

Senator Stephen H. Urquhart proposes the following substitute bill:

LEGAL NOTICE AMENDMENTS

2009 FIRST SPECIAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: John Dougall

LONG TITLE

General Description:

This bill amends legal notice provisions of the Utah Code.

Highlighted Provisions:

This bill:

- ▶ amends legal notice provisions of the Utah Code; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

9-3-409, as last amended by Laws of Utah 2009, Chapter 388

10-2-607, as last amended by Laws of Utah 2009, Chapter 388

11-14-318, as last amended by Laws of Utah 2009, Chapter 388

11-39-103, as last amended by Laws of Utah 2009, Chapter 388

17B-1-643, as last amended by Laws of Utah 2009, Chapter 388

38-8-3, as last amended by Laws of Utah 2009, Chapter 388



- 26 **40-6-10**, as last amended by Laws of Utah 2009, Chapter 388
- 27 **45-1-101**, as enacted by Laws of Utah 2009, Chapter 388
- 28 **52-4-202**, as last amended by Laws of Utah 2009, Chapter 388
- 29 **53A-19-102**, as last amended by Laws of Utah 2009, Chapters 204 and 388

30 RENUMBERS AND AMENDS:

- 31 **45-1-305**, (Renumbered from 45-1-3, as enacted by Laws of Utah 1971, Chapter 108)
- 32 **45-1-306**, (Renumbered from 45-1-301, as renumbered and amended by Laws of Utah
- 33 2009, Chapter 388)
- 34 **45-1-307**, (Renumbered from 45-1-302, as renumbered and amended by Laws of Utah
- 35 2009, Chapter 388)
- 36 **45-1-308**, (Renumbered from 45-1-303, as renumbered and amended by Laws of Utah
- 37 2009, Chapter 388)
- 38 **45-1-309**, (Renumbered from 45-1-304, as renumbered and amended by Laws of Utah
- 39 2009, Chapter 388)



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

42 Section 1. Section **9-3-409** is amended to read:

43 **9-3-409. Actions on validity or enforceability of bonds -- Time for bringing**
44 **action.**

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

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

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

51 (B) notice of bonds to be issued; or

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

53 (ii) for a period of 30 days after the publication of the resolution authorizing the bonds,
54 or a notice of bonds to be issued by the authority containing those items described in Section
55 11-14-316:

56 (A) in a newspaper having general circulation in the area of operation; [~~or~~] and

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

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

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

61 **10-2-607. Notice of election.**

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

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

69 (2) in accordance with Section 45-1-101 for four [~~consecutive~~] weeks.

70 Section 3. Section **11-14-318** is amended to read:

71 **11-14-318. Public hearing required.**

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

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

76 (b) hold a public hearing:

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

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

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

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

83 (A) the issuance of the bonds; and

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

86 (2) A local political subdivision shall:

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

88 (i) [~~(A)~~] once each week for two consecutive weeks in the official newspaper
89 described in Section 11-14-316[~~; and (B)~~] with the first publication being not less than 14 days
90 before the public hearing required by Subsection (1)(b); and

91 [~~(ii) in accordance with Section 45-1-101;~~]

92 (ii) on the Utah Public Notice Website, created under Section 63F-1-701, no less than
93 14 days before the public hearing required by Subsection (1)(b); and

94 (b) ensure that the notice:

95 (i) identifies:

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

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

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

99 (D) the time, place, and location of the public hearing; and

100 (ii) informs the public that the public hearing will be held for the purposes described in
101 Subsection (1)(b)(ii).

102 Section 4. Section **11-39-103** is amended to read:

103 **11-39-103. Requirements for undertaking a building improvement or public**
104 **works project -- Request for bids -- Authority to reject bids.**

105 (1) If the estimated cost of the building improvement or public works project exceeds
106 the bid limit, the local entity shall, if it determines to proceed with the building improvement or
107 public works project:

108 (a) [~~(+)~~] request bids for completion of the building improvement or public works
109 project by:

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

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

116 (ii) publishing notice in accordance with Section 45-1-101, at least five days before
117 opening the bids; and

118 (b) except as provided in Subsection (3), enter into a contract for the completion of the

119 building improvement or public works project with:

120 (i) the lowest responsive responsible bidder; or

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

122 2004 and with respect to which a contract is entered into before September 1, 2004, a

123 responsible bidder that:

124 (A) offers design-build services; and

125 (B) satisfies the local entity's criteria relating to financial strength, past performance,

126 integrity, reliability, and other factors that the local entity uses to assess the ability of a bidder

127 to perform fully and in good faith the contract requirements for a design-build project.

