing.

4779 (c) The notice shall be:

4780 (i) (A) published at least twice in any newspaper of general circulation in the area  
4781 affected; and [shall be]

4782 (B) published, in accordance with Section 45-1-101, at least 20 days before the public  
4783 hearing; and

4784 (ii) mailed at least 20 days before the public hearing to the chief executive of each  
4785 political subdivision of the area affected and to other persons the executive secretary has reason  
4786 to believe will be affected by the standards.

4787 (d) The adoption of air quality standards or any modification or changes to air quality  
4788 standards shall be by order of the executive secretary following formal action of the board with  
4789 respect to the standards.

4790 (e) The order shall be published:

4791 (i) in a newspaper of general circulation in the area affected[-]; and

4792 (ii) as required in Section 45-1-101.

4793 (2) (a) The board may establish emission control requirements by rule that in its  
4794 judgment may be necessary to prevent, abate, or control air pollution that may be statewide or  
4795 may vary from area to area, taking into account varying local conditions.

4796 (b) In adopting these requirements, the board shall give notice and conduct public  
4797 hearings in accordance with the requirements in Subsection (1).

4798 Section 112. Section **19-5-110** is amended to read:

4799 **19-5-110. Designation by governor of areas with quality control problems --**  
4800 **Classification of waters -- Adoption of standards of quality.**

4801 (1) The governor may identify and designate by boundary, or make a determination not

4802 to designate, areas within the state which, as a result of urban-industrial concentration or other  
4803 factors, have substantial water quality control problems, and designate planning agencies and  
4804 waste treatment management agencies for these areas.

4805 (2) The board may group the waters of the state into classes according to their present  
4806 most reasonable uses, and after public hearing, upgrade and reclassify from time to time the  
4807 waters of the state to the extent that it is practical and in the public interest.

4808 (3) (a) The board may establish standards of quality for each classification consistent  
4809 with most reasonable present and future uses of the waters, and the standards may be modified  
4810 or changed from time to time.

4811 (b) Prior to classifying waters, setting quality standards or modifying or repealing them  
4812 the board shall conduct public hearings for the consideration, adoption, or amendment of the  
4813 classifications of waters and standards of purity and quality.

4814 (c) The notice shall specify the waters concerning which a classification is sought to be  
4815 made for which standards are sought to be adopted and the time, date, and place of the hearing.

4816 (d) The notice shall be:

4817 (i) published;

4818 (A) at least twice in a newspaper of general circulation in the area affected; and [~~shall~~  
4819 ~~be~~]

4820 (B) as required in Section 45-1-101; and

4821 (ii) mailed at least 30 days before the public hearing to the chief executive of each  
4822 political subdivision of the area affected and to other persons the board has reason to believe  
4823 will be affected by the classification and the setting of standards.

4824 (4) (a) The adoption of standards of quality for the waters of the state and classification  
4825 of the waters or any modification or change in classification shall be effectuated by an order of  
4826 the board which shall be published;

4827 (i) in a newspaper of general circulation in the area affected[-]; and

4828 (ii) as required in Section 45-1-101.

4829 (b) In classifying waters and setting standards of water quality, adopting rules, or  
4830 making any modification or change in classification or standards, the board shall allow and  
4831 announce a reasonable time, not exceeding statutory deadlines contained in the federal Clean  
4832 Water Act, for persons discharging wastes into the waters of the state to comply with the

4833 classification or standards and may, after public hearing if requested by the permittee, set and  
4834 revise schedules of compliance and include these schedules within the terms and conditions of  
4835 permits for the discharge of pollutants.

4836 (5) Any discharge in accord with classification or standards authorized by a permit is  
4837 not pollution for the purpose of this chapter.

4838 Section 113. Section **19-6-712** is amended to read:

4839 **19-6-712. Issuance of permits -- Public comments and hearing.**

4840 (1) In considering permit applications under this part, the executive secretary shall:

4841 (a) ensure the application is complete prior to acting on it;

4842 (b) (i) publish notice of the permit application and the opportunity for public comment  
4843 in:

4844 (A) a newspaper of general circulation in the state; and [~~also in~~]

4845 (B) a newspaper of general circulation in the county where the operation for which the  
4846 application is submitted is located; and

4847 (ii) as required in Section 45-1-101;

4848 (c) allow the public to submit written comments to the executive secretary within 15  
4849 days after date of publication;

4850 (d) consider timely submitted public comments and the criteria established in this part  
4851 and by rule in determining whether to grant the permit; and

4852 (e) send a written copy of the decision to the applicant and to persons submitting  
4853 timely comments under Subsection (1)(c).

4854 (2) The executive secretary's decision under this section may be appealed to the board  
4855 only within the 30 days after the day the decision is mailed to the applicant.

4856 Section 114. Section **20A-3-201** is amended to read:

4857 **20A-3-201. Watchers.**

4858 (1) (a) (i) For each regular general election or statewide special election, and for each  
4859 regular primary and Western States Presidential Primary, each registered political party and any  
4860 person interested in a ballot proposition appearing on the ballot may appoint one person to act  
4861 as a voting poll watcher to observe the casting of ballots, another person to act as a counting  
4862 poll watcher to observe the counting of ballots, and another person to act as an inspecting poll  
4863 watcher to inspect the condition and observe the securing of ballot packages.

4864           (ii) Each party poll watcher shall be designated, and his selection made known to the  
4865 poll workers, by an affidavit made by the county chair of each of the parties.

4866           (iii) Each issue poll watcher shall be designated, and his selection made known to the  
4867 poll workers, by an affidavit made by the individual appointing him.

4868           (b) (i) For each municipal general election, municipal primary, local special election, or  
4869 bond election that uses paper ballots, each candidate and any person interested in an issue  
4870 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the  
4871 casting of ballots, another person to act as a counting poll watcher to observe the counting of  
4872 ballots, and another person to act as an inspecting poll watcher to inspect the condition and  
4873 observe the securing of ballot packages.

4874           (ii) For each municipal general election, municipal primary, local special election, or  
4875 bond election that uses ballot sheets, each candidate and any person interested in an issue  
4876 appearing on the ballot may appoint one person to act as a voting poll watcher to observe the  
4877 casting of ballots, another person to act as a counting poll watcher to observe the counting of  
4878 ballots, and another person to act as an inspecting poll watcher to inspect the condition and  
4879 observe the securing of ballot packages.

4880           (iii) Each candidate poll watcher shall be designated, and his selection made known to  
4881 the poll workers, by an affidavit made by the candidate appointing him.

4882           (iv) Each issue poll watcher shall be designated, and his selection made known to the  
4883 poll workers, by an affidavit made by the individual appointing him.

4884           (2) If an appointed poll watcher is temporarily absent for meals, or is sick or otherwise  
4885 absent, that poll watcher may substitute some other watcher of similar political beliefs by  
4886 informing the poll workers of the substitution by affidavit.

4887           (3) Voting poll watchers may watch and observe the voting process, and may make a  
4888 written memorandum, but they may not interfere in any way with the process of voting except  
4889 to challenge a voter as provided in this part.

4890           (4) The counting poll watcher shall remain in the counting room, except in the case of  
4891 necessity, until the close of the polls and may not divulge the progress of the count until the  
4892 count is completed.

4893           (5) (a) It is unlawful for a counting poll watcher to communicate in any manner,  
4894 directly or indirectly, by word or sign, the progress of the count, the result so far, or any other

4895 information about the count.

4896 (b) Any person who violates this subsection is guilty of a third degree felony.

4897 (6) The inspecting poll watcher may be present in the office of the clerk or recorder to  
4898 whom ballots are delivered after elections to:

4899 (a) inspect the condition of the packages containing the ballots upon their arrival; and

4900 (b) observe the placement of these packages in a safe and secure place.

4901 (7) (a) Prior to each election in which a ballot sheet or electronic ballot is used, any  
4902 interested person may act as a testing watcher to observe a demonstration of logic and accuracy  
4903 testing of the voting devices prior to the commencement of voting.

4904 (b) The election officer shall give prior notice of the logic and accuracy testing  
4905 demonstration at least two days prior to the date of the demonstration by publishing notice of  
4906 the date, time, and location of the demonstration;

4907 (i) in at least one newspaper of general circulation in the jurisdiction holding the  
4908 election[-]; and

4909 (ii) as required in Section 45-1-101.

4910 (c) An election official shall provide, upon request, a copy of testing results to a testing  
4911 watcher.

4912 Section 115. Section **20A-3-603** is amended to read:

4913 **20A-3-603. Early voting polling places.**

4914 (1) The election officer shall designate one or more polling places for early voting,  
4915 provided that:

4916 (a) except as provided in Subsection (3), at least one polling place is open on each day  
4917 that polls are open during the early voting period;

4918 (b) each polling place meets the requirements for polling places under Chapter 5,  
4919 Election Administration;

4920 (c) for all elections other than local special elections, municipal primary elections, and  
4921 municipal general elections, at least 10% of the voting devices at a polling place are accessible  
4922 for individuals with disabilities in accordance with Public Law 107-252, the Help America  
4923 Vote Act of 2002; and

4924 (d) each polling place is located in a government building or office, unless the election  
4925 officer determines that, in the area designated by the election officer, there is no government

4926 building or office available that:

- 4927 (i) can be scheduled for use during early voting hours;
- 4928 (ii) has the physical facilities necessary to accommodate early voting requirements;
- 4929 (iii) has adequate space for voting equipment, poll workers, and voters; and
- 4930 (iv) has adequate security, public accessibility, and parking.

4931 (2) (a) In the event the election officer determines that the number of early voting  
4932 polling places is insufficient due to the number of registered voters who are voting, the election  
4933 officer may designate additional polling places during the early voting period.

4934 (b) If an additional early voting polling place is designated, the election officer shall, as  
4935 soon as is reasonably possible, give notice of the dates, times, and location of the additional  
4936 polling place by:

- 4937 (i) publishing the notice;  
4938 (A) in one issue of a newspaper of general circulation in the county; and  
4939 (B) as required in Section 45-1-101; and
- 4940 (ii) posting the notice at the additional polling place.

4941 (3) For each regular general election and regular primary election, counties of the first  
4942 class shall ensure that:

- 4943 (a) at least one polling place is located within each Utah State Senate district that is  
4944 located wholly or partially within the county; and
- 4945 (b) at least one polling place located within each district is open on each day that polls  
4946 are open during the early voting period.

4947 Section 116. Section **20A-3-604** is amended to read:

4948 **20A-3-604. Notice of time and place of early voting.**

4949 The election officer shall give notice of the dates, times, and locations of early voting  
4950 by:

- 4951 (1) publishing the notice;  
4952 (a) in one issue of a newspaper of general circulation in the county at least five  
4953 calendar days before the date that early voting begins; and  
4954 (b) in accordance with Section 45-1-101, at least five calendar days before the date that  
4955 early voting begins; and

4956 (2) posting the notice at each early voting polling place at least five calendar days



4957 before the date early voting begins.

4958 Section 117. Section **20A-5-101** is amended to read:

4959 **20A-5-101. Notice of election.**

4960 (1) On or before February 1 in each regular general election year, the lieutenant  
4961 governor shall prepare and transmit a written notice to each county clerk that:

4962 (a) designates the offices to be filled at the regular general election;

4963 (b) identifies the dates for filing a declaration of candidacy for those offices; and

4964 (c) contains a description of any ballot propositions to be decided by the voters that  
4965 have qualified for the ballot as of that date.

4966 (2) (a) No later than February 15, each county clerk shall:

4967 (i) publish a notice:

4968 (A) once in a newspaper published in that county; ~~[or]~~ and

4969 (B) as required in Section 45-1-101; or

4970 (ii) (A) cause a copy of the notice to be posted in a conspicuous place most likely to  
4971 give notice of the election to the voters in each voting precinct within the county; and

4972 (B) prepare an affidavit of that posting, showing a copy of the notice and the places  
4973 where the notice was posted.

4974 (b) The notice required by Subsection (2)(a) shall:

4975 (i) designate the offices to be voted on in that election in that county, other than local  
4976 district offices; and

4977 (ii) identify the dates for filing a declaration of candidacy for those offices.

4978 (3) Before each election, the election officer shall give written or printed notice of:

4979 (a) the date and place of election;

4980 (b) the hours during which the polls will be open;

4981 (c) the polling places for each voting precinct; and

4982 (d) the qualifications for persons to vote in the election.

4983 (4) To provide the notice required by Subsection (3), the election officer shall publish  
4984 the notice at least two days before the election;

4985 (a) in a newspaper of general circulation common to the area or in which the election is  
4986 being held~~[-];~~ and

4987 (b) as required in Section 45-1-101.

4988 Section 118. Section **20A-5-405** is amended to read:

4989 **20A-5-405. Election officer to provide ballots.**

4990 (1) In jurisdictions using paper ballots, each election officer shall:

4991 (a) provide printed official paper ballots and absentee ballots for every election of  
4992 public officers in which the voters, or any of the voters, within the election officer's jurisdiction  
4993 participate;

4994 (b) cause the name of every candidate whose nomination has been certified to or filed  
4995 with the election officer in the manner provided by law to be printed on each official paper  
4996 ballot and absentee ballot;

4997 (c) cause any ballot proposition that has qualified for the ballot as provided by law to  
4998 be printed on each official paper ballot and absentee ballot;

4999 (d) ensure that the official paper ballots are printed and in the possession of the election  
5000 officer before commencement of voting;

5001 (e) ensure that the absentee ballots are printed and in the possession of the election  
5002 officer with sufficient time before commencement of voting;

5003 (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
5004 be printed on each official paper ballot and absentee ballot;

5005 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
5006 qualified for the official ballot to inspect the official paper ballots and absentee ballots;

5007 (h) cause sample ballots to be printed that are in the same form as official paper ballots  
5008 and that contain the same information as official paper ballots but that are printed on different  
5009 colored paper than official paper ballots;

5010 (i) ensure that the sample ballots are printed and in the possession of the election  
5011 officer at least seven days before commencement of voting;

5012 (j) make the sample ballots available for public inspection by:

5013 (i) posting a copy of the sample ballot in his office at least seven days before  
5014 commencement of voting;

5015 (ii) mailing a copy of the sample ballot to:

5016 (A) each candidate listed on the ballot; and

5017 (B) the lieutenant governor; and

5018 (iii) publishing a copy of the sample ballot immediately before the election;

- 5019            (A) in at least one newspaper of general circulation in the jurisdiction holding the  
5020 election; and
- 5021            (B) as required in Section 45-1-101;
- 5022            (k) deliver at least five copies of the sample ballot to poll workers for each polling  
5023 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 5024            (l) print and deliver, at the expense of the jurisdiction conducting the election, enough  
5025 official paper ballots, absentee ballots, sample ballots, and instruction cards to meet the voting  
5026 demands of the qualified voters in each voting precinct.
- 5027            (2) In jurisdictions using a punch card ballot, each election officer shall:
- 5028            (a) provide official ballot sheets, absentee ballot sheets, and printed official ballot  
5029 labels for every election of public officers in which the voters, or any of the voters, within the  
5030 election officer's jurisdiction participate;
- 5031            (b) cause the name of every candidate who filed with the election officer in the manner  
5032 provided by law or whose nomination has been certified to the election officer to be printed on  
5033 each official ballot label;
- 5034            (c) cause each ballot proposition that has qualified for the ballot as provided by law to  
5035 be printed on each official ballot label;
- 5036            (d) ensure that the official ballot labels are printed and in the possession of the election  
5037 officer before the commencement of voting;
- 5038            (e) ensure that the absentee ballots are printed and in the possession of the election  
5039 officer with sufficient time before commencement of voting;
- 5040            (f) cause any ballot proposition that has qualified for the ballot as provided by law to  
5041 be printed on each official ballot label and absentee ballot;
- 5042            (g) allow candidates and their agents and the sponsors of ballot propositions that have  
5043 qualified for the official sample ballot to inspect the official sample ballot;
- 5044            (h) cause sample ballots to be printed that contain the same information as official  
5045 ballot labels but that are distinguishable from official ballot labels;
- 5046            (i) ensure that the sample ballots are printed and in the possession of the election  
5047 officer at least seven days before commencement of voting;
- 5048            (j) make the sample ballots available for public inspection by:
- 5049            (i) posting a copy of the sample ballot in his office at least seven days before

5050 commencement of voting;

5051 (ii) mailing a copy of the sample ballot to:

5052 (A) each candidate listed on the ballot; and

5053 (B) the lieutenant governor; and

5054 (iii) publishing a copy of the sample ballot immediately before the election;

5055 (A) in at least one newspaper of general circulation in the jurisdiction holding the

5056 election; and

5057 (B) as required in Section 45-1-101;

5058 (k) deliver at least five copies of the sample ballot to poll workers for each polling

5059 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5060 (l) print and deliver official ballot sheets, official ballot labels, sample ballots, and

5061 instruction cards at the expense of the jurisdiction conducting the election.

5062 (3) In jurisdictions using a ballot sheet other than a punch card, each election officer

5063 shall:

5064 (a) provide official ballot sheets and absentee ballot sheets for every election of public

5065 officers in which the voters, or any of the voters, within the election officer's jurisdiction

5066 participate;

5067 (b) cause the name of every candidate who filed with the election officer in the manner

5068 provided by law or whose nomination has been certified to or filed with the election officer to

5069 be printed on each official ballot and absentee ballot;

5070 (c) cause each ballot proposition that has qualified for the ballot as provided by law to

5071 be printed on each official ballot and absentee ballot;

5072 (d) ensure that the official ballots are printed and in the possession of the election

5073 officer before commencement of voting;

5074 (e) ensure that the absentee ballots are printed and in the possession of the election

5075 officer with sufficient time before commencement of voting;

5076 (f) cause any ballot proposition that has qualified for the ballot as provided by law to

5077 be printed on each official ballot and absentee ballot;

5078 (g) allow candidates and their agents and the sponsors of ballot propositions that have

5079 qualified for the official sample ballot to inspect the official sample ballot;

5080 (h) cause sample ballots to be printed that contain the same information as official

- 5081 ballots but that are distinguishable from the official ballots;
- 5082 (i) ensure that the sample ballots are printed and in the possession of the election  
5083 officer at least seven days before commencement of voting;
- 5084 (j) make the sample ballots available for public inspection by:
- 5085 (i) posting a copy of the sample ballot in the election officer's office at least seven days  
5086 before commencement of voting;
- 5087 (ii) mailing a copy of the sample ballot to:
- 5088 (A) each candidate listed on the ballot; and  
5089 (B) the lieutenant governor; and
- 5090 (iii) publishing a copy of the sample ballot immediately before the election;
- 5091 (A) in at least one newspaper of general circulation in the jurisdiction holding the  
5092 election; and
- 5093 (B) as required in Section 45-1-101;
- 5094 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
5095 place and direct them to post the sample ballots as required by Section 20A-5-102; and
- 5096 (l) print and deliver, at the expense of the jurisdiction conducting the election, enough  
5097 official ballots, absentee ballots, sample ballots, and instruction cards to meet the voting  
5098 demands of the qualified voters in each voting precinct.
- 5099 (4) In jurisdictions using electronic ballots, each election officer shall:
- 5100 (a) provide official ballots for every election of public officers in which the voters, or  
5101 any of the voters, within the election officer's jurisdiction participate;
- 5102 (b) cause the name of every candidate who filed with the election officer in the manner  
5103 provided by law or whose nomination has been certified to the election officer to be displayed  
5104 on each official ballot;
- 5105 (c) cause each ballot proposition that has qualified for the ballot as provided by law to  
5106 be displayed on each official ballot;
- 5107 (d) ensure that the official ballots are prepared and in the possession of the election  
5108 officer before commencement of voting;
- 5109 (e) ensure that the absentee ballots are prepared and in the possession of the election  
5110 officer with sufficient time before commencement of voting;
- 5111 (f) cause any ballot proposition that has qualified for the ballot as provided by law to

5112 be printed on each official ballot and absentee ballot;

5113 (g) allow candidates and their agents and the sponsors of ballot propositions that have  
5114 qualified for the official sample ballot to inspect the official sample ballot;

5115 (h) cause sample ballots to be printed that contain the same information as official  
5116 ballots but that are distinguishable from official ballots;

5117 (i) ensure that the sample ballots are printed and in the possession of the election  
5118 officer at least seven days before commencement of voting;

5119 (j) make the sample ballots available for public inspection by:

5120 (i) posting a copy of the sample ballot in the election officer's office at least seven days  
5121 before commencement of voting;

5122 (ii) mailing a copy of the sample ballot to:

5123 (A) each candidate listed on the ballot; and

5124 (B) the lieutenant governor; and

5125 (iii) publishing a copy of the sample ballot immediately before the election;

5126 (A) in at least one newspaper of general circulation in the jurisdiction holding the  
5127 election; and

5128 (B) as required in Section 45-1-101;

5129 (k) deliver at least five copies of the sample ballot to poll workers for each polling  
5130 place and direct them to post the sample ballots as required by Section 20A-5-102; and

5131 (l) prepare and deliver official ballots, sample ballots, and instruction cards at the  
5132 expense of the jurisdiction conducting the election.

5133 (5) (a) Each election officer shall, without delay, correct any error discovered in any  
5134 official paper ballot, ballot label, ballot sheet, electronic ballot, or sample ballot, if the  
5135 correction can be made without interfering with the timely distribution of the paper ballots,  
5136 ballot labels, ballot sheets, or electronic ballots.

5137 (b) (i) If the election officer discovers an error or omission in a paper ballot, ballot  
5138 label, or ballot sheet, and it is not possible to correct the error or omission by reprinting the  
5139 paper ballots, ballot labels, or ballot sheets, the election officer shall direct the poll workers to  
5140 make the necessary corrections on the official paper ballots, ballot labels, or ballot sheets  
5141 before they are distributed at the polls.

5142 (ii) If the election officer discovers an error or omission in an electronic ballot and it is

5143 not possible to correct the error or omission by revising the electronic ballot, the election  
5144 officer shall direct the poll workers to post notice of each error or omission with instructions on  
5145 how to correct each error or omission in a prominent position at each polling booth.

5146 (c) (i) If the election officer refuses or fails to correct an error or omission in the paper  
5147 ballots, ballot labels, ballot sheets, or electronic ballots, a candidate or a candidate's agent may  
5148 file a verified petition with the district court asserting that:

5149 (A) an error or omission has occurred in:

5150 (I) the publication of the name or description of a candidate;

5151 (II) the preparation or display of an electronic ballot; or

5152 (III) in the printing of sample or official paper ballots, ballot labels, or ballot sheets;

5153 and

5154 (B) the election officer has failed to correct or provide for the correction of the error or  
5155 omission.

5156 (ii) The district court shall issue an order requiring correction of any error in a paper  
5157 ballot, ballot label, ballot sheet, or electronic ballot or an order to show cause why the error  
5158 should not be corrected if it appears to the court that the error or omission has occurred and the  
5159 election officer has failed to correct it or failed to provide for its correction.

5160 (iii) A party aggrieved by the district court's decision may appeal the matter to the Utah  
5161 Supreme Court within five days after the decision of the district court.

5162 Section 119. Section **20A-7-204.1** is amended to read:

5163 **20A-7-204.1. Public hearings to be held before initiative petitions are circulated.**

5164 (1) (a) After issuance of the initial fiscal impact estimate by the Governor's Office of  
5165 Planning and Budget and before circulating initiative petitions for signature statewide, sponsors  
5166 of the initiative petition shall hold at least seven public hearings throughout Utah as follows:

5167 (i) one in the Bear River region -- Box Elder, Cache, or Rich County;

5168 (ii) one in the Southwest region -- Beaver, Garfield, Iron, Kane, or Washington

5169 County;

5170 (iii) one in the Mountain region -- Summit, Utah, or Wasatch County;

5171 (iv) one in the Central region -- Juab, Millard, Piute, Sanpete, Sevier, or Wayne

5172 County;

5173 (v) one in the Southeast region -- Carbon, Emery, Grand, or San Juan County;

5174 (vi) one in the Uintah Basin region -- Daggett, Duchesne, or Uintah County; and

5175 (vii) one in the Wasatch Front region -- Davis, Morgan, Salt Lake, Tooele, or Weber

5176 County.

5177 (b) Of the seven meetings, at least two of the meetings must be held in a first or second  
5178 class county, but not in the same county.

5179 (2) At least three calendar days before the date of the public hearing, the sponsors  
5180 shall:

5181 (a) provide written notice of the public hearing to:

5182 (i) the lieutenant governor for posting on the state's website; and

5183 (ii) each state senator, state representative, and county commission or county council  
5184 member who is elected in whole or in part from the region where the public hearing will be  
5185 held; and

5186 (b) publish written notice of the public hearing detailing its time, date, and location;

5187 (i) in at least one newspaper of general circulation in each county in the region where  
5188 the public hearing will be held[-]; and

5189 (ii) as required in Section 45-1-101.

5190 (3) (a) During the public hearing, the sponsors shall either:

5191 (i) video tape or audio tape the public hearing and, when the hearing is complete,  
5192 deposit the complete audio or video tape of the meeting with the lieutenant governor; or

5193 (ii) take comprehensive minutes of the public hearing, detailing the names and titles of  
5194 each speaker and summarizing each speaker's comments.

5195 (b) The lieutenant governor shall make copies of the tapes or minutes available to the  
5196 public.

5197 Section 120. Section **20A-9-203** is amended to read:

5198 **20A-9-203. Declarations of candidacy -- Municipal general elections.**

5199 (1) (a) (i) A person may become a candidate for any municipal office if:

5200 (A) the person is a registered voter; and

5201 (B) (I) the person has resided within the municipality in which that person seeks to  
5202 hold elective office for the 12 consecutive months immediately before the date of the election;  
5203 or

5204 (II) if the territory in which the person resides was annexed into the municipality, the



5205 person has resided within the annexed territory or the municipality the 12 consecutive months  
5206 immediately before the date of the election.

5207 (ii) For purposes of determining whether a person meets the residency requirement of  
5208 Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before  
5209 the election, the municipality shall be considered to have been incorporated 12 months before  
5210 the date of the election.

5211 (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal  
5212 council position shall, if elected from a district, be a resident of the council district from which  
5213 elected.

5214 (c) In accordance with Utah Constitution Article IV, Section 6, any mentally  
5215 incompetent person, any person convicted of a felony, or any person convicted of treason or a  
5216 crime against the elective franchise may not hold office in this state until the right to hold  
5217 elective office is restored under Section 20A-2-101.5.

5218 (2) (a) Except as provided in Subsection (2)(b) or (2)(c), each person seeking to  
5219 become a candidate for a municipal office shall:

5220 (i) file a declaration of candidacy, in person with the city recorder or town clerk, during  
5221 office hours and not later than 5 p.m. between July 1 and July 15 of any odd numbered year;  
5222 and

5223 (ii) pay the filing fee, if one is required by municipal ordinance.

5224 (b) (i) As used in this Subsection (2)(b), "registered voters" means the number of  
5225 persons registered to vote in the municipality on the January 1 of the municipal election year.

5226 (ii) A third, fourth, or fifth class city that used the convention system to nominate  
5227 candidates in the last municipal election as authorized by Subsection 20A-9-404(3) or used the  
5228 process contained in this Subsection (2)(b) in the last municipal election or a town that used the  
5229 convention system to nominate candidates in the last municipal election as authorized by  
5230 Subsection 20A-9-404(3) or used the process contained in this Subsection (2)(b) in the last  
5231 municipal election may, by ordinance, require, in lieu of the convention system, that candidates  
5232 for municipal office file a nominating petition signed by a percentage of registered voters at the  
5233 same time that the candidate files a declaration of candidacy.

5234 (iii) The ordinance shall specify the number of signatures that the candidate must  
5235 obtain on the nominating petition in order to become a candidate for municipal office under

5236 this Subsection (2), but that number may not exceed 5% of registered voters.

5237 (c) Any resident of a municipality may nominate a candidate for a municipal office by:

5238 (i) filing a nomination petition with the city recorder or town clerk during office hours,  
5239 but not later than 5 p.m., between July 1 and July 15 of any odd-numbered year; and

5240 (ii) paying the filing fee, if one is required by municipal ordinance.

5241 (3) (a) Before the filing officer may accept any declaration of candidacy or nomination  
5242 petition, the filing officer shall:

5243 (i) read to the prospective candidate or person filing the petition the constitutional and  
5244 statutory qualification requirements for the office that the candidate is seeking; and

5245 (ii) require the candidate or person filing the petition to state whether or not the  
5246 candidate meets those requirements.

5247 (b) If the prospective candidate does not meet the qualification requirements for the  
5248 office, the filing officer may not accept the declaration of candidacy or nomination petition.

5249 (c) If it appears that the prospective candidate meets the requirements of candidacy, the  
5250 filing officer shall:

5251 (i) inform the candidate that the candidate's name will appear on the ballot as it is  
5252 written on the declaration of candidacy;

5253 (ii) provide the candidate with a copy of the current campaign financial disclosure laws  
5254 for the office the candidate is seeking and inform the candidate that failure to comply will  
5255 result in disqualification as a candidate and removal of the candidate's name from the ballot;

5256 (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide  
5257 Electronic Voter Information Website Program and inform the candidate of the submission  
5258 deadline under Subsection 20A-7-801(4)(a);

5259 (iv) provide the candidate with a copy of the pledge of fair campaign practices  
5260 described under Section 20A-9-206 and inform the candidate that:

5261 (A) signing the pledge is voluntary; and

5262 (B) signed pledges shall be filed with the filing officer; and

5263 (v) accept the declaration of candidacy or nomination petition.

5264 (d) If the candidate elects to sign the pledge of fair campaign practices, the filing  
5265 officer shall:

5266 (i) accept the candidate's pledge; and

5267 (ii) if the candidate has filed for a partisan office, provide a certified copy of the  
5268 candidate's pledge to the chair of the county or state political party of which the candidate is a  
5269 member.

5270 (4) The declaration of candidacy shall substantially comply with the following form:

5271 "I, (print name) \_\_\_\_\_, being first sworn, say that I reside at \_\_\_\_\_ Street, City of \_\_\_\_\_,  
5272 County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a  
5273 registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I will meet  
5274 the legal qualifications required of candidates for this office. I will file all campaign financial  
5275 disclosure reports as required by law and I understand that failure to do so will result in my  
5276 disqualification as a candidate for this office and removal of my name from the ballot. I  
5277 request that my name be printed upon the applicable official ballots. (Signed)

5278 \_\_\_\_\_

5279 Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this  
5280 \_\_\_\_\_(month\day\year).

5281 (Signed) \_\_\_\_\_ (Clerk or other officer qualified to administer oath)"

5282 (5) (a) In all first and second class cities, and in third, fourth, or fifth class cities that  
5283 have not passed the ordinance authorized by Subsection (2)(b) and in towns that have not  
5284 passed the ordinance authorized by Subsection (2)(b), any registered voter may be nominated  
5285 for municipal office by submitting a petition signed by:

- 5286 (i) 25 residents of the municipality who are at least 18 years old; or
- 5287 (ii) 20% of the residents of the municipality who are at least 18 years old.
- 5288 (b) (i) The petition shall substantially conform to the following form:

5289 "NOMINATION PETITION

5290 The undersigned residents of (name of municipality) being 18 years old or older  
5291 nominate (name of nominee) to the office of \_\_\_\_\_ for the (two or four-year term, whichever is  
5292 applicable)."

5293 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
5294 persons signing the petition and their addresses and telephone numbers.

5295 (6) (a) In third, fourth, and fifth class cities that have passed the ordinance authorized  
5296 by Subsection (2)(b), and in towns that have passed the ordinance authorized by Subsection  
5297 (2)(b), any registered voter may be nominated for municipal office by submitting a petition

5298 signed by the same percentage of registered voters in the municipality as required by the  
5299 ordinance passed under authority of Subsection (2)(b).

5300 (b) (i) The petition shall substantially conform to the following form:

5301 "NOMINATION PETITION

5302 The undersigned residents of (name of municipality) being 18 years old or older  
5303 nominate (name of nominee) to the office of (name of office) for the (two or four-year term,  
5304 whichever is applicable)."

5305 (ii) The remainder of the petition shall contain lines and columns for the signatures of  
5306 persons signing the petition and their addresses and telephone numbers.

5307 (7) If the declaration of candidacy or nomination petition fails to state whether the  
5308 nomination is for the two or four-year term, the clerk shall consider the nomination to be for  
5309 the four-year term.

5310 (8) (a) The clerk shall verify with the county clerk that all candidates are registered  
5311 voters.

5312 (b) Any candidate who is not registered to vote is disqualified and the clerk may not  
5313 print the candidate's name on the ballot.

5314 (9) Immediately after expiration of the period for filing a declaration of candidacy, the  
5315 clerk shall:

5316 (a) cause the names of the candidates as they will appear on the ballot to be published;

5317 (i) in at least two successive publications of a newspaper with general circulation in the  
5318 municipality; and

5319 (ii) as required in Section 45-1-101; and

5320 (b) notify the lieutenant governor of the names of the candidates as they will appear on  
5321 the ballot.

5322 (10) A declaration of candidacy or nomination petition filed under this section may not  
5323 be amended after the expiration of the period for filing a declaration of candidacy.

5324 (11) (a) A declaration of candidacy or nomination petition filed under this section is  
5325 valid unless a written objection is filed with the clerk within five days after the last day for  
5326 filing.

5327 (b) If an objection is made, the clerk shall:

5328 (i) mail or personally deliver notice of the objection to the affected candidate

5329 immediately; and

5330 (ii) decide any objection within 48 hours after it is filed.

5331 (c) If the clerk sustains the objection, the candidate may correct the problem by  
5332 amending the declaration or petition within three days after the objection is sustained or by  
5333 filing a new declaration within three days after the objection is sustained.

5334 (d) (i) The clerk's decision upon objections to form is final.

5335 (ii) The clerk's decision upon substantive matters is reviewable by a district court if  
5336 prompt application is made to the district court.

5337 (iii) The decision of the district court is final unless the Supreme Court, in the exercise  
5338 of its discretion, agrees to review the lower court decision.

5339 (12) Any person who filed a declaration of candidacy and was nominated, and any  
5340 person who was nominated by a nomination petition, may, any time up to 23 days before the  
5341 election, withdraw the nomination by filing a written affidavit with the clerk.

5342 Section 121. Section **23-21-1.5** is amended to read:

5343 **23-21-1.5. Acquisition of real property held in private ownership -- Published**  
5344 **notice and governor's approval required.**

5345 (1) The Division of Wildlife Resources may not acquire title to real property held in  
5346 private ownership without first:

5347 (a) publishing a notice of the proposed acquisition;

5348 (i) in a newspaper of general circulation in the county in which the property is located;

5349 and

5350 (ii) as required in Section 45-1-101; and

5351 (b) obtaining the approval of the governor.

5352 (2) The requirements of Subsection (1) apply whether title to real property held in  
5353 private ownership is acquired through a purchase, donation, or other means.

5354 (3) In the case of a proposed purchase of private property, the notice may be published  
5355 after earnest money is paid.

5356 (4) The published notice shall inform the public regarding:

5357 (a) the proposed use of the land;

5358 (b) any conditions on the acquisition of the land placed by donors, the federal  
5359 government, sellers, or others specifying how the land must be used;

- 5360 (c) any changes to existing land uses that are anticipated; and
- 5361 (d) the public comment submission process for comments on the proposed acquisition.
- 5362 (5) The governor shall:
- 5363 (a) submit a notification of the proposed acquisition to:
- 5364 (i) the county executive of the county in which the property is located;
- 5365 (ii) the legislators of the legislative districts in which the lands are located; and
- 5366 (iii) the School and Institutional Trust Lands Administration; and
- 5367 (b) invite those notified to submit any comments on the proposed acquisition.
- 5368 (6) After considering comments on the proposed acquisition, the governor may
- 5369 approve the acquisition in whole or in part or disapprove the acquisition.

5370 Section 122. Section **24-1-4** is amended to read:

5371 **24-1-4. Civil Procedures.**

5372 (1) An agency which seizes property under any provision of state law subjecting the

5373 property to forfeiture shall, as soon as practicable, but in no case more than 30 days after

5374 seizure:

5375 (a) prepare a detailed inventory of all property seized and transfer the seized property

5376 to a designated official within the agency, who shall be responsible for holding and maintaining

5377 seized property pending a court order of release or final determination of forfeiture and

5378 disposition of property under this chapter;

5379 (b) notify the prosecuting attorney for the appropriate jurisdiction who is responsible

5380 for initiating forfeiture proceedings under this chapter of the items of property seized, the place

5381 of the seizure and any persons arrested at the time of seizure; and

5382 (c) give written notice to all owners and interest holders known, or reasonably

5383 discoverable after due diligence, of:

5384 (i) the date of the seizure and the property seized;

5385 (ii) the owner's or interest holder's rights and obligations under this chapter, including

5386 the availability of hardship relief in appropriate circumstances; and

5387 (iii) a brief description of the statutory basis for the forfeiture and the judicial

5388 proceedings by which property is forfeited under this chapter.

5389 (2) (a) If the seizing agency fails to provide notice as required in Subsection (1), an

5390 owner or interest holder entitled to notice who does not receive notice may void the forfeiture

5391 with respect to the owner's or interest holder's interest in the property by bringing a motion  
5392 before the appropriate district court and serving it upon the seizing agency. The motion may be  
5393 brought at any time prior to the final disposition of the property under this chapter.

5394 (b) If an owner or interest holder brings a motion to void the forfeiture for lack of the  
5395 notice required under Subsection (1), the court shall void the forfeiture unless the seizing  
5396 agency demonstrates:

5397 (i) good cause for the failure to give notice to that owner; or

5398 (ii) that the owner otherwise had actual notice of the seizure.

5399 (3) (a) Within 60 days of any seizure, the prosecuting attorney shall file a complaint for  
5400 forfeiture in the appropriate district court and serve a summons and notice of intent to seek  
5401 forfeiture with a copy of the complaint upon all owners and interest holders known to the  
5402 prosecuting attorney to have an interest in the property. Service shall be by one of the  
5403 following methods:

5404 (i) if the owner's or interest holder's name and current address are known, either by  
5405 personal service by any person qualified to serve process, by a law enforcement officer, or by  
5406 certified mail, return receipt requested, to that address;

5407 (ii) if the owner's or interest holder's name and address are required by law to be on  
5408 record with any state agency in order to perfect an interest in property and the owner's or  
5409 interest holder's current address is not known, by mailing a copy of the notice by certified mail,  
5410 return receipt requested, to the most recent address listed by any of those agencies; or

5411 (iii) if the owner's or interest holder's address is not known and is not on record as  
5412 provided in Subsection (3)(a)(i) or (ii), by publication:

5413 (A) for two successive weeks in a newspaper of general circulation in the county in  
5414 which the seizure occurred[-]; and

5415 (B) in accordance with Section 45-1-101 for two weeks.

5416 (b) Notice is effective upon the earlier of personal service, publication, or the mailing  
5417 of a written notice.

5418 (c) The summons and notice of intent to seek forfeiture shall:

5419 (i) be addressed to the known owners and interest holders of the seized property, and to  
5420 the person from whom the property was seized;

5421 (ii) contain the name, business address, and business telephone number of the

5422 prosecuting attorney seeking the forfeiture; and  
5423 (iii) contain:  
5424 (A) a description of the property which is the subject matter of the forfeiture  
5425 proceeding;  
5426 (B) notice that a complaint for forfeiture has been or will be filed;  
5427 (C) the time and procedural requirements for filing an answer or claim;  
5428 (D) notice of the availability of hardship or bond release of the property; and  
5429 (E) notice that failure to file an answer or other claim regarding the seized property will  
5430 result in a default judgment against the seized property.  
5431 (d) The complaint shall describe with reasonable particularity:  
5432 (i) the property which is the subject matter of the forfeiture proceeding;  
5433 (ii) the date and place of seizure; and  
5434 (iii) the allegations which constitute a basis for forfeiture.  
5435 (4) (a) If the prosecuting attorney does not timely file a complaint for forfeiture of the  
5436 property in accordance with Subsection (3), the agency shall promptly return the property to its  
5437 owner and the prosecuting attorney may take no further action to effect the forfeiture of the  
5438 property.  
5439 (b) If the agency knows of more than one owner, it shall return the property to the  
5440 owner who was in possession at the time of the seizure.  
5441 (5) (a) In any case where the prosecuting attorney files a complaint for forfeiture of  
5442 property, an owner or interest holder may file a claim and an answer to the complaint.  
5443 (b) The claim and answer shall be filed within 30 days after the complaint is served in  
5444 person or by mail, or where applicable, within 30 days after publication under Subsection (3).  
5445 (6) (a) Except as otherwise provided in this chapter, forfeiture proceedings are  
5446 governed by the Utah Rules of Civil Procedure.  
5447 (b) The court shall take all reasonable steps to expedite forfeiture proceedings and shall  
5448 give these proceedings the same priority as is given to criminal cases.  
5449 (c) In all suits or actions brought for the civil forfeiture of any property under this  
5450 chapter, the burden of proof is on the prosecuting attorney to establish, by clear and convincing  
5451 evidence, to what extent, if any, property is subject to forfeiture.  
5452 (d) The right to trial by jury applies to forfeiture proceedings under this chapter.



