

**Representative Lloyd W. Frandsen** proposes to substitute the following bill:

**CREATING OR CONSOLIDATING COUNTIES**

1999 GENERAL SESSION

STATE OF UTAH

**Sponsor: Lloyd W. Frandsen**

AN ACT RELATING TO COUNTIES; REPEALING PROVISIONS RELATING TO THE  
CREATION OF A NEW COUNTY; MODIFYING THE PROCEDURE FOR THE CREATION  
OF A NEW COUNTY; PROVIDING FOR A FEASIBILITY STUDY AND PUBLIC  
HEARINGS; PROVIDING FOR A TRANSITION COMMITTEE; PROVIDING FOR THE  
ADMINISTRATION AND DUTIES OF THE TRANSITION COMMITTEE; AND PROVIDING  
FOR THE CONSOLIDATION OF COUNTIES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

**17-3-201**, Utah Code Annotated 1953

**17-3-202**, Utah Code Annotated 1953

**17-3-203**, Utah Code Annotated 1953

**17-3-204**, Utah Code Annotated 1953

**17-3-205**, Utah Code Annotated 1953

**17-3-206**, Utah Code Annotated 1953

**17-3-207**, Utah Code Annotated 1953

**17-3-208**, Utah Code Annotated 1953

**17-3-209**, Utah Code Annotated 1953

**17-3-210**, Utah Code Annotated 1953

**17-3-211**, Utah Code Annotated 1953

**17-3-212**, Utah Code Annotated 1953

**17-3-213**, Utah Code Annotated 1953

- 26           **17-3-214**, Utah Code Annotated 1953
- 27           **17-3-215**, Utah Code Annotated 1953
- 28           **17-3-301**, Utah Code Annotated 1953
- 29           **17-3-302**, Utah Code Annotated 1953
- 30           **17-3-303**, Utah Code Annotated 1953
- 31           **17-3-304**, Utah Code Annotated 1953
- 32           **17-3-305**, Utah Code Annotated 1953
- 33           **17-3-306**, Utah Code Annotated 1953
- 34           **17-3-307**, Utah Code Annotated 1953
- 35           **17-3-308**, Utah Code Annotated 1953

36 REPEALS:

- 37           **17-3-1**, as last amended by Chapter 227, Laws of Utah 1993
- 38           **17-3-2**, as last amended by Chapter 68, Laws of Utah 1984
- 39           **17-3-3**, as last amended by Chapter 68, Laws of Utah 1984
- 40           **17-3-4**, as last amended by Chapter 227, Laws of Utah 1993
- 41           **17-3-5**, as last amended by Chapter 227, Laws of Utah 1993
- 42           **17-3-6**, as last amended by Chapter 227, Laws of Utah 1993
- 43           **17-3-7**, Utah Code Annotated 1953
- 44           **17-3-8**, Utah Code Annotated 1953
- 45           **17-3-9**, Utah Code Annotated 1953

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

47 Section 1. Section **17-3-201** is enacted to read:

48           **CHAPTER 3. CREATION AND CONSOLIDATION OF COUNTIES**

49                           **Part 1. Reserved**

50                                   **Part 2. Creating a New County**

51           **17-3-201. Definitions.**

52           As used in this part:

53           (1) "Existing county" means a county that:

54           (a) is already in existence at the time a petition to create a new county is filed under

55 Section 17-3-203; and

56           (b) contains some or all of a proposed or future new county.

57           (2) "Feasibility consultant" means a person or firm with expertise in the processes and  
58 economics of local government.

59           (3) "Processing clerk" means the clerk of the processing county.

60           (4) "Processing county" means:

61           (a) if the proposed new county is located entirely within the boundaries of an existing  
62 county, that existing county; or

63           (b) if the proposed new county is located within more than one county, the existing county  
64 that contains the greatest percentage of the land area of the proposed new county.