128 (2) (a) Each notice under Subsection (1)(a) shall indicate that the local entity may reject

129 any or all bids submitted.

130 (b) (i) The cost of a building improvement or public works project may not be divided

131 to avoid:

132 (A) exceeding the bid limit; and

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

134 (ii) Notwithstanding Subsection (2)(b)(i), a local entity may divide the cost of a

135 building improvement or public works project that would, without dividing, exceed the bid

136 limit if the local entity complies with the requirements of this section with respect to each part

137 of the building improvement or public works project that results from dividing the cost.

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

139 (b) If the local entity rejects all bids submitted but still intends to undertake the

140 building improvement or public works project, the local entity shall again request bids by

141 following the procedure provided in Subsection (1)(a).

142 (c) If, after twice requesting bids by following the procedure provided in Subsection

143 (1)(a), the local entity determines that no satisfactory bid has been submitted, the governing

144 body may undertake the building improvement or public works project as it considers

145 appropriate.

146 Section 5. Section **17B-1-643** is amended to read:

147 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

148 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided

149 by a local district, each local district board of trustees shall first hold a public hearing at which

150 any interested person may speak for or against the proposal to impose a fee or to increase an
151 existing fee.

152 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
153 no earlier than 6 p.m.

154 (c) A public hearing required under this Subsection (1) may be combined with a public
155 hearing on a tentative budget required under Section 17B-1-610.

156 (d) Except to the extent that this section imposes more stringent notice requirements,
157 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
158 in holding the public hearing under Subsection (1)(a).

159 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
160 provided in Subsection (2)(b)(i) or (ii).

161 (b) (i) (A) The notice required under Subsection (2)(a) shall be published:

162 (I) [~~Aa~~] in a newspaper or combination of newspapers of general circulation in the
163 local district, if there is a newspaper or combination of newspapers of general circulation in the
164 local district; or

165 [~~Bb~~] (II) if there is no newspaper or combination of newspapers of general circulation
166 in the local district, the local district board shall post at least one notice per 1,000 population
167 within the local district, at places within the local district that are most likely to provide actual
168 notice to residents within the local district[~~and~~].

169 [~~H~~] as required in Section 45-1-101.]

170 (B) The notice described in Subsection (2)(b)(i)(A)(I)[~~Aa~~]:

171 (I) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
172 point, and surrounded by a 1/4-inch border;

173 (II) may not be placed in that portion of the newspaper where legal notices and
174 classified advertisements appear;

175 (III) whenever possible, shall appear in a newspaper that is published at least one day
176 per week;

177 (IV) shall be in a newspaper or combination of newspapers of general interest and
178 readership in the local district, and not of limited subject matter; and

179 (V) shall be run once each week for the two weeks preceding the hearing.

180 (ii) The notice described in Subsection (2)(b)(i)(A) shall state that the local district

181 board intends to impose or increase a fee for a service provided by the local district and will
182 hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not
183 less than seven days after the day the first notice is published, for the purpose of hearing
184 comments regarding the proposed imposition or increase of a fee and to explain the reasons for
185 the proposed imposition or increase.

186 (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
187 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
188 within the district who:

189 (A) will be charged the fee for a district service, if the fee is being imposed for the first
190 time; or

191 (B) are being charged a fee, if the fee is proposed to be increased.

192 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection (2)(b)(ii).

193 (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing
194 fee.

195 (d) If the hearing required under this section is combined with the public hearing
196 required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied
197 if a notice that meets the requirements of Subsection (2)(b)(ii) is combined with the notice
198 required under Section 17B-1-609.

199 (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima facie
200 evidence that notice was properly given.

201 (f) If no challenge is made to the notice given of a hearing required by Subsection (1)
202 within 30 days after the date of the hearing, the notice is considered adequate and proper.