5453 Section 123. Section **26-8a-405.3** is amended to read:

5454 **26-8a-405.3. Use of competitive sealed proposals -- Procedure -- Appeal rights.**

5455 (1) (a) Competitive sealed proposals for paramedic or 911 ambulance services under  
5456 Section 26-8a-405.2 shall be solicited through a request for proposal and the provisions of this  
5457 section.

5458 (b) The governing body of the political subdivision shall approve the request for  
5459 proposal prior to the notice of the request for proposals under Subsection (1)(c).

5460 (c) (i) Notice of the request for proposals [~~must~~] shall be published:

5461 (A) at least once a week for three consecutive weeks in a newspaper of general  
5462 circulation published in the county[-]; or

5463 (B) if there is no such newspaper, then notice must be posted for at least 20 days in at  
5464 least five public places in the county[-]; and

5465 (ii) in accordance with Section 45-1-101 for at least 20 days.

5466 (2) (a) Proposals shall be opened so as to avoid disclosure of contents to competing  
5467 offerors during the process of negotiations.

5468 (b) (i) Subsequent to the published notice, and prior to selecting an applicant, the  
5469 political subdivision must hold a presubmission conference with interested applicants for the  
5470 purpose of assuring full understanding of, and responsiveness to, solicitation requirements.

5471 (ii) A political subdivision shall allow at least 90 days from the presubmission  
5472 conference for the proposers to submit proposals.

5473 (c) Subsequent to the presubmission conference, the political subdivision may issue  
5474 addenda to the request for proposals. An addenda to a request for proposal must be finalized  
5475 and posted by the political subdivision at least 45 days prior to the date on which the proposal  
5476 must be submitted.

5477 (d) Offerors to the request for proposals shall be accorded fair and equal treatment with  
5478 respect to any opportunity for discussion and revisions of proposals, and revisions may be  
5479 permitted after submission and before a contract is awarded for the purpose of obtaining best  
5480 and final offers.

5481 (e) In conducting discussions, there shall be no disclosures of any information derived  
5482 from proposals submitted by competing offerors.

5483 (3) (a) (i) A political subdivision may select an applicant approved by the department

5484 under Section 26-8a-404 to provide 911 ambulance or paramedic services by contract to the  
5485 most responsible offeror as defined in Subsection 63G-6-103(24).

5486 (ii) An award under Subsection (3)(a)(i) shall be made to the responsible offeror whose  
5487 proposal is determined in writing to be the most advantageous to the political subdivision,  
5488 taking into consideration price and the evaluation factors set forth in the request for proposal.

5489 (b) The applicants who are approved under Section 26-8a-405 and who are selected  
5490 under this section may be the political subdivision issuing the request for competitive sealed  
5491 proposals, or any other public entity or entities, any private person or entity, or any  
5492 combination thereof.

5493 (c) A political subdivision may reject all of the competitive proposals.

5494 (4) In seeking competitive sealed proposals and awarding contracts under this section,  
5495 a political subdivision:

5496 (a) shall apply the public convenience and necessity factors listed in Subsections  
5497 26-8a-408(2) through (6);

5498 (b) shall require the applicant responding to the proposal to disclose how the applicant  
5499 will meet performance standards in the request for proposal;

5500 (c) may not require or restrict an applicant to a certain method of meeting the  
5501 performance standards, including:

5502 (i) requiring ambulance medical personnel to also be a firefighter; or

5503 (ii) mandating that offerors use fire stations or dispatch services of the political  
5504 subdivision;

5505 (d) (i) shall require an applicant to submit the proposal based on full cost accounting in  
5506 accordance with generally accepted accounting principals; and

5507 (ii) if the applicant is a governmental entity, in addition to the requirements of  
5508 Subsection (4)(e)(i), in accordance with generally accepted government auditing standards and  
5509 in compliance with the State of Utah Legal Compliance Audit Guide; and

5510 (e) shall set forth in the request for proposal:

5511 (i) the method for determining full cost accounting in accordance with generally  
5512 accepted accounting principles, and require an applicant to submit the proposal based on such  
5513 full cost accounting principles;

5514 (ii) guidelines established to further competition and provider accountability; and

5515 (iii) a list of the factors that will be considered by the political subdivision in the award  
5516 of the contract, including by percentage, the relative weight of the factors established under this  
5517 Subsection (4)(e), which may include such things as:

5518 (A) response times;

5519 (B) staging locations;

5520 (C) experience;

5521 (D) quality of care; and

5522 (E) cost, consistent with the cost accounting method in Subsection (4)(e)(i).

5523 (5) (a) Notwithstanding the provisions of Subsection 63G-6-104(3), the provisions of  
5524 Title 63G, Chapter 6, Part 8, Legal and Contractual Remedies, apply to the procurement  
5525 process required by this section, except as provided in Subsection (5)(c).

5526 (b) The Procurement Appeals Board created in Section 63G-6-807 shall have  
5527 jurisdiction to review and determine an appeal of an offeror under this section in the same  
5528 manner as provided in Section 63G-6-810.

5529 (c) (i) An offeror may appeal the solicitation or award as provided by the political  
5530 subdivision's procedures. After all political subdivision appeal rights are exhausted, the offeror  
5531 may appeal under the provisions of Subsections (5)(a) and (b).

5532 (ii) The factual determination required by Subsection 63G-6-813(1) shall be based on  
5533 whether the solicitation or award was made in accordance with the procedures set forth in this  
5534 section and Section 26-8a-405.2.

5535 (d) The determination of an issue of fact by the appeals board shall be final and  
5536 conclusive unless arbitrary and capricious or clearly erroneous as provided in Section  
5537 63G-6-813.

5538 Section 124. Section **26-8a-406** is amended to read:

5539 **26-8a-406. Ground ambulance and paramedic licenses -- Parties.**

5540 (1) When an applicant approved under Section 26-8a-404 seeks licensure under the  
5541 provisions of Sections 26-8a-406 through 26-8a-409, the department shall:

5542 (a) issue a notice of agency action to the applicant to commence an informal  
5543 administrative proceeding;

5544 (b) provide notice of the application to all interested parties; and

5545 (c) publish notice of the application, at the applicant's expense[;]:

5546 (i) once a week for four consecutive weeks, in a newspaper of general circulation in the  
5547 geographic service area that is the subject of the application[-]; and

5548 (ii) in accordance with Section 45-1-101 for four weeks.

5549 (2) An interested party has 30 days to object to an application.

5550 (3) If an interested party objects, the presiding officer must join the interested party as  
5551 an indispensable party to the proceeding.

5552 (4) The department may join the proceeding as a party to represent the public interest.

5553 (5) Others who may be affected by the grant of a license to the applicant may join the  
5554 proceeding, if the presiding officer determines that they meet the requirement of legal standing.

5555 Section 125. Section **26-19-6** is amended to read:

5556 **26-19-6. Action by department -- Notice to recipient.**

5557 (1) (a) Within 30 days after commencing an action under Subsection 26-19-5(3), the  
5558 department shall give the recipient, his guardian, personal representative, trustee, estate, or  
5559 survivor, whichever is appropriate, written notice of the action by:

5560 (i) personal service or certified mail to the last known address of the person receiving  
5561 the notice; or

5562 (ii) if no last-known address is available, by publishing a notice:

5563 (a) once a week for three successive weeks in a newspaper of general circulation in the  
5564 county where the recipient resides[-]; and

5565 (b) in accordance with Section 45-1-101 for three weeks.

5566 (b) Proof of service shall be filed in the action.

5567 (c) The recipient may intervene in the department's action at any time before trial.

5568 (2) The notice required by Subsection (1) shall name the court in which the action is  
5569 commenced and advise the recipient of:

5570 (a) the right to intervene in the proceeding;

5571 (b) the right to obtain a private attorney; and

5572 (c) the department's right to recover medical assistance directly from the third party.

5573 Section 126. Section **31A-2-303** is amended to read:

5574 **31A-2-303. Notice.**

5575 (1) If the commissioner determines that the number of persons affected by a proposed  
5576 action is so great as to render it impracticable to serve each person affected with a copy of an

5577 order, notice of hearing, or other notice, the commissioner shall:

5578 (a) provide a copy of the order, notice of hearing, or other notice to all persons who  
5579 have filed with the department a general request to be informed of this type of action, or if  
5580 fewer than ten persons have requested this type of notice, provide a copy to those who have and  
5581 also to others affected by the notice or order so that at least ten persons receive the notice or  
5582 order who are collectively representative of the class of persons whose legal status, pecuniary  
5583 interests, or other substantial interests will be affected by the proposed action; and

5584 (b) publish a copy of the order, notice of hearing, or other notice under Subsection (2).

5585 (2) When this title requires the commissioner to publish an order, notice of hearing, or  
5586 other document [~~in newspapers~~], the commissioner shall cause the notice or order to be  
5587 published;

5588 (a) at least once during each of the four weeks preceding the hearing, effective date, or  
5589 other critical event, in at least two newspapers with sufficient circulation and appropriate  
5590 location to best provide actual notice[-]; and

5591 (b) in accordance with Section 45-1-101 for four weeks preceding the hearing,  
5592 effective date, or other critical event.

5593 Section 127. Section **31A-27a-406** is amended to read:

5594 **31A-27a-406. Notice to creditors and others.**

5595 (1) Unless the receivership court otherwise directs, the liquidator shall give or cause to  
5596 be given notice of the liquidation order as soon as possible:

5597 (a) by first-class mail or electronic communication as permitted by the receivership  
5598 court to the following at their last-known address:

5599 (i) all of the insurer's agents, brokers, or producers of record with a current  
5600 appointment or current license to represent the insurer; and

5601 (ii) all other agents, brokers, or producers that the liquidator considers appropriate;

5602 (b) by first-class mail or electronic communication as permitted by the receivership  
5603 court to:

5604 (i) all current policyholders;

5605 (ii) all pending claimants; and

5606 (iii) as determined by the receivership court, former policyholders and other creditors;

5607 and

5608 (c) by [~~one-time~~] publication;

5609 (i) once in a newspaper of general circulation in:

5610 [(i)] (A) the county in which the insurer has its principal place of business; and

5611 [(ii)] (B) other locations that the liquidator considers appropriate[-]; and

5612 (ii) as required in Section 45-1-101.

5613 (2) The notice of the entry of an order of liquidation shall contain or provide directions

5614 for obtaining the following information:

5615 (a) a statement that the insurer has been placed in liquidation;

5616 (b) a statement:

5617 (i) explaining that certain acts are stayed under Section 31A-27a-108; and

5618 (ii) describing any additional injunctive relief ordered by the receivership court;

5619 (c) a statement whether, and to what extent, the insurer's policies continue in effect;

5620 (d) to the extent applicable, a statement that coverage by guaranty associations may be

5621 available for all or part of policy benefits in accordance with applicable state guaranty laws;

5622 (e) a statement of:

5623 (i) the deadline for filing claims, if established; and

5624 (ii) the requirements for filing a proof of claim pursuant to Section 31A-27a-601 on or

5625 before that date;

5626 (f) a statement of the date, time, and location of any initial status hearing scheduled at

5627 the time the notice is sent;

5628 (g) a description of the process for obtaining notice of matters before the receivership

5629 court; and

5630 (h) other information as the liquidator or the receivership court considers appropriate.

5631 (3) If notice is given in accordance with this section, the distribution of property of the

5632 insurer under this chapter is conclusive with respect to all claimants, whether or not the

5633 claimant received notice.

5634 (4) (a) Notwithstanding the other provisions of this section, the liquidator has no duty

5635 to locate any person if:

5636 (i) no address is found in the records of the insurer; or

5637 (ii) a mailing is returned to the liquidator because of inability to deliver at the address

5638 shown in the insurer's records.

5639 (b) In the circumstances described in Subsection (4)(a), the notice by publication as  
5640 required by this chapter or actual notice received is sufficient notice.

5641 (c) Written certification by the liquidator or other knowledgeable person acting for the  
5642 liquidator that a notice is deposited in the United States mail, postage prepaid, or that the notice  
5643 is electronically transmitted is prima facie evidence of mailing and receipt.

5644 (d) A claimant has a duty to keep the liquidator informed of any change of address.

5645 (5) Notwithstanding Subsection (1):

5646 (a) upon application of the liquidator, the receivership court may find that notice by  
5647 publication as required in this section is sufficient notice to those persons holding an  
5648 occurrence policy:

5649 (i) that expired more than four years before the day on which the order of liquidation is  
5650 entered; and

5651 (ii) under which there are no pending claims; or

5652 (b) the receivership court may order other notice to those persons that the receivership  
5653 court considers appropriate.

5654 Section 128. Section **38-2-3.2** is amended to read:

5655 **38-2-3.2. Sale of unclaimed personal property.**

5656 (1) Any garments, clothing, shoes, wearing apparel or household goods, remaining in  
5657 the possession of a person, on which cleaning, pressing, glazing, laundry or washing or repair  
5658 work has been done or upon which alterations or repairs have been made or on which materials  
5659 or supplies have been used or furnished by said person holding possession thereof, for a period  
5660 of 90 days or more after the completion of such services or labors, may be sold by said person  
5661 holding possession, to pay the unpaid reasonable or agreed charges therefor and the costs of  
5662 notifying the owner or owners as hereinafter provided. However, the person to whom such  
5663 charges are payable and owing shall first notify the owner or owners of such property of the  
5664 time and place of such sale; and provided further, that property that is to be placed in storage  
5665 after any of the services or labors mentioned herein shall not be affected by the provisions of  
5666 this Subsection (1).

5667 (2) All garments, clothing, shoes, wearing apparel on which any of these services or  
5668 labors mentioned in Subsection (1) have been performed and then placed in storage by  
5669 agreement, and remaining in the possession of a person without the reasonable or agreed

5670 charges having been paid for a period of 12 months may be sold to pay such charges and costs  
5671 of notifying the owner or owners as hereinafter provided. However, the person to whom the  
5672 charges are payable and owing shall first notify the owner or owners of such property of the  
5673 time and the place of sale, and provided, further, that persons operating as warehouses or  
5674 warehousemen shall not be affected by this Subsection (2).

5675 (3) (a) (i) The mailing of a properly stamped and registered letter, with a return address  
5676 marked thereon, addressed to the owner or owners of the property, at their address given at the  
5677 time of delivery of the property to such person to render any of the services or labors set out in  
5678 this article, or if no address was so given, at their address if otherwise known, stating the time  
5679 and place of sale, shall constitute notice as required in this section.

5680 (ii) The notice required in Subsection (3)(a)(i) shall be mailed at least 20 days before  
5681 the date of sale.

5682 (iii) The cost of mailing the letter required under Subsection (3)(a)(i) shall be added to  
5683 the charges.

5684 (b) (i) If no address was given at the time of delivery of the property, or if the address  
5685 of the owner or owners is not otherwise known, such person who has performed the services or  
5686 labors as aforesaid shall cause to be published a notice of the time and place of sale:

5687 (A) at least once in a daily or weekly newspaper in the city, town, and county, wherein  
5688 such property was delivered to such person~~[, a notice of the time and place of sale and such~~  
5689 ~~notice shall be published]~~ at least 20 days before the date of sale~~[; and~~

5690 (B) in accordance with Section 45-1-101 for at least 20 days before the date of sale.

5691 (ii) Such notice constitutes notice as required in this section if notice cannot be mailed  
5692 as provided in Subsection (3)(b)(i).

5693 (iii) The costs of one such publication shall be added to the charges.

5694 (4) (a) The person to whom the charges are payable and owing shall from the proceeds  
5695 of the sale, deduct the charges due plus the costs of notifying the owner or owners and shall  
5696 immediately thereafter mail to the owner or owners thereof at their address, if known, a notice  
5697 of the holding of such sale and the amount of the overplus, if any, due the owner or owners. At  
5698 any time within 12 months after such notice, such person shall, upon demand by the owner or  
5699 owners, pay to the owner or owners such overplus in his hands.

5700 (b) If no such demand is made within such 12-month period, or, if the address of the



5701 owner or owners is unknown and no demand is made by the owner or owners within 12 months  
5702 after the date of sale, then such overplus shall become the property of a person who has  
5703 performed the services or labors as provided in Subsection (1).

5704 (5) Each person taking advantage of this section must keep posted in a prominent place  
5705 in his receiving office or offices at all times two notices which shall read as follows:

5706 "All articles, cleaned, pressed, glazed, laundered, washed, altered, or repaired, and not  
5707 called for in 90 days will be sold to pay charges."

5708 "All articles stored by agreement and charges not having been paid for 12 months will  
5709 be sold to pay charges."

5710 (6) The rights and benefits provided for in this section shall be and are in addition to  
5711 the rights and benefits provided for in Section 38-2-4.

5712 Section 129. Section **38-8-3** is amended to read:

5713 **38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**

5714 A claim of an owner which has become due against an occupant and which is secured  
5715 by the owner's lien may be satisfied as follows:

5716 (1) No enforcement action may be taken by the owner until the occupant has been in  
5717 default continuously for a period of 30 days.

5718 (2) After the occupant has been in default continuously for a period of 30 days, the  
5719 owner may begin enforcement action if the occupant has been given notice in writing. The  
5720 notice shall be delivered in person or sent by certified mail to the last known address of the  
5721 occupant, and a copy of the notice shall, at the same time, be sent to the sheriff of the county  
5722 where the self-service storage facility is located. Any lienholder with an interest in the property  
5723 to be sold or otherwise disposed of, of whom the owner has knowledge either through the  
5724 disclosure provision on the rental agreement or through the existence of a validly filed and  
5725 perfected UCC-1 financing statement with the Division of Corporations and Commercial Code,  
5726 or through other written notification, shall be included in the notice process as set forth in this  
5727 section.

5728 (3) This notice shall include:

5729 (a) an itemized statement of the owner's claim showing the sum due at the time of the  
5730 notice and the date when the sum became due;

5731 (b) a brief and general description of the personal property subject to the lien, which

5732 description shall be reasonably adequate to permit the person notified to identify the property;  
5733 except that any container including, but not limited to, a trunk, valise, or box that is locked,  
5734 fastened, sealed, or tied in a manner which deters immediate access to its contents may be  
5735 described as such without describing its contents;

5736 (c) a notification of denial of access to the personal property, if such denial is permitted  
5737 under the terms of the rental agreement, which notification shall provide the name, street  
5738 address, and telephone number of the owner or his designated agent whom the occupant may  
5739 contact to respond to the notification;

5740 (d) a demand for payment within a specified time not less than 15 days after delivery of  
5741 the notice; and

5742 (e) a conspicuous statement that, unless the claim is paid within the time stated in the  
5743 notice, the personal property will be advertised for sale or other disposition and will be sold or  
5744 otherwise disposed of at a specified time and place.

5745 (4) Any notice made under this section shall be presumed delivered when it is  
5746 deposited with the United States postal service and properly addressed with postage prepaid.

5747 (5) (a) After the expiration of the time given in the notice, an advertisement of the sale  
5748 or other disposition shall be published:

5749 (i) once a week for two consecutive weeks in a newspaper of general circulation in the  
5750 county where the self-service storage facility is located[-]; and

5751 (ii) in accordance with Section 45-1-101 for two weeks.

5752 (b) The advertisement described in Subsection (5)(a) shall include:

5753 (i) a brief and general description of the personal property reasonably adequate to  
5754 permit its identification as provided for in Subsection (3)(b); the address of the self-service  
5755 storage facility and the number, if any, of the space where the personal property is located; and  
5756 the name of the occupant and his last known address; and

5757 (ii) the time, place, and manner of the sale or other disposition, which sale or other  
5758 disposition shall take place not sooner than 15 days after the first publication.

5759 ~~[(b) If there is no newspaper of general circulation in the county where the self-service~~  
5760 ~~storage facility is located, the]~~

5761 (c) The advertisement shall also be posted at least ten days before the date of the sale or  
5762 other disposition in not less than six conspicuous places in the neighborhood where the

5763 self-service storage facility is located.

5764 (6) Any sale or other disposition of the personal property shall conform to the terms of  
5765 the notice provided for in this section.

5766 (7) Any sale or other disposition of the personal property shall be held at the  
5767 self-service storage facility or at the nearest suitable place to where the personal property is  
5768 held or stored.

5769 (8) Before any sale or other disposition of personal property under this section, the  
5770 occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred  
5771 under this section and thereby redeem the personal property; upon receipt of this payment, the  
5772 owner shall return the personal property, and thereafter the owner shall have no liability to any  
5773 person with respect to that personal property.

5774 (9) A purchaser in good faith of the personal property sold to satisfy a lien as provided  
5775 for in this chapter takes the property free of any rights of persons against whom the lien was  
5776 valid and free of any rights of a secured creditor, despite noncompliance by the owner with the  
5777 requirements of this section.

5778 (10) In the event of a sale under this section, the owner may satisfy his lien for the  
5779 proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior  
5780 lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good  
5781 faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge  
5782 for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for  
5783 delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or  
5784 other person in interest does not claim the balance of the proceeds within one year of the date  
5785 of sale, it shall become the property of the Utah state treasurer as unclaimed property with no  
5786 further claim against the owner.

5787 (11) If the requirements of this chapter are not satisfied, if the sale of the personal  
5788 property is not in conformity with the notice of sale, or if there is a willful violation of this  
5789 chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any  
5790 other person.

5791 Section 130. Section **38-13-204** is amended to read:

5792 **38-13-204. Selling the aircraft.**

5793 (1) A repairman may sell an aircraft subject to a lien under this chapter if:

5794 (a) the repairman receives a judgment in the foreclosure action filed under Section  
5795 38-13-202;

5796 (b) the repairman gives notice to:

5797 (i) the owner of the aircraft;

5798 (ii) the customer as indicated on the work order for the making, altering, repairing, or  
5799 performing of labor; and

5800 (iii) all other persons claiming an interest in or lien on the aircraft:

5801 (A) as disclosed by the records of the Federal Aviation Administration or of  
5802 corresponding agencies of any state in which the aircraft appears registered; and

5803 (B) that is known by the repairman;

5804 (c) the notice required by Subsection (1)(b) is sent by certified mail at least 30 days  
5805 before the proposed or scheduled date of any sale; and

5806 (d) the notice required by Subsection (1)(b) contains:

5807 (i) a description of the aircraft and its location;

5808 (ii) the name and address of each person described in Subsection (1)(b);

5809 (iii) the name, address, and telephone number of the repairman;

5810 (iv) notice:

5811 (A) that the repairman has a foreclosure judgment against the aircraft for the amount  
5812 stated in the judgment;

5813 (B) of the cash sum which, if paid to the repairman would be sufficient to redeem the  
5814 aircraft from the lien claimed by the repairman;

5815 (C) that the lien claimed by the repairman is subject to enforcement under this chapter;  
5816 and

5817 (D) that the aircraft may be sold to satisfy the lien;

5818 (v) the date, time, and location of any proposed or scheduled sale of the aircraft;

5819 (vi) notice as to whether the sale is private or public; and

5820 (vii) notice that the owner of the aircraft or other person entitled to possession of the  
5821 aircraft has a right to recover possession of the aircraft without instituting judicial proceedings  
5822 by posting a bond in accordance with Section 38-13-206.

5823 (2) (a) The repairman shall at least 20 days before the proposed or scheduled date of  
5824 sale of the aircraft publish the notice required by this section [~~once in a newspaper circulated in~~

5825 the county where the aircraft is held] if:

5826 ~~[(a)]~~ (i) the owner of the aircraft is unknown;

5827 ~~[(b)]~~ (ii) the whereabouts of the owner of the aircraft cannot be determined; or

5828 ~~[(c)]~~ (iii) the owner of the aircraft or any person notified under Subsection (1)(b) fails

5829 to acknowledge receipt of the notice.

5830 (b) The notice described in Subsection (2)(a) shall be:

5831 (i) published once at least 20 days before the proposed or scheduled date of sale of the  
5832 aircraft in a newspaper circulated in the county where the aircraft is held; and

5833 (ii) published, in accordance with Section 45-1-101, at least 20 days before the  
5834 proposed or scheduled date of sale of the aircraft.

5835 (3) (a) An aircraft subject to lien enforcement under this chapter may be sold by the  
5836 repairman at public or private sale.

5837 (b) Notwithstanding Subsection (3)(a), in the case of a private sale, every aspect of the  
5838 sale, including the method, manner, time, place, and terms shall be commercially reasonable.

5839 (4) This section may not be construed to affect an owner's right to redeem the owner's  
5840 aircraft from the lien at any time prior to sale by paying the amount claimed by the repairman  
5841 for:

5842 (a) work performed;

5843 (b) materials;

5844 (c) interest;

5845 (d) storage fees charged; and

5846 (e) any costs incurred by the repairman for using enforcement procedures under this  
5847 chapter, including ~~[attorneys']~~ attorney fees.

5848 (5) The proceeds of a sale under this section shall be distributed as follows:

5849 (a) amounts owed persons having a security interest or lien on the aircraft shall be paid  
5850 in the order that they have priority in accordance with Section 38-13-205; and

5851 (b) the amount remaining after the amount described in Subsection (5)(a) is paid shall  
5852 be paid to the owner of the aircraft before the sale of the aircraft under this section.

5853 (6) An aircraft against which a lien is filed may not be sold earlier than the later of:

5854 (a) 45 days after the last day on which the repairman makes, alters, repairs, or performs  
5855 labor on the aircraft; or

5856 (b) 30 days from the date on which the repairman sends notice of the lien in accordance  
5857 with Section 38-12-102.

5858 Section 131. Section **39-1-15** is amended to read:

5859 **39-1-15. Adjutant general -- Disposition of unserviceable property.**

5860 (1) All military property of the state, which after proper inspection shall be found  
5861 unserviceable, shall, under the direction of the governor, be disposed of by the adjutant general  
5862 at public or private sale as he may [~~deem~~] consider advisable[~~; provided, that where such~~  
5863 ~~property shall be deemed by~~].

5864 (2) (a) If the inspecting officer [~~to exceed~~] decides that the value of the property  
5865 described in Subsection (1) exceeds \$50 in value, [~~such~~] the sale in accordance with Subsection  
5866 (1) shall be made after [~~ten days' notice~~] notice is published:

5867 (i) ten days before the sale in a newspaper published in the county where [~~such sale is~~  
5868 ~~to be made; and if~~] the sale will occur; and

5869 (ii) in accordance within Section 45-1-101 ten days before the sale.

5870 (b) If such unserviceable property shall be found by the inspecting officer to be of no  
5871 actual value, it shall be destroyed under the direction of the adjutant general.

5872 Section 132. Section **40-6-10** is amended to read:

5873 **40-6-10. Procedures -- Adjudicative proceedings -- Emergency orders -- Hearing**  
5874 **examiners.**

5875 (1) (a) The Board of Oil, Gas, and Mining and the Division of Oil, Gas, and Mining  
5876 shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative  
5877 Procedures Act, in their adjudicative proceedings.

5878 (b) The board shall enact rules governing its practice and procedure that are not  
5879 inconsistent with Title 63G, Chapter 4, Administrative Procedures Act.

5880 (2) When an emergency requiring immediate action is found by the division director or  
5881 any board member to exist, the division director or board member may issue an emergency  
5882 order according to the requirements and procedures of Title 63G, Chapter 4, Administrative  
5883 Procedures Act.

5884 (3) [~~Any~~] A notice required by this chapter, except as otherwise provided, shall be  
5885 given at the election of the board either by personal service [~~or~~]:

5886 (a) by one publication in a daily newspaper of general circulation in the city of Salt

5887 Lake and county of Salt Lake, Utah~~[, and]~~;

5888 (b) in all newspapers of general circulation published in the county where the land is  
5889 affected, or some part of the land is situated~~[-]~~; and

5890 (c) by publication in accordance with Section 45-1-101.

5891 (4) (a) Any order made by the board is effective on issuance.

5892 (b) All rules and orders issued by the board shall be:

5893 (i) in writing;

5894 (ii) entered in full in books to be kept by the board for that purpose;

5895 (iii) indexed; and

5896 (iv) public records open for inspection at all times during reasonable office hours.

5897 (c) A copy of any rule, finding of fact, or order, certified by the board or by the division  
5898 director, shall be received in evidence in all courts of this state with the same effect as the  
5899 original.

5900 (5) The board may act upon its own motion or upon the petition of any interested  
5901 person.

5902 (6) (a) The board may appoint a hearing examiner to take evidence and to recommend  
5903 findings of fact and conclusions of law to the board.

5904 (b) Any member of the board, division staff, or any other person designated by the  
5905 board may serve as a hearing examiner.

5906 (c) The board may enter an order based on the recommendations of the examiner.

5907 Section 133. Section **40-8-8** is amended to read:

5908 **40-8-8. Board authority to act -- Entry of order -- Confidential data.**

5909 (1) The board may:

5910 (a) file a notice of agency action; or

5911 (b) respond to a request for agency action initiated by an affected person.

5912 (2) (a) The board shall enter its order within 60 days after the hearing.

5913 (b) All orders entered by the board shall be:

5914 (i) entered in books to be kept by the board for that purpose;

5915 (ii) indexed; and

5916 (iii) public records open for inspection at all times during reasonable office hours.

5917 (c) Confidential data disclosed under this chapter shall be protected and not become

5918 public records, except as provided in ~~[Subsection]~~ Section 40-8-13~~(2)~~.

5919 Section 134. Section **40-8-10** is amended to read:

5920 **40-8-10. Notice.**

5921 Except as otherwise provided in this chapter, any notification required by this chapter  
5922 shall be:

5923 (1) given by the board or division by personal service to individuals directly affected;

5924 and

5925 (a) by one publication in a daily newspaper of general circulation in Salt Lake City,

5926 Utah~~[-]~~; and

5927 (b) in all newspapers of general circulation published in the county or counties in

5928 which the land affected is situated~~[-]~~; and

5929 (2) by publication in accordance with Section 45-1-101.

5930 Section 135. Section **40-8-13** is amended to read:

5931 **40-8-13. Notice of intention required prior to mining operations -- Assurance of**  
5932 **reclamation required in notice of intention -- When contents confidential -- Approval of**  
5933 **notice of intention not required for small mining operations -- Procedure for reviewing**  
5934 **notice of intention.**

5935 (1) (a) Before any operator begins mining operations, or continues mining operations  
5936 pursuant to Section 40-8-23, the operator shall file a notice of intention for each individual  
5937 mining operation with the division.

5938 (b) The notice of intention referred to in Subsection (1)(a) shall include:

5939 (i) identification of all owners of any interest in a mineral deposit, including any

5940 ownership interest in surface land affected by the notice;

5941 (ii) copies of underground and surface mine maps;

5942 (iii) locations of drill holes;

5943 (iv) accurate area maps of existing and proposed operations; and

5944 (v) information regarding the amount of material extracted, moved, or proposed to be  
5945 moved, relating to the mining operation.

5946 (c) The notice of intention for small mining operations shall include a statement that  
5947 the operator shall conduct reclamation as required by rules promulgated by the board.

5948 (d) The notice of intention for mining operations, other than small mining operations,



5949 shall include a plan for reclamation of the lands affected as required by rules promulgated by  
5950 the board.

5951 (2) The division may require that the operator rehabilitate, close, or mitigate the  
5952 impacts of each drill hole, shaft, or tunnel when no longer needed as part of the mining  
5953 operation.

5954 (3) Information provided in the notice of intention, and its attachments relating to the  
5955 location, size, or nature of the deposit that is marked confidential by the operator shall be  
5956 protected as confidential information by the board and the division and is not a matter of public  
5957 record unless the board or division obtains a written release from the operator, or until the  
5958 mining operation has been terminated as provided in Subsection 40-8-21(2).

5959 (4) (a) Within 30 days from the receipt of a notice of intention, the division shall  
5960 complete its review of the notice and shall make further inquiries, inspections, or examinations  
5961 that are necessary to properly evaluate the notice.

5962 (b) The division shall notify the operator of any objections to the notice and shall grant  
5963 the operator a reasonable opportunity to take action that may be required to remove the  
5964 objections or obtain a ruling relative to the objections from the board.

5965 (5) Except for the form and amount of surety, an approval of a notice of intention for  
5966 small mining operations is not required.

5967 (6) The notice of intention for mining operations other than small mining operations,  
5968 shall be reviewed as provided in this Subsection (6).

5969 (a) Within 30 days after receipt of a notice of intention or within 30 days following the  
5970 last action of the operator or the division on the notice of intention, the division shall make a  
5971 tentative decision to approve or disapprove the notice of intention.

5972 (b) The division shall:

5973 (i) mail the information relating to the land affected and the tentative decision to the  
5974 operator; and

5975 (ii) publish the information and the decision, in abbreviated form[;];

5976 (A) one time only, in all newspapers of general circulation published in the county  
5977 where the land affected is situated[;]; and

5978 (B) in a daily newspaper of general circulation in Salt Lake City, Utah[;]; and

5979 (C) as required in Section 45-1-101.

5980 (c) The division shall also mail a copy of the abbreviated information and tentative  
5981 decision to the zoning authority of the county in which the land affected is situated and to the  
5982 owner of record of the land affected.

5983 (d) (i) Any person or agency aggrieved by the tentative decision may file a request for  
5984 agency action with the division.

5985 (ii) If no requests for agency action are received by the division within 30 days after the  
5986 last date of publication, the tentative decision on the notice of intention is final and the division  
5987 shall notify the operator.

5988 (iii) If written objections of substance are received, the division shall hold a formal  
5989 adjudicative proceeding.

5990 (e) This Subsection (6) does not apply to exploration.

5991 (7) Within 30 days after receipt of a notice of intention concerning exploration  
5992 operations other than small mining operations, the division will review the notice of intention  
5993 and approve or disapprove it.

5994 Section 136. Section **40-10-13** is amended to read:

5995 **40-10-13. Advertisement of ownership, location, and boundaries -- Notice to**  
5996 **interested agencies or bodies -- Objections -- Conference.**

5997 (1) (a) At the time of submission of an application for a surface coal mining and  
5998 reclamation permit, or revision of an existing permit pursuant to the provisions of this chapter,  
5999 the applicant shall submit to the division a copy of the applicant's advertisement of the  
6000 ownership, precise location, and boundaries of the land to be affected.

6001 (b) At the time of submission the advertisement shall be placed by the applicant:

6002 (i) in a local newspaper of general circulation in the locality of the proposed surface  
6003 mine at least once a week for four consecutive weeks[-]; and

6004 (ii) as required in Section 45-1-101.

6005 (c) The division shall notify various local governmental bodies, planning agencies, and  
6006 sewage and water treatment authorities of water companies in the locality in which the  
6007 proposed surface mining will take place, notifying them of the operator's intention to surface  
6008 mine a particularly described tract of land and indicating the application's permit number and  
6009 where a copy of the proposed mining and reclamation plan may be inspected.

6010 (d) These local bodies, agencies, authorities, or companies may submit written

6011 comments within a reasonable period established by the division on the mining applications  
6012 with respect to the effects of the proposed operation on the environment which are within their  
6013 area of responsibility.

6014 (e) These comments shall immediately be transmitted to the applicant by the division  
6015 and shall be made available to the public at the same locations as are the mining applications.

6016 (2) (a) Any person having an interest which is or may be adversely affected or the  
6017 officer or head of any federal, state, or local governmental agency or authority shall have the  
6018 right to file written objections to the proposed initial or revised application for a permit for  
6019 surface coal mining and reclamation operations with the division within 30 days after the last  
6020 publication of the notice. These objections shall immediately be transmitted to the applicant by  
6021 the division and shall be made available to the public.

6022 (b) If written objections are filed and a conference requested, the division shall then  
6023 hold a conference within a reasonable time of the receipt of the objections or request. The  
6024 conference shall be informal and shall be conducted in accordance with the procedures  
6025 described in this Subsection (2)(b), irrespective of the requirements of Section 63G-4-203,  
6026 Administrative Procedures Act. The conference shall be held in the locality of the coal mining  
6027 and reclamation operation if requested within a reasonable time after written objections or the  
6028 request for an informal conference are received by the division. The date, time, and location of  
6029 the conference shall be advertised by the division in a newspaper of general circulation in the  
6030 locality at least two weeks prior to the scheduled conference date. The division may arrange  
6031 with the applicant upon request by any party to the administrative proceeding access to the  
6032 proposed mining area for the purpose of gathering information relevant to the proceeding. An  
6033 electronic or stenographic record shall be made of the conference proceeding unless waived by  
6034 all parties. This record shall be maintained and shall be accessible to the parties until final  
6035 release of the applicant's performance bond. In the event all parties requesting the conference  
6036 stipulate agreement prior to the requested conference and withdraw their request, the  
6037 conference need not be held.

6038 Section 137. Section **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09)** is amended to  
6039 read:

6040 **40-10-17 (Subsect (2)(t)(ii) Repeal 09/30/09). Performance standards for all coal**  
6041 **mining and reclamation operations -- Additional standards for steep-slope surface coal**

6042 **mining -- Variances.**

6043 (1) Any permit issued pursuant to this chapter to conduct surface coal mining shall  
6044 require that the surface coal mining operations will meet all applicable performance standards  
6045 of this chapter, and such other requirements as the division shall promulgate.

6046 (2) General performance standards shall be applicable to all surface coal mining and  
6047 reclamation operations and shall require the operations as a minimum to:

6048 (a) Conduct surface coal mining operations so as to maximize the utilization and  
6049 conservation of the solid fuel resource being recovered so that re-affecting the land in the future  
6050 through surface coal mining can be minimized.

6051 (b) Restore the land affected to a condition capable of supporting the uses which it was  
6052 capable of supporting prior to any mining, or higher or better uses of which there is reasonable  
6053 likelihood, so long as the use or uses does not present any actual or probable hazard to public  
6054 health or safety or pose any actual or probable threat of water diminution or pollution, and the  
6055 permit applicant's declared proposed land use following reclamation is not deemed to be  
6056 impractical or unreasonable, inconsistent with applicable land use policies and plans, involves  
6057 unreasonable delay in implementation, or is violative of federal, state, or local law.

6058 (c) Except as provided in Subsection (3) with respect to all surface coal mining  
6059 operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic  
6060 materials) and grade in order to restore the approximate original contour of the land with  
6061 highwalls, spoil piles, and depressions eliminated (unless small depressions are needed in order  
6062 to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter); but  
6063 in surface coal mining which is carried out at the same location over a substantial period of  
6064 time where the operation transects the coal deposit and the thickness of the coal deposits  
6065 relative to the volume of the overburden is large and where the operator demonstrates that the  
6066 overburden and other spoil and waste materials at a particular point in the permit area or  
6067 otherwise available from the entire permit area is insufficient, giving due consideration to  
6068 volumetric expansion, to restore the approximate original contour, the operator, at a minimum,  
6069 shall backfill, grade, and compact (where advisable) using all available overburden and other  
6070 spoil and waste materials to attain the lowest practicable grade but not more than the angle of  
6071 repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in  
6072 order to achieve an ecologically sound land use compatible with the surrounding region. In

6073 surface coal mining where the volume of overburden is large relative to the thickness of the  
6074 coal deposit and where the operator demonstrates that due to volumetric expansion the amount  
6075 of overburden and other spoil and waste materials removed in the course of the mining  
6076 operation is more than sufficient to restore the approximate original contour, the operator shall,  
6077 after restoring the approximate contour, backfill, grade, and compact (where advisable) the  
6078 excess overburden and other spoil and waste materials to attain the lowest grade but more than  
6079 the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve  
6080 an ecologically sound land use compatible with the surrounding region and that the overburden  
6081 or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water  
6082 pollution and is revegetated in accordance with the requirements of this chapter.

6083 (d) Stabilize and protect all surface areas, including spoil piles affected by the surface  
6084 coal mining and reclamation operation to effectively control erosion and attendant air and  
6085 water pollution.

6086 (e) Remove the topsoil from the land in a separate layer, replace it on the backfill area,  
6087 or if not utilized immediately, segregate it in a separate pile from other spoil, and when the  
6088 topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of  
6089 the topsoil, maintain a successful cover by quick growing plant or other means thereafter so  
6090 that the topsoil is preserved from wind and water erosion, remains free of any contamination by  
6091 other acid or toxic material, and is in a usable condition for sustaining vegetation when restored  
6092 during reclamation; except if topsoil is of insufficient quantity or of poor quality for sustaining  
6093 vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then  
6094 the operator shall remove, segregate, and preserve in a like manner the other strata which is  
6095 best able to support vegetation.

6096 (f) Restore the topsoil or the best available subsoil which is best able to support  
6097 vegetation.

