

BOND VALIDATION ACT AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Benjamin M. McAdams

House Sponsor: Derek E. Brown

LONG TITLE

General Description:

This bill clarifies and amends procedural provisions of the Utah Bond Validation Act relating to actions and appeals brought under the act.

Highlighted Provisions:

This bill:

- ▶ clarifies that, to the extent possible and practicable under the circumstances, the court shall render final judgment in a bond validation action within 10 days after the day on which the hearing is concluded;
- ▶ provides that motions filed by a public body for an order, including an injunction order, in a bond validation action must be made to the court in which the validation proceeding is pending;
- ▶ provides that the Utah Supreme Court shall expedite and give priority to the docketing, briefing, hearing, and decision on an appeal under the Utah Bond Validation Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **11-30-7**, as enacted by Laws of Utah 1987, Chapter 197

30 **11-30-8**, as enacted by Laws of Utah 1987, Chapter 197

31 **11-30-10**, as enacted by Laws of Utah 1987, Chapter 197



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

34 Section 1. Section **11-30-7** is amended to read:

35 **11-30-7. Pleadings -- Questions of law and fact -- Judgment.**

36 [~~Any~~] (1) A defendant may file, amend, or supplement any pleading to the proceeding
37 at any time on or before the hearing, but not [~~thereafter without~~] after the hearing begins, unless
38 permission [~~of~~] is given by the court.

39 (2) At the time and place designated in the order, the court shall:

40 (a) proceed to hear and determine all questions of law and fact[~~;~~]; and [~~shall make~~
41 ~~those orders which~~]

42 (b) enter orders that will best enable the court properly to try and determine all
43 questions of law and fact and to enter a judgment with the least possible delay.

44 (3) The judgment shall be based upon a written opinion of the court [~~which shall make~~]
45 that:

46 (a) makes findings of fact; and [~~shall state~~]

47 (b) separately states the court's conclusions of law.

48 (4) To the extent possible and practicable under the circumstances, the court shall
49 render final judgment [~~shall be rendered~~] within 10 days after the day on which the hearing is
50 concluded.

51 Section 2. Section **11-30-8** is amended to read:

52 **11-30-8. Injunction -- Other orders.**

53 (1) Upon motion of the public body to the court in which the validation proceeding is
54 pending, whether before or after the date set for hearing, the court may:

55 (a) enjoin the commencement, prosecution, or maintenance of any other action
56 involving the validity of the bonds[~~, and may~~];

57 (b) order all other actions or proceedings consolidated with the validation proceeding
58 pending before [~~it, and may~~] the court; and

59 (c) make orders [~~which~~] that are necessary or proper to effect consolidation or to avoid
60 unnecessary costs or delays. [~~Those orders~~]

61 (2) The orders described in Subsection (1) are not appealable.

62 Section 3. Section **11-30-10** is amended to read:

63 **11-30-10. Appeals to Supreme Court.**

64 (1) An appeal may be taken only to the Supreme Court and may be taken only by a
65 party appearing at the hearing.

66 (2) No appeal is allowed unless the notice of appeal is filed within 10 days after the
67 date of entry of the judgment.

68 (3) The Supreme Court shall expedite and give priority to the docketing, briefing,
69 hearing, and decision on appeal.

Legislative Review Note
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Office of Legislative Research and General Counsel