203 (3) After holding a public hearing under Subsection (1), a local district board may:

204 (a) impose the new fee or increase the existing fee as proposed;

205 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
206 then impose the new fee or increase the existing fee as adjusted; or

207 (c) decline to impose the new fee or increase the existing fee.

208 (4) This section applies to each new fee imposed and each increase of an existing fee
209 that occurs on or after July 1, 1998.

210 (5) (a) This section does not apply to an impact fee.

211 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36,

212 Impact Fees Act.

213 Section 6. Section **38-8-3** is amended to read:

214 **38-8-3. Enforcement of lien -- Notice requirements -- Sale procedure and effect.**

215 A claim of an owner which has become due against an occupant and which is secured
216 by the owner's lien may be satisfied as follows:

217 (1) No enforcement action may be taken by the owner until the occupant has been in
218 default continuously for a period of 30 days.

219 (2) After the occupant has been in default continuously for a period of 30 days, the
220 owner may begin enforcement action if the occupant has been given notice in writing. The
221 notice shall be delivered in person or sent by certified mail to the last known address of the
222 occupant, and a copy of the notice shall, at the same time, be sent to the sheriff of the county
223 where the self-service storage facility is located. Any lienholder with an interest in the property
224 to be sold or otherwise disposed of, of whom the owner has knowledge either through the
225 disclosure provision on the rental agreement or through the existence of a validly filed and
226 perfected UCC-1 financing statement with the Division of Corporations and Commercial Code,
227 or through other written notification, shall be included in the notice process as set forth in this
228 section.

229 (3) This notice shall include:

230 (a) an itemized statement of the owner's claim showing the sum due at the time of the
231 notice and the date when the sum became due;

232 (b) a brief and general description of the personal property subject to the lien, which
233 description shall be reasonably adequate to permit the person notified to identify the property;
234 except that any container including, but not limited to, a trunk, valise, or box that is locked,
235 fastened, sealed, or tied in a manner which deters immediate access to its contents may be
236 described as such without describing its contents;

237 (c) a notification of denial of access to the personal property, if such denial is permitted
238 under the terms of the rental agreement, which notification shall provide the name, street
239 address, and telephone number of the owner or his designated agent whom the occupant may
240 contact to respond to the notification;

241 (d) a demand for payment within a specified time not less than 15 days after delivery of
242 the notice; and

243 (e) a conspicuous statement that, unless the claim is paid within the time stated in the
244 notice, the personal property will be advertised for sale or other disposition and will be sold or
245 otherwise disposed of at a specified time and place.

246 (4) Any notice made under this section shall be presumed delivered when it is
247 deposited with the United States postal service and properly addressed with postage prepaid.

248 (5) (a) After the expiration of the time given in the notice, an advertisement of the sale
249 or other disposition shall be published:

250 ~~[(i) once a week for two consecutive weeks in a newspaper of general circulation in the~~
251 ~~county where the self-service storage facility is located; and]~~

252 (i) (A) if there is a newspaper of general circulation in the county where the
253 self-service storage facility is located, once a week for two consecutive weeks in a newspaper
254 of general circulation in that county; or

255 (B) if there is not a newspaper of general circulation in the county where the
256 self-service storage facility is located, by posting the advertisement of sale or other disposition
257 in not less than six conspicuous places in the neighborhood where the self-service storage
258 facility is located; and

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

260 (b) The advertisement described in Subsection (5)(a) shall include:

261 (i) a brief and general description of the personal property reasonably adequate to
262 permit its identification as provided for in Subsection (3)(b); the address of the self-service
263 storage facility and the number, if any, of the space where the personal property is located; and
264 the name of the occupant and his last known address; and

265 (ii) the time, place, and manner of the sale or other disposition, which sale or other
266 disposition shall take place not sooner than 15 days after the first publication.

267 ~~[(c) The advertisement shall also be posted at least ten days before the date of the sale~~
268 ~~or other disposition in not less than six conspicuous places in the neighborhood where the~~
269 ~~self-service storage facility is located.]~~

270 (6) Any sale or other disposition of the personal property shall conform to the terms of
271 the notice provided for in this section.

272 (7) Any sale or other disposition of the personal property shall be held at the
273 self-service storage facility or at the nearest suitable place to where the personal property is

274 held or stored.