6098 (g) For all prime farmlands, as identified in the rules, to be mined and reclaimed,  
6099 specifications for soil removal, storage, replacement, and reconstruction, the operator shall, as a  
6100 minimum, be required to:

6101 (i) segregate the A horizon of the natural soil, except where it can be shown that other  
6102 available soil materials will create a final soil having a greater productive capacity, and if not  
6103 utilized immediately, stockpile this material separately from other spoil, and provide needed

6104 protection from wind and water erosion or contamination by other acid or toxic material;

6105 (ii) segregate the B horizon of the natural soil, or underlying C horizons or other strata,  
6106 or a combination of these horizons or other strata that are shown to be both texturally and  
6107 chemically suitable for plant growth and that can be shown to be equally or more favorable for  
6108 plant growth than the B horizon, in sufficient quantities to create in the regraded final soil a  
6109 root zone of comparable depth and quality to that which existed in the natural soil, and if not  
6110 utilized immediately, stockpile this material separately from other spoil, and provide needed  
6111 protection from wind and water erosion or contamination by other acid or toxic material;

6112 (iii) replace and regrade the root zone material described in Subsection (2)(g)(ii) above  
6113 with proper compaction and uniform depth over the regraded spoil material; and

6114 (iv) redistribute and grade in a uniform manner the surface soil horizon described in  
6115 Subsection (2)(g)(i).

6116 (h) Create, if authorized in the approved mining and reclamation plan and permit,  
6117 permanent impoundments of water on mining sites as part of reclamation activities only when  
6118 it is adequately demonstrated that:

6119 (i) the size of the impoundment is adequate for its intended purposes;

6120 (ii) the impoundment dam construction will be so designed as to achieve necessary  
6121 stability with an adequate margin of safety compatible with that of structures constructed under  
6122 Public Law 83-566 (16 U.S.C. 1006);

6123 (iii) the quality of impounded water will be suitable on a permanent basis for its  
6124 intended use and that discharges from the impoundment will not degrade the water quality  
6125 below water quality standards established pursuant to applicable federal and state law in the  
6126 receiving stream;

6127 (iv) the level of water will be reasonably stable;

6128 (v) final grading will provide adequate safety and access for proposed water users; and

6129 (vi) these water impoundments will not result in the diminution of the quality or  
6130 quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial,  
6131 recreational, or domestic uses.

6132 (i) Conducting any augering operation associated with surface mining in a manner to  
6133 maximize recoverability of mineral reserves remaining after the operation and reclamation are  
6134 complete and seal all auger holes with an impervious and noncombustible material in order to

6135 prevent drainage except where the division determines that the resulting impoundment of water  
6136 in the auger holes may create a hazard to the environment or the public health or safety; but the  
6137 permitting authority may prohibit augering if necessary to maximize the utilization,  
6138 recoverability, or conservation of the solid fuel resources or to protect against adverse water  
6139 quality impacts.

6140 (j) Minimize the disturbances to the prevailing hydrologic balance at the mine site and  
6141 in associated offsite areas and to the quality and quantity of water in surface and groundwater  
6142 systems both during and after surface coal mining operations and during reclamation by:

6143 (i) avoiding acid or other toxic mine drainage by such measures as, but not limited to:

6144 (A) preventing or removing water from contact with toxic-producing deposits;

6145 (B) treating drainage to reduce toxic content which adversely affects downstream water  
6146 upon being released to water courses; and

6147 (C) casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid  
6148 or other toxic drainage from entering ground and surface waters;

6149 (ii) (A) conducting surface coal mining operations so as to prevent, to the extent  
6150 possible using the best technology currently available, additional contributions of suspended  
6151 solids to streamflow or runoff outside the permit area, but in no event shall contributions be in  
6152 excess of requirements set by applicable state or federal law; and

6153 (B) constructing any siltation structures pursuant to this Subsection (2)(j)(ii) prior to  
6154 commencement of surface coal mining operations, such structures to be certified by a qualified  
6155 registered engineer to be constructed as designed and as approved in the reclamation plan;

6156 (iii) cleaning out and removing temporary or large settling ponds or other siltation  
6157 structures from drainways after disturbed areas are revegetated and stabilized and depositing  
6158 the silt and debris at a site and in a manner approved by the division;

6159 (iv) restoring recharge capacity of the mined area to approximate premining conditions;

6160 (v) avoiding channel deepening or enlargement in operations requiring the discharge of  
6161 water from mines;

6162 (vi) preserving throughout the mining and reclamation process the essential hydrologic  
6163 functions of alluvial valley floors in the arid and semiarid areas of the state; and

6164 (vii) such other actions as the division may prescribe.

6165 (k) With respect to surface disposal of mine wastes, tailings, coal processing wastes,

6166 and other waste in areas other than the mine working or excavations, stabilize all waste piles in  
6167 designated areas through construction in compacted layers, including the use of incombustible  
6168 and impervious materials, if necessary, and assure the final contour of the waste pile will be  
6169 compatible with natural surroundings and that the site can and will be stabilized and  
6170 revegetated according to the provisions of this chapter.

6171 (l) Refrain from surface coal mining within 500 feet from active and abandoned  
6172 underground mines in order to prevent breakthroughs and to protect health or safety of miners;  
6173 but the division shall permit an operator to mine near, through, or partially through an  
6174 abandoned underground mine or closer to an active underground mine if:

6175 (i) the nature, timing, and sequencing of the approximate coincidence of specific  
6176 surface mine activities with specific underground mine activities are jointly approved by the  
6177 departments, divisions, and agencies concerned with surface mine reclamation and the health  
6178 and safety of underground miners; and

6179 (ii) the operations will result in improved resource recovery, abatement of water  
6180 pollution, or elimination of hazards to the health and safety of the public.

6181 (m) Design, locate, construct, operate, maintain, enlarge, modify, and remove or  
6182 abandon, in accordance with the standards and criteria developed pursuant to the division's  
6183 rules, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal  
6184 processing wastes, or other liquid and solid wastes, and used either temporarily or permanently  
6185 as dams or embankments.

6186 (n) Insure that all debris, acid-forming materials, toxic materials, or materials  
6187 constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a  
6188 manner designed to prevent contamination of ground or surface waters and that contingency  
6189 plans are developed to prevent sustained combustion.

6190 (o) Insure that explosives are used only in accordance with existing state and federal  
6191 law and the rules adopted by the board, which shall include provisions to:

6192 (i) provide adequate advance written notice to local governments and residents who  
6193 might be affected by the use of the explosives by:

6194 (A) publication of the planned blasting schedule;

6195 (I) in a newspaper of general circulation in the locality; and [by]

6196 (II) as required in Section 45-1-101; and



6197           (B) mailing a copy of the proposed blasting schedule to every resident living within 1/2  
6198 mile of the proposed blasting site and by providing daily notice to resident/occupiers in these  
6199 areas prior to any blasting;

6200           (ii) maintain for a period of at least three years and make available for public  
6201 inspection upon request a log detailing the location of the blasts, the pattern and depth of the  
6202 drill holes, the amount of explosives used per hole, and the order and length of delay in the  
6203 blasts;

6204           (iii) limit the type of explosives and detonating equipment, the size, the timing and  
6205 frequency of blasts based upon the physical conditions of the site so as to prevent injury to  
6206 persons, damage to public and private property outside the permit area, adverse impacts on any  
6207 underground mine, and change in the course, channel, or availability of ground or surface water  
6208 outside the permit area;

6209           (iv) require that all blasting operations be conducted by trained and competent persons,  
6210 and to implement this requirement, the division shall promulgate rules requiring the training,  
6211 examination, and certification of persons engaging in or directly responsible for blasting or the  
6212 use of explosives in surface and coal mining operations; and

6213           (v) provide that upon the request of a resident or owner of a man-made dwelling or  
6214 structure within 1/2 mile of any portion of the permitted area, the applicant or permittee shall  
6215 conduct a preblasting survey of the structures and submit the survey to the division and a copy  
6216 to the resident or owner making the request, the area of which survey shall be decided by the  
6217 division and shall include such provisions as promulgated.

6218           (p) Insure that all reclamation efforts proceed in an environmentally sound manner and  
6219 as contemporaneously as practicable with the surface coal mining operations; but where the  
6220 applicant proposes to combine surface mining operations with underground mining operations  
6221 to assure maximum practical recovery of the mineral resources, the division may grant a  
6222 variance for specific areas within the reclamation plan from the requirement that reclamation  
6223 efforts proceed as contemporaneously as practicable to permit underground operations prior to  
6224 reclamation:

6225           (i) if the division finds in writing that:

6226           (A) the applicant has presented, as part of the permit application, specific, feasible  
6227 plans for the proposed underground mining operations;

6228 (B) the proposed underground mining operations are necessary or desirable to assure  
6229 maximum practical recovery of the mineral resource and will avoid multiple disturbance of the  
6230 surface;

6231 (C) the applicant has satisfactorily demonstrated that the plan for the underground  
6232 mining operations conforms to requirements for underground mining in the jurisdiction and  
6233 that permits necessary for the underground mining operations have been issued by the  
6234 appropriate authority;

6235 (D) the areas proposed for the variance have been shown by the applicant to be  
6236 necessary for the implementing of the proposed underground mining operations;

6237 (E) no substantial adverse environmental damage, either onsite or offsite, will result  
6238 from the delay in completion of reclamation as required by this chapter; and

6239 (F) provisions for the offsite storage of spoil will comply with Subsection (2)(v);

6240 (ii) if the board has adopted specific rules to govern the granting of the variances in  
6241 accordance with the provisions of this Subsection (2)(p) and has imposed such additional  
6242 requirements as considered necessary;

6243 (iii) if variances granted under this Subsection (2)(p) are to be reviewed by the division  
6244 not more than three years from the date of issuance of the permit; and

6245 (iv) if liability under the bond filed by the applicant with the division pursuant to  
6246 Section 40-10-15 shall be for the duration of the underground mining operations and until the  
6247 requirements of this Subsection (2) and Section 40-10-16 have been fully complied with.

6248 (q) Insure that the construction, maintenance, and postmining conditions of access  
6249 roads into and across the site of operations will control or prevent erosion and siltation,  
6250 pollution of water, damage to fish or wildlife or their habitat, or public or private property.

6251 (r) Refrain from the construction of roads or other access ways up a stream bed or  
6252 drainage channel or in such proximity to the channel so as to seriously alter the normal flow of  
6253 water.

6254 (s) Establish on the regraded areas and all other lands affected, a diverse, effective, and  
6255 permanent vegetative cover of the same seasonal variety native to the area of land to be  
6256 affected and capable of self-regeneration and plant succession at least equal in extent of cover  
6257 to the natural vegetation of the area; except that introduced species may be used in the  
6258 revegetation process where desirable and necessary to achieve the approved postmining land

6259 use plan.

6260 (t) (i) Assume the responsibility for successful revegetation, as required by Subsection  
6261 (2)(s), for a period of five full years after the last year of augmented seeding, fertilizing,  
6262 irrigation, or other work in order to assure compliance with Subsection (2)(s), except in those  
6263 areas or regions of the state where the annual average precipitation is 26 inches or less, then the  
6264 operator's assumption of responsibility and liability will extend for a period of ten full years  
6265 after the last year of augmented seeding, fertilizing, irrigation, or other work; but when the  
6266 division approves a long-term intensive agricultural postmining land use, the applicable five or  
6267 ten-year period of responsibility for revegetation shall commence at the date of initial planting  
6268 for this long-term intensive, agricultural postmining land use, except when the division issues a  
6269 written finding approving a long-term, intensive, agricultural postmining land use, as part of  
6270 the mining and reclamation plan, the division may grant exception to the provisions of  
6271 Subsection (2)(s); and

6272 (ii) on lands eligible for re-mining, assume the responsibility for successful revegetation  
6273 for a period of two full years after the last year of augmented seeding, fertilizing, irrigation, or  
6274 other work in order to assure compliance with the applicable standards, except in areas of the  
6275 state where the average annual precipitation is 26 inches or less, assume the responsibility for  
6276 successful revegetation for a period of five full years after the last year of augmented seeding,  
6277 fertilizing, irrigation, or other work in order to assure compliance with the applicable standards.

6278 (u) Protect offsite areas from slides or damage occurring during the surface coal mining  
6279 and reclamation operations and not deposit spoil material or locate any part of the operations or  
6280 waste accumulations outside the permit area.

6281 (v) Place all excess spoil material resulting from coal surface mining and reclamation  
6282 activities in a manner that:

6283 (i) spoil is transported and placed in a controlled manner in position for concurrent  
6284 compaction and in a way to assure mass stability and to prevent mass movement;

6285 (ii) the areas of disposal are within the bonded permit areas and all organic matter shall  
6286 be removed immediately prior to spoil placement;

6287 (iii) appropriate surface and internal drainage systems and diversion ditches are used so  
6288 as to prevent spoil erosion and movement;

6289 (iv) the disposal area does not contain springs, natural water courses, or wet weather

6290 seeps unless lateral drains are constructed from the wet areas to the main underdrains in a  
6291 manner that filtration of the water into the spoil pile will be prevented;

6292 (v) if placed on a slope, the spoil is placed upon the most moderate slope among those  
6293 upon which, in the judgment of the division, the spoil could be placed in compliance with all  
6294 the requirements of this chapter and shall be placed, where possible, upon or above a natural  
6295 terrace, bench, or berm, if this placement provides additional stability and prevents mass  
6296 movement;

6297 (vi) where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient  
6298 size to prevent mass movement, is constructed;

6299 (vii) the final configuration is compatible with the natural drainage pattern and  
6300 surroundings and suitable for intended uses;

6301 (viii) design of the spoil disposal area is certified by a qualified professional engineer,  
6302 and to implement this requirement, the division shall promulgate rules regarding the  
6303 certification of engineers in the area of spoil disposal design; and

6304 (ix) all other provisions of this chapter are met.

6305 (w) Meet such other criteria as are necessary to achieve reclamation in accordance with  
6306 the purposes of this chapter, taking into consideration the physical, climatological, and other  
6307 characteristics of the site.

6308 (x) To the extent possible, using the best technology currently available, minimize  
6309 disturbances and adverse impacts of the operation on fish, wildlife, and related environmental  
6310 values, and achieve enhancement of these resources where practicable.

6311 (y) Provide for an undisturbed natural barrier beginning at the elevation of the lowest  
6312 coal seam to be mined and extending from the outslope for the distance as the division shall  
6313 determine shall be retained in place as a barrier to slides and erosion.

6314 (3) (a) Where an applicant meets the requirements of Subsections (3)(b) and (c), a  
6315 permit without regard to the requirement to restore to approximate original contour provided in  
6316 Subsections (2)(c), (4)(b), and (4)(c) may be granted for the surface mining of coal where the  
6317 mining operation will remove an entire coal seam or seams running through the upper fraction  
6318 of a mountain, ridge, or hill (except as provided in this Subsection (3)) by removing all of the  
6319 overburden and creating a level plateau or a gently rolling contour with no highwalls  
6320 remaining, and capable of supporting postmining uses in accord with the requirements of this

6321 Subsection (3).

6322 (b) In cases where an industrial, commercial, agricultural, residential, or public facility  
6323 (including recreational facilities) use is proposed for the postmining use of the affected land,  
6324 the division may grant a permit for a surface mining operation of the nature described in  
6325 Subsection (3)(a) pursuant to procedures and criteria set forth in the rules, including:

6326 (i) the applicant's presentation of specific plans for the proposed postmining land use  
6327 which meet criteria concerning the type of use proposed;

6328 (ii) the applicant's demonstration that the proposed use would be consistent with  
6329 adjacent land uses and existing state and local land use plans and programs and with other  
6330 requirements of this chapter; and

6331 (iii) procedures whereby the division provides the governing body of the unit of  
6332 general-purpose government in which the land is located and any state or federal agency which  
6333 the division, in its discretion, determines to have an interest in the proposed use, an opportunity  
6334 of not more than 60 days to review and comment on the proposed use.

6335 (c) All permits granted under the provisions of this Subsection (3) shall be reviewed  
6336 not more than three years from the date of issuance of the permit, unless the applicant  
6337 affirmatively demonstrates that the proposed development is proceeding in accordance with the  
6338 terms of the approved schedule and reclamation plan.

6339 (4) The following performance standards shall be applicable to steep-slope surface coal  
6340 mining and shall be in addition to those general performance standards required by this section;  
6341 but the provisions of this Subsection (4) shall not apply to those situations in which an operator  
6342 is mining on flat or gently rolling terrain, on which an occasional steep slope is encountered  
6343 through which the mining operation is to proceed, leaving a plain or predominantly flat area or  
6344 where an operator is in compliance with provisions of Subsection (3):

6345 (a) Insure that when performing surface coal mining on steep slopes, no debris,  
6346 abandoned or disabled equipment, spoil material, or waste mineral matter be placed on the  
6347 downslope below the bench or mining cut; but spoil material in excess of that required for the  
6348 reconstruction of the approximate original contour under the provisions of Subsection (2)(c) or  
6349 this Subsection (4) shall be permanently stored pursuant to Subsection 40-10-17(2)(v).

6350 (b) Complete backfilling with spoil material shall be required to cover completely the  
6351 highwall and return the site to the appropriate original contour, which material will maintain

6352 stability following mining and reclamation.

6353 (c) The operator may not disturb land above the top of the highwall unless the division  
6354 finds that the disturbance will facilitate compliance with the environmental protection  
6355 standards of this section; but the land disturbed above the highwall shall be limited to that  
6356 amount necessary to facilitate this compliance.

6357 (d) For the purposes of this Subsection (4), "steep slope" means any slope above 20  
6358 degrees or such lesser slope as may be defined by the division after consideration of soil,  
6359 climate, and other characteristics of an area.

6360 (5) The board shall promulgate specific rules to govern the granting of variances from  
6361 the requirement to restore to approximate original contour provided in Subsection (4)(b)  
6362 pursuant to procedures and criteria set forth in those rules including:

- 6363 (a) written request by the surface owner concerning the proposed use;
- 6364 (b) approval of the proposed use as an equal or better economic or public use; and
- 6365 (c) approval of the proposed use as improving the watershed control in the area and as  
6366 using only such amount of spoil as is necessary to achieve the planned postmining land use.

6367 (6) Subsection (2)(t)(ii) is repealed September 30, 2009.

6368 Section 138. Section ~~40-10-27~~ is amended to read:

6369 **40-10-27. Entry upon land adversely affected by past coal mining practices --**  
6370 **Conducting of studies or exploratory work -- State acquisition of land -- Lien -- Waste**  
6371 **disposal fund -- Water pollution control and treatment plants.**

6372 (1) (a) If the board, after notice and hearing, makes a finding of fact as provided in  
6373 Subsection (1)(b), the agents, employees, or contractors of the division shall have the right to  
6374 enter property adversely affected by past coal mining practices and any other property to have  
6375 access to property adversely affected by past coal mining practices to do whatever is necessary  
6376 or expedient to restore, reclaim, abate, control, or prevent the adverse effects.

6377 (b) The board shall find that:

6378 (i) land or water resources have been adversely affected by past coal mining practices;

6379 (ii) the adverse effects are at a stage where, in the public interest, action to restore,  
6380 reclaim, abate, control, or prevent should be taken; and

6381 (iii) the owners of the land or water resources where entry must be made to restore,  
6382 reclaim, abate, control, or prevent the adverse effects of past coal mining practices:

- 6383 (A) are not known;
- 6384 (B) are not readily available; or
- 6385 (C) will not give permission for the state or its political subdivisions, their agents,
- 6386 employees, or contractors to enter upon the property to restore, reclaim, abate, control, or
- 6387 prevent the adverse effects of past coal mining practices.
- 6388 (c) Notice of the division's right to enter the property shall be:
- 6389 (i) if the owners are known, given by mail~~[-if the owners are known]~~; and
- 6390 ~~[(ii) posted upon the premises and advertised]~~
- 6391 (ii) if the owners are not known:
- 6392 (A) posted upon the premises; and
- 6393 (B) advertised:
- 6394 (I) once in a newspaper of general circulation in the county in which the land lies~~[-if~~
- 6395 ~~the owners are not known.]; and~~
- 6396 (II) as required in Section 45-1-101.
- 6397 (d) This entry shall be construed as an exercise of the police power for the protection of
- 6398 public health, safety, and general welfare and may not be construed as an act of condemnation
- 6399 of property nor of trespass on it.
- 6400 (e) The monies expended for this work and the benefits accruing to the premises
- 6401 entered upon shall be chargeable against the land and shall mitigate or offset any claim in or
- 6402 any action brought by any owner of any interest in these premises for any alleged damages by
- 6403 virtue of the entry.
- 6404 (f) This Subsection (1) is not intended to create new rights of action or eliminate
- 6405 existing immunities.
- 6406 (2) (a) The agents, employees, or contractors of the division may enter upon any
- 6407 property for the purpose of conducting studies or exploratory work to determine the existence
- 6408 of adverse effects of past coal mining practices and to determine the feasibility of restoration,
- 6409 reclamation, abatement, control, or prevention of these adverse effects.
- 6410 (b) This entry shall be construed as an exercise of the police power for the protection of
- 6411 public health, safety, and general welfare and may not be construed as an act of condemnation
- 6412 of property or trespass on it.
- 6413 (3) The state may acquire any land by purchase, donation, or condemnation which is

6414 adversely affected by past coal mining practices if the board, after notice and hearing,  
6415 determines that acquisition of this land is necessary to successful reclamation and that:

6416 (a) the acquired land, after restoration, reclamation, abatement, control, or prevention  
6417 of the adverse effects of past coal mining practices, will serve recreation and historic purposes,  
6418 conservation and reclamation purposes, or provide open space benefits; and

6419 (b) (i) permanent facilities such as a treatment plant or a relocated stream channel will  
6420 be constructed on the land for the restoration, reclamation, abatement, control, or prevention of  
6421 the adverse effects of past coal mining practices; or

6422 (ii) acquisitions of coal refuse disposal sites and all coal refuse on the sites will serve  
6423 the purposes of this chapter or that public ownership is desirable to meet emergency situations  
6424 and prevent recurrences of the adverse effects of past coal mining practices.

6425 (4) (a) Title to all lands acquired under this section shall be in the name of the state.

6426 (b) The price paid for land acquired under this section shall reflect the market value of  
6427 the land as adversely affected by past coal mining practices.

6428 (5) (a) If land acquired under this section is considered suitable for industrial,  
6429 commercial, residential, or recreational development, the division, in conjunction with the  
6430 Division of Forestry, Fire and State Lands, may sell this land by public sale under a system of  
6431 competitive bidding, at not less than fair market value, and under any other rules promulgated  
6432 to insure that the land is put to proper use consistent with local and state land use plans.

6433 (b) (i) The state, when requested after appropriate public notice, shall hold a public  
6434 hearing with the appropriate notice, in the counties or appropriate political subdivisions of the  
6435 state in which lands acquired under this section are located.

6436 (ii) The hearing shall be held at a time which shall afford local citizens and  
6437 governments the maximum opportunity to participate in the decision concerning the use or  
6438 disposition of the lands after restoration, reclamation, abatement, control, or prevention of the  
6439 adverse effects of past coal mining practices.

6440 (6) (a) The state, through the division and the Division of Forestry, Fire and State  
6441 Lands, shall have the authority to accept lands acquired and reclaimed by the Secretary of the  
6442 Interior pursuant to Section 407(h) of Public Law 95-87.

6443 (b) The division has the authority to accept grants from the Secretary to carry out the  
6444 purposes of Section 407(h) of Public Law 95-87.



6445 (7) (a) Within six months after the completion of projects to restore, reclaim, abate,  
6446 control, or prevent adverse effects of past coal mining practices on privately owned land, the  
6447 division shall itemize the monies expended and may file a statement of those expenses in the  
6448 office of the county recorder of the county in which the land lies, together with a notarized  
6449 appraisal by an independent appraiser of the value of the land before the restoration,  
6450 reclamation, abatement, control, or prevention of adverse effects of past coal mining practices  
6451 if the monies expended result in a significant increase in property value.

6452 (b) This statement shall constitute a lien upon the land described in it.

6453 (c) The lien may not exceed the amount determined by the appraisal to be the increase  
6454 in the market value of the land as a result of the restoration, reclamation, abatement, control, or  
6455 prevention of the adverse effects of past coal mining practices.

6456 (d) A lien may not be filed against the property of any person, in accordance with this  
6457 subsection who owned the surface prior to May 2, 1977, and who neither consented to nor  
6458 participated in nor exercised control over the mining operation which necessitated the  
6459 reclamation performed.

6460 (8) (a) The landowner may proceed to petition within 60 days after the filing of the lien  
6461 to determine the increase in the market value of the land as a result of the restoration,  
6462 reclamation, abatement, control, or prevention of the adverse effects of past coal mining  
6463 practices.

6464 (b) The amount reported to be the increase in value of the premises shall constitute the  
6465 amount of the lien and shall be recorded with the statement provided for in Subsection (7).

6466 (c) Any party aggrieved by the decision may appeal as provided by law.

6467 (9) (a) The lien provided in this section shall be recorded in the office of the county  
6468 recorder of the county in which the land lies.

6469 (b) The statement shall constitute a lien upon the land as of the date of the expenditure  
6470 of the monies and shall have priority as a lien second only to the lien of real estate taxes  
6471 imposed upon the land.

6472 (10) (a) The division may fill any voids, seal any abandoned tunnels, shafts, and  
6473 entryways, and reclaim surface impacts of underground or surface mines which the division  
6474 determines could endanger life and property, constitute a hazard to the public health and safety,  
6475 or degrade the environment.

6476 (b) The division may make expenditures and carry out the purposes of this section  
6477 without regard to the provisions of Subsections 40-10-25(2) and (3) only after all reclamation  
6478 with respect to abandoned coal lands or coal development impacts have been met, except for  
6479 those reclamation projects relating to the protection of the public health or safety.

6480 (c) In those instances where mine waste piles are being reworked for conservation  
6481 purposes, the incremental costs of disposing of the wastes from these operations by filling  
6482 voids and sealing tunnels may be eligible for funding if the disposal of these wastes meets the  
6483 purposes of this section.

6484 (d) The division may acquire by purchase, donation, easement, or otherwise those  
6485 interests in land it determines necessary to carry out the provisions of this section.

6486 (11) (a) The division may request the attorney general, who is hereby authorized to  
6487 initiate, in addition to any other remedies provided for in this chapter, in any court of  
6488 competent jurisdiction, an action in equity for an injunction to restrain any interference with the  
6489 exercise of the right to enter or to conduct any work provided in this section.

6490 (b) (i) The division, in conjunction with appropriate state agencies as determined in the  
6491 rules, may construct and operate plants for the control and treatment of water pollution  
6492 resulting from mine drainage.

6493 (ii) The extent of this control and treatment of water pollution may be dependent upon  
6494 the ultimate use of the water.

6495 (iii) This Subsection (11) may not be construed to repeal or supersede any portion of  
6496 the federal Water Pollution Control Act, 33 U.S.C. Sec. 1151 et seq., and no control or  
6497 treatment under this subsection shall in any way be less than that required under the federal  
6498 Water Pollution Control Act.

6499 (iv) The construction of a plant may include major interceptors and other facilities  
6500 appurtenant to the plant.

6501 (c) The division may transfer funds to other appropriate state agencies, in order to carry  
6502 out the reclamation activities authorized by this chapter.

6503 Section 139. Section **41-1a-1103** is amended to read:

6504 **41-1a-1103. Sale.**

6505 (1) If the owner or lienholder of a seized vehicle, vessel, or outboard motor does not  
6506 recover the vehicle, vessel, or outboard motor within 30 days from the date of seizure, or if the

6507 division is unable to determine the owner or lienholder through reasonable efforts, the division  
6508 shall sell the vehicle, vessel, or outboard motor.

6509 (2) The sale shall:

6510 (a) be held in the form of a public auction at the place of storage; and

6511 (b) at the discretion of the division, be conducted by:

6512 (i) an authorized representative of the division; or

6513 (ii) a public garage, impound lot, or impound yard that:

6514 (A) is authorized by the division;

6515 (B) meets the standards under Subsection 41-1a-1101(4); and

6516 (C) complies with the requirements of Section 72-9-603.

6517 (3) At least five days prior to the date set for sale, the division shall publish a notice of  
6518 sale[~~in a newspaper of general statewide circulation~~] setting forth the date, time, and place of  
6519 sale and a description of the vehicle, vessel, or outboard motor to be sold[-];

6520 (a) in a newspaper of general statewide circulation; and

6521 (b) as required in Section 45-1-101.

6522 (4) At the time of sale the division or other person authorized to conduct the sale shall  
6523 tender to the highest bidder a certificate of sale conveying all rights, title, and interest in the  
6524 vehicle, vessel, or outboard motor.

6525 (5) The proceeds from the sale of a vehicle, vessel, or outboard motor under this  
6526 section shall be distributed as provided under Section 41-1a-1104.

6527 (6) If the owner or lienholder of a vehicle, vessel, or outboard motor seized under  
6528 Section 41-1a-1101 and subsequently released by the division fails to take possession of the  
6529 vehicle, vessel, or outboard motor and satisfy the amount due to the place of storage within 30  
6530 days from the date of release, the division shall renotify the owner or lienholder and sell the  
6531 vehicle, vessel, or outboard motor, in accordance with this section, 30 days from the date of  
6532 the notice.

6533 Section 140. Section **45-1-101** is enacted to read:

6534 **Part 1. General Publication Requirements**

6535 **45-1-101. Legal notice publication requirements.**

6536 (1) Notwithstanding any other legal notice provision established in this Utah Code, a  
6537 person required to publish legal notice:

6538 (a) until January 1, 2010, shall publish as required by the state statute establishing the  
6539 notice requirement; and

6540 (b) beginning on January 1, 2010, shall publish notice:

6541 (i) in a newspaper as required by the statute establishing the notice requirement; and

6542 (ii) on a web site established by the collective efforts of Utah's newspapers.

6543 (2) Notwithstanding Subsection (1)(b), for counties of the first and second class,  
6544 beginning on January 1, 2012, a person required to publish a legal notice:

6545 (a) shall publish notice on the website described in Subsection (1)(b)(ii); and

6546 (b) may publish notice in a newspaper as required by the statute establishing the notice  
6547 requirement.

6548 (3) This section does not apply to a public notice published by a public body in  
6549 accordance with the provisions of Section 63F-1-701.

6550 (4) A notice described in Subsections (1) and (2) includes:

6551 (a) legal notices required for judicial proceedings or by judicial decision; and

6552 (b) notices required to be made available to the public by a state statute or a state  
6553 agency rule.

6554 (5) The website described in Subsection (1)(b)(ii) may not:

6555 (a) charge a fee to post a legal notice on the website before January 1, 2012; and

6556 (b) charge more than \$10 to post a legal notice on the website on or after January 1,  
6557 2012.

6558 Section 141. Section **45-1-201**, which is renumbered from Section 45-1-1 is  
6559 renumbered and amended to read:

6560 **Part 2. Newspaper Publication Requirements**

6561 **[45-1-1]. 45-1-201. Newspapers "of general circulation" -- Requirements.**

6562 No newspaper shall be deemed a newspaper having general circulation for the purpose  
6563 of publishing any notice, advertisement or publication of any kind required by law, unless it has  
6564 a bona fide subscription list of not less than two hundred subscribers in this state, and shall  
6565 have been published for not less than eighteen months, and shall have been admitted in the  
6566 United States mails as second-class matter for twelve months; provided, that nothing in this  
6567 chapter shall invalidate the publication in a newspaper which has simply changed its name or  
6568 ownership, or has simply moved its place of publication from one part of the state to another,

6569 or suspended publication on account of fire, flood or unavoidable accident not to exceed ten  
6570 weeks; provided further, that nothing in this chapter shall apply to any county wherein no  
6571 newspaper has been published the requisite length of time.

6572 Section 142. Section **45-1-202**, which is renumbered from Section 45-1-2 is  
6573 renumbered and amended to read:

6574 **[45-1-2]. 45-1-202. Maximum charge.**

6575 A legal rate of 30 cents per line on the basis of an eight-point line, not less than 11 ems  
6576 wide, is hereby established in each city of the fourth and fifth class and each town for the  
6577 publishing of any notice, advertisement, or publication of any kind required by law.

6578 Section 143. Section **45-1-301**, which is renumbered from Section 45-1-4 is  
6579 renumbered and amended to read:

6580 **Part 3. Supplemental Publication by Broadcast**

6581 **[45-1-4]. 45-1-301. Notice given in broadcast -- Restrictions.**

6582 (1) Any state or other public officer who is required by law to publish any notice may  
6583 supplement publication of the notice by causing the time, place and nature of the notice to be  
6584 broadcast at such times and intervals as determined suitable when in his judgment, the public  
6585 interest is or will be served.

6586 (2) The material broadcast shall include only the time, place, and nature of the notice.

6587 (3) In the broadcast of any notice or material authorized under this act, no reference by  
6588 name or the use of the voice or likeness of any person who is a candidate for elective public  
6589 office at the time of the broadcast shall be allowed.

6590 (4) Notices by political subdivisions of this state shall be made only by stations whose  
6591 basic broadcast coverage encompasses the county or counties in which the notice is required to  
6592 be given.

6593 Section 144. Section **45-1-302**, which is renumbered from Section 45-1-5 is  
6594 renumbered and amended to read:

6595 **[45-1-5]. 45-1-302. Copy of notice broadcast retained by station.**

6596 Each station which broadcasts any notice or material under this act shall retain a copy  
6597 or transcript of the text or material broadcast for a period of six months after the broadcast. The  
6598 copy shall be available for public review at reasonable times and places.

6599 Section 145. Section **45-1-303**, which is renumbered from Section 45-1-6 is

6600 renumbered and amended to read:

6601 ~~[45-1-6].~~ **45-1-303. Proof of broadcast.**

6602 Proof of publication or broadcast of the notice or other material under this act shall be  
6603 by affidavit of a duly authorized representative or agent of the broadcasting station.

6604 Section 146. Section **45-1-304**, which is renumbered from Section 45-1-7 is  
6605 renumbered and amended to read:

6606 ~~[45-1-7].~~ **45-1-304. Rates of broadcasters.**

6607 Rates charged by broadcasters will be no greater than the lowest net rate charged for a  
6608 like number of announcements by any other advertiser.

6609 Section 147. Section **47-2-4** is amended to read:

6610 **47-2-4. Elimination by the county executive -- Notice of intention.**

6611 (1) The county executive may provide for the elimination of abandoned horses in the  
6612 respective counties in the following manner:

6613 ~~[They]~~ (a) The county executive shall cause notice to be:

6614 (i) (A) published at least once a week for three successive weeks in ~~[some]~~ a  
6615 newspaper of general circulation published in the county~~;~~; and ~~[the notice shall also be]~~

6616 (B) in accordance with Section 45-1-101, published for three weeks;

6617 (ii) posted in at least five public places outside of the county seat on public highways in  
6618 such county~~;~~; and

6619 (iii) posted in three public places at the county seat, one of which shall be at the front  
6620 door of the courthouse.

6621 (b) The notices posted outside of the county seat shall be posted not less than two miles  
6622 apart, and all posted notices shall be posted at least 30 days before the date which the county  
6623 executive shall fix for the beginning of the elimination of abandoned horses from the range in  
6624 such county as hereinafter provided.

6625 ~~[If no newspaper is published in the county, publication in a newspaper shall not be~~  
6626 ~~required.]~~

6627 (2) The notice shall be substantially in the following form:

6628 Notice is hereby given that in accordance with the provisions of law the county  
6629 executive of \_\_\_\_ County, Utah, will proceed to eliminate abandoned horses from the open  
6630 range in said county, and that beginning on \_\_\_\_\_(month\day\year), a drive will be held,

6631 and all abandoned horses running upon the open range will, under the direction and supervision  
6632 of the county executive, be eliminated. All owners of horses running upon the open range are  
6633 hereby given notice to file with the county executive a description of the horses, and the brands  
6634 or marks thereon.

6635 Dated this \_\_\_\_\_(month\day\year).

6636 By order of the county executive of \_\_\_\_ County, Utah.

6637 \_\_\_\_\_  
6638 County Clerk.

6639 Section 148. Section **48-2c-1306** is amended to read:

6640 **48-2c-1306. Disposition of claims by publication.**

6641 (1) A dissolved company in winding up may publish notice of its dissolution and  
6642 request that persons with claims against the company present them in accordance with the  
6643 notice.

6644 (2) The notice contemplated in Subsection (1) [~~must~~] shall:

6645 (a) (i) be published once a week for three successive weeks in a newspaper of general  
6646 circulation;

6647 (A) in the county where the dissolved company's principal office is; or[;]

6648 (B) if it has no principal office in this state, Salt Lake County; and

6649 (ii) be published, in accordance with Section 45-1-101, for three successive weeks;

6650 (b) describe the information that must be included in a claim and provide an address to  
6651 which written notice of any claim must be given to the company;

6652 (c) state the deadline, which may not be fewer than 120 days after the first date of  
6653 publication of the notice, by which the dissolved company must receive the claim; and

6654 (d) state that, unless sooner barred by another statute limiting actions, the claim will be  
6655 barred if not received by the deadline.

6656 (3) If the dissolved company publishes a newspaper or website notice in accordance  
6657 with Subsection (2), then unless sooner barred under Section 48-2c-1305 or under another  
6658 statute limiting actions, the claim of any claimant against the dissolved company is barred if:

6659 (a) the claim is not received by the dissolved company by the deadline; or

6660 (b) the dissolved company delivers to the claimant written notice of rejection of the  
6661 claim within 90 days after receipt of the claim and the claimant whose claim was rejected by

6662 the dissolved company does not commence a proceeding to enforce the claim within 90 days  
6663 after the effective date of the rejection notice.

6664 (4) Claims which are not rejected by the dissolved company in writing within 90 days  
6665 after receipt of the claim by the dissolved company shall be considered approved.

6666 (5) (a) For purposes of this section, "claim" means any claim, including claims of this  
6667 state whether known or unknown, due or to become due, absolute or contingent, liquidated or  
6668 unliquidated, founded on contract, tort, or other legal basis, or otherwise.

6669 (b) For purposes of this section and Section 48-2c-1305, a proceeding to enforce a  
6670 claim means a civil action or an arbitration under an agreement for binding arbitration between  
6671 the dissolved company and the claimant.

6672 Section 149. Section **52-4-202** is amended to read:

6673 **52-4-202. Public notice of meetings -- Emergency meetings.**

6674 (1) A public body shall give not less than 24 hours public notice of each meeting  
6675 including the meeting:

- 6676 (a) agenda;
- 6677 (b) date;
- 6678 (c) time; and
- 6679 (d) place.

6680 (2) (a) In addition to the requirements under Subsection (1), a public body which holds  
6681 regular meetings that are scheduled in advance over the course of a year shall give public  
6682 notice at least once each year of its annual meeting schedule as provided in this section.

6683 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of  
6684 the scheduled meetings.

6685 (3) (a) Public notice shall be satisfied by:

6686 (i) posting written notice:

6687 (A) at the principal office of the public body, or if no principal office exists, at the  
6688 building where the meeting is to be held; and

6689 (B) beginning October 1, 2008 and except as provided in Subsection (3)(b), on the  
6690 Utah Public Notice Website created under Section 63F-1-701; and

6691 (ii) providing notice to:

6692 (A) (I) at least one newspaper of general circulation within the geographic jurisdiction



6693 of the public body; ~~[or]~~ and

6694 (II) as required in Section 45-1-101; or

6695 (B) a local media correspondent.

6696 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local  
6697 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a  
6698 special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged,  
6699 but not required, to post written notice on the Utah Public Notice Website, if the municipality  
6700 or district has a current annual budget of less than \$1 million.

6701 ~~[(c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by~~  
6702 ~~providing notice to a newspaper or local media correspondent under the provisions of~~  
6703 ~~Subsection 63F-1-701(4)(d).]~~

6704 (4) A public body is encouraged to develop and use additional electronic means to  
6705 provide notice of its meetings under Subsection (3).

6706 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

6707 (i) because of unforeseen circumstances it is necessary for a public body to hold an  
6708 emergency meeting to consider matters of an emergency or urgent nature; and

6709 (ii) the public body gives the best notice practicable of:

6710 (A) the time and place of the emergency meeting; and

6711 (B) the topics to be considered at the emergency meeting.

6712 (b) An emergency meeting of a public body may not be held unless:

6713 (i) an attempt has been made to notify all the members of the public body; and

6714 (ii) a majority of the members of the public body approve the meeting.

6715 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall  
6716 provide reasonable specificity to notify the public as to the topics to be considered at the  
6717 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

6718 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding  
6719 member of the public body, a topic raised by the public may be discussed during an open  
6720 meeting, even if the topic raised by the public was not included in the agenda or advance public  
6721 notice for the meeting.

6722 (c) Except as provided in Subsection (5), relating to emergency meetings, a public  
6723 body may not take final action on a topic in an open meeting unless the topic is:

6724 (i) listed under an agenda item as required by Subsection (6)(a); and  
6725 (ii) included with the advance public notice required by this section.

6726 Section 150. Section **53A-3-202** is amended to read:

6727 **53A-3-202. Compensation for services -- Additional per diem -- Approval of**  
6728 **expenses.**

6729 (1) Each member of a local school board, except the student member, shall receive  
6730 compensation for services and for necessary expenses in accordance with board compensation  
6731 schedules adopted by the local school board in accordance with the provisions of this section.