65           Section 2. Section **17-3-202** is enacted to read:

66           **17-3-202. Creating a new county.**

67           A new county may be created as provided in this part.

68           Section 3. Section **17-3-203** is enacted to read:

69           **17-3-203. Initiation of process to create new county -- Application for feasibility study**  
70 **-- Certification.**

71           (1) The process to create a new county is initiated by the filing of an application for a  
72 feasibility study with the processing clerk.

73           (2) Each application under Subsection (1) shall:

74           (a) contain the signatures of registered voters residing within the proposed new county  
75 equal in number to at least 10% of the number of votes cast within the proposed new county at the  
76 last gubernatorial election before the filing of the application;

77           (b) define the boundaries of the proposed new county;

78           (c) designate up to five signers of the application as sponsors, one of whom shall be  
79 designated as the contact sponsor, with the mailing address and telephone number of each; and

80           (d) request the processing county to commission a study to determine the feasibility of  
81 creating the new county.

82           (3) At the time of filing an application with the processing clerk, the application sponsors  
83 shall file a copy of the application with the clerk of each other existing county.

84           (4) Within 45 days after the filing of an application under Subsection (1), the processing  
85 clerk shall, with the cooperation and assistance of the clerk of each other existing county:

86           (a) determine whether the application meets the requirements of Subsection (2); and

87           (b) (i) if the processing clerk determines that the application meets the requirements of

88 Subsection (2):

89 (A) certify the application and deliver it to the legislative body of the processing county;

90 (B) mail or deliver written notification of the certification to the contact sponsor; and

91 (C) mail a copy of the certification notification to the clerk of each other existing county;

92 or

93 (ii) if the processing clerk determines that the application fails to meet any of those  
94 requirements, reject the application and mail or deliver written notification of the rejection and the  
95 reasons for the rejection to the contact sponsor and the legislative body of each existing county.

96 Section 4. Section **17-3-204** is enacted to read:

97 **17-3-204. Feasibility consultant -- Selection -- Feasibility study.**

98 (1) Within 30 days after certification of an application under Section 17-3-203, the  
99 legislative body of the processing county shall engage the feasibility consultant chosen under  
100 Subsection (2) to conduct a study on the feasibility of creating the proposed new county.

101 (2) The feasibility consultant shall be chosen by a majority vote of a selection committee  
102 consisting of:

103 (a) a person designated by the legislative body of the processing county, in consultation  
104 with the legislative body of each other existing county;

105 (b) a person designated by the application sponsors; and

106 (c) a person designated by the governor.

107 (3) The legislative body of the processing county shall require the feasibility consultant  
108 to:

109 (a) complete the feasibility study and submit the written results to the legislative body of  
110 each existing county and the contact sponsor no later than 90 days after the feasibility consultant  
111 is engaged to conduct the study;

112 (b) submit with the full written results of the feasibility study a summary of the results no  
113 more than one page in length; and

114 (c) attend the public hearings under Subsection 17-3-205(1) and present the feasibility  
115 study results and respond to questions from the public about the feasibility study at those hearings.

116 (4) The feasibility study shall consider:

117 (a) the population and population density that would be present in the proposed new  
118 county and that would remain in each existing county if the new county is created;

119 (b) the history, geography, geology, and topography of and natural boundaries within and  
120 immediately surrounding the proposed new county;

121 (c) the financial impact that the creation of the new county would have on the proposed  
122 new county and on each existing county;

123 (d) any other matter the feasibility consultant considers relevant to the proposed new  
124 county or to an existing county.

125 (5) Each existing county shall equally share the costs associated with the feasibility study.

126 Section 5. Section **17-3-205** is enacted to read:

127 **17-3-205. Public hearings on feasibility study results -- Notice of hearings.**

128 (1) The legislative body of each existing county shall, at its next regular meeting after  
129 receipt of the results of the feasibility study, schedule at least two public hearings to be held:

130 (a) within the following 60 days;

131 (b) at least seven days apart;

132 (c) in geographically diverse locations within the existing county but at least one of which  
133 shall be held in the proposed new county; and

134 (d) for the purpose of allowing:

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

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

138 (2) (a) (i) The clerk of each existing county shall publish notice of the public hearings  
139 required under Subsection (1) at least once a week for three successive weeks in a newspaper of  
140 general circulation within the existing county.