275 (8) Before any sale or other disposition of personal property under this section, the
276 occupant may pay the amount necessary to satisfy the lien and the reasonable expenses incurred
277 under this section and thereby redeem the personal property; upon receipt of this payment, the
278 owner shall return the personal property, and thereafter the owner shall have no liability to any
279 person with respect to that personal property.

280 (9) A purchaser in good faith of the personal property sold to satisfy a lien as provided
281 for in this chapter takes the property free of any rights of persons against whom the lien was
282 valid and free of any rights of a secured creditor, despite noncompliance by the owner with the
283 requirements of this section.

284 (10) In the event of a sale under this section, the owner may satisfy his lien for the
285 proceeds of the sale, subject to the rights of any prior lienholder; the lien rights of the prior
286 lienholder are automatically transferred to the proceeds of the sale; if the sale is made in good
287 faith and is conducted in a reasonable manner, the owner shall not be subject to any surcharge
288 for a deficiency in the amount of a prior secured lien, but shall hold the balance, if any, for
289 delivery to the occupant, lienholder, or other person in interest; if the occupant, lienholder, or
290 other person in interest does not claim the balance of the proceeds within one year of the date
291 of sale, it shall become the property of the Utah state treasurer as unclaimed property with no
292 further claim against the owner.

293 (11) If the requirements of this chapter are not satisfied, if the sale of the personal
294 property is not in conformity with the notice of sale, or if there is a willful violation of this
295 chapter, nothing in this section affects the rights and liabilities of the owner, occupant, or any
296 other person.

297 Section 7. Section **40-6-10** is amended to read:

298 **40-6-10. Procedures -- Adjudicative proceedings -- Emergency orders -- Hearing**
299 **examiners.**

300 (1) (a) The Board of Oil, Gas, and Mining and the Division of Oil, Gas, and Mining
301 shall comply with the procedures and requirements of Title 63G, Chapter 4, Administrative
302 Procedures Act, in their adjudicative proceedings.

303 (b) The board shall enact rules governing its practice and procedure that are not
304 inconsistent with Title 63G, Chapter 4, Administrative Procedures Act.

305 (2) When an emergency requiring immediate action is found by the division director or
306 any board member to exist, the division director or board member may issue an emergency
307 order according to the requirements and procedures of Title 63G, Chapter 4, Administrative
308 Procedures Act.

309 (3) A notice required by this chapter, except as otherwise provided, shall be given at
310 the election of the board [~~either~~] by:

311 (a) personal service[-]; or

312 [~~(a) by~~] (b) (i) one publication in:

313 (A) a daily newspaper of general circulation in the city of Salt Lake and county of Salt
314 Lake, Utah; and

315 [~~(b) in~~] (B) all newspapers of general circulation published in the county where the
316 land is affected, or some part of the land is situated; and

317 [~~(c) by~~] (ii) electronic publication in accordance with Section 45-1-101.

318 (4) (a) Any order made by the board is effective on issuance.

319 (b) All rules and orders issued by the board shall be:

320 (i) in writing;

321 (ii) entered in full in books to be kept by the board for that purpose;

322 (iii) indexed; and

323 (iv) public records open for inspection at all times during reasonable office hours.

324 (c) A copy of any rule, finding of fact, or order, certified by the board or by the division
325 director, shall be received in evidence in all courts of this state with the same effect as the
326 original.

327 (5) The board may act upon its own motion or upon the petition of any interested
328 person.

329 (6) (a) The board may appoint a hearing examiner to take evidence and to recommend
330 findings of fact and conclusions of law to the board.

331 (b) Any member of the board, division staff, or any other person designated by the
332 board may serve as a hearing examiner.

333 (c) The board may enter an order based on the recommendations of the examiner.

334 Section 8. Section **45-1-101** is amended to read:

335 **45-1-101. Legal notice publication requirements.**

336 (1) As used in this section:

337 (a) (i) "Legal notice" means:

338 (A) a communication required to be made public by a state statute or state agency rule;

339 or

340 (B) a notice required for judicial proceedings or by judicial decision.

341 (ii) "Legal notice" does not include a public notice published by a public body in

342 accordance with the provisions of Sections 52-4-202 and 63F-1-701.

343 (b) "Person" is as defined in Section 68-3-12.