6732 (2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its  
6733 board compensation schedules, the board shall set a time and place for a public hearing at  
6734 which all interested persons shall be given an opportunity to be heard.

6735 (3) Notice of the time, place, and purpose of the meeting shall be provided at least  
6736 seven days prior to the meeting by:

6737 (a) (i) publication at least once in a newspaper published in the county where the  
6738 school district is situated and generally circulated within the school district; and

6739 (ii) publication in accordance with Section 45-1-101; and

6740 (b) posting a notice:

6741 (i) at each school within the school district;

6742 (ii) in at least three other public places within the school district; and

6743 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

6744 (4) After the conclusion of the public hearing, the local school board may adopt or  
6745 amend its board compensation schedules.

6746 (5) Each member shall submit an itemized account of necessary travel expenses for  
6747 board approval.

6748 (6) A local school board may, without following the procedures described in  
6749 ~~[Subsection]~~ Subsections (2) and (3), continue to use the compensation schedule that was in  
6750 effect prior to July 1, 2007 until, at the discretion of the board, the compensation schedule is  
6751 amended or a new compensation schedule is adopted.

6752 Section 151. Section **53A-3-402** is amended to read:

6753 **53A-3-402. Powers and duties generally.**

6754 (1) Each local school board shall:

6755 (a) implement the core curriculum utilizing instructional materials that best correlate to  
6756 the core curriculum and graduation requirements;

6757 (b) administer tests, required by the State Board of Education, which measure the  
6758 progress of each student, and coordinate with the state superintendent and State Board of  
6759 Education to assess results and create plans to improve the student's progress which shall be  
6760 submitted to the State Office of Education for approval;

6761 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
6762 students that need remediation and determine the type and amount of federal, state, and local  
6763 resources to implement remediation;

6764 (d) develop early warning systems for students or classes failing to make progress;

6765 (e) work with the State Office of Education to establish a library of documented best  
6766 practices, consistent with state and federal regulations, for use by the local districts; and

6767 (f) implement training programs for school administrators, including basic  
6768 management training, best practices in instructional methods, budget training, staff  
6769 management, managing for learning results and continuous improvement, and how to help  
6770 every child achieve optimal learning in core academics.

6771 (2) Local school boards shall spend minimum school program funds for programs and  
6772 activities for which the State Board of Education has established minimum standards or rules  
6773 under Section 53A-1-402.

6774 (3) (a) A board may purchase, sell, and make improvements on school sites, buildings,  
6775 and equipment and construct, erect, and furnish school buildings.

6776 (b) School sites or buildings may only be conveyed or sold on board resolution  
6777 affirmed by at least two-thirds of the members.

6778 (4) (a) A board may participate in the joint construction or operation of a school  
6779 attended by children residing within the district and children residing in other districts either  
6780 within or outside the state.

6781 (b) Any agreement for the joint operation or construction of a school shall:

6782 (i) be signed by the president of the board of each participating district;

6783 (ii) include a mutually agreed upon pro rata cost; and

6784 (iii) be filed with the State Board of Education.

6785 (5) A board may establish, locate, and maintain elementary, secondary, and applied

6786 technology schools.

6787 (6) A board may enroll children in school who are at least five years of age before  
6788 September 2 of the year in which admission is sought.

6789 (7) A board may establish and support school libraries.

6790 (8) A board may collect damages for the loss, injury, or destruction of school property.

6791 (9) A board may authorize guidance and counseling services for children and their  
6792 parents or guardians prior to, during, or following enrollment of the children in schools.

6793 (10) (a) A board shall administer and implement federal educational programs in  
6794 accordance with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

6795 (b) Federal funds are not considered funds within the school district budget under Title  
6796 53A, Chapter 19, School District Budgets.

6797 (11) (a) A board may organize school safety patrols and adopt rules under which the  
6798 patrols promote student safety.

6799 (b) A student appointed to a safety patrol shall be at least ten years old and have written  
6800 parental consent for the appointment.

6801 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion  
6802 of a highway intended for vehicular traffic use.

6803 (d) Liability may not attach to a school district, its employees, officers, or agents or to a  
6804 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting  
6805 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

6806 (12) (a) A board may on its own behalf, or on behalf of an educational institution for  
6807 which the board is the direct governing body, accept private grants, loans, gifts, endowments,  
6808 devises, or bequests that are made for educational purposes.

6809 (b) These contributions are not subject to appropriation by the Legislature.

6810 (13) (a) A board may appoint and fix the compensation of a compliance officer to issue  
6811 citations for violations of Subsection 76-10-105(2).

6812 (b) A person may not be appointed to serve as a compliance officer without the  
6813 person's consent.

6814 (c) A teacher or student may not be appointed as a compliance officer.

6815 (14) A board shall adopt bylaws and rules for its own procedures.

6816 (15) (a) A board shall make and enforce rules necessary for the control and

6817 management of the district schools.

6818 (b) All board rules and policies shall be in writing, filed, and referenced for public  
6819 access.

6820 (16) A board may hold school on legal holidays other than Sundays.

6821 (17) (a) Each board shall establish for each school year a school traffic safety  
6822 committee to implement this Subsection (17).

6823 (b) The committee shall be composed of one representative of:

6824 (i) the schools within the district;

6825 (ii) the Parent Teachers' Association of the schools within the district;

6826 (iii) the municipality or county;

6827 (iv) state or local law enforcement; and

6828 (v) state or local traffic safety engineering.

6829 (c) The committee shall:

6830 (i) receive suggestions from parents, teachers, and others and recommend school traffic  
6831 safety improvements, boundary changes to enhance safety, and school traffic safety program  
6832 measures;

6833 (ii) review and submit annually to the Department of Transportation and affected  
6834 municipalities and counties a child access routing plan for each elementary, middle, and junior  
6835 high school within the district;

6836 (iii) consult the Utah Safety Council and the Division of Family Health Services and  
6837 provide training to all school children in kindergarten through grade six, within the district, on  
6838 school crossing safety and use; and

6839 (iv) help ensure the district's compliance with rules made by the Department of  
6840 Transportation under Section 41-6a-303.

6841 (d) The committee may establish subcommittees as needed to assist in accomplishing  
6842 its duties under Subsection (17)(c).

6843 (e) The board shall require the school community council of each elementary, middle,  
6844 and junior high school within the district to develop and submit annually to the committee a  
6845 child access routing plan.

6846 (18) (a) Each school board shall adopt and implement a comprehensive emergency  
6847 response plan to prevent and combat violence in its public schools, on school grounds, on its

6848 school vehicles, and in connection with school-related activities or events.  
6849 (b) The board shall implement its plan by July 1, 2000.  
6850 (c) The plan shall:  
6851 (i) include prevention, intervention, and response components;  
6852 (ii) be consistent with the student conduct and discipline policies required for school  
6853 districts under Title 53A, Chapter 11, Part 9, School Discipline and Conduct Plans;  
6854 (iii) require inservice training for all district and school building staff on what their  
6855 roles are in the emergency response plan; and  
6856 (iv) provide for coordination with local law enforcement and other public safety  
6857 representatives in preventing, intervening, and responding to violence in the areas and activities  
6858 referred to in Subsection (18)(a).  
6859 (d) The State Board of Education, through the state superintendent of public  
6860 instruction, shall develop comprehensive emergency response plan models that local school  
6861 boards may use, where appropriate, to comply with Subsection (18)(a).  
6862 (e) Each local school board shall, by July 1 of each year, certify to the State Board of  
6863 Education that its plan has been practiced at the school level and presented to and reviewed by  
6864 its teachers, administrators, students, and their parents and local law enforcement and public  
6865 safety representatives.  
6866 (19) (a) Each local school board may adopt an emergency response plan for the  
6867 treatment of sports-related injuries that occur during school sports practices and events.  
6868 (b) The plan may be implemented by each secondary school in the district that has a  
6869 sports program for students.  
6870 (c) The plan may:  
6871 (i) include emergency personnel, emergency communication, and emergency  
6872 equipment components;  
6873 (ii) require inservice training on the emergency response plan for school personnel who  
6874 are involved in sports programs in the district's secondary schools; and  
6875 (iii) provide for coordination with individuals and agency representatives who:  
6876 (A) are not employees of the school district; and  
6877 (B) would be involved in providing emergency services to students injured while  
6878 participating in sports events.

6879 (d) The board, in collaboration with the schools referred to in Subsection (19)(b), may  
6880 review the plan each year and make revisions when required to improve or enhance the plan.

6881 (e) The State Board of Education, through the state superintendent of public  
6882 instruction, shall provide local school boards with an emergency plan response model that local  
6883 boards may use to comply with the requirements of this Subsection (19).

6884 (20) A board shall do all other things necessary for the maintenance, prosperity, and  
6885 success of the schools and the promotion of education.

6886 (21) (a) Before closing a school or changing the boundaries of a school, a board shall:

6887 (i) hold a public hearing, as defined in Section 10-9a-103; and

6888 (ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

6889 (b) The notice of a public hearing required under Subsection (21)(a) shall:

6890 (i) indicate the:

6891 (A) school or schools under consideration for closure or boundary change; and

6892 (B) date, time, and location of the public hearing; and

6893 (ii) at least ten days prior to the public hearing, be:

6894 (A) published;

6895 (I) in a newspaper of general circulation in the area; and

6896 (II) as required in Section 45-1-101; and

6897 (B) posted in at least three public locations within the municipality or on the district's  
6898 official website.

6899 Section 152. Section **53A-18-104** is amended to read:

6900 **53A-18-104. Testing validity of bonds to be refunded -- Procedure.**

6901 If considered advisable by the local school board, the validity of any bonds intended to  
6902 be refunded may be determined in the following manner:

6903 (1) The board shall ~~[have published once a week for two successive weeks in a~~  
6904 ~~newspaper published in the school district, or if there is no such newspaper, post for a like~~  
6905 ~~period in three public and conspicuous places in the district,];~~

6906 (a) publish a notice describing with sufficient particularity for identification the bond  
6907 or bonds intended to be refunded[;];

6908 (i) once a week for two successive weeks in a newspaper published in the school  
6909 district; and

6910           (ii) as required in Section 45-1-101; and  
6911           (b) post a notice for two successive weeks in three public and conspicuous places  
6912 describing with sufficient particularity for identification the bond or bonds intended to be  
6913 refunded.

6914           (2) The notice shall require any person objecting to the legality, regularity, or validity  
6915 of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before  
6916 the board at a specified place within the district on a specified day and time.

6917           (3) The time may not be less than 14 nor more than 60 days after the first publication  
6918 or posting of the notice.

6919           (4) The notice shall require the person to appear at the meeting with his objections in  
6920 writing, duly verified.

6921           (5) The board shall convene at the time and place specified in the notice and receive all  
6922 objections as prescribed in Subsection (4).

6923           (6) The objections shall be filed with and preserved by the board.

6924           (7) If no written objections are presented at the time and place specified in the notice,  
6925 the board shall so certify.

6926           (8) All persons are then prohibited from questioning in any manner or proceeding the  
6927 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness  
6928 represented by the bonds, and the board may then refund the bonds.

6929           (9) Any person filing a written objection under Subsection (4) shall, within 20 days  
6930 after the filing, commence appropriate legal proceedings against the board and others as may be  
6931 proper parties, in the district court for the county in which the school district is situated, to  
6932 challenge and determine the legality, regularity, and validity of the bond or bonds, their issue  
6933 and sale, or the indebtedness represented by them.

6934           (10) Failure to commence the proceedings within 20 days bars the person filing  
6935 objections from questioning, in any manner or proceeding, the legality, regularity, or validity of  
6936 the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.

6937           (11) Upon proof of failure to commence proceedings, by certificate of the clerk of the  
6938 court, the board may refund the bonds.

6939           Section 153. Section **53A-19-102** is amended to read:

6940           **53A-19-102. Local school boards budget procedures.**



6941 (1) Prior to June 22 of each year, each local school board shall adopt a budget and  
6942 make appropriations for the next fiscal year. If the tax rate in the proposed budget exceeds the  
6943 certified tax rate defined in Section 59-2-924, the board shall comply with Sections 59-2-918  
6944 and 59-2-919 in adopting the budget, except as provided by Section 53A-17a-133.

6945 (2) Prior to the adoption of a budget containing a tax rate which does not exceed the  
6946 certified tax rate, the board shall hold a public hearing, as defined in Section 10-9a-103, on the  
6947 proposed budget. In addition to complying with Title 52, Chapter 4, Open and Public Meetings  
6948 Act, in regards to the hearing, the board shall do the following:

6949 (a) publish:

6950 (i) the required newspaper notice at least ten days [~~prior~~] before to the hearing; and

6951 (ii) the required notice, in accordance with Section 45-1-101, at least ten days before  
6952 the hearing; and

6953 (b) file a copy of the proposed budget with the board's business administrator for public  
6954 inspection at least ten days prior to the hearing.

6955 (3) The board shall file a copy of the adopted budget with the state auditor and the  
6956 State Board of Education.

6957 Section 154. Section **53A-19-104** is amended to read:

6958 **53A-19-104. Limits on appropriations -- Estimated expendable revenue.**

6959 (1) A local school board may not make any appropriation in excess of its estimated  
6960 expendable revenue, including undistributed reserves, for the following fiscal year.

6961 (2) In determining the estimated expendable revenue, any existing deficits arising  
6962 through excessive expenditures from former years are deducted from the estimated revenue for  
6963 the ensuing year to the extent of at least 10% of the entire tax revenue of the district for the  
6964 previous year.

6965 (3) In the event of financial hardships, the board may deduct from the estimated  
6966 expendable revenue for the ensuing year, by fund, at least 25% of the deficit amount.

6967 (4) All estimated balances available for appropriations at the end of the fiscal year shall  
6968 revert to the funds from which they were appropriated and shall be fund balances available for  
6969 appropriation in the budget of the following year.

6970 (5) A local school board may reduce a budget appropriation at its regular meeting if  
6971 notice of the proposed action is given to all board members and the district superintendent at

6972 least one week prior to the meeting.

6973 (6) An increase in an appropriation may not be made by the board unless the following  
6974 steps are taken:

6975 (a) the board receives a written request from the district superintendent that sets forth  
6976 the reasons for the proposed increase;

6977 (b) notice of the request is published;

6978 (i) in a newspaper of general circulation within the school district at least one week  
6979 prior to the board meeting at which the request will be considered; and

6980 (ii) in accordance with Section 45-1-101, at least one week prior to the board meeting  
6981 at which the request will be considered; and

6982 (c) the board holds a public hearing on the request prior to the board's acting on the  
6983 request.

6984 Section 155. Section **53B-3-107** is amended to read:

6985 **53B-3-107. Traffic violations -- Notice of rule or regulation.**

6986 (1) It is a violation of this section for any person to operate or park a vehicle upon any  
6987 property owned or controlled by a state institution of higher education contrary to posted signs  
6988 authorized by the published rules and regulations of the institution or to block or impede traffic  
6989 through or on any of these properties.

6990 (2) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is  
6991 published in one issue of a newspaper of general circulation in the county or counties in which  
6992 the institution and the campus or facility is located.

6993 Section 156. Section **53B-7-101.5** is amended to read:

6994 **53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.**

6995 (1) If an institution within the State System of Higher Education listed in Section  
6996 53B-1-102 considers increasing tuition rates for undergraduate students in the process of  
6997 preparing or implementing its budget, it shall hold a meeting to receive public input and  
6998 response on the issue.

6999 (2) The institution shall advertise the hearing required under Subsection (1) using the  
7000 following procedure:

7001 (a) The institution shall advertise its intent to consider an increase in student tuition  
7002 rates;

7003 (i) in the institution's student newspaper[-]; and

7004 (ii) as required in Section 45-1-101.

7005 (b) The advertisement shall be run twice during a period of ten days prior to the  
7006 meeting.

7007 (c) The advertisement shall state that the institution will meet on a certain day, time,  
7008 and place fixed in the advertisement, which shall not be less than seven days after the day the  
7009 second advertisement is published, for the purpose of hearing comments regarding the  
7010 proposed increase and to explain the reasons for the proposed increase.

7011 (3) The form and content of the notice shall be substantially as follows:

7012 "NOTICE OF PROPOSED TUITION INCREASE

7013 The (name of the higher education institution) is proposing to increase student tuition  
7014 rates. This would be an increase of \_\_\_\_\_ %, which is an increase of \$\_\_\_\_\_ per semester  
7015 for a full-time resident undergraduate student. All concerned students and citizens are invited  
7016 to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

7017 (4) (a) The institution shall provide the following information to those in attendance at  
7018 the meeting required under Subsection (1):

7019 (i) the current year's student enrollment for:

7020 (A) the State System of Higher Education, if a systemwide increase is being  
7021 considered; or

7022 (B) the institution, if an increase is being considered for just a single institution;

7023 (ii) total tuition revenues for the current school year;

7024 (iii) projected student enrollment growth for the next school year and projected tuition  
7025 revenue increases from that anticipated growth; and

7026 (iv) a detailed accounting of how and where the increased tuition revenues would be  
7027 spent.

7028 (b) The enrollment and revenue data required under Subsection (4)(a) shall be broken  
7029 down into majors or departments if the proposed tuition increases are department or major  
7030 specific.

7031 (5) If the institution does not make a final decision on the proposed tuition increase at  
7032 the meeting, it shall announce the date, time, and place of the meeting where that determination  
7033 shall be made.

7034 Section 157. Section **54-4-27** is amended to read:

7035 **54-4-27. Payment of dividends -- Notice -- Restraint.**

7036 (1) No gas or electric corporation doing business in this state shall pay any dividend  
7037 upon its common stock prior to thirty days after the date of the declaration of such dividend by  
7038 the board of directors of such utility corporation.

7039 (2) Within five days after the declaration of such dividend the management of such  
7040 corporation shall:

7041 (a) notify the utilities commission in writing of the declaration of said dividend, the  
7042 amount thereof, the date fixed for payment of the same~~[-, and shall also cause to be published a~~  
7043 ~~notice]; and~~

7044 (b) publish a notice, including the information described in Subsection (2)(a):

7045 (i) in a newspaper having general circulation in the city or town where its principal  
7046 place of business is located~~[-, stating in substance the contents of the notice herein required to~~  
7047 ~~be given the utilities commission.]; and~~

7048 (ii) as required in Section 45-1-101.

7049 (3) If the commission, after investigation, shall find that the capital of any such  
7050 corporation is being impaired or that its service to the public is likely to become impaired or is  
7051 in danger of impairment, it may issue an order directing such utility corporation to refrain from  
7052 the payment of said dividend until such impairment is made good or danger of impairment is  
7053 avoided.

7054 (4) The district court of any county in which said utility is doing business in this state  
7055 is authorized upon a suit by the commission to enforce the order of the commission, and  
7056 empowered to issue a restraining order pending final determination of the action.

7057 Section 158. Section **54-7-17** is amended to read:

7058 **54-7-17. Stay of commission's order or decision pending appeal.**

7059 (1) A petition for judicial review does not stay or suspend the operation of the order or  
7060 decision of the commission.

7061 (2) (a) The court may stay or suspend, in whole or in part, the operation of the  
7062 commission's order or decision after at least three days' notice and after a hearing.

7063 (b) If the court stays or suspends the order or decision of the commission, the order  
7064 shall contain a specific finding, based upon evidence submitted to the court and identified by

7065 reference, that:

7066 (i) great or irreparable damage will result to the petitioner absent suspension or a stay  
7067 of the order; and

7068 (ii) specifies the nature of the damage.

7069 (3) (a) The court's order staying or suspending the decision of the commission is not  
7070 effective until a supersedeas bond is executed, filed with, and approved by the commission (or  
7071 approved, on review, by the court).

7072 (b) The bond shall be payable to the state [~~of Utah~~], and shall be sufficient in amount  
7073 and security to insure the prompt payment by the party petitioning for the review of:

7074 (i) all damages caused by the delay in the enforcement of the order or decision of the  
7075 commission; and

7076 (ii) all moneys that any person or corporation is compelled to pay, pending the review  
7077 proceedings, for transportation, transmission, product, commodity, or service in excess of the  
7078 charges fixed by the order or decision of the commission.

7079 (c) Whenever necessary to insure the prompt payment of damages and any  
7080 overcharges, the court may order the party petitioning for a review to give additional security or  
7081 to increase the supersedeas bond.

7082 (4) (a) When the court stays or suspends the order or decision of the commission in any  
7083 matter affecting rates, fares, tolls, rentals, charges, or classifications, it shall order the public  
7084 utility affected to pay into court, or into some bank or trust company paying interest on  
7085 deposits, all sums of money collected by the public utility that are greater than the sum a person  
7086 would have paid if the order or decision of the commission had not been stayed or suspended.

7087 (b) (i) Upon the final decision by the court, the public utility shall refund all moneys  
7088 collected by it that are greater than those authorized by the court's final decision, together with  
7089 interest if the moneys were deposited in a bank or trust company, to the persons entitled to the  
7090 refund.

7091 (ii) The commission shall prescribe the methods for distributing the refund.

7092 (c) (i) If any of the refund money has not been claimed within one year from the final  
7093 decision of the court, the commission shall publish notice of the refund;

7094 (A) (I) once per week for two successive weeks in a newspaper of general circulation  
7095 printed and published in the city and county of Salt Lake[;]; and

7096 (II) in any other newspapers that the commission designates[-]; and

7097 (B) in accordance with Section 45-1-101 for two successive weeks.

7098 (ii) The notice shall state the names of the persons entitled to the moneys and the  
7099 amount due each person.

7100 (iii) All moneys not claimed within three months after the publication of the notice  
7101 shall be paid by the public utility into the General Fund.

7102 (5) When the court stays or suspends any order or decision lowering any rate, fare, toll,  
7103 rental, charge, or classification, after the execution and approval of the supersedeas bond, the  
7104 commission shall order the public utility affected to keep accounts, verified by oath, that show:

7105 (a) the amounts being charged or received by the public utility; and

7106 (b) the names and addresses of the persons to whom overcharges will be refundable.

7107 Section 159. Section **54-8-10** is amended to read:

7108 **54-8-10. Public hearing -- Notice -- Publication.**

7109 (1) Such notice shall be:

7110 (a) (i) published:

7111 (A) in full one time in a newspaper of general circulation in the district; or

7112 (B) if there be no such newspaper, by publication in a newspaper of general circulation  
7113 in the county, city, or town in which said district is located; and

7114 (ii) as required in Section 45-1-101; and

7115 (b) by posting in not less than three public places in such district.

7116 (2) A copy of such notice shall be mailed by certified mail to the last known address of  
7117 each owner of land within the proposed district whose property will be assessed for the cost of  
7118 the improvement.

7119 (3) The address to be used for said purpose shall be that last appearing on the real  
7120 property assessment rolls of the county wherein said property is located.

7121 (4) In addition, a copy of such notice shall be addressed to "Owner" and shall be so  
7122 mailed addressed to the street number of each piece of improved property to be affected by the  
7123 assessment.

7124 (5) Mailed notices and the published notice shall state where a copy of the resolution  
7125 creating the district will be available for inspection by any interested parties.

7126 Section 160. Section **54-8-16** is amended to read:

7127 **54-8-16. Notice of assessment -- Publication.**

7128 (1) After the preparation of the aforesaid resolution, notice of a public hearing on the  
7129 proposed assessments shall be given. [~~Such~~]

7130 (2) The notice described in Subsection (1) shall be:

7131 (a) published:

7132 (i) one time in a newspaper in which the first notice of hearing was published at least  
7133 [~~twenty~~] 20 days before the date fixed for the hearing; and [~~shall be~~]

7134 (ii) in accordance with Section 45-1-101 for at least 20 days before the date fixed for  
7135 the hearing; and

7136 (b) mailed by certified mail not less than [~~fifteen~~] 15 days prior to the date fixed for  
7137 such hearing to each owner of real property whose property will be assessed for part of the cost  
7138 of the improvement at the last known address of such owner using for such purpose the names  
7139 and addresses appearing on the last completed real property assessment rolls of the county  
7140 wherein said affected property is located.

7141 (3) In addition, a copy of such notice shall be addressed to "Owner" and shall be so  
7142 mailed addressed to the street number of each piece of improved property to be affected by  
7143 such assessment.

7144 (4) Each notice shall state that at the specified time and place, the governing body will  
7145 hold a public hearing upon the proposed assessments and shall state that any owner of any  
7146 property to be assessed pursuant to the resolution will be heard on the question of whether his  
7147 property will be benefited by the proposed improvement to the amount of the proposed  
7148 assessment against his property and whether the amount assessed against his property  
7149 constitutes more than his proper proportional share of the total cost of the improvement.

7150 (5) The notice shall further state where a copy of the resolution proposed to be adopted  
7151 levying the assessments against all real property in the district will be on file for public  
7152 inspection, and that subject to such changes and corrections therein as may be made by the  
7153 governing body, it is proposed to adopt the resolution at the conclusion of the hearing.

7154 (6) A published notice shall describe the boundaries or area of the district with  
7155 sufficient particularity to permit each owner of real property therein to ascertain that his  
7156 property lies in the district.

7157 (7) The mailed notice may refer to the district by name and date of creation and shall

7158 state the amount of the assessment proposed to be levied against the real property of the person  
7159 to whom the notice is mailed.

7160 Section 161. Section **54-8-23** is amended to read:

7161 **54-8-23. Objection to amount of assessment -- Civil action -- Litigation to**  
7162 **question or attack proceedings or legality of bonds.**

7163 (1) No special assessment levied under this chapter shall be declared void, nor shall  
7164 any such assessment or part thereof be set aside in consequence of any error or irregularity  
7165 permitted or appearing in any of the proceedings under this chapter, but any party feeling  
7166 aggrieved by any such special assessment or proceeding may bring a civil action to cause such  
7167 grievance to be adjudicated if such action is commenced prior to the expiration of the period  
7168 specified in this section.

7169 (2) The burden of proof to show that such special assessment or part thereof is invalid,  
7170 inequitable or unjust shall rest upon the party who brings such suit.

7171 (3) Any such litigation shall not be regarded as an appeal within the meaning of the  
7172 prohibition contained in Section 54-8-18.

7173 (4) Every person whose property is subject to such special assessment and who fails to  
7174 appear during the public hearings on said assessments to raise his objection to such tax shall be  
7175 deemed to have waived all objections to such levy except the objection that the governing body  
7176 lacks jurisdiction to levy such tax.

7177 (5) For a period of twenty days after the governing body has adopted the enactment  
7178 authorizing the assessment, any taxpayer in the district shall have the right to institute litigation  
7179 for the purpose of questioning or attacking the proceedings pursuant to which the assessments  
7180 have been authorized subject to the provisions of the preceding paragraph.

7181 (6) Whenever any enactment authorizing the issuance of any bonds pursuant to the  
7182 improvement contemplated shall have been adopted such resolution shall be published:

7183 (a) once in a newspaper in which the original notice of hearing was published[-]; and

7184 (b) as required in Section 45-1-101.

7185 (7) For a period of [~~twenty~~] 20 days thereafter, any person whose property shall have  
7186 been assessed and any taxpayer in the district shall have the right to institute litigation for the  
7187 purpose of questioning or attacking the legality of such bonds.

7188 (8) After the expiration of such [~~twenty-day~~] 20-day period, all proceedings theretofore



7189 had by the governing body, the bonds to be issued pursuant thereto, and the special assessments  
7190 from which such bonds are to be paid, shall become incontestable, and no suit attacking or  
7191 questioning the legality thereof may be instituted in this state, and no court shall have the  
7192 authority to inquire into such matters.

7193 Section 162. Section **57-1-25** is amended to read:

7194 **57-1-25. Notice of trustee's sale -- Description of property -- Time and place of**  
7195 **sale.**

7196 (1) The trustee shall give written notice of the time and place of sale particularly  
7197 describing the property to be sold:

7198 (a) by publication of the notice:

7199 (i) (A) at least three times;

7200 [~~(ii)~~] (B) once a week for three consecutive weeks;

7201 [~~(iii)~~] (C) the last publication to be at least ten days but not more than 30 days before  
7202 the date the sale is scheduled; and

7203 [~~(iv)~~] (D) in a newspaper having a general circulation in each county in which the  
7204 property to be sold, or some part of the property to be sold, is situated; and

7205 (ii) in accordance with Section 45-1-101 for 30 days before the date the sale is  
7206 scheduled; and

7207 (b) by posting the notice:

7208 (i) at least 20 days before the date the sale is scheduled; and

7209 (ii) (A) in some conspicuous place on the property to be sold; and

7210 (B) at the office of the county recorder of each county in which the trust property, or  
7211 some part of it, is located.

7212 (2) (a) The sale shall be held at the time and place designated in the notice of sale.

7213 (b) The time of sale shall be between the hours of 8 a.m. and 5 p.m.

7214 (c) The place of sale shall be clearly identified in the notice of sale under Subsection  
7215 (1) and shall be at a courthouse serving the county in which the property to be sold, or some  
7216 part of the property to be sold, is located.

7217 (3) The notice of sale shall be in substantially the following form:

7218 Notice of Trustee's Sale

7219 The following described property will be sold at public auction to the highest bidder,

7220 payable in lawful money of the United States at the time of sale, at (insert location of sale)  
7221 \_\_\_\_\_ on \_\_\_\_\_(month\day\year), at \_\_.m. of said day, for the purpose of  
7222 foreclosing a trust deed originally executed by \_\_\_\_ (and \_\_\_\_, his wife,) as trustors, in favor  
7223 of \_\_\_\_, covering real property located at \_\_\_\_, and more particularly described as:

7224 (Insert legal description)

7225 The current beneficiary of the trust deed is \_\_\_\_\_ and the record  
7226 owners of the property as of the recording of the notice of default are \_\_\_\_\_ and  
7227 \_\_\_\_\_.

7228 Dated \_\_\_\_\_(month\day\year).

\_\_\_\_\_  
Trustee

7230 Section 163. Section 57-11-11 is amended to read:

7231 **57-11-11. Rules of division -- Filing advertising material -- Injunctions --**

7232 **Intervention by division in suits -- General powers of division.**

7233 (1) (a) The division shall prescribe reasonable rules which shall be adopted, amended,  
7234 or repealed only after a public hearing [~~with notice thereof published~~].

7235 (b) The division shall:

7236 (i) publish notice of the public hearing described in Subsection (1)(a):

7237 (A) once in a newspaper or newspapers with statewide circulation [~~and sent to any~~] and  
7238 at least 20 days before the hearing; and

7239 (B) in accordance with Section 45-1-101, for at least 20 days before the hearing; and

7240 (ii) send a notice to a nonprofit organization which files a written request for notice  
7241 with the division[; ~~said notice shall be published and sent not less than~~] at least 20 days prior to  
7242 the hearing.

7243 (2) The rules shall include but need not be limited to:

7244 (a) provisions for advertising standards to assure full and fair disclosure;

7245 (b) provisions for escrow or trust agreements, performance bonds, or other means

7246 reasonably necessary to assure that all improvements referred to in the application for

7247 registration and advertising will be completed and that purchasers will receive the interest in

7248 land contracted for.

7249 (3) These provisions, however, shall not be required if the city or county in which the  
7250 subdivision is located requires similar means of assurance of a nature and in an amount no less

7251 adequate than is required under said rules[;]:

7252       ~~[(e)]~~ (a) provisions for operating procedures;

7253       ~~[(d)]~~ (b) provisions for a shortened form of registration in cases where the division

7254 determines that the purposes of this act do not require a subdivision to be registered pursuant to

7255 an application containing all the information required by Section 57-11-6 or do not require that

7256 the public offering statement contain all the information required by Section 57-11-7; and

7257       ~~[(e)]~~ (c) other rules necessary and proper to accomplish the purpose of this [act]

7258 chapter.

7259       ~~[(2)]~~ (4) The division by rule or order, after reasonable notice, may require the filing of

7260 advertising material relating to subdivided lands prior to its distribution, provided that the

7261 division must approve or reject any advertising material within 15 days from the receipt thereof

7262 or the material shall be considered approved.

7263       ~~[(3)]~~ (5) If it appears that a person has engaged or is about to engage in an act or

7264 practice constituting a violation of a provision of this act or a rule or order hereunder, the

7265 agency, with or without prior administrative proceedings, may bring an action in the district

7266 court of the district where said person maintains his residence or a place of business or where

7267 said act or practice has occurred or is about to occur, to enjoin the acts or practices and to

7268 enforce compliance with this act or any rule or order hereunder. Upon proper showing,

7269 injunctive relief or temporary restraining orders shall be granted, and a receiver or conservator

7270 may be appointed. The division shall not be required to post a bond in any court proceedings.

7271       ~~[(4)]~~ (6) The division shall be allowed to intervene in a suit involving subdivided

7272 lands, either as a party or as an amicus curiae, where it appears that the interpretation or

7273 constitutionality of any provision of law will be called into question. In any suit by or against a

7274 subdivider involving subdivided lands, the subdivider promptly shall furnish the agency notice

7275 of the suit and copies of all pleadings. Failure to do so may, in the discretion of the division,

7276 constitute grounds for the division withholding any approval required by this [act] chapter.

7277       ~~[(5)]~~ (7) The division may:

7278       (a) accept registrations filed in other states or with the federal government;

7279       (b) contract with public agencies or qualified private persons in this state or other

7280 jurisdictions to perform investigative functions; and

7281       (c) accept grants-in-aid from any source.

7282            [(6)] (8) The division shall cooperate with similar agencies in other jurisdictions to  
7283 establish uniform filing procedures and forms, uniform public offering statements, advertising  
7284 standards, rules, and common administrative practices.

7285            Section 164. Section **59-2-918** is amended to read:

7286            **59-2-918. Advertisement of proposed tax increase -- Notice -- Contents.**

7287            (1) (a) Except as provided in Subsection (1)(b), a taxing entity may not budget an  
7288 increased amount of ad valorem tax revenue exclusive of revenue from new growth as defined  
7289 in Subsection 59-2-924(4) unless it advertises its intention to do so at the same time that it  
7290 advertises its intention to fix its budget for the forthcoming fiscal year.

7291            (b) (i) Notwithstanding Subsection (1)(a), a taxing entity is not required to meet the  
7292 advertisement or hearing requirements of this section if:

7293            (A) the taxing entity is expressly exempted by law from complying with the  
7294 requirements of this section; or

7295            (B) the increased amount of ad valorem tax revenue results from a tax rate increase that  
7296 is exempted under Subsection 59-2-919(2)(a)(ii)(B) from the advertisement and hearing  
7297 requirements of Section 59-2-919.

7298            (ii) Notwithstanding Subsection (1)(a), a taxing entity is not required to meet the  
7299 advertisement requirements of this section if:

7300            (A) Section 53A-17a-133 allows the taxing entity to budget an increased amount of ad  
7301 valorem property tax revenue without having to comply with the advertisement requirements of  
7302 this section; or

7303            (B) the taxing entity:

7304            (I) collected less than \$20,000 in ad valorem tax revenues for the previous fiscal year;  
7305 and

7306            (II) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax  
7307 revenues.

7308            (2) (a) For taxing entities operating under a July 1 through June 30 fiscal year, the  
7309 advertisement required by this section may be combined with the advertisement required by  
7310 Section 59-2-919.

7311            (b) For taxing entities operating under a January 1 through December 31 fiscal year,  
7312 the advertisement required by this section shall meet the [~~size, type, placement, and frequency~~]

7313 posting and form requirements established under Section 59-2-919.

7314 (3) The form of the advertisement required by this section shall meet the ~~the [size, type,~~  
7315 ~~placement, and frequency]~~ form and posting requirements established under Section 59-2-919  
7316 and shall be substantially as follows:

7317 "NOTICE OF PROPOSED TAX INCREASE

7318 (NAME OF TAXING ENTITY)

7319 The (name of the taxing entity) is proposing to increase its property tax revenue.

7320 ● If the proposed budget is approved, this would be an increase of \_\_\_\_\_% above  
7321 the (name of the taxing entity) property tax budgeted revenue for the prior year.

7322 ● The (name of the taxing entity) tax on a (insert the average value of a residence  
7323 in the taxing entity rounded to the nearest thousand dollars) residence would  
7324 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

7325 ● The (name of the taxing entity) tax on a (insert the value of a business having  
7326 the same value as the average value of a residence in the taxing entity) business  
7327 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

7328 All concerned citizens are invited to a public hearing on the tax increase.

7329 PUBLIC HEARING

7330 Date/Time: (date) (time)

7331 Location: (name of meeting place and address of meeting place)

7332 To obtain more information regarding the tax increase, citizens may contact the (name  
7333 of the taxing entity) at (phone number of taxing entity)."

7334 (4) If a final decision regarding the budgeting of an increased amount of ad valorem tax  
7335 revenue is not made at the public hearing described in Subsection (3), the taxing entity shall  
7336 announce at the public hearing the scheduled time and place for consideration and adoption of  
7337 the proposed budget increase.

7338 (5) (a) Each taxing entity operating under the January 1 through December 31 fiscal  
7339 year shall by March 1 notify the county of the date, time, and place of the public hearing at  
7340 which the budget for the following fiscal year will be considered.

7341 (b) The county shall include the information described in Subsection (5)(a) with the tax  
7342 notice.

7343 (6) A taxing entity shall hold a public hearing under this section beginning at or after 6

7344 p.m.

7345 Section 165. Section **59-2-919** is amended to read:

7346 **59-2-919. Resolution proposing tax increases -- Notice -- Contents of notice of**  
7347 **proposed tax increase -- Personal mailed notice in addition to advertisement -- Contents**  
7348 **of personal mailed notice -- Hearing -- Dates.**

7349 (1) A tax rate in excess of the certified tax rate may not be levied until a resolution has  
7350 been approved by the taxing entity in accordance with this section.

7351 (2) (a) (i) The taxing entity shall advertise its intent to exceed the certified tax rate;

7352 (A) subject to Section 45-1-101, in a newspaper or combination of newspapers of  
7353 general circulation in the taxing entity[-]; and

7354 (B) electronically as required in Section 45-1-101.

7355 (ii) Notwithstanding Subsection (2)(a)(i), a taxing entity is not required to meet the  
7356 advertisement or hearing requirements of this section if:

7357 (A) the taxing entity is expressly exempted by law from complying with the  
7358 requirements of this section; or

7359 (B) (I) the taxing entity is a party to an interlocal agreement under Title 11, Chapter 13,  
7360 Interlocal Cooperation Act, that creates an interlocal entity to provide fire protection,  
7361 emergency, and emergency medical services;

7362 (II) the tax rate increase is approved by the taxing entity's voters at an election held for  
7363 that purpose on or before December 31, 2010;

7364 (III) the purpose of the tax rate increase is to pay for fire protection, emergency, and  
7365 emergency medical services provided by the interlocal entity; and

7366 (IV) at least 30 days before its annual budget hearing, the taxing entity:

7367 (Aa) adopts a resolution certifying that the taxing entity will dedicate all revenue from  
7368 the tax rate increase exclusively to pay for fire protection, emergency, and emergency medical  
7369 services provided by the interlocal entity and that the amount of other revenues, independent of  
7370 the revenue generated from the tax rate increase, that the taxing entity spends for fire  
7371 protection, emergency, and emergency medical services each year after the tax rate increase  
7372 will not decrease below the amount spent by the taxing entity during the year immediately  
7373 before the tax rate increase without a corresponding decrease in the taxing entity's property tax  
7374 revenues used in calculating the taxing entity's certified tax rate; and

- 7375 (Bb) sends a copy of the resolution to the commission.
- 7376 (iii) The exception under Subsection (2)(a)(ii)(B) from the advertisement and hearing  
7377 requirements of this section does not apply to an increase in a taxing entity's tax rate that occurs  
7378 after December 31, 2010, even if the tax rate increase is approved by the taxing entity's voters  
7379 before that date.
- 7380 (iv) Notwithstanding Subsection (2)(a)(i), a taxing entity is not required to meet the  
7381 advertisement requirements of this section if:
- 7382 (A) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds that  
7383 certified tax rate without having to comply with the advertisement requirements of this section;  
7384 or
- 7385 (B) the taxing entity:
- 7386 (I) collected less than \$20,000 in ad valorem tax revenues for the previous fiscal year;  
7387 and
- 7388 (II) sets a budget during the current fiscal year of less than \$20,000 of ad valorem tax  
7389 revenues.
- 7390 (b) The advertisement described in [~~this section~~] Subsection (2)(a)(i)(A) shall:
- 7391 (i) be no less than 1/4 page in size;
- 7392 (ii) use type no smaller than 18 point; and
- 7393 (iii) be surrounded by a 1/4-inch border.
- 7394 (c) The advertisement described in [~~this section~~] Subsection (2)(a)(i)(A) may not be  
7395 placed in that portion of the newspaper where legal notices and classified advertisements  
7396 appear.
- 7397 (d) It is the intent of the Legislature that:
- 7398 (i) whenever possible, the advertisement described in [~~this section~~] Subsection  
7399 (2)(a)(i)(A) appear in a newspaper that is published at least one day per week; and
- 7400 (ii) the newspaper or combination of newspapers selected:
- 7401 (A) be of general interest and readership in the taxing entity; and
- 7402 (B) not be of limited subject matter.
- 7403 (e) The advertisement [~~described in this section shall~~]:
- 7404 (i) described in Subsection (2)(a)(i)(A) shall be run once each week for the two weeks  
7405 preceding the adoption of the final budget; [~~and~~]

7406 (ii) described in Subsection (2)(a)(i)(B) shall be published two weeks preceding the  
7407 adoption of the final budget; and

7408 [it] (iii) shall state that the taxing entity will meet on a certain day, time, and place  
7409 fixed in the advertisement, which shall be not less than seven days after the day the first  
7410 advertisement is published, for the purpose of hearing comments regarding any proposed  
7411 increase and to explain the reasons for the proposed increase.