344 ~~[(1)]~~ (2) Notwithstanding any other legal notice provision established in this Utah
345 Code, a person required to publish legal notice:

346 (a) until January 1, 2010, shall publish as required by the state statute establishing the
347 legal notice requirement; and

348 (b) beginning on January 1, 2010, shall publish legal notice:

349 (i) ~~[in a newspaper]~~ as required by the statute establishing the notice requirement; and

350 (ii) on a website established by the collective efforts of Utah's newspapers.

351 ~~[(2) Notwithstanding Subsection (1)(b), for counties of the first and second class;~~
352 ~~beginning on January 1, 2012, a person required to publish a legal notice:]~~

353 ~~[(a) shall publish notice on the website described in Subsection (1)(b)(ii); and]~~

354 ~~[(b) may publish notice in a newspaper as required by the statute establishing the notice~~
355 ~~requirement.]~~

356 ~~[(3) This section does not apply to a public notice published by a public body in~~
357 ~~accordance with the provisions of Section 63F-1-701.]~~

358 ~~[(4) A notice described in Subsections (1) and (2) includes:]~~

359 ~~[(a) legal notices required for judicial proceedings or by judicial decision; and]~~

360 ~~[(b) notices required to be made available to the public by a state statute or a state~~
361 ~~agency rule.]~~

362 (3) Beginning on January 1, 2012, notwithstanding any provision of law requiring
363 publication of legal notice in a newspaper, a person who publishes legal notice that is required
364 to be given in a county of the first or second class:

365 (a) is not required to comply with the requirement to publish legal notice in a
366 newspaper;

367 (b) is required to publish legal notice on the website described in Subsection (2)(b)(ii);
368 and

369 (c) may, in addition to complying with Subsection (3)(b), publish legal notice in a
370 newspaper.

371 [~~5~~] (4) The website described in Subsection [~~+~~] (2)(b)(ii) may not:

372 (a) charge a fee to [~~post~~] publish a legal notice on the website before January 1, 2012;
373 and

374 (b) charge more than \$10 to [~~post~~] publish a legal notice on the website on or after
375 January 1, 2012.

376 Section 9. Section **45-1-305**, which is renumbered from Section 45-1-3 is renumbered
377 and amended to read:

378 **[45-1-3]. 45-1-305. Supplementary publication by broadcast -- Definitions.**

379 As used in this act:

380 (1) The word "broadcast" means the transmission of information by means of radio or
381 television facilities.

382 (2) The word "notice" means any notice that is required by law to be published.

383 (3) The word "station" means any radio or television station licensed for commercial
384 operation by the Federal Communications Commission.

385 Section 10. Section **45-1-306**, which is renumbered from Section 45-1-301 is
386 renumbered and amended to read:

387 **[45-1-301]. 45-1-306. Notice given in broadcast -- Restrictions.**

388 (1) Any state or other public officer who is required by law to publish any notice may
389 supplement publication of the notice by causing the time, place and nature of the notice to be
390 broadcast at such times and intervals as determined suitable when in his judgment, the public
391 interest is or will be served.

392 (2) The material broadcast shall include only the time, place, and nature of the notice.

393 (3) In the broadcast of any notice or material authorized under this act, no reference by
394 name or the use of the voice or likeness of any person who is a candidate for elective public
395 office at the time of the broadcast shall be allowed.

396 (4) Notices by political subdivisions of this state shall be made only by stations whose
397 basic broadcast coverage encompasses the county or counties in which the notice is required to

398 be given.

399 Section 11. Section **45-1-307**, which is renumbered from Section 45-1-302 is
400 renumbered and amended to read:

401 **[45-1-302]. 45-1-307. Copy of notice broadcast retained by station.**

402 Each station which broadcasts any notice or material under this act shall retain a copy
403 or transcript of the text or material broadcast for a period of six months after the broadcast.
404 The copy shall be available for public review at reasonable times and places.

405 Section 12. Section **45-1-308**, which is renumbered from Section 45-1-303 is
406 renumbered and amended to read:

407 **[45-1-303]. 45-1-308. Proof of broadcast.**

408 Proof of publication or broadcast of the notice or other material under this act shall be
409 by affidavit of a duly authorized representative or agent of the broadcasting station.