7412 (f) The meeting on the proposed increase may coincide with the hearing on the  
7413 proposed budget of the taxing entity.

7414 (3) The form and content of the notice shall be substantially as follows:

7415 "NOTICE OF PROPOSED TAX INCREASE  
7416 (NAME OF TAXING ENTITY)

7417 The (name of the taxing entity) is proposing to increase its property tax revenue.

7418 • If the proposed budget is approved, this would be an increase of \_\_\_\_% above  
7419 the (name of the taxing entity) property tax budgeted revenue for the prior year.

7420 • The (name of the taxing entity) tax on a (insert the average value of a residence  
7421 in the taxing entity rounded to the nearest thousand dollars) residence would  
7422 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

7423 • The (name of the taxing entity) tax on a (insert the value of a business having  
7424 the same value as the average value of a residence in the taxing entity) business  
7425 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

7426 (Name of taxing entity) property tax revenue from new growth and other sources will  
7427 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_.

7428 All concerned citizens are invited to a public hearing on the tax increase.

7429 PUBLIC HEARING

7430 Date/Time: (date) (time)

7431 Location: (name of meeting place and address of meeting place)

7432 To obtain more information regarding the tax increase, citizens may contact the (name  
7433 of the taxing entity) at (phone number of taxing entity)."

7434 (4) The commission:

7435 (a) shall adopt rules governing the joint use of one advertisement under this section or  
7436 Section 59-2-918 by two or more taxing entities; and



7437 (b) subject to Section 45-1-101, may, upon petition by any taxing entity, authorize  
7438 [~~either~~]:

7439 (i) the use of weekly newspapers in counties having both daily and weekly newspapers  
7440 where the weekly newspaper would provide equal or greater notice to the taxpayer; or

7441 (ii) the use of a commission-approved direct notice to each taxpayer if the:

7442 (A) cost of the advertisement would cause undue hardship; and

7443 (B) direct notice is different and separate from that provided for in Section 59-2-919.1.

7444 (5) (a) The taxing entity, after holding a hearing as provided in this section, may adopt  
7445 a resolution levying a tax rate in excess of the certified tax rate.

7446 (b) If a resolution adopting a tax rate is not adopted on the day of the public hearing,  
7447 the scheduled time and place for consideration and adoption of the resolution shall be  
7448 announced at the public hearing.

7449 (c) If a resolution adopting a tax rate is to be considered at a day and time that is more  
7450 than two weeks after the public hearing described in Subsection 59-2-919.1(2)(c)(v), a taxing  
7451 entity, other than a taxing entity described in Subsection (2)(a)(ii), shall advertise the date of  
7452 the proposed adoption of the resolution in the same manner as provided under Subsections (2)  
7453 and (3).

7454 (6) (a) All hearings described in this section shall be open to the public.

7455 (b) The governing body of a taxing entity conducting a hearing shall permit all  
7456 interested parties desiring to be heard an opportunity to present oral testimony within  
7457 reasonable time limits.

7458 (7) (a) Each taxing entity shall notify the county legislative body by March 1 of each  
7459 year of the date, time, and place a public hearing is held by the taxing entity pursuant to this  
7460 section.

7461 (b) A taxing entity may not schedule a hearing described in this section at the same  
7462 time as another overlapping taxing entity in the same county, but all taxing entities in which the  
7463 power to set tax levies is vested in the same governing board or authority may consolidate the  
7464 required hearings into one hearing.

7465 (c) The county legislative body shall resolve any conflicts in hearing dates and times  
7466 after consultation with each affected taxing entity.

7467 (8) A taxing entity shall hold a public hearing under this section beginning at or after 6

7468 p.m.

7469 Section 166. Section **59-2-924** is amended to read:

7470 **59-2-924. Report of valuation of property to county auditor and commission --**

7471 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**  
7472 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

7473 (1) Before June 1 of each year, the county assessor of each county shall deliver to the  
7474 county auditor and the commission the following statements:

7475 (a) a statement containing the aggregate valuation of all taxable real property assessed  
7476 by a county assessor in accordance with Part 3, County Assessment, for each taxing entity; and

7477 (b) a statement containing the taxable value of all personal property assessed by a  
7478 county assessor in accordance with Part 3, County Assessment, from the prior year end values.

7479 (2) The county auditor shall, on or before June 8, transmit to the governing body of  
7480 each taxing entity:

7481 (a) the statements described in Subsections (1)(a) and (b);

7482 (b) an estimate of the revenue from personal property;

7483 (c) the certified tax rate; and

7484 (d) all forms necessary to submit a tax levy request.

7485 (3) (a) The "certified tax rate" means a tax rate that will provide the same ad valorem  
7486 property tax revenues for a taxing entity as were budgeted by that taxing entity for the prior  
7487 year.

7488 (b) For purposes of this Subsection (3):

7489 (i) "Ad valorem property tax revenues" do not include:

7490 (A) collections from redemptions;

7491 (B) interest;

7492 (C) penalties; and

7493 (D) revenue received by a taxing entity from personal property that is:

7494 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and

7495 (II) semiconductor manufacturing equipment.

7496 (ii) "Aggregate taxable value of all property taxed" means:

7497 (A) the aggregate taxable value of all real property assessed by a county assessor in

7498 accordance with Part 3, County Assessment, for the current year;

7499 (B) the aggregate taxable year end value of all personal property assessed by a county  
7500 assessor in accordance with Part 3, County Assessment, for the prior year; and

7501 (C) the aggregate taxable value of all real and personal property assessed by the  
7502 commission in accordance with Part 2, Assessment of Property, for the current year.

7503 (c) (i) Except as otherwise provided in this section, the certified tax rate shall be  
7504 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the  
7505 taxing entity by the amount calculated under Subsection (3)(c)(ii).

7506 (ii) For purposes of Subsection (3)(c)(i), the legislative body of a taxing entity shall  
7507 calculate an amount as follows:

7508 (A) calculate for the taxing entity the difference between:

7509 (I) the aggregate taxable value of all property taxed; and

7510 (II) any redevelopment adjustments for the current calendar year;

7511 (B) after making the calculation required by Subsection (3)(c)(ii)(A), calculate an  
7512 amount determined by increasing or decreasing the amount calculated under Subsection  
7513 (3)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for the  
7514 equalization period for the three calendar years immediately preceding the current calendar  
7515 year;

7516 (C) after making the calculation required by Subsection (3)(c)(ii)(B), calculate the  
7517 product of:

7518 (I) the amount calculated under Subsection (3)(c)(ii)(B); and

7519 (II) the percentage of property taxes collected for the five calendar years immediately  
7520 preceding the current calendar year; and

7521 (D) after making the calculation required by Subsection (3)(c)(ii)(C), calculate an  
7522 amount determined by subtracting from the amount calculated under Subsection (3)(c)(ii)(C)  
7523 any new growth as defined in this section:

7524 (I) within the taxing entity; and

7525 (II) for the following calendar year:

7526 (Aa) for new growth from real property assessed by a county assessor in accordance  
7527 with Part 3, County Assessment and all property assessed by the commission in accordance  
7528 with Section 59-2-201, the current calendar year; and

7529 (Bb) for new growth from personal property assessed by a county assessor in

7530 accordance with Part 3, County Assessment, the prior calendar year.

7531 (iii) For purposes of Subsection (3)(c)(ii)(A), the aggregate taxable value of all  
7532 property taxed:

7533 (A) except as provided in Subsection (3)(c)(iii)(B) or (3)(c)(ii)(C), is as defined in  
7534 Subsection (3)(b)(ii);

7535 (B) does not include the total taxable value of personal property contained on the tax  
7536 rolls of the taxing entity that is:

7537 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and

7538 (II) semiconductor manufacturing equipment; and

7539 (C) for personal property assessed by a county assessor in accordance with Part 3,  
7540 County Assessment, the taxable value of personal property is the year end value of the personal  
7541 property contained on the prior year's tax rolls of the entity.

7542 (iv) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after  
7543 January 1, 2007, the value of taxable property does not include the value of personal property  
7544 that is:

7545 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,  
7546 County Assessment; and

7547 (B) semiconductor manufacturing equipment.

7548 (v) For purposes of Subsection (3)(c)(ii)(C)(II), for calendar years beginning on or after  
7549 January 1, 2007, the percentage of property taxes collected does not include property taxes  
7550 collected from personal property that is:

7551 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,  
7552 County Assessment; and

7553 (B) semiconductor manufacturing equipment.

7554 (vi) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after  
7555 January 1, 2009, the value of taxable property does not include the value of personal property  
7556 that is within the taxing entity assessed by a county assessor in accordance with Part 3, County  
7557 Assessment.

7558 (vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
7559 the commission may prescribe rules for calculating redevelopment adjustments for a calendar  
7560 year.

7561 (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
7562 the commission shall make rules determining the calculation of ad valorem property tax  
7563 revenues budgeted by a taxing entity.

7564 (ii) For purposes of Subsection (3)(d)(i), ad valorem property tax revenues budgeted by  
7565 a taxing entity shall be calculated in the same manner as budgeted property tax revenues are  
7566 calculated for purposes of Section 59-2-913.

7567 (e) The certified tax rates for the taxing entities described in this Subsection (3)(e) shall  
7568 be calculated as follows:

7569 (i) except as provided in Subsection (3)(e)(ii), for new taxing entities the certified tax  
7570 rate is zero;

7571 (ii) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

7572 (A) in a county of the first, second, or third class, the levy imposed for municipal-type  
7573 services under Sections 17-34-1 and 17-36-9; and

7574 (B) in a county of the fourth, fifth, or sixth class, the levy imposed for general county  
7575 purposes and such other levies imposed solely for the municipal-type services identified in  
7576 Section 17-34-1 and Subsection 17-36-3(22); and

7577 (iii) for debt service voted on by the public, the certified tax rate shall be the actual  
7578 levy imposed by that section, except that the certified tax rates for the following levies shall be  
7579 calculated in accordance with Section 59-2-913 and this section:

7580 (A) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,  
7581 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

7582 (B) levies to pay for the costs of state legislative mandates or judicial or administrative  
7583 orders under Section 59-2-1604.

7584 (f) (i) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be  
7585 established at that rate which is sufficient to generate only the revenue required to satisfy one  
7586 or more eligible judgments, as defined in Section 59-2-102.

7587 (ii) The ad valorem property tax revenue generated by the judgment levy shall not be  
7588 considered in establishing the taxing entity's aggregate certified tax rate.

7589 (g) The ad valorem property tax revenue generated by the capital outlay levy described  
7590 in Section 53A-16-107 within a taxing entity in a county of the first class:

7591 (i) may not be considered in establishing the school district's aggregate certified tax

7592 rate; and

7593 (ii) shall be included by the commission in establishing a certified tax rate for that  
7594 capital outlay levy determined in accordance with the calculation described in Subsection  
7595 59-2-913(3).

7596 (4) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

7597 (i) the taxable value of real property assessed by a county assessor contained on the  
7598 assessment roll;

7599 (ii) the taxable value of real and personal property assessed by the commission; and

7600 (iii) the taxable year end value of personal property assessed by a county assessor  
7601 contained on the prior year's assessment roll.

7602 (b) For purposes of Subsection (4)(a)(i), the taxable value of real property on the  
7603 assessment roll does not include new growth as defined in Subsection (4)(c).

7604 (c) "New growth" means:

7605 (i) the difference between the increase in taxable value of the following property of the  
7606 taxing entity from the previous calendar year to the current year:

7607 (A) real property assessed by a county assessor in accordance with Part 3, County  
7608 Assessment; and

7609 (B) property assessed by the commission under Section 59-2-201; plus

7610 (ii) the difference between the increase in taxable year end value of personal property  
7611 of the taxing entity from the year prior to the previous calendar year to the previous calendar  
7612 year; minus

7613 (iii) the amount of an increase in taxable value described in Subsection (4)(e).

7614 (d) For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the  
7615 taxing entity does not include the taxable value of personal property that is:

7616 (i) contained on the tax rolls of the taxing entity if that property is assessed by a county  
7617 assessor in accordance with Part 3, County Assessment; and

7618 (ii) semiconductor manufacturing equipment.

7619 (e) Subsection (4)(c)(iii) applies to the following increases in taxable value:

7620 (i) the amount of increase to locally assessed real property taxable values resulting  
7621 from factoring, reappraisal, or any other adjustments; or

7622 (ii) the amount of an increase in the taxable value of property assessed by the

7623 commission under Section 59-2-201 resulting from a change in the method of apportioning the  
7624 taxable value prescribed by:

7625 (A) the Legislature;

7626 (B) a court;

7627 (C) the commission in an administrative rule; or

7628 (D) the commission in an administrative order.

7629 (f) For purposes of Subsection (4)(a)(ii), the taxable year end value of personal  
7630 property on the prior year's assessment roll does not include:

7631 (i) new growth as defined in Subsection (4)(c); or

7632 (ii) the total taxable year end value of personal property contained on the prior year's  
7633 tax rolls of the taxing entity that is:

7634 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

7635 (B) semiconductor manufacturing equipment.

7636 (5) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

7637 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county  
7638 auditor of:

7639 (i) its intent to exceed the certified tax rate; and

7640 (ii) the amount by which it proposes to exceed the certified tax rate.

7641 (c) The county auditor shall notify all property owners of any intent to exceed the  
7642 certified tax rate in accordance with [~~Subsection~~] Section 59-2-919[~~(3)~~].

7643 Section 167. Section **59-2-926** is amended to read:

7644 **59-2-926. Proposed tax increase by state -- Notice -- Contents -- Dates.**

7645 If the state authorizes a levy pursuant to Section 53A-17a-135 that exceeds the certified  
7646 revenue levy as defined in Section 53A-17a-103 or authorizes a levy pursuant to Section  
7647 59-2-1602 that exceeds the certified revenue levy as defined in Section 59-2-102, the state shall  
7648 publish a notice no later than ten days after the last day of the annual legislative general session  
7649 that meets the following requirements:

7650 (1) (a) The Office of the Legislative Fiscal Analyst shall advertise that the state  
7651 authorized a levy that generates revenue in excess of the previous year's ad valorem tax  
7652 revenue, plus new growth, but exclusive of revenue from collections from redemptions,  
7653 interest, and penalties;

7654 (i) in a newspaper of general circulation in the state~~[- The advertisement]; and~~

7655 (ii) as required in Section 45-1-101.

7656 (b) Except an advertisement published on a website, the advertisement described in  
7657 Subsection (1)(a):

7658 (i) shall be no less than 1/4 page in size and the type used shall be no smaller than 18  
7659 point, and surrounded by a 1/4-inch border~~[- The advertisement];~~

7660 (ii) may not be placed in that portion of the newspaper where legal notices and  
7661 classified advertisements appear~~[- The advertisement]; and~~

7662 (iii) shall be run once.

7663 (2) The form and content of the notice shall be substantially as follows:

7664 "NOTICE OF TAX INCREASE

7665 The state has budgeted an increase in its property tax revenue from \$\_\_\_\_\_ to  
7666 \$\_\_\_\_\_ or \_\_\_\_%. The increase in property tax revenues will come from the following  
7667 sources (include all of the following provisions):

7668 (a) \$\_\_\_\_\_ of the increase will come from (provide an explanation of the cause  
7669 of adjustment or increased revenues, such as reappraisals or factoring orders);

7670 (b) \$\_\_\_\_\_ of the increase will come from natural increases in the value of the  
7671 tax base due to (explain cause of new growth, such as new building activity, annexation, etc.);

7672 (c) a home valued at \$100,000 in the state of Utah which based on last year's (levy for  
7673 the basic state-supported school program, levy for the Property Tax Valuation Agency Fund, or  
7674 both) paid \$\_\_\_\_\_ in property taxes would pay the following:

7675 (i) \$\_\_\_\_\_ if the state of Utah did not budget an increase in property tax revenue  
7676 exclusive of new growth; and

7677 (ii) \$\_\_\_\_\_ under the increased property tax revenues exclusive of new growth  
7678 budgeted by the state of Utah."

7679 Section 168. Section **59-2-1303** is amended to read:

7680 **59-2-1303. Seizure and sale -- Method and procedure.**

7681 Unless taxes or uniform fees on personal property assessed by the county assessor are  
7682 paid or secured as provided under Section 59-2-1302, the assessor or, if this duty has been  
7683 reassigned in an ordinance under Section 17-16-5.5, the treasurer shall collect the taxes,  
7684 including accrued interest and penalties, by seizure or seizure and subsequent sale of any



7685 personal property owned by the person against whom the tax is assessed. The assessor or  
7686 treasurer, as the case may be, may seize that personal property on which a delinquent property  
7687 tax or uniform fee exists at any time in order to protect a county's interest in that personal  
7688 property. The sale of personal property shall be made in the following manner:

7689 (1) (a) For all personal property, except manufactured homes and mobile homes as  
7690 provided in Subsection (1)(b), the sale shall be made:

7691 (i) at public auction;

7692 (ii) of a sufficient amount of property to pay the taxes, or uniform fees and interest,  
7693 penalties, and costs;

7694 (iii) when practicable, in the city, town, or precinct where the property was seized; and

7695 (iv) after one week's notice of the time and place of the sale, given by:

7696 (A) (I) publication in a newspaper having general circulation in the county~~[-or by];~~ and

7697 (II) publication in accordance with Section 45-1-101; and

7698 (B) posting in three public places in the county.

7699 (b) For manufactured homes and mobile homes that are used as a residence and that are  
7700 listed on the personal property roll of the county, the sale shall be made:

7701 (i) at public auction;

7702 (ii) when practicable, in the city, town, or precinct where the property was seized;

7703 (iii) no sooner than one year after the taxes on the property became delinquent as  
7704 determined in Section 59-2-1302;

7705 (iv) after publication of the date, time, and place of sale:

7706 (A) in a newspaper having general circulation in the county, once in each of two  
7707 successive weeks immediately preceding the date of the sale; and

7708 (B) in accordance with Section 45-1-101 for two weeks immediately preceding the date  
7709 of the sale; and

7710 (v) after notification, sent by certified mail at least ten days prior to the first date of  
7711 publication ~~[of the sale in a newspaper]~~ under Subsection (1)(b)(iv), to the owner of the  
7712 manufactured home or mobile home, all lien holders of record, and any other person known by  
7713 the assessor to have an interest in the manufactured home or mobile home, of the date, time,  
7714 and place of the sale.

7715 (2) For seizing or selling personal property the assessor or treasurer, as the case may

7716 be, may charge in each case the actual and necessary expenses for travel and seizing, handling,  
7717 keeping, selling, or caring for that property.

7718 (3) Upon payment of the price bid for any personal property sold under this section, the  
7719 delivery of the property, with a bill of sale, vests title in the purchaser.

7720 (4) All sale proceeds in excess of taxes, or uniform fees and interest, penalties, and  
7721 costs shall be returned to the owner of the personal property, and until claimed shall be  
7722 deposited in the county treasury and made subject to the order of the owner, the owner's heirs,  
7723 or assigns.

7724 (5) The unsold portion of any property may be left at the place of sale at the risk of the  
7725 owner.

7726 (6) If there is no acceptable purchaser of the property, the property shall be declared the  
7727 property of the county. The county executive may sell or rent any property held in the name of  
7728 the county at any time after the sale upon terms determined by the county legislative body.

7729 Section 169. Section **59-2-1309** is amended to read:

7730 **59-2-1309. Publication of delinquency -- Seizure and sale -- Redemption --**  
7731 **Distribution of proceeds.**

7732 (1) (a) On or before December 15 of each year, the commission shall publish a list of  
7733 the delinquent rail car companies and state-assessed commercial vehicles:

7734 (i) in a newspaper having general circulation in the state [~~a list of the delinquent rail car~~  
7735 ~~companies and state-assessed commercial vehicles.]; and~~

7736 (ii) as required in Section 45-1-101.

7737 (b) The list shall contain the names of the owners, when known, and a general  
7738 description of the property assessed as to which the taxes are delinquent, and the amount of the  
7739 delinquent taxes.

7740 (c) The commission shall publish with the list a notice that unless the delinquent taxes,  
7741 together with the penalty, are paid before December 21, the property of the delinquent or so  
7742 much of it as may be necessary to pay the amount of the taxes, penalty, and interest at the rate  
7743 prescribed in Section 59-1-402 from December 31 to the date of sale, shall be seized and sold  
7744 for taxes, interest, and costs, the sale to be made at any time and place at the discretion of the  
7745 commission.

7746 (d) The provisions of law governing the seizure and sale by county treasurers of

7747 personal property for delinquent taxes shall apply to sales made by the commission under this  
7748 section, except that notice of the time and place of the sale shall be given by publication;

7749 (i) in a newspaper of general circulation in the state[-]; and

7750 (ii) as required in Section 45-1-101.

7751 (2) Property seized by the commission pursuant to this section may be redeemed, at  
7752 any time prior to the sale, by payment of the full amount of taxes due from the delinquent  
7753 together with all penalties, interest, and the costs then accrued.

7754 (3) All sums collected by the commission upon the sale or redemption of property  
7755 pursuant to this section shall be immediately distributed as follows:

7756 (a) all interest, penalties, and costs to the appropriate county treasurer; and

7757 (b) any excess over the taxes, penalties, interest, and cost shall be deposited with the  
7758 state treasurer subject to the order of the owner of the property sold, or the owner's heirs or  
7759 assigns.

7760 Section 170. Section **59-2-1310** is amended to read:

7761 **59-2-1310. Collection by seizure and sale -- Procedure -- Costs.**

7762 (1) The treasurer shall collect the taxes delinquent on personal property assessed by the  
7763 commission as determined by the assessor, except when sufficient real estate is liable for the  
7764 tax, by seizure and sale of any personal property owned by the delinquent taxpayer.

7765 (2) The sale shall be at public auction, and of a sufficient amount of property to pay the  
7766 taxes and costs, and when practicable shall be made in the city, town, or precinct where seized.

7767 (3) The sale shall be made after one week's notice of the time and place of the sale,  
7768 given by:

7769 (a) (i) publication in a newspaper having general circulation in the county[-or by]; and

7770 (ii) publication in accordance with Section 45-1-101; and

7771 (b) posting in three public places in the county.

7772 (4) For seizing or selling personal property the treasurer may charge in each case the  
7773 actual and necessary expenses for travel and seizing, handling, keeping, selling, or caring for  
7774 property so seized or sold.

7775 (5) On payment of the price bid for any personal property sold, its delivery, with a bill  
7776 of sale, vests title in the purchaser.

7777 (6) All excess of the proceeds of any sale over the taxes and costs shall be returned to

7778 the owner of the property sold, and until claimed shall be deposited in the county treasury and  
7779 disposed of under Title 67, Chapter 4a, Unclaimed Property Act, subject to the order of the  
7780 owner, or the owner's heirs or assigns.

7781 (7) If there is no acceptable purchaser of the property, the property shall be declared the  
7782 property of the county. The county executive may sell or rent any property held in the name of  
7783 the county at any time after the sale upon terms determined by the county legislative body.

7784 (8) The unsold portion of any property may be left at the place of sale at the risk of the  
7785 owner.

7786 Section 171. Section **59-2-1332** is amended to read:

7787 **59-2-1332. Extension of date of delinquency.**

7788 (1) (a) The county legislative body may, upon a petition of not less than 100 taxpayers  
7789 or upon its own motion for good cause, by proclamation, extend the date when taxes become  
7790 delinquent from November 30 to noon on December 30.

7791 (b) If the county legislative body so extends this date, the county legislative body shall  
7792 publish a notice of the proclamation covering this extension:

7793 (i) in a newspaper of general circulation in the county in at least two issues before  
7794 November 1 of the year in which the taxes are to be paid[-]; and

7795 (ii) in accordance with Section 45-1-101 for two weeks before November 1.

7796 (2) In all cases where the county legislative body extends the date when taxes become  
7797 delinquent, the date for the selling of property to the county for delinquent taxes shall be  
7798 extended 30 days from the dates provided by law.

7799 Section 172. Section **59-2-1332.5** is amended to read:

7800 **59-2-1332.5. Mailing notice of delinquency or publication of delinquent list --**  
7801 **Contents -- Notice -- Definitions.**

7802 (1) The county treasurer shall provide notice of delinquency in the payment of property  
7803 taxes:

7804 (a) except as provided in Subsection (4), on or before December 31 of each calendar  
7805 year; and

7806 (b) in a manner described in Subsection (2).

7807 (2) A notice of delinquency in the payment of property taxes shall be provided by:

7808 (a) (i) mailing a written notice, postage prepaid:

- 7809 (A) to each delinquent taxpayer; and
- 7810 (B) that includes the information required by Subsection (3)(a); and
- 7811 (ii) making available to the public a list of delinquencies in the payment of property
- 7812 taxes:
- 7813 (A) (I) by electronic means; and
- 7814 (II) in accordance with Section 45-1-101; and
- 7815 (B) that includes the information required by Subsection (3)(b); or
- 7816 (b) publishing a list of delinquencies in the payment of property taxes:
- 7817 (i) in one issue of a newspaper having general circulation in the county;
- 7818 (ii) that lists each delinquency in alphabetical order by:
- 7819 (A) the last name of the delinquent taxpayer; or
- 7820 (B) if the delinquent taxpayer is a business entity, the name of the business entity; and
- 7821 (iii) that includes the information required by Subsection (3)(b).
- 7822 (3) (a) A written notice of delinquency in the payment of property taxes described in
- 7823 Subsection (2)(a)(i) shall include:
- 7824 (i) a statement that delinquent taxes are due;
- 7825 (ii) the amount of delinquent taxes due, not including any penalties imposed in
- 7826 accordance with this chapter;
- 7827 (iii) (A) the name of the delinquent taxpayer; or
- 7828 (B) if the delinquent taxpayer is a business entity, the name of the business entity;
- 7829 (iv) (A) a description of the delinquent property; or
- 7830 (B) the property identification number of the delinquent property;
- 7831 (v) a statement that a penalty shall be imposed in accordance with this chapter; and
- 7832 (vi) a statement that interest accrues as of January 1 following the date of the
- 7833 delinquency unless before January 16 the following are paid:
- 7834 (A) the delinquent taxes; and
- 7835 (B) the penalty.
- 7836 (b) The list of delinquencies described in Subsection (2)(a)(ii) or (2)(b) shall include:
- 7837 (i) the amount of delinquent taxes due, not including any penalties imposed in
- 7838 accordance with this chapter;
- 7839 (ii) (A) the name of the delinquent taxpayer; or

- 7840 (B) if the delinquent taxpayer is a business entity, the name of the business entity;
- 7841 (iii) (A) a description of the delinquent property; or
- 7842 (B) the property identification number of the delinquent property;
- 7843 (iv) a statement that a penalty shall be imposed in accordance with this chapter; and
- 7844 (v) a statement that interest accrues as of January 1 following the date of the
- 7845 delinquency unless before January 16 the following are paid:
- 7846 (A) the delinquent taxes; and
- 7847 (B) the penalty.
- 7848 (4) Notwithstanding Subsection (1)(a), if the county legislative body extends the date
- 7849 when taxes become delinquent under Subsection 59-2-1332(1), the notice of delinquency in the
- 7850 payment of property taxes shall be provided on or before January 10.
- 7851 (5) (a) In addition to the notice of delinquency in the payment of property taxes
- 7852 required by Subsection (1), a county treasurer may in accordance with this Subsection (5) mail
- 7853 a notice that property taxes are delinquent:
- 7854 (i) to:
- 7855 (A) a delinquent taxpayer;
- 7856 (B) an owner of record of the delinquent property;
- 7857 (C) any other interested party that requests notice; or
- 7858 (D) a combination of Subsections (5)(a)(i)(A) through (C); and
- 7859 (ii) at any time that the county treasurer considers appropriate.
- 7860 (b) A notice mailed in accordance with this Subsection (5):
- 7861 (i) shall include the information required by Subsection (3)(a); and
- 7862 (ii) may include any information that the county treasurer finds is useful to the owner
- 7863 of record of the delinquent property in determining:
- 7864 (A) the status of taxes owed on the delinquent property;
- 7865 (B) any penalty that is owed on the delinquent property;
- 7866 (C) any interest charged under Section 59-2-1331 on the delinquent property; or
- 7867 (D) any related matters concerning the delinquent property.
- 7868 (6) As used in this section, "business entity" means:
- 7869 (a) an association;
- 7870 (b) a corporation;

- 7871 (c) a limited liability company;
- 7872 (d) a partnership;
- 7873 (e) a trust; or
- 7874 (f) a business entity similar to Subsections (6)(a) through (e).

7875 Section 173. Section **59-2-1351** is amended to read:

7876 **59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.**

7877 (1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor  
7878 shall select a date for the tax sale for all real property on which a delinquency exists that was  
7879 not previously redeemed and upon which the period of redemption is expiring in the nearest tax  
7880 sale.

7881 (b) The tax sale shall be conducted in May or June of the current year.

7882 (2) Notice of the tax sale shall be provided as follows:

7883 (a) sent by certified and first class mail to the last-known recorded owner, the occupant  
7884 of any improved property, and all other interests of record, as of the preceding March 15, at  
7885 their last-known address; and

7886 (b) published;

7887 (i) four times in a newspaper published and having general circulation in the county,  
7888 once in each of four successive weeks immediately preceding the date of sale; ~~or~~ and

7889 (ii) in accordance with Section 45-1-101 for four weeks immediately preceding the  
7890 date of sale; and

7891 (c) if no newspaper is published in the county, posted in five public places in the  
7892 county, as determined by the auditor, at least 25 but no more than 30 days prior to the date of  
7893 sale.

7894 (3) The notice shall be in substantially the following form:

7895 NOTICE OF TAX SALE

7896 Notice is hereby given that on \_\_\_\_\_(month\day\year), at \_\_\_ o'clock \_\_. m., at  
7897 the front door of the county courthouse in \_\_\_\_ County, Utah, I will offer for sale at public  
7898 auction and sell to the highest bidder for cash, under the provisions of Section 59-2-1351.1, the  
7899 following described real property located in the county and now delinquent and subject to tax  
7900 sale. A bid for less than the total amount of taxes, interest, penalty, and administrative costs  
7901 which are a charge upon the real estate will not be accepted.

7902 (Here describe the real estate)

7903 IN WITNESS WHEREOF I have hereunto set my hand and official seal on

7904 \_\_\_\_\_(month\day\year).

7905 \_\_\_\_\_  
7906 County Auditor

7907 \_\_\_\_\_  
7908 County

7909 (4) (a) The notice sent by certified mail in accordance with Subsection (2)(a) shall  
7910 include:

7911 (i) the name and last-known address of the last-known recorded owner of the property  
7912 to be sold;

7913 (ii) the parcel, serial, or account number of the delinquent property; and

7914 (iii) the legal description of the delinquent property.

7915 (b) The notice published in a newspaper in accordance with Subsection (2)(b) shall  
7916 include:

7917 (i) the name and last-known address of the last-known recorded owner of each parcel  
7918 of property to be sold; and

7919 (ii) the street address or the parcel, serial, or account number of the delinquent parcels.

7920 Section 174. Section **59-12-402** is amended to read:

7921 **59-12-402. Additional resort communities sales and use tax -- Base -- Rate --**  
7922 **Collection fees -- Resolution and voter approval requirements -- Election requirements --**  
7923 **Notice requirements -- Ordinance requirements.**

7924 (1) (a) Subject to Subsections (2) through (6), the governing body of a municipality in  
7925 which the transient room capacity as defined in Section 59-12-405 is greater than or equal to  
7926 66% of the municipality's permanent census population may, in addition to the sales tax  
7927 authorized under Section 59-12-401, impose an additional resort communities sales tax in an  
7928 amount that is less than or equal to .5% on the transactions described in Subsection  
7929 59-12-103(1) located within the municipality.

7930 (b) Notwithstanding Subsection (1)(a), the governing body of a municipality may not  
7931 impose a tax under this section on:

7932 (i) the sale of:



- 7933 (A) a motor vehicle;
- 7934 (B) an aircraft;
- 7935 (C) a watercraft;
- 7936 (D) a modular home;
- 7937 (E) a manufactured home; or
- 7938 (F) a mobile home;
- 7939 (ii) the sales and uses described in Section 59-12-104 to the extent the sales and uses
- 7940 are exempt from taxation under Section 59-12-104; and
- 7941 (iii) except as provided in Subsection (1)(d), amounts paid or charged for food and
- 7942 food ingredients.
- 7943 (c) For purposes of this Subsection (1), the location of a transaction shall be
- 7944 determined in accordance with Sections 59-12-211 through 59-12-215.
- 7945 (d) A municipality imposing a tax under this section shall impose the tax on amounts
- 7946 paid or charged for food and food ingredients if the food and food ingredients are sold as part
- 7947 of a bundled transaction attributable to food and food ingredients and tangible personal
- 7948 property other than food and food ingredients.
- 7949 (2) (a) An amount equal to the total of any costs incurred by the state in connection
- 7950 with the implementation of Subsection (1) which exceed, in any year, the revenues received by
- 7951 the state from its collection fees received in connection with the implementation of Subsection
- 7952 (1) shall be paid over to the state General Fund by the cities and towns which impose the tax
- 7953 provided for in Subsection (1).
- 7954 (b) Amounts paid under Subsection (2)(a) shall be allocated proportionally among
- 7955 those cities and towns according to the amount of revenue the respective cities and towns
- 7956 generate in that year through imposition of that tax.
- 7957 (3) To impose an additional resort communities sales tax under this section, the
- 7958 governing body of the municipality shall:
- 7959 (a) pass a resolution approving the tax; and
- 7960 (b) except as provided in Subsection (6), obtain voter approval for the tax as provided
- 7961 in Subsection (4).
- 7962 (4) To obtain voter approval for an additional resort communities sales tax under
- 7963 Subsection (3)(b), a municipality shall:

7964 (a) hold the additional resort communities sales tax election during:

7965 (i) a regular general election; or

7966 (ii) a municipal general election; and

7967 (b) publish notice of the election:

7968 (i) 15 days or more before the day on which the election is held; and

7969 (ii) (A) in a newspaper of general circulation in the municipality[-]; and

7970 (B) as required in Section 45-1-101.

7971 (5) An ordinance approving an additional resort communities sales tax under this

7972 section shall provide an effective date for the tax as provided in Section 59-12-403.

7973 (6) (a) Except as provided in Subsection (6)(b), a municipality is not subject to the

7974 voter approval requirements of Subsection (3)(b) if, on or before January 1, 1996, the

7975 municipality imposed a license fee or tax on businesses based on gross receipts pursuant to

7976 Section 10-1-203.

7977 (b) The exception from the voter approval requirements in Subsection (6)(a) does not

7978 apply to a municipality that, on or before January 1, 1996, imposed a license fee or tax on only

7979 one class of businesses based on gross receipts pursuant to Section 10-1-203.

7980 Section 175. Section **59-12-1001** is amended to read:

7981 **59-12-1001. Authority to impose tax for highways or to fund a system for public**

7982 **transit -- Base -- Rate -- Ordinance requirements -- Voter approval requirements --**

7983 **Election requirements -- Notice of election requirements -- Exceptions to voter approval**

7984 **requirements -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

7985 (1) (a) A city or town in which the transactions described in Subsection 59-12-103(1)

7986 are not subject to a sales and use tax under Section 59-12-501 may as provided in this part

7987 impose a sales and use tax of:

7988 (i) beginning on January 1, 1998, and ending on December 31, 2007, .25% on the

7989 transactions described in Subsection 59-12-103(1) located within the city or town; or

7990 (ii) beginning on January 1, 2008, .30% on the transactions described in Subsection

7991 59-12-103(1) located within the city or town.

7992 (b) Notwithstanding Subsection (1)(a), a city or town may not impose a tax under this

7993 section on:

7994 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses

7995 are exempt from taxation under Section 59-12-104; and

7996 (ii) except as provided in Subsection (1)(d), amounts paid or charged for food and food  
7997 ingredients.

7998 (c) For purposes of this Subsection (1), the location of a transaction shall be  
7999 determined in accordance with Sections 59-12-211 through 59-12-215.

8000 (d) A city or town imposing a tax under this section shall impose the tax on amounts  
8001 paid or charged for food and food ingredients if the food and food ingredients are sold as part  
8002 of a bundled transaction attributable to food and food ingredients and tangible personal  
8003 property other than food and food ingredients.

8004 (2) (a) A city or town imposing a tax under this part may use the revenues generated by  
8005 the tax:

8006 (i) for the construction and maintenance of highways under the jurisdiction of the city  
8007 or town imposing the tax;

8008 (ii) subject to Subsection (2)(b), to fund a system for public transit; or

8009 (iii) for a combination of the purposes described in Subsections (2)(a)(i) and (ii).

8010 (b) (i) For purposes of Subsection (2)(a)(ii) and except as provided in Subsection  
8011 (2)(b)(ii), "public transit" is as defined in Section 17B-2a-802.

8012 (ii) Notwithstanding Subsection (2)(b)(i), "public transit" does not include a fixed  
8013 guideway system.

8014 (3) To impose a tax under this part, the governing body of the city or town shall:

8015 (a) pass an ordinance approving the tax; and

8016 (b) except as provided in Subsection (7) or (8), obtain voter approval for the tax as  
8017 provided in Subsection (4).

8018 (4) To obtain voter approval for a tax under Subsection (3)(b), a city or town shall:

8019 (a) hold an election during:

8020 (i) a regular general election; or

8021 (ii) a municipal general election; and

8022 (b) publish notice of the election:

8023 (i) 15 days or more before the day on which the election is held; and

8024 (ii) (A) in a newspaper of general circulation in the city or town[=]; and

8025 (B) as required in Section 45-1-101.

8026 (5) An ordinance approving a tax under this part shall provide an effective date for the  
8027 tax as provided in Subsection (6).

8028 (6) (a) For purposes of this Subsection (6):

8029 (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2, Part  
8030 4, Annexation.

8031 (ii) "Annexing area" means an area that is annexed into a city or town.

8032 (b) (i) Except as provided in Subsection (6)(c) or (d), if, on or after April 1, 2008, a city  
8033 or town enacts or repeals a tax under this part, the enactment or repeal shall take effect:

8034 (A) on the first day of a calendar quarter; and

8035 (B) after a 90-day period beginning on the date the commission receives notice meeting  
8036 the requirements of Subsection (6)(b)(ii) from the city or town.

8037 (ii) The notice described in Subsection (6)(b)(i)(B) shall state:

8038 (A) that the city or town will enact or repeal a tax under this part;

8039 (B) the statutory authority for the tax described in Subsection (6)(b)(ii)(A);

8040 (C) the effective date of the tax described in Subsection (6)(b)(ii)(A); and

8041 (D) if the city or town enacts the tax described in Subsection (6)(b)(ii)(A), the rate of  
8042 the tax.

8043 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:

8044 (A) that begins after the effective date of the enactment of the tax; and

8045 (B) if the billing period for the transaction begins before the effective date of the  
8046 enactment of the tax under Subsection (1).

8047 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8048 (A) that began before the effective date of the repeal of the tax; and

8049 (B) if the billing period for the transaction begins before the effective date of the repeal  
8050 of the tax imposed under Subsection (1).

8051 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
8052 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
8053 Subsection (6)(b)(i) takes effect:

8054 (A) on the first day of a calendar quarter; and

8055 (B) beginning 60 days after the effective date of the enactment or repeal under  
8056 Subsection (6)(b)(i).

8057 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
8058 commission may by rule define the term "catalogue sale."

8059 (e) (i) Except as provided in Subsection (6)(f) or (g), if, for an annexation that occurs  
8060 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
8061 part for an annexing area, the enactment or repeal shall take effect:

8062 (A) on the first day of a calendar quarter; and

8063 (B) after a 90-day period beginning on the date the commission receives notice meeting  
8064 the requirements of Subsection (6)(e)(ii) from the city or town that annexes the annexing area.

8065 (ii) The notice described in Subsection (6)(e)(i)(B) shall state:

8066 (A) that the annexation described in Subsection (6)(e)(i) will result in an enactment or  
8067 repeal of a tax under this part for the annexing area;

8068 (B) the statutory authority for the tax described in Subsection (6)(e)(ii)(A);

8069 (C) the effective date of the tax described in Subsection (6)(e)(ii)(A); and

8070 (D) the rate of the tax described in Subsection (6)(e)(ii)(A).

8071 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:

8072 (A) that begins after the effective date of the enactment of the tax; and

8073 (B) if the billing period for the transaction begins before the effective date of the  
8074 enactment of the tax under Subsection (1).

8075 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8076 (A) that began before the effective date of the repeal of the tax; and

8077 (B) if the billing period for the transaction begins before the effective date of the repeal  
8078 of the tax imposed under Subsection (1).

8079 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
8080 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
8081 Subsection (6)(e)(i) takes effect:

8082 (A) on the first day of a calendar quarter; and

8083 (B) beginning 60 days after the effective date of the enactment or repeal under  
8084 Subsection (6)(e)(i).

8085 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
8086 commission may by rule define the term "catalogue sale."

8087 (7) (a) Except as provided in Subsection (7)(b), a city or town is not subject to the

8088 voter approval requirements of Subsection (3)(b) if:

8089 (i) on or before January 1, 1996, the city or town imposed a license fee or tax on  
8090 businesses based on gross receipts pursuant to Section 10-1-203; or

8091 (ii) the city or town:

8092 (A) on or before June 30, 2002, obtained voter approval in accordance with Subsection  
8093 (3)(b) to impose a tax under this part for a purpose described in Subsection (2)(a)(i); and

8094 (B) on or after July 1, 2002, uses the revenues generated by a tax under this part for a  
8095 purpose described in Subsection (2)(a).

8096 (b) The exception from the voter approval requirements in Subsection (7)(a)(i) does not  
8097 apply to a city or town that, on or before January 1, 1996, imposed a license fee or tax on only  
8098 one class of businesses based on gross receipts pursuant to Section 10-1-203.

8099 (8) A city or town is not subject to the voter approval requirements of Subsection  
8100 (3)(b) if:

8101 (a) on December 31, 2007, the city or town imposes a tax of .25% under this section;  
8102 and

8103 (b) on or after January 1, 2008, the city or town increases the tax rate under this section  
8104 to .30%.

8105 Section 176. Section **59-12-1102** is amended to read:

8106 **59-12-1102. Base -- Rate -- Imposition of tax -- Distribution of revenue --**  
8107 **Administration -- Enactment or repeal of tax -- Effective date -- Notice requirements.**

8108 (1) (a) (i) Subject to Subsections (2) through (5), and in addition to any other tax  
8109 authorized by this chapter, a county may impose by ordinance a county option sales and use tax  
8110 of .25% upon the transactions described in Subsection 59-12-103(1).

8111 (ii) Notwithstanding Subsection (1)(a)(i), a county may not impose a tax under this  
8112 section on the sales and uses described in Section 59-12-104 to the extent the sales and uses are  
8113 exempt from taxation under Section 59-12-104.

8114 (b) For purposes of this Subsection (1), the location of a transaction shall be  
8115 determined in accordance with Sections 59-12-211 through 59-12-215.

8116 (c) The county option sales and use tax under this section shall be imposed:

8117 (i) upon transactions that are located within the county, including transactions that are  
8118 located within municipalities in the county; and

8119 (ii) except as provided in Subsection (1)(d) or (5), beginning on the first day of  
8120 January:

8121 (A) of the next calendar year after adoption of the ordinance imposing the tax if the  
8122 ordinance is adopted on or before May 25; or

8123 (B) of the second calendar year after adoption of the ordinance imposing the tax if the  
8124 ordinance is adopted after May 25.

8125 (d) Notwithstanding Subsection (1)(c)(ii), the county option sales and use tax under  
8126 this section shall be imposed:

8127 (i) beginning January 1, 1998, if an ordinance adopting the tax imposed on or before  
8128 September 4, 1997; or

8129 (ii) beginning January 1, 1999, if an ordinance adopting the tax is imposed during 1997  
8130 but after September 4, 1997.

8131 (2) (a) Before imposing a county option sales and use tax under Subsection (1), a  
8132 county shall hold two public hearings on separate days in geographically diverse locations in  
8133 the county.

8134 (b) (i) At least one of the hearings required by Subsection (2)(a) shall have a starting  
8135 time of no earlier than 6 p.m.

8136 (ii) The earlier of the hearings required by Subsection (2)(a) shall be no less than seven  
8137 days after the day the first advertisement required by Subsection (2)(c) is published.

8138 (c) (i) Before holding the public hearings required by Subsection (2)(a), the county  
8139 shall advertise [~~in a newspaper of general circulation in the county~~]:

8140 (A) its intent to adopt a county option sales and use tax;

8141 (B) the date, time, and location of each public hearing; and

8142 (C) a statement that the purpose of each public hearing is to obtain public comments  
8143 regarding the proposed tax.

8144 (ii) The advertisement shall be published:

8145 (A) in a newspaper of general circulation in the county once each week for the two  
8146 weeks preceding the earlier of the two public hearings[-]; and

8147 (B) in accordance with Section 45-1-101 for two weeks preceding the earlier of the two  
8148 public hearings.

8149 (iii) The advertisement described in Subsection (2)(c)(ii)(A) shall be no less than 1/8

8150 page in size, and the type used shall be no smaller than 18 point and surrounded by a 1/4-inch  
8151 border.

8152 (iv) The advertisement described in Subsection (2)(c)(ii)(A) may not be placed in that  
8153 portion of the newspaper where legal notices and classified advertisements appear.

8154 (v) [~~Whenever~~] In accordance with Subsection (2)(c)(ii)(A), whenever possible:

8155 (A) the advertisement shall appear in a newspaper that is published at least five days a  
8156 week, unless the only newspaper in the county is published less than five days a week; and

8157 (B) the newspaper selected shall be one of general interest and readership in the  
8158 community, and not one of limited subject matter.

8159 (d) The adoption of an ordinance imposing a county option sales and use tax is subject  
8160 to a local referendum election and shall be conducted as provided in Title 20A, Chapter 7, Part  
8161 6, Local Referenda - Procedures.

8162 (3) (a) If the aggregate population of the counties imposing a county option sales and  
8163 use tax under Subsection (1) is less than 75% of the state population, the tax levied under  
8164 Subsection (1) shall be distributed to the county in which the tax was collected.

8165 (b) If the aggregate population of the counties imposing a county option sales and use  
8166 tax under Subsection (1) is greater than or equal to 75% of the state population:

8167 (i) 50% of the tax collected under Subsection (1) in each county shall be distributed to  
8168 the county in which the tax was collected; and

8169 (ii) except as provided in Subsection (3)(c), 50% of the tax collected under Subsection  
8170 (1) in each county shall be distributed proportionately among all counties imposing the tax,  
8171 based on the total population of each county.

8172 (c) If the amount to be distributed annually to a county under Subsection (3)(b)(ii),  
8173 when combined with the amount distributed to the county under Subsection (3)(b)(i), does not  
8174 equal at least \$75,000, then:

8175 (i) the amount to be distributed annually to that county under Subsection (3)(b)(ii) shall  
8176 be increased so that, when combined with the amount distributed to the county under  
8177 Subsection (3)(b)(i), the amount distributed annually to the county is \$75,000; and

8178 (ii) the amount to be distributed annually to all other counties under Subsection  
8179 (3)(b)(ii) shall be reduced proportionately to offset the additional amount distributed under  
8180 Subsection (3)(c)(i).



8181 (d) The commission shall establish rules to implement the distribution of the tax under  
8182 Subsections (3)(a), (b), and (c).

8183 (4) (a) Except as provided in Subsection (4)(b) or (c), a tax authorized under this part  
8184 shall be administered, collected, and enforced in accordance with:

8185 (i) the same procedures used to administer, collect, and enforce the tax under:

8186 (A) Part 1, Tax Collection; or

8187 (B) Part 2, Local Sales and Use Tax Act; and

8188 (ii) Chapter 1, General Taxation Policies.

8189 (b) Notwithstanding Subsection (4)(a), a tax under this part is not subject to  
8190 Subsections 59-12-205(2) through (6).

8191 (c) Notwithstanding Subsection (4)(a), the fee charged by the commission under  
8192 Section 59-12-206 shall be based on the distribution amounts resulting after all the applicable  
8193 distribution calculations under Subsection (3) have been made.

8194 (5) (a) For purposes of this Subsection (5):

8195 (i) "Annexation" means an annexation to a county under Title 17, Chapter 2,  
8196 Annexation to County.

8197 (ii) "Annexing area" means an area that is annexed into a county.

8198 (b) (i) Except as provided in Subsection (5)(c) or (d), if, on or after July 1, 2004, a  
8199 county enacts or repeals a tax under this part:

8200 (A) (I) the enactment shall take effect as provided in Subsection (1)(c); or

8201 (II) the repeal shall take effect on the first day of a calendar quarter; and

8202 (B) after a 90-day period beginning on the date the commission receives notice meeting  
8203 the requirements of Subsection (5)(b)(ii) from the county.

8204 (ii) The notice described in Subsection (5)(b)(i)(B) shall state:

8205 (A) that the county will enact or repeal a tax under this part;

8206 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);

8207 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and

8208 (D) if the county enacts the tax described in Subsection (5)(b)(ii)(A), the rate of the  
8209 tax.

8210 (c) (i) The enactment of a tax shall take effect on the first day of the first billing period:

8211 (A) that begins after the effective date of the enactment of the tax; and

8212 (B) if the billing period for the transaction begins before the effective date of the  
8213 enactment of the tax under Subsection (1).

8214 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8215 (A) that began before the effective date of the repeal of the tax; and

8216 (B) if the billing period for the transaction begins before the effective date of the repeal  
8217 of the tax imposed under Subsection (1).

8218 (d) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
8219 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
8220 Subsection (5)(b)(i) takes effect:

8221 (A) on the first day of a calendar quarter; and

8222 (B) beginning 60 days after the effective date of the enactment or repeal under  
8223 Subsection (5)(b)(i).

8224 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
8225 commission may by rule define the term "catalogue sale."

8226 (e) (i) Except as provided in Subsection (5)(f) or (g), if, for an annexation that occurs  
8227 on or after July 1, 2004, the annexation will result in the enactment or repeal of a tax under this  
8228 part for an annexing area, the enactment or repeal shall take effect:

8229 (A) on the first day of a calendar quarter; and

8230 (B) after a 90-day period beginning on the date the commission receives notice meeting  
8231 the requirements of Subsection (5)(e)(ii) from the county that annexes the annexing area.

8232 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:

8233 (A) that the annexation described in Subsection (5)(e)(i) will result in an enactment or  
8234 repeal of a tax under this part for the annexing area;

8235 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);

8236 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and

8237 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).

8238 (f) (i) The enactment of a tax shall take effect on the first day of the first billing period:

8239 (A) that begins after the effective date of the enactment of the tax; and

8240 (B) if the billing period for the transaction begins before the effective date of the  
8241 enactment of the tax under Subsection (1).

8242 (ii) The repeal of a tax shall take effect on the first day of the last billing period:

8243 (A) that began before the effective date of the repeal of the tax; and  
8244 (B) if the billing period for the transaction begins before the effective date of the repeal  
8245 of the tax imposed under Subsection (1).  
8246 (g) (i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
8247 sales and use tax rates published in the catalogue, an enactment or repeal of a tax described in  
8248 Subsection (5)(e)(i) takes effect:  
8249 (A) on the first day of a calendar quarter; and  
8250 (B) beginning 60 days after the effective date of the enactment or repeal under  
8251 Subsection (5)(e)(i).  
8252 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
8253 commission may by rule define the term "catalogue sale."  
8254 Section 177. Section **63B-1-317** is amended to read:  
8255 **63B-1-317. Publication of resolution or other proceeding -- Contest of**  
8256 **proceedings -- Mandamus to compel official to sign obligations.**  
8257 (1) The authority may provide for the publication of any resolution it adopts for the  
8258 authorization of obligations under this part:  
8259 (a) in one issue of a newspaper having general circulation in this state[-]; and  
8260 (b) as required in Section 45-1-101.  
8261 (2) In case of resolution or other proceeding providing for the issuance of obligations  
8262 under this part, the authority may, in lieu of publishing the entire resolution or other  
8263 proceeding, publish a notice of obligations to be issued, titled as such, containing:  
8264 (a) the name of the authority;  
8265 (b) the purpose of the issue;  
8266 (c) the type of obligations and the principal amount to be issued;  
8267 (d) the maximum maturity of the obligations;  
8268 (e) the maximum net effective rate of interest payable on the issue of obligations;  
8269 (f) the maximum discount from par which is to be permitted if the obligations may be  
8270 sold at a discount below par value; and  
8271 (g) the times and place where a copy of the resolution or other proceeding may be  
8272 examined, during regular business hours, for a period of at least 30 days after the publication of  
8273 the notice.

8274 (3) (a) For a period of 30 days after the date of publication under Subsection (1) or (2),  
8275 any interested person may contest the legality of the resolution, of the obligations authorized by  
8276 it, or any of the provisions made for the security and payment of these obligations.

8277 (b) After this period, no one shall have any cause of action to contest the regularity,  
8278 formality, or legality of same for any cause whatsoever, except as provided in Subsection (4).

8279 (4) (a) If any official required to sign the obligations refuses to sign them because the  
8280 official alleges that the obligations to be signed are illegal, the authority may bring an original  
8281 action in the supreme court for a writ of mandamus requiring the official to sign the  
8282 obligations.

8283 (b) Because of the importance of the facilities construction and acquisition program  
8284 provided for in this part, the Utah Supreme Court shall:

8285 (i) give this action precedence over any other matters pending before the court; and

8286 (ii) consider and determine these matters at the earliest possible time.

8287 Section 178. Section **63B-1a-501** is amended to read:

8288 **63B-1a-501. Publication of resolution or notice -- Limitation on actions to contest**  
8289 **legality.**

8290 (1) The commission may either:

8291 (a) (i) publish once in a newspaper having general circulation in Utah any resolution  
8292 adopted by [~~it; or~~] the commission; and

8293 (ii) publish, in accordance with Section 45-1-101, any resolution adopted by the  
8294 commission; or

8295 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8296 titled as such, containing:

8297 (i) the purpose of the bond issue;

8298 (ii) the type of bonds and the maximum principal amount that may be issued;

8299 (iii) the maximum number of years over which the bonds may mature;

8300 (iv) the maximum interest rate that the bonds may bear, if any;

8301 (v) the maximum discount from par, expressed as a percentage of principal amount, at  
8302 which the bonds may be sold; and

8303 (vi) that a copy of the resolution or other proceedings may be examined at the office of  
8304 the state treasurer during regular business hours for at least 30 days after the publication of the

8305 notice.

8306 (2) For 30 days after the date of publication, any interested person may contest:

8307 (a) the legality of the resolution;

8308 (b) any of the bonds authorized under it; or

8309 (c) any of the provisions made for the repayment of the bonds.

8310 (3) After 30 days, a person may not, for any cause, contest:

8311 (a) the legality of the resolution;

8312 (b) any of the bonds authorized under the resolution; or

8313 (c) any of the provisions made for the security and repayment of the bonds.

8314 Section 179. Section **63B-2-116** is amended to read:

8315 **63B-2-116. Publication of resolution or notice -- Limitation on actions to contest**  
8316 **legality.**

8317 (1) The commission may:

8318 (a) publish any resolution it adopts under this chapter;

8319 (i) once in a newspaper having general circulation in Utah; ~~or~~ and

8320 (ii) as required in Section 45-1-101; or

8321 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8322 titled as such, containing the information required in Subsection 11-14-316(2).

8323 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8324 (i) the legality of the resolution;

8325 (ii) any of the bonds authorized under it; or

8326 (iii) any of the provisions made for the security and repayment of the bonds.

8327 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8328 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8329 bonds for any cause.

8330 Section 180. Section **63B-2-216** is amended to read:

8331 **63B-2-216. Publication of resolution or notice -- Limitation on actions to contest**  
8332 **legality.**

8333 (1) The commission may:

8334 (a) publish any resolution it adopts under this chapter;

8335 (i) once in a newspaper having general circulation in Utah; ~~or~~ and

8336 (ii) as required in Section 45-1-101; or  
8337 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8338 titled as such, containing the information required by Subsection 11-14-316(2).  
8339 (2) (a) Any interested person, for 30 days after the date of publication, may contest:  
8340 (i) the legality of the resolution;  
8341 (ii) any of the bonds authorized under it; or  
8342 (iii) any of the provisions made for the security and repayment of the bonds.  
8343 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8344 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8345 bonds for any cause.

8346 Section 181. Section **63B-3-116** is amended to read:  
8347 **63B-3-116. Publication of resolution or notice -- Limitation on actions to contest**  
8348 **legality.**

8349 (1) The commission may:  
8350 (a) publish any resolution it adopts under this chapter;  
8351 (i) once in a newspaper having general circulation in Utah; [or] and  
8352 (ii) as required in Section 45-1-101; or  
8353 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8354 titled as such, containing the information required in Subsection 11-14-316(2).  
8355 (2) (a) Any interested person, for 30 days after the date of publication, may contest:  
8356 (i) the legality of the resolution;  
8357 (ii) any of the bonds authorized under it; or  
8358 (iii) any of the provisions made for the security and repayment of the bonds.  
8359 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8360 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8361 bonds for any cause.

8362 Section 182. Section **63B-3-216** is amended to read:  
8363 **63B-3-216. Publication of resolution or notice -- Limitation on actions to contest**  
8364 **legality.**

8365 (1) The commission may:  
8366 (a) publish any resolution it adopts under this chapter;

8367 (i) once in a newspaper having general circulation in Utah; [or] and  
8368 (ii) as required in Section 45-1-101; or  
8369 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8370 titled as such, containing the information required by Subsection 11-14-316(2).

8371 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8372 (i) the legality of the resolution;

8373 (ii) any of the bonds authorized under it; or

8374 (iii) any of the provisions made for the security and repayment of the bonds.

8375 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8376 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8377 bonds for any cause.

8378 Section 183. Section **63B-4-116** is amended to read:

8379 **63B-4-116. Publication of resolution or notice -- Limitation on actions to contest**  
8380 **legality.**

8381 (1) The commission may:

8382 (a) publish any resolution it adopts under this chapter;

8383 (i) once in a newspaper having general circulation in Utah; [or] and

8384 (ii) as required in Section 45-1-101; or

8385 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8386 titled as such, containing the information required in Subsection 11-14-316(2).

8387 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8388 (i) the legality of the resolution;

8389 (ii) any of the bonds authorized under it; or

8390 (iii) any of the provisions made for the security and repayment of the bonds.

8391 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8392 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8393 bonds for any cause.

8394 Section 184. Section **63B-5-116** is amended to read:

8395 **63B-5-116. Publication of resolution or notice -- Limitation on actions to contest**  
8396 **legality.**

8397 (1) The commission may:

8398 (a) publish any resolution it adopts under this chapter;  
8399 (i) once in a newspaper having general circulation in Utah; ~~or~~ and  
8400 (ii) as required in Section 45-1-101; or  
8401 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8402 titled as such, containing the information required in Subsection 11-14-316(2).  
8403 (2) (a) Any interested person, for 30 days after the date of publication, may contest:  
8404 (i) the legality of the resolution;  
8405 (ii) any of the bonds authorized under it; or  
8406 (iii) any of the provisions made for the security and repayment of the bonds.  
8407 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8408 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8409 bonds for any cause.

8410 Section 185. Section **63B-6-116** is amended to read:

8411 **63B-6-116. Publication of resolution or notice -- Limitation on actions to contest**  
8412 **legality.**

8413 (1) The commission may:  
8414 (a) publish any resolution it adopts under this chapter;  
8415 (i) once in a newspaper having general circulation in Utah; ~~or~~ and  
8416 (ii) as required in Section 45-1-101; or  
8417 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8418 titled as such, containing the information required in Subsection 11-14-316(2).  
8419 (2) (a) Any interested person, for 30 days after the date of publication, may contest:  
8420 (i) the legality of the resolution;  
8421 (ii) any of the bonds authorized under it; or  
8422 (iii) any of the provisions made for the security and repayment of the bonds.  
8423 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8424 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8425 bonds for any cause.

8426 Section 186. Section **63B-6-216** is amended to read:

8427 **63B-6-216. Publication of resolution or notice -- Limitation on actions to contest**  
8428 **legality.**



8429 (1) The commission may:  
8430 (a) publish any resolution it adopts under this chapter;  
8431 (i) once in a newspaper having general circulation in Utah; [or] and  
8432 (ii) as required in Section 45-1-101; or  
8433 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8434 titled as such, containing the information required by Subsection 11-14-316(2).

8435 (2) (a) Any interested person, for 30 days after the date of publication, may contest:  
8436 (i) the legality of the resolution;  
8437 (ii) any of the bonds authorized under it; or  
8438 (iii) any of the provisions made for the security and repayment of the bonds.

8439 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8440 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8441 bonds for any cause.

8442 Section 187. Section **63B-6-416** is amended to read:

8443 **63B-6-416. Publication of resolution or notice -- Limitation on actions to contest**  
8444 **legality.**

8445 (1) The commission may:  
8446 (a) publish any resolution it adopts under this chapter;  
8447 (i) once in a newspaper having general circulation in Utah; [or] and  
8448 (ii) as required in Section 45-1-101; or  
8449 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8450 titled as such, containing the information required in Subsection 11-14-316(2).

8451 (2) (a) Any interested person, for 30 days after the date of publication, may contest:  
8452 (i) the legality of the resolution;  
8453 (ii) any of the bonds authorized under it; or  
8454 (iii) any of the provisions made for the security and repayment of the bonds.

8455 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8456 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8457 bonds for any cause.

8458 Section 188. Section **63B-7-116** is amended to read:

8459 **63B-7-116. Publication of resolution or notice -- Limitation on actions to contest**

8460 **legality.**

8461 (1) The commission may:

8462 (a) publish any resolution it adopts under this chapter;

8463 (i) once in a newspaper having general circulation in Utah; [or] and

8464 (ii) as required in Section 45-1-101; or

8465 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,

8466 titled as such, containing the information required in Subsection 11-14-316(2).

8467 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8468 (i) the legality of the resolution;

8469 (ii) any of the bonds authorized under it; or

8470 (iii) any of the provisions made for the security and repayment of the bonds.

8471 (b) After 30 days, a person may not contest the legality of the resolution, any of the

8472 bonds authorized under it, or any of the provisions made for the security and repayment of the

8473 bonds for any cause.

8474 Section 189. Section **63B-7-216** is amended to read:

8475 **63B-7-216. Publication of resolution or notice -- Limitation on actions to contest**

8476 **legality.**

8477 (1) The commission may:

8478 (a) publish any resolution it adopts under this chapter;

8479 (i) once in a newspaper having general circulation in Utah; [or] and

8480 (ii) as required in Section 45-1-101; or

8481 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,

8482 titled as such, containing the information required by Subsection 11-14-316(2).

8483 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8484 (i) the legality of the resolution;

8485 (ii) any of the bonds authorized under it; or

8486 (iii) any of the provisions made for the security and repayment of the bonds.

8487 (b) After 30 days, a person may not contest the legality of the resolution, any of the

8488 bonds authorized under it, or any of the provisions made for the security and repayment of the

8489 bonds for any cause.

8490 Section 190. Section **63B-7-416** is amended to read:

8491           **63B-7-416. Publication of resolution or notice -- Limitation on actions to contest**  
8492 **legality.**

8493           (1) The commission may:

8494           (a) publish any resolution it adopts under this chapter;

8495           (i) once in a newspaper having general circulation in Utah; [or] and

8496           (ii) as required in Section 45-1-101; or

8497           (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8498 titled as such, containing the information required in Subsection 11-14-316(2).

8499           (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8500           (i) the legality of the resolution;

8501           (ii) any of the bonds authorized under it; or

8502           (iii) any of the provisions made for the security and repayment of the bonds.

8503           (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8504 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8505 bonds for any cause.

8506           Section 191. Section **63B-8-116** is amended to read:

8507           **63B-8-116. Publication of resolution or notice -- Limitation on actions to contest**  
8508 **legality.**

8509           (1) The commission may:

8510           (a) publish any resolution it adopts under this chapter;

8511           (i) once in a newspaper having general circulation in Utah; [or] and

8512           (ii) as required in Section 45-1-101; or

8513           (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8514 titled as such, containing the information required in Subsection 11-14-316(2).

8515           (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8516           (i) the legality of the resolution;

8517           (ii) any of the bonds authorized under it; or

8518           (iii) any of the provisions made for the security and repayment of the bonds.

8519           (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8520 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8521 bonds for any cause.

8522 Section 192. Section **63B-8-216** is amended to read:

8523 **63B-8-216. Publication of resolution or notice -- Limitation on actions to contest**  
8524 **legality.**

8525 (1) The commission may:

8526 (a) publish any resolution it adopts under this chapter;

8527 (i) once in a newspaper having general circulation in Utah; [or] and

8528 (ii) as required in Section 45-1-101; or

8529 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,

8530 titled as such, containing the information required by Subsection 11-14-316(2).

8531 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8532 (i) the legality of the resolution;

8533 (ii) any of the bonds authorized under it; or

8534 (iii) any of the provisions made for the security and repayment of the bonds.

8535 (b) After 30 days, a person may not contest the legality of the resolution, any of the

8536 bonds authorized under it, or any of the provisions made for the security and repayment of the

8537 bonds for any cause.

8538 Section 193. Section **63B-8-416** is amended to read:

8539 **63B-8-416. Publication of resolution or notice -- Limitation on actions to contest**  
8540 **legality.**

8541 (1) The commission may:

8542 (a) publish any resolution it adopts under this chapter;

8543 (i) once in a newspaper having general circulation in Utah; [or] and

8544 (ii) as required in Section 45-1-101; or

8545 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,

8546 titled as such, containing the information required in Subsection 11-14-316(2).

8547 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8548 (i) the legality of the resolution;

8549 (ii) any of the bonds authorized under it; or

8550 (iii) any of the provisions made for the security and repayment of the bonds.

8551 (b) After 30 days, a person may not contest the legality of the resolution, any of the

8552 bonds authorized under it, or any of the provisions made for the security and repayment of the

8553 bonds for any cause.

8554 Section 194. Section **63B-10-116** is amended to read:

8555 **63B-10-116. Publication of resolution or notice -- Limitation on actions to contest**  
8556 **legality.**

8557 (1) The commission may:

8558 (a) publish any resolution it adopts under this chapter;

8559 (i) once in a newspaper having general circulation in Utah; ~~or~~ and

8560 (ii) as required in Section 45-1-101; or

8561 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8562 titled as such, containing the information required by Subsection 11-14-316(2).

8563 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8564 (i) the legality of the resolution;

8565 (ii) any of the bonds authorized under it; or

8566 (iii) any of the provisions made for the security and repayment of the bonds.

8567 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8568 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8569 bonds for any cause.

8570 Section 195. Section **63B-11-116** is amended to read:

8571 **63B-11-116. Publication of resolution or notice -- Limitation on actions to contest**  
8572 **legality.**

8573 (1) The commission may:

8574 (a) publish any resolution it adopts under this chapter;

8575 (i) once in a newspaper having general circulation in Utah; ~~or~~ and

8576 (ii) as required in Section 45-1-101; 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 196. Section **63B-11-216** is amended to read:

8587 **63B-11-216. 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) once in a newspaper having general circulation in Utah; ~~or~~ and

8592 (ii) as required in Section 45-1-101; or

8593 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8594 titled as such, containing the information required in Subsection 11-14-316(2).

8595 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8596 (i) the legality of the resolution;

8597 (ii) any of the bonds authorized under it; or

8598 (iii) any of the provisions made for the security and repayment of the bonds.

8599 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8600 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8601 bonds for any cause.

8602 Section 197. Section **63B-11-316** is amended to read:

8603 **63B-11-316. Publication of resolution or notice -- Limitation on actions to contest**  
8604 **legality.**

8605 (1) The commission may:

8606 (a) publish any resolution it adopts under this chapter;

8607 (i) once in a newspaper having general circulation in Utah; ~~or~~ and

8608 (ii) as required in Section 45-1-101; or

8609 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8610 titled as such, containing the information required by Subsection 11-14-316(2).

8611 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8612 (i) the legality of the resolution;

8613 (ii) any of the bonds authorized under it; or

8614 (iii) any of the provisions made for the security and repayment of the bonds.

8615 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8616 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8617 bonds for any cause.

8618 Section 198. Section **63B-11-516** is amended to read:

8619 **63B-11-516. Publication of resolution or notice -- Limitation on actions to contest**  
8620 **legality.**

8621 (1) The commission may:

8622 (a) publish any resolution it adopts under this chapter:

8623 (i) once in a newspaper having general circulation in Utah; [~~or~~] and

8624 (ii) as required in Section 45-1-101; or

8625 (b) in lieu of publishing the entire resolution, publish a notice of bonds to be issued,  
8626 titled as such, containing the information required by Subsection 11-14-316(2).

8627 (2) (a) Any interested person, for 30 days after the date of publication, may contest:

8628 (i) the legality of the resolution;

8629 (ii) any of the bonds authorized under it; or

8630 (iii) any of the provisions made for the security and repayment of the bonds.

8631 (b) After 30 days, a person may not contest the legality of the resolution, any of the  
8632 bonds authorized under it, or any of the provisions made for the security and repayment of the  
8633 bonds for any cause.

8634 Section 199. Section **63C-7-306** is amended to read:

8635 **63C-7-306. Publication of notice, resolution, or other proceeding -- Period for**  
8636 **contesting.**

8637 (1) The executive committee of the Utah Communications Agency Network may  
8638 provide for the publication of any resolution or other proceedings adopted under this chapter:

8639 (a) in a newspaper of general circulation within the state[.]; and

8640 (b) as required in Section 45-1-101.

8641 (2) In case of a resolution or other proceeding providing for the issuance of bonds, the  
8642 executive committee may, in lieu of publishing the entire resolution or other proceeding,  
8643 publish a notice of bonds to be issued containing:

8644 (a) the name of the issuer;

8645 (b) the purpose of the issue;

8646 (c) the type of bonds and the maximum principal amount which may be issued;  
8647 (d) the maximum number of years over which the bonds may mature;  
8648 (e) the maximum interest rate which the bonds may bear, if any;  
8649 (f) the maximum discount from par, expressed as a percentage of principal amount, at  
8650 which the bonds may be sold; and

8651 (g) the times and place where a copy of the resolution or other proceeding may be  
8652 examined, which shall be at the principal office of the Utah Communications Agency Network  
8653 during regular business hours and for a period of at least 30 days after the publication of the  
8654 notice.

8655 (3) For a period of 30 days after the publication, any person in interest may contest the  
8656 legality of the resolution or proceeding, any bonds which may be authorized by the resolution  
8657 or proceeding, or any provision made for the security and payment of the bonds by filing a  
8658 pleading with the district court for the city in which the Utah Communications Network  
8659 maintains its principal office.

8660 Section 200. Section **63G-6-401** is amended to read:

8661 **63G-6-401. Contracts awarded by sealed bidding -- Procedure.**

8662 (1) Contracts shall be awarded by competitive sealed bidding except as otherwise  
8663 provided by this chapter.

8664 (2) (a) An invitation for bids shall be issued when a contract is to be awarded by  
8665 competitive sealed bidding.

8666 (b) The invitation shall include a purchase description and all contractual terms and  
8667 conditions applicable to the procurement.

8668 (3) (a) Public notice of the invitation for bids shall be given a reasonable time before  
8669 the date set forth in the invitation for the opening of bids, in accordance with rules.

8670 (b) The notice may include:

8671 (i) publication in a newspaper of general circulation a reasonable time before bid  
8672 opening[-]; and

8673 (ii) publication, in accordance with Section 45-1-101, for a reasonable time before bid  
8674 opening.

8675 (4) (a) Bids shall be opened publicly in the presence of one or more witnesses at the  
8676 time and place designated in the invitation for bids.



8677 (b) The amount of each bid and any other relevant information specified by rules,  
8678 together with the name of each bidder, shall be recorded.

8679 (c) The record and each bid shall be open to public inspection.

8680 (5) (a) Bids shall be unconditionally accepted without alteration or correction, except  
8681 as authorized in this chapter.

8682 (b) (i) Bids shall be evaluated based on the requirements set forth in the invitation for  
8683 bids, which may include criteria to determine acceptability such as inspection, testing, quality,  
8684 workmanship, delivery, and suitability for a particular purpose.

8685 (ii) Those criteria that will affect the bid price and be considered in evaluation for  
8686 award shall be objectively measurable.

8687 (iii) The criteria may include discounts, transportation costs, and total or life cycle  
8688 costs.

8689 (c) No criteria may be used in bid evaluation that are not set forth in the invitation for  
8690 bids.

8691 (6) (a) Correction or withdrawal of inadvertently erroneous bids before or after award,  
8692 or cancellation of awards or contracts based on the bid mistakes, shall be permitted in  
8693 accordance with rules.

8694 (b) After bid opening, no changes in bid prices or other provisions of bids prejudicial  
8695 to the interest of the state or fair competition may be permitted.

8696 (c) Except as otherwise provided by rule, all decisions to permit the correction or  
8697 withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by  
8698 a written determination made by the chief procurement officer or the head of a purchasing  
8699 agency.

8700 (7) (a) The contract shall be awarded with reasonable promptness by written notice to  
8701 the lowest responsive and responsible bidder whose bid meets the requirements and criteria set  
8702 forth in the invitation for bids.

8703 (b) (i) If all bids for a construction project exceed available funds as certified by the  
8704 appropriate fiscal officer, and the low responsive and responsible bid does not exceed those  
8705 funds by more than 5%, the chief procurement officer or the head of a purchasing agency may,  
8706 in situations where time or economic considerations preclude resolicitation of work of a  
8707 reduced scope, negotiate an adjustment of the bid price, including changes in the bid

8708 requirements, with the low responsive and responsible bidder in order to bring the bid within  
8709 the amount of available funds.

8710 (ii) If the State Building Board establishes alternative procedures by rule under Section  
8711 63A-5-103, the Division of Facilities Construction and Management need not comply with the  
8712 provisions of this Subsection (7) when a bid meets the requirements of the State Building  
8713 Board's rule.

8714 (8) When it is considered impractical to prepare initially a purchase description to  
8715 support an award based on price, an invitation for bids may be issued requesting the  
8716 submission of unpriced offers to be followed by an invitation for bids limited to those bidders  
8717 whose offers have been qualified under the criteria set forth in the first solicitation.

8718 Section 201. Section **63G-9-303** is amended to read:

8719 **63G-9-303. Meeting to examine claims -- Notice of meeting.**

8720 (1) At least 60 days preceding the meeting of each Legislature the board must hold a  
8721 session for the purpose of examining the claims referred to in Section 63G-9-302, and may  
8722 adjourn from time to time until the work is completed.

8723 (2) The board [~~must~~] shall cause notice of such meeting or meetings to be published:

8724 (a) in some newspaper at the seat of government and such other newspapers as may be  
8725 determined by the board for such time as the board may prescribe[-]; and

8726 (b) as required in Section 45-1-101.

8727 Section 202. Section **63H-1-403** is amended to read:

8728 **63H-1-403. Notice of project area plan adoption -- Effective date of plan --**  
8729 **Contesting the formation of the plan.**

8730 (1) (a) Upon the board's adoption of a project area plan, the board shall provide notice  
8731 as provided in Subsection (1)(b) by:

8732 (i) publishing or causing to be published a notice:

8733 (A) in a newspaper of general circulation within the authority's boundaries; [~~or~~] and

8734 (B) as required in Section 45-1-101; or

8735 (ii) if there is no newspaper of general circulation within the authority's boundaries as  
8736 described in Subsection (1)(a)(i)(A), causing a notice to be posted in at least three public places  
8737 within the authority's boundaries.

8738 (b) Each notice under Subsection (1)(a) shall:

8739 (i) set forth the board resolution adopting the project area plan or a summary of the  
8740 resolution; and

8741 (ii) include a statement that the project area plan is available for general public  
8742 inspection and the hours for inspection.

8743 (2) The project area plan shall become effective on the date of:

8744 (a) if notice was published under Subsection (1)(a), publication of the notice; or

8745 (b) if notice was posted under Subsection (1)(a), posting of the notice.

8746 (3) The authority shall make the adopted project area plan available to the general  
8747 public at its offices during normal business hours.

8748 Section 203. Section **63H-1-701** is amended to read:

8749 **63H-1-701. Annual authority budget -- Fiscal year -- Public hearing required --**  
8750 **Auditor forms -- Requirement to file form.**

8751 (1) The authority shall prepare and its board adopt an annual budget of revenues and  
8752 expenditures for the authority for each fiscal year.

8753 (2) Each annual authority budget shall be adopted before June 22.

8754 (3) The authority's fiscal year shall be the period from July 1 to the following June 30.

8755 (4) (a) Before adopting an annual budget, the authority board shall hold a public  
8756 hearing on the annual budget.

8757 (b) The authority shall provide notice of the public hearing on the annual budget by:

8758 (i) publishing [~~at least one~~] notice;

8759 (A) at least once in a newspaper of general circulation within the authority boundaries,  
8760 one week before the public hearing; [~~or~~] and

8761 (B) in accordance with Section 45-1-101; or

8762 (ii) if there is no newspaper of general circulation within the authority boundaries as  
8763 described in Subsection (4)(a)(i)(A), posting a notice of the public hearing in at least three  
8764 public places within the authority boundaries.

8765 (c) The authority shall make the annual budget available for public inspection at least  
8766 three days before the date of the public hearing.

8767 (5) The state auditor shall prescribe the budget forms and the categories to be contained  
8768 in each authority budget, including:

8769 (a) revenues and expenditures for the budget year;

8770 (b) legal fees; and

8771 (c) administrative costs, including rent, supplies, and other materials, and salaries of  
8772 authority personnel.

8773 (6) (a) Within 30 days after adopting an annual budget, the authority board shall file a  
8774 copy of the annual budget with the auditor of the county in which the authority is located, the  
8775 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity  
8776 that levies a tax on property from which the authority collects tax increment.

8777 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the  
8778 state as a taxing entity is met if the authority files a copy with the State Tax Commission and  
8779 the state auditor.

8780 Section 204. Section **63H-1-801** is amended to read:

8781 **63H-1-801. Dissolution of authority -- Restrictions -- Filing copy of ordinance --**  
8782 **Authority records -- Dissolution expenses.**

8783 (1) The authority may not be dissolved unless the authority has no outstanding bonded  
8784 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual  
8785 obligations with persons or entities other than the state.

8786 (2) Upon the dissolution of the authority, the Governor's Office of Economic  
8787 Development shall publish a notice of dissolution:

8788 (a) in a newspaper of general circulation in the county in which the dissolved authority  
8789 is located[-]; and

8790 (b) as required in Section 45-1-101.

8791 (3) The books, documents, records, papers, and seal of each dissolved authority shall  
8792 be deposited for safekeeping and reference with the state auditor.

8793 (4) The authority shall pay all expenses of the deactivation and dissolution.

8794 Section 205. Section **67-4a-402** is amended to read:

8795 **67-4a-402. Publication of notice.**

8796 Within 12 months of the date the unclaimed property was paid or delivered to the  
8797 administrator, the administrator shall:

8798 (1) cause a notice to be published:

8799 (a) once in a newspaper having general circulation in Utah; and

8800 (b) as required in Section 45-1-101; and

8801 (2) ensure that the notice described in Subsection (1)(a) is in a form that is likely to  
8802 attract the attention of the apparent owner of the unclaimed property.

8803 Section 206. Section **67-4a-403** is amended to read:

8804 **67-4a-403. Disposition of abandoned property -- Sale.**

8805 (1) (a) Except as provided in Subsections (2) and (3), the administrator shall:

8806 (i) within three years after the receipt of abandoned property, sell the property to the  
8807 highest bidder at a public sale, which may include sale via the Internet; and

8808 (ii) if the sale is held at a specified physical location, publish notice of the sale:

8809 (A) in a newspaper of general circulation in this state at least three weeks before the  
8810 sale[-]; and

8811 (B) in accordance with Section 45-1-101 for at least three weeks before the sale.

8812 (b) The administrator may hold the sale in whatever city in Utah he believes will  
8813 provide the most favorable market for the property.

8814 (c) The administrator may decline the highest bid and reoffer the property for sale if the  
8815 bid is insufficient.

8816 (d) If the administrator determines that the probable cost of sale exceeds the value of  
8817 the property, the administrator need not offer the property for sale.

8818 (e) When any person makes a claim, the administrator shall provide the person with:

8819 (i) the property delivered by the holder to the administrator; or

8820 (ii) the proceeds received from the sale.

8821 (f) The administrator may, in the administrator's discretion, deduct reasonable fees and  
8822 expenses incurred from the sale.

8823 (2) (a) The administrator shall sell:

8824 (i) securities listed on an established stock exchange at prices prevailing at the time of  
8825 sale on the exchange; and

8826 (ii) securities not listed on an established stock exchange:

8827 (A) over-the-counter at prices prevailing at the time of sale; or

8828 (B) by any other method the administrator considers to be in the best interest of the  
8829 state.