410 Section 13. Section **45-1-309**, which is renumbered from Section 45-1-304 is
411 renumbered and amended to read:

412 **[45-1-304]. 45-1-309. Rates of broadcasters.**

413 Rates charged by broadcasters will be no greater than the lowest net rate charged for a
414 like number of announcements by any other advertiser.

415 Section 14. Section **52-4-202** is amended to read:

416 **52-4-202. Public notice of meetings -- Emergency meetings.**

417 (1) A public body shall give not less than 24 hours public notice of each meeting
418 including the meeting:

- 419 (a) agenda;
- 420 (b) date;
- 421 (c) time; and
- 422 (d) place.

423 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
424 regular meetings that are scheduled in advance over the course of a year shall give public
425 notice at least once each year of its annual meeting schedule as provided in this section.

426 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
427 the scheduled meetings.

428 (3) (a) Public notice shall be satisfied by:

429 (i) posting written notice:

430 (A) at the principal office of the public body, or if no principal office exists, at the
431 building where the meeting is to be held; and

432 (B) beginning October 1, 2008 and except as provided in Subsection (3)(b), on the
433 Utah Public Notice Website created under Section 63F-1-701; and

434 (ii) providing notice to:

435 (A) ~~[(F)]~~ at least one newspaper of general circulation within the geographic
436 jurisdiction of the public body; ~~[and] or~~

437 ~~[(H) as required in Section 45-1-101; or]~~

438 (B) a local media correspondent.

439 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local
440 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a
441 special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged,
442 but not required, to post written notice on the Utah Public Notice Website, if the municipality
443 or district has a current annual budget of less than \$1 million.

444 (c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by
445 providing notice to a newspaper or local media correspondent under the provisions of
446 Subsection 63F-1-701(4)(d).

447 (4) A public body is encouraged to develop and use additional electronic means to
448 provide notice of its meetings under Subsection (3).

449 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

450 (i) because of unforeseen circumstances it is necessary for a public body to hold an
451 emergency meeting to consider matters of an emergency or urgent nature; and

452 (ii) the public body gives the best notice practicable of:

453 (A) the time and place of the emergency meeting; and

454 (B) the topics to be considered at the emergency meeting.

455 (b) An emergency meeting of a public body may not be held unless:

456 (i) an attempt has been made to notify all the members of the public body; and

457 (ii) a majority of the members of the public body approve the meeting.

458 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
459 provide reasonable specificity to notify the public as to the topics to be considered at the

460 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

461 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
462 member of the public body, a topic raised by the public may be discussed during an open
463 meeting, even if the topic raised by the public was not included in the agenda or advance public
464 notice for the meeting.

465 (c) Except as provided in Subsection (5), relating to emergency meetings, a public
466 body may not take final action on a topic in an open meeting unless the topic is:

467 (i) listed under an agenda item as required by Subsection (6)(a); and

468 (ii) included with the advance public notice required by this section.

469 Section 15. Section **53A-19-102** is amended to read:

470 **53A-19-102. Local school boards budget procedures.**

471 (1) (a) Prior to June 22 of each year, each local school board shall adopt a budget and
472 make appropriations for the next fiscal year.

473 (b) If the tax rate in the proposed budget exceeds the certified tax rate defined in
474 Section 59-2-924, the board shall comply with Section 59-2-919 in adopting the budget, except
475 as provided by Section 53A-17a-133.

476 (2) (a) Prior to the adoption of a budget containing a tax rate which does not exceed the
477 certified tax rate, the board shall hold a public hearing, as defined in Section 10-9a-103, on the
478 proposed budget.

479 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,
480 in regards to the public hearing described in Subsection (2)(a), the board shall:

481 (i) publish~~[-(A)]~~ the required newspaper notice at least ten days before the day on
482 which the hearing is held; and

483 [~~(B) the required notice, in accordance with Section 45-1-101, at least ten days before~~
484 ~~the hearing; and]~~

485 (ii) file a copy of the proposed budget with the board's business administrator for
486 public inspection at least ten days prior to the hearing.

487 (3) The board shall file a copy of the adopted budget with the state auditor and the
488 State Board of Education.

489 Section 16. **Effective date.**

490 If approved by two-thirds of all the members elected to each house, this bill takes effect

491 upon approval by the governor, or the day following the constitutional time limit of Utah
492 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
493 the date of veto override.