8830 (b) The administrator may sell securities upon receipt.

8831 (c) When any person makes a claim, the administrator shall provide the person with:

8832 (i) the securities delivered to the administrator by the holder, if they still remain in the  
8833 hands of the administrator; or

8834 (ii) the proceeds received from the sale.

8835 (d) The administrator may, in the administrator's discretion, deduct reasonable fees and  
8836 expenses incurred from the sale.

8837 (e) A person making a claim under this section may not make any claim against the  
8838 state, the holder, any transfer agent, registrar or other person acting for or on behalf of a holder  
8839 for any appreciation in the value of the property occurring after delivery by the holder to the  
8840 administrator.

8841 (3) (a) The purchaser of any property at any sale conducted by the administrator under  
8842 the authority of this chapter takes the property free of all claims of the owner or previous  
8843 holder of the property and of all persons claiming through or under them.

8844 (b) The administrator shall execute all documents necessary to complete the transfer of  
8845 ownership.

8846 Section 207. Section **72-3-108** is amended to read:

8847 **72-3-108. County roads -- Vacation and narrowing.**

8848 (1) A county may, by ordinance, vacate, narrow, or change the name of a county road  
8849 without petition or after petition by a property owner.

8850 (2) A county may not vacate a county road unless notice of the hearing is:

8851 (a) published;

8852 (i) in a newspaper of general circulation in the county once a week for four consecutive  
8853 weeks [~~prior to~~] before the hearing; [or] and

8854 (ii) in accordance with Section 45-1-101 for four weeks before the hearing; and

8855 (b) posted in three public places for four consecutive weeks prior to the hearing; and

8856 (c) mailed to the department and all owners of property abutting the county road.

8857 (3) The right-of-way and easements, if any, of a property owner and the franchise rights  
8858 of any public utility may not be impaired by vacating or narrowing a county road.

8859 (4) Except as provided in Section 72-5-305, if a county vacates a county road, the  
8860 state's right-of-way interest in the county road is also vacated.

8861 Section 208. Section **72-5-105** is amended to read:

8862 **72-5-105. Highways, streets, or roads once established continue until abandoned**

8863 -- **Temporary closure.**

8864 (1) All public highways, streets, or roads once established shall continue to be  
8865 highways, streets, or roads until abandoned or vacated by order of a highway authority having  
8866 jurisdiction or by other competent authority.

8867 (2) (a) For purposes of assessment, upon the recordation of an order executed by the  
8868 proper authority with the county recorder's office, title to the vacated or abandoned highway,  
8869 street, or road shall vest to the adjoining record owners, with 1/2 of the width of the highway,  
8870 street, or road assessed to each of the adjoining owners.

8871 (b) Provided, however, that should a description of an owner of record extend into the  
8872 vacated or abandoned highway, street, or road that portion of the vacated or abandoned  
8873 highway, street, or road shall vest in the record owner, with the remainder of the highway,  
8874 street, or road vested as otherwise provided in this Subsection (2).

8875 (3) (a) In accordance with this section, a state or local highway authority may  
8876 temporarily close a class B or D road, an R.S. 2477 right-of-way, or a portion of a class B or D  
8877 road or R.S. 2477 right-of-way.

8878 (b) A temporary closure authorized under this section is not an abandonment.

8879 (c) A temporary closure under Subsection (3)(a) may be authorized only under the  
8880 following circumstances:

8881 (i) when a federal authority, or other person, provides an alternate route to an R.S.  
8882 2477 right-of-way or portion of an R.S. 2477 right-of-way that is:

8883 (A) accepted by the highway authority; and

8884 (B) formalized by:

8885 (I) a federal permit; or

8886 (II) a written agreement between the federal authority or other person and the highway  
8887 authority; or

8888 (ii) when a state or local highway authority determines that correction or mitigation of  
8889 injury to private or public land resources is necessary on or near a class B or D road or portion  
8890 of a class B or D road.

8891 (d) A highway authority shall reopen an R.S. 2477 right-of-way or portion of an R.S.  
8892 2477 right-of-way temporarily closed under this section if the alternate route is closed for any  
8893 reason.

8894 (e) A temporary closure authorized under Subsection (3)(c)(ii) shall:  
8895 (i) be authorized annually; and  
8896 (ii) not exceed two years or the time it takes to complete the correction or mitigation,  
8897 whichever is less.

8898 (4) Prior to authorizing a temporary closure under Subsection (3), a highway authority  
8899 shall:

8900 (a) hold a hearing on the proposed temporary closure;  
8901 (b) provide notice of the hearing by:  
8902 (i) mailing a notice to the Department of Transportation and all owners of property  
8903 abutting the highway; and  
8904 (ii) (A) publishing the notice;  
8905 (I) in a newspaper of general circulation in the county at least once a week for four  
8906 consecutive weeks [~~prior to~~] before the hearing; [~~or~~] and  
8907 (II) in accordance with Section 45-1-101 for four weeks before the hearing; or  
8908 (B) posting the notice in three public places for at least four consecutive weeks prior to  
8909 the hearing; and  
8910 (c) pass an ordinance authorizing the temporary closure.

8911 (5) The right-of-way and easements, if any, of a property owner and the franchise rights  
8912 of any public utility may not be impaired by a temporary closure authorized under this section.  
8913 Section 209. Section **72-6-108** is amended to read:

8914 **72-6-108. Class B and C roads -- Improvement projects -- Contracts -- Retainage.**

8915 (1) A county executive for class B roads and the municipal executive for class C roads  
8916 shall cause plans, specifications, and estimates to be made prior to the construction of any  
8917 improvement project, as defined in Section 72-6-109, on a class B or C road if the estimated  
8918 cost for any one project exceeds the bid limit as defined in Section 72-6-109 for labor,  
8919 equipment, and materials.

8920 (2) (a) All projects in excess of the bid limit shall be performed under contract to be let  
8921 to the lowest responsible bidder.

8922 (b) If the estimated cost of the improvement project exceeds the bid limit for labor,  
8923 equipment, and materials, the project may not be divided to permit the construction in parts,  
8924 unless each part is done by contract.



- 8925 (3) (a) The advertisement on bids shall be published:
- 8926 (i) in a newspaper of general circulation in the county in which the work is to be
- 8927 performed at least once a week for three consecutive weeks[-]; and
- 8928 (ii) in accordance with Section 45-1-101 for three weeks.
- 8929 (b) If there is no newspaper of general circulation as described in Subsection (3)(a)(i),
- 8930 the notice shall be posted for at least 20 days in at least five public places in the county.
- 8931 (4) The county or municipal executive or their designee shall receive sealed bids and
- 8932 open the bids at the time and place designated in the advertisement. The county or municipal
- 8933 executive or their designee may then award the contract but may reject any and all bids.
- 8934 (5) The person, firm, or corporation that is awarded a contract under this section is
- 8935 subject to the provisions of Title 63G, Chapter 6, Utah Procurement Code.
- 8936 (6) If any payment on a contract with a private contractor for construction or
- 8937 improvement of a class B or C road is retained or withheld, the payment shall be retained or
- 8938 withheld and released as provided in Section 13-8-5.
- 8939 Section 210. Section **73-1-4** is amended to read:
- 8940 **73-1-4. Reversion to the public by abandonment or forfeiture for nonuse within**
- 8941 **seven years -- Nonuse application.**
- 8942 (1) As used in this section:
- 8943 (a) "Public entity" means:
- 8944 (i) the United States;
- 8945 (ii) an agency of the United States;
- 8946 (iii) the state;
- 8947 (iv) a state agency;
- 8948 (v) a political subdivision of the state; or
- 8949 (vi) an agency of a political subdivision of the state.
- 8950 (b) "Public water supplier" means an entity that:
- 8951 (i) supplies water, directly or indirectly, to the public for municipal, domestic, or
- 8952 industrial use; and
- 8953 (ii) is:
- 8954 (A) a public entity;
- 8955 (B) a water corporation, as defined in Section 54-2-1, that is regulated by the Public

8956 Service Commission;

8957 (C) a community water system:

8958 (I) that:

8959 (Aa) supplies water to at least 100 service connections used by year-round residents; or

8960 (Bb) regularly serves at least 200 year-round residents; and

8961 (II) whose voting members:

8962 (Aa) own a share in the community water system;

8963 (Bb) receive water from the community water system in proportion to the member's

8964 share in the community water system; and

8965 (Cc) pay the rate set by the community water system based on the water the member

8966 receives; or

8967 (D) a water users association:

8968 (I) in which one or more public entities own at least 70% of the outstanding shares; and

8969 (II) that is a local sponsor of a water project constructed by the United States Bureau of

8970 Reclamation.

8971 (c) "Shareholder" is as defined in Section 73-3-3.5.

8972 (d) "Water company" is as defined in Section 73-3-3.5.

8973 (e) "Water supply entity" means an entity that supplies water as a utility service or for

8974 irrigation purposes and is also:

8975 (i) a municipality, water conservancy district, metropolitan water district, irrigation

8976 district, or other public agency;

8977 (ii) a water company regulated by the Public Service Commission; or

8978 (iii) any other owner of a community water system.

8979 (2) (a) When an appropriator or the appropriator's successor in interest abandons or

8980 ceases to use all or a portion of a water right for a period of seven years, the water right or the

8981 unused portion of that water right is subject to forfeiture in accordance with Subsection (2)(c),

8982 unless the appropriator or the appropriator's successor in interest files a nonuse application

8983 with the state engineer.

8984 (b) (i) A nonuse application may be filed on all or a portion of the water right,

8985 including water rights held by a water company.

8986 (ii) After giving written notice to the water company, a shareholder may file a nonuse

8987 application with the state engineer on the water represented by the stock.

8988 (c) (i) A water right or a portion of the water right may not be forfeited unless a judicial  
8989 action to declare the right forfeited is commenced within 15 years from the end of the latest  
8990 period of nonuse of at least seven years.

8991 (ii) If forfeiture is asserted in an action for general determination of rights in  
8992 conformance with the provisions of Chapter 4, Determination of Water Rights, the 15-year  
8993 limitation period shall commence to run back in time from the date the state engineer's  
8994 proposed determination of rights is served upon each claimant.

8995 (iii) A decree entered in an action for general determination of rights under Chapter 4,  
8996 Determination of Water Rights, shall bar any claim of forfeiture for prior nonuse against any  
8997 right determined to be valid in the decree, but does not bar a claim for periods of nonuse that  
8998 occur after the entry of the decree.

8999 (iv) A proposed determination by the state engineer in an action for general  
9000 determination of rights under Chapter 4, Determination of Water Rights, bars a claim of  
9001 forfeiture for prior nonuse against any right proposed to be valid, unless a timely objection has  
9002 been filed within the time allowed in Chapter 4, Determination of Water Rights.

9003 (v) If in a judicial action a court declares a water right forfeited, on the date on which  
9004 the water right is forfeited:

9005 (A) the right to use the water reverts to the public; and

9006 (B) the water made available by the forfeiture:

9007 (I) first, satisfies other water rights in the hydrologic system in order of priority date;

9008 and

9009 (II) second, may be appropriated as provided in this title.

9010 (d) This section applies whether the unused or abandoned water or a portion of the  
9011 water is:

9012 (i) permitted to run to waste; or

9013 (ii) used by others without right with the knowledge of the water right holder.

9014 (e) This section does not apply to:

9015 (i) the use of water according to a lease or other agreement with the appropriator or the  
9016 appropriator's successor in interest;

9017 (ii) a water right if its place of use is contracted under an approved state agreement or

9018 federal conservation following program;

9019 (iii) those periods of time when a surface water or groundwater source fails to yield

9020 sufficient water to satisfy the water right;

9021 (iv) a water right when water is unavailable because of the water right's priority date;

9022 (v) a water right to store water in a surface reservoir or an aquifer, in accordance with

9023 Title 73, Chapter 3b, Groundwater Recharge and Recovery Act, if:

9024 (A) the water is stored for present or future use; or

9025 (B) storage is limited by a safety, regulatory, or engineering restraint that the

9026 appropriator or the appropriator's successor in interest cannot reasonably correct;

9027 (vi) a water right if a water user has beneficially used substantially all of the water right

9028 within a seven-year period, provided that this exemption does not apply to the adjudication of a

9029 water right in a general determination of water rights under Chapter 4, Determination of Water

9030 Rights;

9031 (vii) except as provided by Subsection (2)(g), a water right:

9032 (A) (I) owned by a public water supplier;

9033 (II) represented by a public water supplier's ownership interest in a water company; or

9034 (III) to which a public water supplier owns the right of use; and

9035 (B) conserved or held for the reasonable future water requirement of the public, which

9036 is determined according to Subsection (2)(f);

9037 (viii) a supplemental water right during a period of time when another water right

9038 available to the appropriator or the appropriator's successor in interest provides sufficient water

9039 so as to not require use of the supplemental water right; or

9040 (ix) a water right subject to an approved change application where the applicant is

9041 diligently pursuing certification.

9042 (f) (i) The reasonable future water requirement of the public is the amount of water

9043 needed in the next 40 years by the persons within the public water supplier's projected service

9044 area based on projected population growth or other water use demand.

9045 (ii) For purposes of Subsection (2)(f)(i), a community water system's projected service

9046 area:

9047 (A) is the area served by the community water system's distribution facilities; and

9048 (B) expands as the community water system expands the distribution facilities in

9049 accordance with Title 19, Chapter 4, Safe Drinking Water Act.

9050 (g) For a water right acquired by a public water supplier on or after May 5, 2008,

9051 Subsection (2)(e)(vii) applies if:

9052 (i) the public water supplier submits a change application under Section 73-3-3; and

9053 (ii) the state engineer approves the change application.

9054 (3) (a) The state engineer shall furnish a nonuse application form requiring the

9055 following information:

9056 (i) the name and address of the applicant;

9057 (ii) a description of the water right or a portion of the water right, including the point of  
9058 diversion, place of use, and priority;

9059 (iii) the quantity of water;

9060 (iv) the period of use;

9061 (v) the extension of time applied for;

9062 (vi) a statement of the reason for the nonuse of the water; and

9063 (vii) any other information that the state engineer requires.

9064 (b) (i) Filing the nonuse application extends the time during which nonuse may

9065 continue until the state engineer issues an order on the nonuse application.

9066 (ii) Approval of a nonuse application protects a water right from forfeiture for nonuse

9067 from the application's filing date until the approved application's expiration date.

9068 (c) (i) Upon receipt of the application, the state engineer shall publish a notice of the

9069 application once a week for two successive weeks;

9070 (A) in a newspaper of general circulation in the county in which the source of the water  
9071 supply is located and where the water is to be used[-]; and

9072 (B) as required in Section 45-1-101.

9073 (ii) The notice shall:

9074 (A) state that an application has been made; and

9075 (B) specify where the interested party may obtain additional information relating to the  
9076 application.

9077 (d) Any interested person may file a written protest with the state engineer against the  
9078 granting of the application:

9079 (i) within 20 days after the notice is published, if the adjudicative proceeding is

9080 informal; and

9081 (ii) within 30 days after the notice is published, if the adjudicative proceeding is  
9082 formal.

9083 (e) In any proceedings to determine whether the nonuse application should be approved  
9084 or rejected, the state engineer shall follow the procedures and requirements of Title 63G,  
9085 Chapter 4, Administrative Procedures Act.

9086 (f) After further investigation, the state engineer may approve or reject the application.

9087 (4) (a) The state engineer shall grant a nonuse application on all or a portion of a water  
9088 right for a period of time not exceeding seven years if the applicant shows a reasonable cause  
9089 for nonuse.

9090 (b) A reasonable cause for nonuse includes:

9091 (i) a demonstrable financial hardship or economic depression;

9092 (ii) the initiation of water conservation or efficiency practices, or the operation of a  
9093 groundwater recharge recovery program approved by the state engineer;

9094 (iii) operation of legal proceedings;

9095 (iv) the holding of a water right or stock in a mutual water company without use by any  
9096 water supply entity to meet the reasonable future requirements of the public;

9097 (v) situations where, in the opinion of the state engineer, the nonuse would assist in  
9098 implementing an existing, approved water management plan; or

9099 (vi) the loss of capacity caused by deterioration of the water supply or delivery  
9100 equipment if the applicant submits, with the application, a specific plan to resume full use of  
9101 the water right by replacing, restoring, or improving the equipment.

9102 (5) (a) Sixty days before the expiration of a nonuse application, the state engineer shall  
9103 notify the applicant by mail or by any form of electronic communication through which receipt  
9104 is verifiable, of the date when the nonuse application will expire.

9105 (b) An applicant may file a subsequent nonuse application in accordance with this  
9106 section.

9107 Section 211. Section **73-1-16** is amended to read:

9108 **73-1-16. Petition for hearing to determine validity -- Notice -- Service -- Pleading**  
9109 **-- Costs -- Review.**

9110 Where any water users' association, irrigation company, canal company, ditch company,

9111 reservoir company, or other corporation of like character or purpose, organized under the laws  
9112 of this state has entered into or proposes to enter into a contract with the United States for the  
9113 payment by such association or company of the construction and other charges of a federal  
9114 reclamation project constructed, under construction, or to be constructed within this state, and  
9115 where funds for the payment of such charges are to be obtained from assessments levied upon  
9116 the stock of such association or company, or where a lien is created or will be created against  
9117 any of the land, property, canals, water rights or other assets of such association or company or  
9118 against the land, property, canals, water rights or other assets of any stockholder of such  
9119 association or company to secure the payment of construction or other charges of a reclamation  
9120 project, the water users' association, irrigation company, canal company, ditch company,  
9121 reservoir company or other corporation of like character or purpose may file in the district court  
9122 of the county wherein is situated the office of such association or company a petition entitled  
9123 "..... Water Users' Association" or "..... Company," as the case may be, "against the  
9124 stockholders of said association or company and the owners and mortgagees of land within the  
9125 ..... Federal Reclamation Project." No other or more specific description of the defendants  
9126 shall be required. In the petition it may be stated that the water users' association, irrigation  
9127 company, canal company, ditch company, reservoir company or other corporation of like  
9128 character and purpose has entered into or proposes to enter into a contract with the United  
9129 States, to be set out in full in said petition, with a prayer that the court find said contract to be  
9130 valid, and a modification of any individual contracts between the United States and the  
9131 stockholders of such association or company, or between the association or company, and its  
9132 stockholders, so far as such individual contracts are at variance with the contract or proposed  
9133 contract between the association or company and the United States.

9134       Thereupon a notice in the nature of a summons shall issue under the hand and seal of  
9135 the clerk of said court, stating in brief outline the contents of said petition, and showing where  
9136 a full copy of said contract or proposed contract may be examined, such notice to be directed to  
9137 the said defendants under the same general designations, which shall be deemed sufficient to  
9138 give the court jurisdiction of all matters involved and parties interested. Service shall be  
9139 obtained (a) by publication of such notice once a week for three consecutive weeks (three  
9140 times) in a newspaper published in each county where the irrigable land of such federal  
9141 reclamation project is situated, (b) as required in Section 45-1-101 for three weeks, and [(b)]

9142 (c) by the posting at least three weeks prior to the date of the hearing on said petition of the  
9143 notice and a complete copy of the said contract or proposed contract in the office of the  
9144 plaintiff association or company, and at three other public places within the boundaries of such  
9145 federal reclamation project. Any stockholder in the plaintiff association or company, or owner,  
9146 or mortgagee of land within said federal reclamation project affected by the contract proposed  
9147 to be made by such association or company, may demur to or answer said petition before the  
9148 date set for such hearing or within such further time as may be allowed therefor by the court.  
9149 The failure of any persons affected by the said contract to answer or demur shall be construed,  
9150 so far as such persons are concerned as an acknowledgment of the validity of said contract and  
9151 as a consent to the modification of said individual contracts if any with such association or  
9152 company or with the United States, to the extent that such modification is required to cause the  
9153 said individual contracts if any to conform to the terms of the contract or proposed contract  
9154 between the plaintiff and the United States. All persons filing demurrers or answers shall be  
9155 entered as defendants in said cause and their defense consolidated for hearing or trial. Upon  
9156 hearing the court shall examine all matters and things in controversy and shall enter judgment  
9157 and decree as the case warrants, showing how and to what extent, if any, the said individual  
9158 contracts of the defendants or under which they claim are modified by the plaintiff's contract or  
9159 proposed contract with the United States. In reaching his conclusion in such causes, the court  
9160 shall follow a liberal interpretation of the laws, and shall disregard informalities or omissions  
9161 not affecting the substantial rights of the parties, unless it is affirmatively shown that such  
9162 informalities or omissions led to a different result than would have been obtained otherwise.  
9163 The Code of Civil Procedure shall govern matters of pleading and practice as nearly as may be.  
9164 Costs may be assessed or apportioned among contesting parties in the discretion of the trial  
9165 court. Review of the judgment of the district court by the Supreme Court may be had as in  
9166 other civil causes.

9167 Section 212. Section **73-3-6** is amended to read:

9168 **73-3-6. Publication of notice of application -- Corrections or amendments of**  
9169 **applications.**

9170 (1) (a) When an application is filed in compliance with this title, the state engineer  
9171 shall publish a notice of the application:

9172 (i) once a week for a period of two successive weeks in a newspaper of general



9173 circulation in the county in which the source of supply is located, and where the water is to be  
9174 used[-]; and

9175 (ii) in accordance within Section 45-1-101 for two weeks.

9176 (b) The notice shall:

9177 (i) state that an application has been made; and

9178 (ii) specify where the interested party may obtain additional information relating to the  
9179 application.

9180 (c) Clerical errors, ambiguities, and mistakes that do not prejudice the rights of others  
9181 may be corrected by order of the state engineer either before or after the publication of notice.

9182 (2) After publication of notice to water users, the state engineer may authorize  
9183 amendments or corrections that involve a change of point of diversion, place, or purpose of use  
9184 of water, only after republication of notice to water users.

9185 Section 213. Section **73-3-12** is amended to read:

9186 **73-3-12. Time limit on construction and application to beneficial use --**

9187 **Extensions -- Procedures and criteria.**

9188 (1) As used in this section:

9189 (a) "Public agency" means:

9190 (i) a public water supply agency of the state or a political subdivision of the state; or

9191 (ii) the Bureau of Reclamation.

9192 (b) "Wholesale electrical cooperative" is as defined in Section 54-2-1.

9193 (2) (a) An applicant shall construct works, if necessary, and apply the water to  
9194 beneficial use within the time fixed by the state engineer.

9195 (b) Except as provided by Subsection (2)(c), the state engineer may grant an extension  
9196 of time, not exceeding 50 years from the application's approval date, if the applicant shows  
9197 diligence or a reasonable cause for delay.

9198 (c) The state engineer may grant an extension of time, beyond 50 years, on an  
9199 application held by a public agency or a wholesale electrical cooperative if the public agency or  
9200 wholesale electrical cooperative shows that the water will be needed to meet the reasonable  
9201 future water or electricity requirements of the public.

9202 (d) An applicant shall file a request for an extension of time with the office of the state  
9203 engineer on or before the date fixed for filing proof of appropriation.

- 9204 (e) The state engineer may grant an extension of time:  
9205 (i) not exceeding 14 years after the approval date upon a sufficient showing; and  
9206 (ii) beyond 14 years after application and publication of notice.
- 9207 (f) (i) The state engineer shall publish a notice of the application;  
9208 (A) once a week for two successive weeks, in a newspaper of general circulation, in the  
9209 county in which the water supply source is located and where the water is to be used[-]; and  
9210 (B) in accordance with Section 45-1-101 for two weeks.
- 9211 (ii) The notice shall:  
9212 (A) state that an application has been made; and  
9213 (B) specify where the interested party may obtain additional information relating to the  
9214 application.
- 9215 (g) Any person who owns a water right or holds an application from the source of  
9216 supply referred to in Subsection (2)(f) may file a protest with the state engineer:  
9217 (i) within 20 days after the notice is published, if the adjudicative proceeding is  
9218 informal; and  
9219 (ii) within 30 days after the notice is published, if the adjudicative proceeding is  
9220 formal.
- 9221 (h) In considering an application to extend the time in which to place water to  
9222 beneficial use under an approved application, the state engineer shall deny the extension of  
9223 time and declare the application lapsed, unless the applicant affirmatively shows that the  
9224 applicant has exercised or is exercising reasonable and due diligence in working toward  
9225 completion of the appropriation.
- 9226 (i) (i) The state engineer shall approve the extension of time if the applicant shows  
9227 reasonable and due diligence.  
9228 (ii) The approved extension of time is effective so long as the applicant continues to  
9229 exercise reasonable diligence in completing the appropriation.
- 9230 (j) (i) The state engineer shall consider the holding of an approved application by a  
9231 public agency or a wholesale electrical cooperative to meet the reasonable future water or  
9232 electricity requirements of the public to be reasonable and due diligence within the meaning of  
9233 this section for the first 50 years.  
9234 (ii) The state engineer may approve an extension of time beyond 50 years for a public

9235 agency or a wholesale electrical cooperative, if the public agency or wholesale electrical  
9236 cooperative provides information that shows the water will be needed to meet the reasonable  
9237 future water or electricity requirements of the public.

9238 (k) If the state engineer finds unjustified delay or lack of diligence in prosecuting the  
9239 works to completion, the state engineer may:

9240 (i) deny the extension of time; or

9241 (ii) grant the request in part or upon conditions, including a reduction of the priority of  
9242 all or part of the application.

9243 (3) (a) Except as provided by Subsections (3)(b) and (c), an application upon which  
9244 proof has not been submitted shall lapse and have no further force or effect after the expiration  
9245 of 50 years from the date of its approval.

9246 (b) If the works are constructed with which to make beneficial use of the water applied  
9247 for, the state engineer may, upon showing of that fact, grant additional time beyond the 50-year  
9248 period in which to make proof.

9249 (c) An application held by a public agency or a wholesale electrical cooperative to meet  
9250 the reasonable future water or electricity requirements of the public, for which proof of  
9251 appropriation has not been submitted, shall lapse, unless extended as provided in Subsection  
9252 (2)(j).

9253 Section 214. Section **73-3a-107** is amended to read:

9254 **73-3a-107. Publication of notice of application -- Corrections or amendments of**  
9255 **applications.**

9256 (1) (a) When an application is filed in accordance with Section 73-3a-106 and relevant  
9257 provisions of Chapter 3, Appropriation, the state engineer shall publish a notice of the  
9258 application:

9259 (i) once a week for a period of two successive weeks in a newspaper of general  
9260 circulation in the county in which the water source is located and where the water is to be  
9261 used[-]; and

9262 (ii) in accordance with Section 45-1-101 for two weeks.

9263 (b) The notice shall:

9264 (i) state that an application has been made; and

9265 (ii) specify where the interested party may obtain additional information relating to the

9266 application.

9267 (c) The notice described in Subsection (1)(a)(i) may be published in more than one  
9268 newspaper.

9269 (2) Clerical errors, ambiguities, and mistakes in the application that do not prejudice  
9270 the rights of others may be corrected by order of the state engineer either before or after the  
9271 publication of notice.

9272 (3) If amendments or corrections to the application are made that involve a change of  
9273 point of diversion, place of use, or purpose of use of water, the notice must be republished.

9274 Section 215. Section **73-4-3** is amended to read:

9275 **73-4-3. Procedure for action to determine rights -- Notice to and list of claimants**  
9276 **-- Manner of giving notice of further proceedings -- Duties of engineer -- Survey -- Notice**  
9277 **of completion.**

9278 (1) Upon the filing of any action by the state engineer as provided in Section 73-4-1, or  
9279 by any person claiming the right to use the waters of any river system, lake, underground water  
9280 basin, or other natural source of supply that involves a determination of the rights to the major  
9281 part of the water of the source of supply or the rights of ten or more of the claimants of the  
9282 source of supply, the clerk of the district court shall notify the state engineer that a suit has  
9283 been filed.

9284 (2) (a) The state engineer then shall give notice to the claimants by publishing notice;

9285 (i) once a week for two consecutive weeks in a newspaper designated by the court as  
9286 most likely to give notice to such claimants[-]; and

9287 (ii) in accordance with Section 45-1-101 for two weeks.

9288 (b) The notice shall state:

9289 (i) an action has been filed;

9290 (ii) the name of the action;

9291 (iii) the name and location of the court in which the action is pending; and

9292 (iv) the name or description of the water source involved.

9293 (c) Claimants to the use of water shall notify the state engineer within 90 days from the  
9294 date notice is given of their names and addresses.

9295 (d) After the expiration of 90 days, the state engineer shall prepare a list that shall  
9296 include the names and addresses of all claimants then of record in the state engineer's office

9297 and all claimants who have notified the state engineer of their addresses, and this list shall be  
9298 certified by the state engineer as complete and filed with the clerk of the court.

9299 (e) The court upon petition may by order permit the addition of names and addresses to  
9300 this list at any time during the pendency of the action, and the clerk of the court may, without  
9301 court order, upon notice from the claimant note any change of address.

9302 (f) If any claimant appears in this action by an attorney, the clerk shall note on the list  
9303 the address of the attorney.

9304 (g) After the list is filed by the state engineer, notice of further proceedings, after  
9305 service of summons, may be given without court order by mailing a copy thereof to the persons  
9306 listed at the addresses listed and by mailing a copy thereof to any attorney of record for any  
9307 such person, and notice may be given to such listed persons and to all other claimants by  
9308 publication in the manner and for the time prescribed by order of the district court and in  
9309 accordance with Subsection (2)(a).

9310 (3) After the statement or list is filed, the state engineer shall begin the survey of the  
9311 water source and the ditches, canals, wells, tunnels, or other works diverting water therefrom.

9312 (4) (a) As soon as the survey is complete, the state engineer shall file notice of  
9313 completion with the clerk and give notice by mail or by personal service to all claimants whose  
9314 names appear on the list that:

9315 (i) the survey is complete;

9316 (ii) their claims are due within 90 days from the date of notice; and

9317 (iii) within 90 days after service of the notice, each claimant must file a written  
9318 statement with the clerk of the court setting forth the claimant's respective claim to the use of  
9319 the water.

9320 (b) Notice given by mail is complete when the notice is mailed.

9321 (5) When a suit has been filed by the state engineer as provided by Section 73-4-1, or  
9322 by any person involving the major part of the waters of any river system, lake, underground  
9323 water basin, or other source of supply, or the rights of ten or more of the water claimants of the  
9324 source of supply, whether the suit is filed prior to or after the enactment hereof, the state  
9325 engineer, upon receiving notice, shall examine the records of the state engineer's office with  
9326 respect to the water source involved, and if they are incomplete to make such further  
9327 investigation and survey as may be necessary for the preparation of the report and

9328 recommendation as required by Section 73-4-11.

9329 (6) In all such cases the court shall proceed to determine the water rights involved in  
9330 the manner provided by this chapter, and not otherwise.

9331 Section 216. Section **73-4-4** is amended to read:

9332 **73-4-4. Summons -- Service -- Publication -- Form -- Delivery of form for**  
9333 **claimant's statement.**

9334 (1) (a) Claimants whose names appear on the list prescribed by Section 73-4-3 at the  
9335 time the list is filed by the state engineer with the clerk of the court shall be served with a  
9336 summons issued out of the district court and served as a summons is served in other civil cases.

9337 (b) Upon the filing by the state engineer of an affidavit that the state engineer has  
9338 searched the records of the state engineer's office and has listed all names as required by  
9339 Section 73-4-3, and upon proof of publication of notice to all claimants to notify the state  
9340 engineer of their names and addresses, summons may be served on all other persons and  
9341 claimants not listed on said list by publication of summons[-];

9342 (i) in a newspaper or newspapers designated by the judge of the court as most likely to  
9343 give notice to the persons served, five times, once each week for five successive weeks[-]; and

9344 (ii) in accordance with Section 45-1-101 for five weeks.

9345 (c) Service of summons is completed upon the date of the publication.

9346 (d) The summons shall be substantially in the following form:

9347 "In the District Court of ..... County, State of Utah, in the matter of the general  
9348 adjudication of water rights in the described water source.

9349 **SUMMONS**

9350 The State of Utah to the said defendant:

9351 You are hereby summoned to appear and defend the above entitled action which is  
9352 brought for the purpose of making a general determination of the water rights of the described  
9353 water source. Upon the service of this summons upon you, you will thereafter be subject to the  
9354 jurisdiction of the entitled court and it shall be your duty to follow further proceedings in the  
9355 above entitled action and to protect your rights therein. When the state engineer has completed  
9356 the survey you will be given a further written notice, either in person or by mail, sent to your  
9357 last-known address, that you must file a water users claim in this action setting forth the nature  
9358 of your claim, and said notice will specify the date upon which your water users claim is due

9359 and thereafter you must file said claim within the time set and your failure so to do will  
9360 constitute a default in the premises and a judgment may be entered against you declaring and  
9361 adjudging that you have no right in or to the waters of described water source."

9362 (2) At the time the said notice of completion of survey is given, the state engineer must  
9363 mail or otherwise deliver a form upon which the claimant shall present in writing, as provided  
9364 in the next succeeding section, all the particulars relating to the appropriation of the water of  
9365 said river system or water source to which the claimant lays claim.

9366 Section 217. Section **73-4-9** is amended to read:

9367 **73-4-9. Failure to file statement -- Relief.**

9368 The filing of each statement by a claimant shall be considered notice to all persons of  
9369 the claim of the party making the same, and any person failing to make and deliver such  
9370 statement of claim to the clerk of the court within the time prescribed by law shall be forever  
9371 barred and estopped from subsequently asserting any rights, and shall be held to have forfeited  
9372 all rights to the use of the water theretofore claimed by him; provided, that any claimant, upon  
9373 whom no other service of said notice shall have been made than by publication in a newspaper  
9374 and as required in Section 45-1-101, may apply to the court for permission to file a statement of  
9375 claim after the time therefor has expired, and the court may extend the time for filing such  
9376 statement, not exceeding six months from the publication of said notice; but, before said time  
9377 is extended, the applicant shall give notice by publication in a newspaper having general  
9378 circulation and as required in Section 45-1-101 on such river system or near the water source to  
9379 all other persons interested in the water of such river system or water source, and shall make it  
9380 appear to the satisfaction of the court that during the pendency of the proceedings he had no  
9381 actual notice thereof in time to appear and file a statement and make proof of his claim; and all  
9382 parties interested may be heard as to the matter of his actual notice of the pendency of such  
9383 proceedings.

9384 Section 218. Section **73-5-14** is amended to read:

9385 **73-5-14. Determination by the state engineer of watershed to which particular**  
9386 **source is tributary -- Publications of notice and result -- Hearing -- Judicial review.**

9387 (1) The state engineer shall have the power to determine for administrative and  
9388 distribution purposes the watershed to which any particular stream or source of water is  
9389 tributary.

9390           (2) Said determination may be made only after publication of notice to the water users.

9391           (3) Said publication of notice shall be made;

9392           (a) in a newspaper or newspapers having general circulation in every county in this  
9393 state in which any rights might be affected[~~-. The publication is to be made once each week for~~  
9394 ~~five consecutive weeks.~~] once each week for five consecutive weeks; and

9395           (b) in accordance with Section 45-1-101 for five weeks.

9396           (4) It shall fix the date and place of hearing and at said hearing any water user shall be  
9397 given an opportunity to appear and adduce evidence material to the determination of the  
9398 question involved.

9399           (5) The result of said determination by the state engineer shall likewise be published in  
9400 the manner set forth above and said notice of the decision of the state engineer shall also notify  
9401 the public that any person aggrieved by said decision may appeal from said decision as  
9402 provided by Section 73-3-14; and notice shall be deemed to have been given so as to start the  
9403 time for appeal upon completion of the publication of notice.

9404           Section 219. Section **73-5-15** is amended to read:

9405           **73-5-15. Groundwater management plan.**

9406           (1) As used in this section:

9407           (a) "Critical management area" means a groundwater basin in which the groundwater  
9408 withdrawals consistently exceed the safe yield.

9409           (b) "Safe yield" means the amount of groundwater that can be withdrawn from a  
9410 groundwater basin over a period of time without exceeding the long-term recharge of the basin  
9411 or unreasonably affecting the basin's physical and chemical integrity.

9412           (2) (a) The state engineer may regulate groundwater withdrawals within a specific  
9413 groundwater basin by adopting a groundwater management plan in accordance with this section  
9414 for any groundwater basin or aquifer or combination of hydrologically connected groundwater  
9415 basins or aquifers.

9416           (b) The objectives of a groundwater management plan are to:

9417           (i) limit groundwater withdrawals to safe yield;

9418           (ii) protect the physical integrity of the aquifer; and

9419           (iii) protect water quality.

9420           (c) The state engineer shall adopt a groundwater management plan for a groundwater



9421 basin if more than 1/3 of the water right owners in the groundwater basin request that the state  
9422 engineer adopt a groundwater management plan.

9423 (3) (a) In developing a groundwater management plan, the state engineer may consider:

9424 (i) the hydrology of the groundwater basin;

9425 (ii) the physical characteristics of the groundwater basin;

9426 (iii) the relationship between surface water and groundwater, including whether the  
9427 groundwater should be managed in conjunction with hydrologically connected surface waters;

9428 (iv) the geographic spacing and location of groundwater withdrawals;

9429 (v) water quality;

9430 (vi) local well interference; and

9431 (vii) other relevant factors.

9432 (b) The state engineer shall base the provisions of a groundwater management plan on  
9433 the principles of prior appropriation.

9434 (c) (i) The state engineer shall use the best available scientific method to determine  
9435 safe yield.

9436 (ii) As hydrologic conditions change or additional information becomes available, safe  
9437 yield determinations made by the state engineer may be revised by following the procedures  
9438 listed in Subsection (5).

9439 (4) (a) (i) Except as provided in Subsection (4)(b), the withdrawal of water from a  
9440 groundwater basin shall be limited to the basin's safe yield.

9441 (ii) Before limiting withdrawals in a groundwater basin to safe yield, the state engineer  
9442 shall:

9443 (A) determine the groundwater basin's safe yield; and

9444 (B) adopt a groundwater management plan for the groundwater basin.

9445 (iii) If the state engineer determines that groundwater withdrawals in a groundwater  
9446 basin exceed the safe yield, the state engineer shall regulate groundwater rights in that  
9447 groundwater basin based on the priority date of the water rights under the groundwater  
9448 management plan, unless a voluntary arrangement exists under Subsection (4)(c) that requires a  
9449 different distribution.

9450 (b) When adopting a groundwater management plan for a critical management area, the  
9451 state engineer shall, based on economic and other impacts to an individual water user or a local

9452 community caused by the implementation of safe yield limits on withdrawals, allow gradual  
9453 implementation of the groundwater management plan.

9454 (c) (i) In consultation with the state engineer, water users in a groundwater basin may  
9455 agree to participate in a voluntary arrangement for managing withdrawals at any time, either  
9456 before or after a determination that groundwater withdrawals exceed the groundwater basin's  
9457 safe yield.

9458 (ii) A voluntary arrangement under Subsection (4)(c)(i) shall be consistent with other  
9459 law.

9460 (iii) The adoption of a voluntary arrangement under this Subsection (4)(c) by less than  
9461 all of the water users in a groundwater basin does not affect the rights of water users who do  
9462 not agree to the voluntary arrangement.

9463 (5) To adopt a groundwater management plan, the state engineer shall:

9464 (a) give notice as specified in Subsection (7) at least 30 days before the first public  
9465 meeting held in accordance with Subsection (5)(b):

9466 (i) that the state engineer proposes to adopt a groundwater management plan;

9467 (ii) describing generally the land area proposed to be included in the groundwater  
9468 management plan; and

9469 (iii) stating the location, date, and time of each public meeting to be held in accordance  
9470 with Subsection (5)(b);

9471 (b) hold one or more public meetings in the geographic area proposed to be included  
9472 within the groundwater management plan to:

9473 (i) address the need for a groundwater management plan;

9474 (ii) present any data, studies, or reports that the state engineer intends to consider in  
9475 preparing the groundwater management plan;

9476 (iii) address safe yield and any other subject that may be included in the groundwater  
9477 management plan;

9478 (iv) outline the estimated administrative costs, if any, that groundwater users are likely  
9479 to incur if the plan is adopted; and

9480 (v) receive any public comments and other information presented at the public  
9481 meeting, including comments from any of the entities listed in Subsection (7)(a)(iii);

9482 (c) receive and consider written comments concerning the proposed groundwater

9483 management plan from any person for a period determined by the state engineer of not less  
9484 than 60 days after the day on which the notice required by Subsection (5)(a) is given;  
9485 (d) (i) at least 60 days prior to final adoption of the groundwater management plan,  
9486 publish notice:  
9487 (A) that a draft of the groundwater management plan has been proposed; and  
9488 (B) specifying where a copy of the draft plan may be reviewed; and  
9489 (ii) promptly provide a copy of the draft plan in printed or electronic form to each of  
9490 the entities listed in Subsection (7)(a)(iii) that makes written request for a copy; and  
9491 (e) provide notice of the adoption of the groundwater management plan.  
9492 (6) A groundwater management plan shall become effective on the date notice of  
9493 adoption is completed under Subsection (7), or on a later date if specified in the plan.  
9494 (7) (a) A notice required by this section shall be:  
9495 (i) published:  
9496 (A) once a week for two successive weeks in a newspaper of general circulation in  
9497 each county that encompasses a portion of the land area proposed to be included within the  
9498 groundwater management plan; and  
9499 (B) in accordance with Section 45-1-101 for two weeks;  
9500 (ii) published conspicuously on the state engineer's Internet website; and  
9501 (iii) mailed to each of the following that has within its boundaries a portion of the land  
9502 area to be included within the proposed groundwater management plan:  
9503 (A) county;  
9504 (B) incorporated city or town;  
9505 (C) improvement district under Title 17B, Chapter 2a, Part 4, Improvement District  
9506 Act;  
9507 (D) service area, under Title 17B, Chapter 2a, Part 9, Service Area Act;  
9508 (E) drainage district, under Title 17B, Chapter 2a, Part 2, Drainage District Act;  
9509 (F) irrigation district, under Title 17B, Chapter 2a, Part 5, Irrigation District Act;  
9510 (G) metropolitan water district, under Title 17B, Chapter 2a, Part 6, Metropolitan  
9511 Water District Act;  
9512 (H) special service district providing water, sewer, drainage, or flood control services,  
9513 under Title 17D, Chapter 1, Special Service District Act;

9514 (I) water conservancy district, under Title 17B, Chapter 2a, Part 10, Water  
9515 Conservancy District Act; and  
9516 (J) conservation district, under Title 17D, Chapter 3, Conservation District Act.  
9517 (b) A notice required by this section is effective upon substantial compliance with  
9518 Subsections (7)(a)(i) through (iii).  
9519 (8) A groundwater management plan may be amended in the same manner as a  
9520 groundwater management plan may be adopted under this section.  
9521 (9) The existence of a groundwater management plan does not preclude any otherwise  
9522 eligible person from filing any application or challenging any decision made by the state  
9523 engineer within the affected groundwater basin.  
9524 (10) (a) A person aggrieved by a groundwater management plan may challenge any  
9525 aspect of the groundwater management plan by filing a complaint within 60 days after the  
9526 adoption of the groundwater management plan in the district court for any county in which the  
9527 groundwater basin is found.  
9528 (b) Notwithstanding Subsection (9), a person may challenge the components of a  
9529 groundwater management plan only in the manner provided by Subsection (10)(a).  
9530 (c) An action brought under this Subsection (10) is reviewed de novo by the district  
9531 court.  
9532 (d) A person challenging a groundwater management plan under this Subsection (10)  
9533 shall join the state engineer as a defendant in the action challenging the groundwater  
9534 management plan.  
9535 (e) (i) Within 30 days after the day on which a person files an action challenging any  
9536 aspect of a groundwater management plan under Subsection (10)(a), the person filing the action  
9537 shall publish notice of the action:  
9538 (A) in a newspaper of general circulation in the county in which the district court is  
9539 located[-]; and  
9540 (B) in accordance with Section 45-1-101 for two weeks.  
9541 (ii) The notice required by Subsection (10)(e)(i)(A) shall be published once a week for  
9542 two consecutive weeks.  
9543 (iii) The notice required by Subsection (10)(e)(i) shall:  
9544 (A) identify the groundwater management plan the person is challenging;

9545 (B) identify the case number assigned by the district court;

9546 (C) state that a person affected by the groundwater management plan may petition the  
9547 district court to intervene in the action challenging the groundwater management plan; and

9548 (D) list the address for the clerk of the district court in which the action is filed.

9549 (iv) (A) Any person affected by the groundwater management plan may petition to  
9550 intervene in the action within 60 days after the day on which notice is last published under  
9551 Subsections (10)(e)(i) and (ii).

9552 (B) The district court's treatment of a petition to intervene under this Subsection  
9553 (10)(e)(iv) is governed by the Utah Rules of Civil Procedure.

9554 (v) A district court in which an action is brought under Subsection (10)(a) shall  
9555 consolidate all actions brought under that Subsection and include in the consolidated action any  
9556 person whose petition to intervene is granted.

9557 (11) A groundwater management plan adopted or amended in accordance with this  
9558 section is exempt from the requirements in Title 63G, Chapter 3, Utah Administrative  
9559 Rulemaking Act.

9560 (12) Recharge and recovery projects permitted under Chapter 3b, Groundwater  
9561 Recharge and Recovery Act, are exempted from this section.

9562 (13) Nothing in this section may be interpreted to require the development,  
9563 implementation, or consideration of a groundwater management plan as a prerequisite or  
9564 condition to the exercise of the state engineer's enforcement powers under other law, including  
9565 powers granted under Section 73-2-25.

9566 (14) A groundwater management plan adopted in accordance with this section may not  
9567 apply to the dewatering of a mine.

9568 (15) (a) A groundwater management plan adopted by the state engineer before May 1,  
9569 2006, remains in force and has the same legal effect as it had on the day on which it was  
9570 adopted by the state engineer.

9571 (b) If a groundwater management plan that existed before May 1, 2006, is amended on  
9572 or after May 1, 2006, the amendment is subject to this section's provisions.

9573 Section 220. Section **73-6-2** is amended to read:

9574 **73-6-2. Restoration by proclamation -- Priority of applications.**

9575 (1) Waters withdrawn from appropriation under this chapter may be restored by

9576 proclamation of the governor upon the recommendation of the state engineer.

9577           (2) Such proclamation shall not become effective until notice thereof has been  
9578 published;

9579           (a) at least once a week for three successive weeks in a newspaper of general  
9580 circulation within the boundaries of the river system or water source within which the waters so  
9581 to be restored are situated[-]; and

9582           (b) in accordance with Section 45-1-101 for three weeks.

9583           (3) Applications for appropriations shall not be filed during the time such waters are  
9584 withdrawn from appropriation; provided, that after the first publication of notice aforesaid  
9585 applications may be deposited with the state engineer and at the time such proclamation  
9586 becomes effective the engineer shall hold public hearings, giving all applicants notice, to  
9587 determine which applications so filed during the period of publication of such notice are most  
9588 conducive to the public good, and shall file such applications in order of priority according to  
9589 such determination.

9590           Section 221. Section **75-1-401** is amended to read:

9591           **75-1-401. Notice -- Method and time of giving.**

9592           (1) If notice of a hearing on any petition is required and except for specific notice  
9593 requirements as otherwise provided, the petitioner shall cause notice of the time and place of  
9594 hearing of any petition to be given to any interested person or his attorney if he has appeared by  
9595 attorney or requested that notice be sent to his attorney. Notice shall be given by the clerk  
9596 posting a copy of the notice for the ten consecutive days immediately preceding the time set for  
9597 the hearing in at least three public places in the county, one of which must be at the courthouse  
9598 of the county[;] and;

9599           (a) (i) by the clerk mailing a copy thereof at least ten days before the time set for the  
9600 hearing by certified, registered, or ordinary first class mail addressed to the person being  
9601 notified at the post-office address given in his demand for notice, if any, or at his office or  
9602 place of residence, if known; or

9603           [~~(b)~~] (ii) by delivering a copy thereof to the person being notified personally at least ten  
9604 days before the time set for the hearing; and

9605           [~~(c)~~] (b) if the address, or identity of any person is not known and cannot be ascertained  
9606 with reasonable diligence, by publishing;

9607           (i) at least once a week for three consecutive weeks a copy thereof in a newspaper  
9608 having general circulation in the county where the hearing is to be held, the last publication of  
9609 which is to be at least ten days before the time set for the hearing[-]; and

9610           (ii) in accordance with Section 45-1-101 for three weeks.

9611           (2) The court for good cause shown may provide for a different method or time of  
9612 giving notice for any hearing.

9613           (3) Proof of the giving of notice shall be made on or before the hearing and filed in the  
9614 proceeding.

9615           Section 222. Section **75-3-801** is amended to read:

9616           **75-3-801. Notice to creditors.**

9617           (1) (a) Unless notice has already been given under this section, a personal  
9618 representative upon his appointment shall publish a notice to creditors [~~once a week for three~~  
9619 ~~successive weeks in a newspaper of general circulation in the county~~] announcing the personal  
9620 representative's appointment and address and notifying creditors of the estate to present their  
9621 claims within three months after the date of the first publication of the notice or be forever  
9622 barred.

9623           (b) The notice described in Subsection (1)(b) shall be published:

9624           (i) once a week for three successive weeks in a newspaper of general circulation in the  
9625 county; and

9626           (ii) in accordance with Section 45-1-101 for three weeks.

9627           (2) A personal representative may give written notice by mail or other delivery to any  
9628 creditor, notifying the creditor to present his claim within 90 days from the published notice if  
9629 given as provided in Subsection (1) above or within 60 days from the mailing or other delivery  
9630 of the notice, whichever is later, or be forever barred. Written notice shall be the notice  
9631 described in Subsection (1) above or a similar notice.

9632           (3) The personal representative shall not be liable to any creditor or to any successor of  
9633 the decedent for giving or failing to give notice under this section.

9634           Section 223. Section **75-7-508** is amended to read:

9635           **75-7-508. Notice to creditors.**

9636           (1) (a) A trustee for an inter vivos revocable trust, upon the death of the settlor, may  
9637 publish a notice to creditors;

9638 (i) once a week for three successive weeks in a newspaper of general circulation in the  
9639 county where the settlor resided at the time of death[-]; and

9640 (ii) in accordance with Section 45-1-101 for three weeks.

9641 (b) The notice required by [~~this~~] Subsection (1)(a) must:

9642 [~~(a)~~] (i) provide the trustee's name and address; and

9643 [~~(b)~~] (ii) notify creditors:

9644 [~~(i)~~] (A) of the deceased settlor; and

9645 [~~(ii)~~] (B) to present their claims within three months after the date of the first

9646 publication of the notice or be forever barred from presenting the claim.

9647 (2) A trustee shall give written notice by mail or other delivery to any known creditor  
9648 of the deceased settlor, notifying the creditor to present his claim within 90 days from the  
9649 published notice if given as provided in Subsection (1) or within 60 days from the mailing or  
9650 other delivery of the notice, whichever is later, or be forever barred. Written notice shall be the  
9651 notice described in Subsection (1) or a similar notice.

9652 (3) (a) If the deceased settlor received medical assistance, as defined in Section  
9653 26-19-2, at any time after the age of 55, the trustee for an inter vivos revocable trust, upon the  
9654 death of the settlor, shall mail or deliver written notice to the Director of the Office of  
9655 Recovery Services, on behalf of the Department of Health, to present any claim under Section  
9656 26-19-13.5 within 60 days from the mailing or other delivery of notice, whichever is later, or  
9657 be forever barred.

9658 (b) If the trustee does not mail notice to the director of the Office of Recovery Services  
9659 on behalf of the department in accordance with Subsection (3)(a), the department shall have  
9660 one year from the death of the settlor to present its claim.

9661 (4) The trustee shall not be liable to any creditor or to any successor of the deceased  
9662 settlor for giving or failing to give notice under this section.

9663 Section 224. Section **76-8-809** is amended to read:

9664 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**  
9665 **-- Posting of notices.**

9666 Any individual, partnership, association, corporation, municipal corporation or state or  
9667 any political subdivision thereof engaged in or preparing to engage in the manufacture,  
9668 transportation or storage of any product to be used in the preparation of the United States or



9669 any of the states for defense or for war or in the prosecution of war by the United States, or in  
9670 the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or  
9671 any of said natural or artificial persons operating any public utility who has property so used  
9672 which he or it believes will be endangered if public use and travel is not restricted or prohibited  
9673 on one or more highways or parts thereof upon which the property abuts, may petition the  
9674 highway commissioners of any city, town, or county to close one or more of the highways or  
9675 parts thereof to public use and travel or to restrict by order the use and travel upon one or more  
9676 of the highways or parts thereof.

9677       Upon receipt of the petition, the highway commissioners shall set a day for hearing and  
9678 give notice thereof by publication in a newspaper having general circulation in the city, town,  
9679 or county in which the property is located[;] and as required in Section 45-1-101, the  
9680 publication shall be made at least seven days prior to the date set for hearing. If, after hearing,  
9681 the highway commissioners determine that the public safety and the safety of the property of  
9682 the petitioner so require, they shall by suitable order close to public use and travel or  
9683 reasonably restrict the use of and travel upon one or more of the highways or parts thereof;  
9684 provided the highway commissioners may issue written permits to travel over the highway so  
9685 closed or restricted to responsible and reputable persons for a term, under conditions and in a  
9686 form as the commissioners may prescribe. Appropriate notices in letters at least three inches  
9687 high shall be posted conspicuously at each end of any highway so closed or restricted by an  
9688 order. The highway commissioners may at any time revoke or modify any order so made.

9689       Section 225. Section **76-10-530** is amended to read:

9690       **76-10-530. Trespass with a firearm in a house of worship or private residence --**  
9691 **Notice -- Penalty.**

9692       (1) A person, including a person licensed to carry a concealed firearm pursuant to Title  
9693 53, Chapter 5, Part 7, Concealed Weapon Act, after notice has been given as provided in  
9694 Subsection (2) that firearms are prohibited, may not knowingly and intentionally:

9695       (a) transport a firearm into:

9696       (i) a house of worship; or

9697       (ii) a private residence; or

9698       (b) while in possession of a firearm, enter or remain in:

9699       (i) a house of worship; or

9700 (ii) a private residence.

9701 (2) Notice that firearms are prohibited may be given by:

9702 (a) personal communication to the actor by:

9703 (i) the church or organization operating the house of worship;

9704 (ii) the owner, lessee, or person with lawful right of possession of the private

9705 residence; or

9706 (iii) a person with authority to act for the person or entity in Subsections (2)(a)(i) and

9707 (ii);

9708 (b) posting of signs reasonably likely to come to the attention of persons entering the

9709 house of worship or private residence;

9710 (c) announcement, by a person with authority to act for the church or organization

9711 operating the house of worship, in a regular congregational meeting in the house of worship;

9712 (d) publication in a bulletin, newsletter, worship program, or similar document

9713 generally circulated or available to the members of the congregation regularly meeting in the

9714 house of worship; or

9715 (e) publication:

9716 (i) in a newspaper of general circulation in the county in which the house of worship is

9717 located or the church or organization operating the house of worship has its principal office in

9718 this state[-]; and

9719 (ii) as required in Section 45-1-101.

9720 (3) A church or organization operating a house of worship and giving notice that

9721 firearms are prohibited may:

9722 (a) revoke the notice, with or without supersedure, by giving further notice in any

9723 manner provided in Subsection (2); and

9724 (b) provide or allow exceptions to the prohibition as the church or organization

9725 considers advisable.

9726 (4) (a) (i) Within 30 days of giving or revoking any notice pursuant to Subsection

9727 (2)(c), (d), or (e), a church or organization operating a house of worship shall notify the

9728 division on a form and in a manner as the division shall prescribe.

9729 (ii) The division shall post on its website a list of the churches and organizations

9730 operating houses of worship who have given notice under Subsection (4)(a)(i).

9731 (b) Any notice given pursuant to Subsection (2)(c), (d), or (e) shall remain in effect  
9732 until revoked or for a period of one year from the date the notice was originally given,  
9733 whichever occurs first.

9734 (5) Nothing in this section permits an owner who has granted the lawful right of  
9735 possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm  
9736 in the residence.

9737 (6) A violation of this section is an infraction.

9738 Section 226. Section **77-24a-5** is amended to read:

9739 **77-24a-5. Disposition of unclaimed property.**

9740 (1) (a) If the owner of any unclaimed property cannot be determined or notified, or if  
9741 he is determined and notified, and fails to appear and claim the property after three months of  
9742 its receipt by the local law enforcement agency, the agency shall:

9743 (i) publish at least one notice of the intent to dispose of the unclaimed property;

9744 (A) in a newspaper of general circulation within the county; and

9745 (B) as required in Section 45-1-101; and

9746 (ii) post a similar notice in a public place designated for notice within the law  
9747 enforcement agency.

9748 (b) The notice shall:

9749 (i) give a general description of the item; and

9750 (ii) the date of intended disposition.

9751 (c) The agency may not dispose of the unclaimed property until at least eight days after  
9752 the date of publication and posting.

9753 (2) (a) If no claim is made for the unclaimed property within nine days of publication  
9754 and posting, the agency shall notify the person who turned the property over to the local law  
9755 enforcement agency, if it was turned over by a person under Section 77-24a-3.

9756 (b) Except as provided in Subsection (4), if that person has complied with the  
9757 provisions of this chapter, ~~he~~ the person may take the unclaimed property if ~~he~~ the person:

9758 (i) pays the costs incurred for advertising and storage; and

9759 (ii) signs a receipt for the item.

9760 (3) If the person who found the unclaimed property fails to take the property under the  
9761 provisions of this chapter, the agency shall dispose of that property and any other property that

9762 is not claimed under this chapter as provided by Section 77-24-4.

9763 (4) Any person employed by a law enforcement agency who finds property may not  
9764 claim or receive property under this section.

9765 Section 227. Section **78A-6-109** is amended to read:

9766 **78A-6-109. Summons -- Service and process -- Issuance and contents -- Notice to**  
9767 **absent parent or guardian -- Emergency medical or surgical treatment -- Compulsory**  
9768 **process for attendance of witnesses when authorized.**

9769 (1) After a petition is filed the court shall promptly issue a summons, unless the judge  
9770 directs that a further investigation is needed. No summons is required as to any person who  
9771 appears voluntarily or who files a written waiver of service with the clerk of the court at or  
9772 prior to the hearing.

9773 (2) The summons shall contain:

9774 (a) the name of the court;

9775 (b) the title of the proceedings; and

9776 (c) except for a published summons, a brief statement of the substance of the  
9777 allegations in the petition.

9778 (3) A published summons shall state:

9779 (a) that a proceeding concerning the minor is pending in the court; and

9780 (b) an adjudication will be made.

9781 (4) The summons shall require the person or persons who have physical custody of the  
9782 minor to appear personally and bring the minor before the court at a time and place stated. If  
9783 the person or persons summoned are not the parent, parents, or guardian of the minor, the  
9784 summons shall also be issued to the parent, parents, or guardian, as the case may be, notifying  
9785 them of the pendency of the case and of the time and place set for the hearing.

9786 (5) Summons may be issued requiring the appearance of any other person whose  
9787 presence the court finds necessary.

9788 (6) If it appears to the court that the welfare of the minor or of the public requires that  
9789 the minor be taken into custody, the court may by endorsement upon the summons direct that  
9790 the person serving the summons take the minor into custody at once.

9791 (7) Subject to Subsection 78A-6-117(2)(n)(iii), upon the sworn testimony of one or  
9792 more reputable physicians, the court may order emergency medical or surgical treatment that is

9793 immediately necessary for a minor concerning whom a petition has been filed pending the  
9794 service of summons upon the minor's parents, guardian, or custodian.

9795 (8) A parent or guardian is entitled to the issuance of compulsory process for the  
9796 attendance of witnesses on the parent's or guardian's own behalf or on behalf of the minor. A  
9797 guardian ad litem or a probation officer is entitled to compulsory process for the attendance of  
9798 witnesses on behalf of the minor.

9799 (9) Service of summons and process and proof of service shall be made in the manner  
9800 provided in the Utah Rules of Civil Procedure.

9801 (10) Service of summons or process shall be made by the sheriff of the county where  
9802 the service is to be made, or by his deputy; but upon request of the court service shall be made  
9803 by any other peace officer, or by another suitable person selected by the court.

9804 (11) Service of summons in the state shall be made personally, by delivering a copy to  
9805 the person summoned; provided, however, that parents of a minor living together at their usual  
9806 place of abode may both be served by personal delivery to either parent of copies of the  
9807 summons, one copy for each parent.

9808 (12) If the judge makes a written finding that he has reason to believe that personal  
9809 service of the summons will be unsuccessful, or will not accomplish notification within a  
9810 reasonable time after issuance of the summons, he may order service by registered mail, with a  
9811 return receipt to be signed by the addressee only, to be addressed to the last-known address of  
9812 the person to be served in the state. Service shall be complete upon return to the court of the  
9813 signed receipt.

9814 (13) If the parents, parent, or guardian required to be summoned under Subsection (4)  
9815 cannot be found within the state, the fact of their minor's presence within the state shall confer  
9816 jurisdiction on the court in proceedings in a minor's case under this chapter as to any absent  
9817 parent or guardian, provided that due notice has been given in the following manner:

9818 (a) If the address of the parent or guardian is known, due notice is given by sending  
9819 him a copy of the summons by registered mail with a return receipt to be signed by the  
9820 addressee only, or by personal service outside the state, as provided in the Utah Rules of Civil  
9821 Procedure. Service by registered mail shall be complete upon return to the court of the signed  
9822 receipt.

9823 (b) (i) If the address or whereabouts of the parent or guardian outside the state cannot

9824 after diligent inquiry be ascertained, due notice is given by publishing a summons;

9825 (A) in a newspaper having general circulation in the county in which the proceeding is  
9826 pending[. ~~The summons shall be published once a week for four successive weeks.~~] once a  
9827 week for four successive weeks; and

9828 (B) in accordance with Section 45-1-101 for four weeks.

9829 (ii) Service shall be complete on the day of the last publication.

9830 (c) Service of summons as provided in this subsection shall vest the court with  
9831 jurisdiction over the parent or guardian served in the same manner and to the same extent as if  
9832 the person served was served personally within the state.

9833 (14) In the case of service in the state, service completed not less than 48 hours before  
9834 the time set in the summons for the appearance of the person served, shall be sufficient to  
9835 confer jurisdiction. In the case of service outside the state, service completed not less than five  
9836 days before the time set in the summons for appearance of the person served, shall be sufficient  
9837 to confer jurisdiction.

9838 (15) Computation of periods of time under this chapter shall be made in accordance  
9839 with the Utah Rules of Civil Procedure.

9840 Section 228. Section **78B-5-613** is amended to read:

9841 **78B-5-613. Proof of publication of document, notice, or order.**

9842 (1) (a) If a court or judge orders a document or notice published in a newspaper,  
9843 evidence of the publication shall be made by affidavit of the publisher, the publisher's foreman,  
9844 or principal clerk with a copy of the publication attached.

9845 (b) The affidavit shall state the date and newspaper of publication.

9846 (2) (a) If a court or judge orders a document or notice published in accordance with  
9847 Section 45-1-101, evidence of the publication shall be made by affidavit of the state archivist  
9848 or the archivist's designee with a printed copy of the publication attached.

9849 (b) The affidavit shall state the date of publication.

9850 Section 229. **Coordinating S.B. 208 with H.B. 67 -- Substantive and technical**  
9851 **changes.**

9852 If this S.B. 208 and H.B. 67, Public Hearings on Property Tax Increases, both pass, it is  
9853 the intent of the Legislature that the Office of Legislative Research and General Counsel in  
9854 preparing the Utah Code database for publication:

9855 (1) modify Subsection 59-2-919(2)(e) to read:  
9856 "(e) The advertisement [~~described in this section shall~~]:  
9857 (i) described in Subsection (2)(a)(i)(A) shall, except as provided in Subsection (2)(g),  
9858 be run once each week for the two weeks preceding the adoption of the taxing entity's:  
9859 (A) final budget; [~~and~~] or  
9860 (B) final tax rate; and  
9861 (ii) described in Subsection (2)(a)(i)(B) shall, except as provided in Subsection (2)(g),  
9862 be published two weeks preceding the adoption of the taxing entity's:  
9863 (A) final budget; or  
9864 (B) final tax rate.";  
9865 (2) modify Subsection 59-2-919(2)(g) to read:  
9866 "(g) If a taxing entity's public hearing information is published by the county auditor in  
9867 accordance with Section 59-2-919.2, the taxing entity:  
9868 (i) is not subject to the requirement to run the advertisement twice, as required in  
9869 Subsection (2)(e)(i), but shall run the advertisement once during the week preceding the  
9870 adoption of the taxing entity's:  
9871 (A) final budget; or  
9872 (B) final tax rate; and  
9873 (ii) is not subject to the requirement to run the advertisement for two weeks, as  
9874 required in Subsection (2)(e)(ii), but shall run the advertisement for one week preceding the  
9875 adoption of the taxing entity's:  
9876 (A) final budget; or  
9877 (B) final tax rate."; and  
9878 (3) modify Subsections 59-2-919.2(3)(b), (c), and (d) to read:  
9879 "(b) Except as provided in Subsection (3)(d)(ii), the information described in  
9880 Subsection (3)(a) shall be published:  
9881 (i) in no less than 1/4 page in size;  
9882 (ii) in type no smaller than 18 point; and  
9883 (iii) surrounded by a 1/4-inch border.  
9884 (c) The published information described in Subsection (3)(a) and published in  
9885 accordance with Subsection (3)(d)(i) may not be placed in the portion of a newspaper where a

9886 legal notice or classified advertisement appears.

9887 (d) A county auditor shall publish the information described in Subsection (3)(a):

9888 (i) (A) in a newspaper or a combination of newspapers that are:

9889 (I) published at least one day per week;

9890 (II) of general interest and readership in the county; and

9891 (III) not of limited subject matter; and

9892 (B) once each week for the two weeks preceding the first hearing included in the list  
9893 compiled under Subsection (2); and

9894 (ii) as required in Section 45-1-101, for two weeks preceding the first hearing included  
9895 in the list compiled under Subsection (2)."

9896 Section 230. **Coordinating S.B. 208 with H.B. 67 and S.B. 65 -- Substantive and**  
9897 **technical amendments.**

9898 If this S.B. 208, H.B. 67, Public Hearings on Property Tax Increases, and S.B. 65,  
9899 Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions, all pass, it is  
9900 the intent of the Legislature that the changes in Subsection (1) of this coordination clause  
9901 supersede the changes in Subsection (1) of the coordination clause in S.B. 65, and that the  
9902 Office of Legislative Research and General prepare the Utah Code database for publication by:

9903 (1) modifying Subsections 59-2-919(6) and (7) as amended in this bill in the version of  
9904 the Utah Code database that takes effect on January 1, 2010 as follows:

9905 "(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this  
9906 section shall be published:

9907 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of  
9908 general circulation in the taxing entity; and

9909 (ii) electronically in accordance with Section 45-1-101.

9910 (b) The advertisement described in [~~this section~~] Subsection (6)(a)(i) shall:

9911 (i) be no less than 1/4 page in size;

9912 (ii) use type no smaller than 18 point; and

9913 (iii) be surrounded by a 1/4-inch border.

9914 (c) The advertisement described in [~~this section~~] Subsection (6)(a)(i) may not be placed  
9915 in that portion of the newspaper where legal notices and classified advertisements appear.

9916 (d) It is the intent of the Legislature that:



9917 (i) whenever possible, the advertisement described in ~~[this section]~~ Subsection (6)(a)(i)  
9918 appear in a newspaper that is published at least one day per week; and  
9919 (ii) the newspaper or combination of newspapers selected:  
9920 (A) be of general interest and readership in the taxing entity; and  
9921 (B) not be of limited subject matter.  
9922 (e) (i) The advertisement [described in this section shall]:  
9923 [(†)] (A) described in Subsection (6)(a)(i) shall:  
9924 (I) except as provided in Subsection (6)(e)(ii), be run once each week for the two  
9925 weeks [preceding the adoption of the final]:  
9926 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's annual  
9927 budget is discussed; and  
9928 (Bb) if a calendar year taxing entity provides the notice described in Subsection  
9929 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar  
9930 year taxing entity's certified tax rate; and  
9931 [(†)] (II) state that the taxing entity will meet on a certain day, time, and place fixed in  
9932 the advertisement, which shall be not less than seven days after the day the first advertisement  
9933 is published, for the purpose of hearing comments regarding any proposed increase and to  
9934 explain the reasons for the proposed increase[-]; or  
9935 (B) described in Subsection (6)(a)(ii) shall:  
9936 (I) be published two weeks:  
9937 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's annual  
9938 budget is discussed; and  
9939 (Bb) if a calendar year taxing entity provides the notice described in Subsection  
9940 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar  
9941 year taxing entity's certified tax rate; and  
9942 (II) state that the taxing entity will meet on a certain day, time, and place fixed in the  
9943 advertisement, which shall be not less than seven days after the day the first advertisement is  
9944 published, for the purpose of hearing comments regarding any proposed increase and to explain  
9945 the reasons for the proposed increase.  
9946 (ii) If a taxing entity's public hearing information is published by the county auditor in  
9947 accordance with Section 59-2-919.2, the taxing entity is not subject to the requirement to run

9948 the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement  
9949 once during the week:

9950 (A) before the taxing entity conducts a public hearing at which the taxing entity's  
9951 annual budget is discussed; and

9952 (B) if a calendar year taxing entity provides the notice described in Subsection  
9953 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar  
9954 year taxing entity's certified tax rate.

9955 ~~[(f) The meeting on the proposed increase may coincide with the hearing on the~~  
9956 ~~proposed budget of the taxing entity.]~~

9957 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an  
9958 advertisement shall be substantially as follows:

9959 "NOTICE OF PROPOSED TAX INCREASE

9960 (NAME OF TAXING ENTITY)

9961 The (name of the taxing entity) is proposing to increase its property tax revenue.

9962 ● The (name of the taxing entity) tax on a (insert the average value of a residence  
9963 in the taxing entity rounded to the nearest thousand dollars) residence would  
9964 increase from \$ \_\_\_\_\_ to \$ \_\_\_\_\_, which is \$ \_\_\_\_\_ per year.

9965 ● The (name of the taxing entity) tax on a (insert the value of a business having  
9966 the same value as the average value of a residence in the taxing entity) business  
9967 would increase from \$ \_\_\_\_\_ to \$ \_\_\_\_\_, which is \$ \_\_\_\_\_ per year.

9968 ● If the proposed budget is approved, (name of the taxing entity) would increase  
9969 its property tax budgeted revenue by \_\_\_\_\_ % above last year's property tax  
9970 budgeted revenue excluding new growth.

9971 All concerned citizens are invited to a public hearing on the tax increase.

9972 PUBLIC HEARING

9973 Date/Time: (date) (time)

9974 Location: (name of meeting place and address of meeting place)

9975 To obtain more information regarding the tax increase, citizens may contact the (name  
9976 of the taxing entity) at (phone number of taxing entity)."

9977 ~~[(3) The]~~ (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the  
9978 notice] an advertisement shall be substantially as follows:

9979 "NOTICE OF PROPOSED TAX INCREASE

9980 (NAME OF TAXING ENTITY)

9981 The (name of the taxing entity) is proposing to increase its property tax revenue.

9982 [~~●~~ If the proposed budget is approved, this would be an increase of \_\_\_\_\_% above

9983 the (name of the taxing entity) property tax budgeted revenue for the prior year.]

9984 ● The (name of the taxing entity) tax on a (insert the average value of a residence  
9985 in the taxing entity rounded to the nearest thousand dollars) residence would  
9986 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

9987 ● The (name of the taxing entity) tax on a (insert the value of a business having  
9988 the same value as the average value of a residence in the taxing entity) business  
9989 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

9990 ● If the proposed budget is approved, (name of the taxing entity) would increase  
9991 its property tax budgeted revenue by \_\_\_\_\_% above last year's property tax  
9992 budgeted revenue excluding new growth.

9993 (Name of taxing entity) property tax revenue from new growth and other sources will  
9994 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_.

9995 All concerned citizens are invited to a public hearing on the tax increase.

9996 PUBLIC HEARING

9997 Date/Time: (date) (time)

9998 Location: (name of meeting place and address of meeting place)

9999 To obtain more information regarding the tax increase, citizens may contact the (name  
10000 of the taxing entity) at (phone number of taxing entity).

10001 [~~(4)~~] (7) The commission:

10002 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
10003 Rulemaking Act, governing the joint use of one advertisement [~~under this section or Section~~  
10004 ~~59-2-918~~] described in Subsection (6) by two or more taxing entities; and

10005 (b) subject to Section 45-1-101, may[~~, upon petition by any taxing entity,~~] authorize  
10006 [either]:

10007 (i) the use of a weekly [newspapers] newspaper:

10008 (A) in [~~counties~~] a county having both daily and weekly newspapers [~~where~~] if the  
10009 weekly newspaper would provide equal or greater notice to the taxpayer; and

10010 (B) if the county petitions the commission for the use of the weekly newspaper; or  
10011 (ii) the use by a taxing entity except for a calendar year taxing entity that provides the  
10012 notice described in Subsection (3)(a)(i)(B)(II) of a commission[=]approved direct notice to each  
10013 taxpayer if [the]:

10014 (A) the cost of the advertisement would cause undue hardship; [and]

10015 (B) the direct notice is different and separate from that provided for in Section  
10016 59-2-919.1[-]; and

10017 (C) the taxing entity petitions the commission for the use of a commission approved  
10018 direct notice."

10019 Section 231. **Coordinating S.B. 65 with S.B. 208 -- Substantive, superseding, and**  
10020 **technical amendments.**

10021 If this S.B. 208 and S.B. 65, Amendments to Property Tax Notice, Public Hearing, and  
10022 Resolution Provisions, both pass, it is the intent of the Legislature that the changes in this  
10023 coordination clause supersede the changes in the coordination clause in S.B. 65, and that the  
10024 Office of Legislative Research and General prepare the Utah Code database for publication by  
10025 modifying Subsections 59-2-919(6) and (7) as amended in this bill in the version of the Utah  
10026 Code database that takes effect on May 12, 2009 as follows:

10027 "(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this  
10028 section shall be published:

10029 (i) subject to Section 45-1-101, in a newspaper or combination of newspapers of  
10030 general circulation in the taxing entity; and

10031 (ii) electronically in accordance with Section 45-1-101.

10032 (b) The advertisement described in [~~this section~~] Subsection (6)(a)(i) shall:

10033 (i) be no less than 1/4 page in size;

10034 (ii) use type no smaller than 18 point; and

10035 (iii) be surrounded by a 1/4-inch border.

10036 (c) The advertisement described in [~~this section~~] Subsection (6)(a)(i) may not be placed  
10037 in that portion of the newspaper where legal notices and classified advertisements appear.

10038 (d) It is the intent of the Legislature that:

10039 (i) whenever possible, the advertisement described in [~~this section~~] Subsection (6)(a)(i)  
10040 appear in a newspaper that is published at least one day per week; and

10041 (ii) the newspaper or combination of newspapers selected:  
10042 (A) be of general interest and readership in the taxing entity; and  
10043 (B) not be of limited subject matter.  
10044 (e) The advertisement [~~described in this section shall~~]:  
10045 (i) described in Subsection (6)(a)(i) shall:  
10046 (A) be run once each week for the two weeks [~~preceding the adoption of the final~~];  
10047 (I) before a taxing entity conducts a public hearing at which the taxing entity's annual  
10048 budget is discussed; and  
10049 (II) if a calendar year taxing entity provides the notice described in Subsection  
10050 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar  
10051 year taxing entity's certified tax rate; and  
10052 [~~(ii)~~] (B) state that the taxing entity will meet on a certain day, time, and place fixed in  
10053 the advertisement, which shall be not less than seven days after the day the first advertisement  
10054 is published, for the purpose of hearing comments regarding any proposed increase and to  
10055 explain the reasons for the proposed increase[-]; or  
10056 (ii) described in Subsection (6)(a)(ii) shall:  
10057 (A) be published two weeks:  
10058 (I) before a taxing entity conducts a public hearing at which the taxing entity's annual  
10059 budget is discussed; and  
10060 (II) if a calendar year taxing entity provides the notice described in Subsection  
10061 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar  
10062 year taxing entity's certified tax rate; and  
10063 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the  
10064 advertisement, which shall be not less than seven days after the day the first advertisement is  
10065 published, for the purpose of hearing comments regarding any proposed increase and to explain  
10066 the reasons for the proposed increase.  
10067 [~~(f) The meeting on the proposed increase may coincide with the hearing on the~~  
10068 ~~proposed budget of the taxing entity.]  
10069 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an  
10070 advertisement shall be substantially as follows:  
10071 "NOTICE OF PROPOSED TAX INCREASE~~

(NAME OF TAXING ENTITY)

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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)."

~~[(3) The]~~ (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [~~the notice]~~ an advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE  
(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

- If the proposed budget is approved, this would be an increase of \_\_\_\_\_ % above the (name of the taxing entity) property tax budgeted revenue for the prior year.
- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from \$ \_\_\_\_\_ to \$ \_\_\_\_\_, which is \$ \_\_\_\_\_ per year.
- The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from \$ \_\_\_\_\_ to \$ \_\_\_\_\_, which is \$ \_\_\_\_\_ per year.

(Name of taxing entity) property tax revenue from new growth and other sources will increase from \$ \_\_\_\_\_ to \$ \_\_\_\_\_.

10103 All concerned citizens are invited to a public hearing on the tax increase.

10104 PUBLIC HEARING

10105 Date/Time: (date) (time)

10106 Location: (name of meeting place and address of meeting place)

10107 To obtain more information regarding the tax increase, citizens may contact the (name  
10108 of the taxing entity) at (phone number of taxing entity)."

10109 [~~(4)~~] (7) The commission:

10110 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
10111 Rulemaking Act, governing the joint use of one advertisement [~~under this section or Section~~  
10112 ~~59-2-918~~] described in Subsection (6) by two or more taxing entities; and

10113 (b) subject to Section 45-1-101, may[~~, upon petition by any taxing entity,~~] authorize  
10114 [~~either~~]:

10115 (i) the use of a weekly [newspapers] newspaper:

10116 (A) in [~~counties~~] a county having both daily and weekly newspapers [~~where~~] if the  
10117 weekly newspaper would provide equal or greater notice to the taxpayer; and

10118 (B) if the county petitions the commission for the use of the weekly newspaper; or

10119 (ii) the use by a taxing entity except for a calendar year taxing entity that provides the  
10120 notice described in Subsection (3)(a)(i)(B)(II) of a commission[~~=~~]approved direct notice to each  
10121 taxpayer if [~~the~~]:

10122 (A) the cost of the advertisement would cause undue hardship; [~~and~~]

10123 (B) the direct notice is different and separate from that provided for in Section  
10124 59-2-919.1[~~-~~]; and

10125 (C) the taxing entity petitions the commission for the use of a commission approved  
10126 direct notice."

10127 Section 232. **Coordinating S.B. 208 with S.B. 73 -- Substantive and technical**  
10128 **changes.**

10129 If this S.B. 208 and S.B. 73, Unincorporated Areas Amendments, both pass, it is the  
10130 intent of the Legislature that the Office of Legislative Research and General Counsel in  
10131 preparing the Utah Code database for publication:

10132 (1) modify Subsection 17-72a-306(1)(h)(iii) to read:

10133 "(iii) At least one week before holding a public hearing under Subsection (1)(h)(i), the

10134 county legislative body shall publish notice of the petition and the time, date, and place of the  
10135 public hearing:

10136 (A) at least once in a newspaper of general circulation in the county; and

10137 (B) as required in Section 45-1-101."; and

10138 (2) modify Subsection 17-27a-306(3)(f)(iii) to read:

10139 "(iii) Before holding a public hearing under Subsection (3)(f)(i), the county legislative  
10140 body shall:

10141 (A) publish notice of the petition and the time, date, and place of the public hearing:

10142 (I) at least once a week for three consecutive weeks in a newspaper of general  
10143 circulation in the township; and

10144 (II) as required in Section 45-1-101 for three consecutive weeks; and

10145 (B) mail a notice of the petition and the time, date, and place of the public hearing to  
10146 each owner of private real property within the area proposed to be withdrawn.".

10147 **Section 233. Coordinating S.B. 208 with S.B. 209 -- Substantive and technical**  
10148 **changes.**

10149 If this S.B. 208 and S.B. 209, Land Use, Development, and Management Act  
10150 Amendments, both pass, it is the intent of the Legislature that the Office of Legislative  
10151 Research and General Counsel in preparing the Utah Code database for publication:

10152 (1) modify Subsection 10-9a-208(2)(d) to read:

10153 "(d) (i) published in a newspaper of general circulation in the municipality in which the  
10154 land subject to the petition is located; and

10155 (ii) published as required in Section 45-1-101."; and

10156 (2) modify Subsection 17-27a-208(2)(d) to read:

10157 "(d) (i) published in a newspaper of general circulation in the municipality in which the  
10158 land subject to the petition is located; and

10159 (ii) published as required in Section 45-1-101.".



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**S.B. 208 3rd Sub. (Ivory) - Utah Public Notice Website Amendments**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

There are potential costs savings beginning in FY 2011 to state agencies which will pay reduced costs for certain newspaper advertisements.

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**Individual, Business and/or Local Impact**

Local governments could see advertising costs savings for advertising beginning in FY 2011. Newspapers could see a decrease in advertising revenue as a result of this legislation. No impact is anticipated on individuals.

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