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

143 (b) (i) If there is no newspaper of general circulation within the existing county, the county  
144 clerk shall post at least one notice of the hearings per 1,000 population in conspicuous places  
145 within the existing county that are most likely to give notice of the hearings to the residents of the  
146 county.

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

149 (c) The notice under Subsections (2)(a) and (b) shall include the feasibility study summary

150 under Subsection 17-3-204(3)(b) and shall indicate that a full copy of the study is available for  
151 inspection and copying at the office of the county clerk.

152 Section 6. Section **17-3-206** is enacted to read:

153 **17-3-206. Petition for creation of new county.**

154 (1) At any time within 18 months after the completion of the public hearings required  
155 under Subsection 17-3-205(1), a petition for the creation of a new county may be filed in the office  
156 of the processing clerk.

157 (2) Each petition under Subsection (1) shall:

158 (a) contain the signatures of:

159 (i) registered voters residing within the proposed new county equal in number to at least  
160 25% of the number of votes cast within the proposed new county at the last gubernatorial election  
161 before the filing of the petition; and

162 (ii) registered voters residing within each existing county equal in number to at least 25%  
163 of the number of votes cast within each respective existing county at the last gubernatorial election  
164 before the filing of the petition;

165 (b) state the name of the proposed new county;

166 (c) define the boundaries of the proposed new county as defined in the application for a  
167 feasibility study that was the subject of the hearings under Subsection 17-3-205(1);

168 (d) designate up to five signers of the petition as sponsors, one of whom shall be  
169 designated as the contact sponsor, with the mailing address and telephone number of each; and

170 (e) be filed before the first Monday in May of any year.

171 (3) Within ten days after the filing of a petition under Subsection (1), the processing clerk  
172 shall send a copy of the petition to the clerk of each other existing county.

173 (4) A signature on an application under Section 17-3-203 may be used toward fulfilling  
174 the signature requirement of Subsection (2)(a)(i):

175 (a) if the application under Section 17-3-203 notified the signer in conspicuous language  
176 that the signature, unless withdrawn, would also be used for the purpose of a petition to create a  
177 new county under this section; and

178 (b) unless the signer files with the clerk of the existing county in which the signer resides  
179 a written withdrawal of the signature before the petition under this section is filed with the  
180 processing clerk.

181 (5) At the time of filing a petition with the processing clerk, the petition sponsors shall file  
182 a copy of the petition with the clerk of each other existing county.

183 (6) Within 45 days after the filing of a petition under this section, the processing clerk  
184 shall, with the cooperation and assistance of the clerk of each other existing county:

185 (a) determine whether the petition meets the requirements of Subsection (2); and

186 (b) (i) if the processing clerk determines that the petition meets the requirements of  
187 Subsection (2):

188 (A) certify the petition and deliver it to the legislative body of the processing county;

189 (B) mail or deliver written notification of the certification to the contact sponsor; and

190 (C) mail a copy of the certification notification to the clerk of each other existing county;

191 or

192 (ii) if the processing clerk determines that the petition fails to meet any of those  
193 requirements, reject the petition and mail or deliver written notification of the rejection and the  
194 reasons for the rejection to the contact sponsor and the legislative body of each existing county.

195 Section 7. Section **17-3-207** is enacted to read:

196 **17-3-207. Creation of new county -- Election.**

197 (1) At the next special election date under Subsection 20A-1-204(1)(a) that is more than  
198 45 days after certification of a petition under Subsection 17-3-206(6), the legislative body of each  
199 existing county shall hold an election on the proposal to create a new county.

200 (2) The legislative body of each existing county shall give reasonable, advance public  
201 notice of the election under Subsection (1).

202 (3) The form of ballot in an election under Subsection (1) shall be:

203 For the creation of (insert the name of the proposed new county)

204 Against the creation of (insert the name of the proposed new county)

205 Section 8. Section **17-3-208** is enacted to read:

206 **17-3-208. Election returns -- Lieutenant governor certification -- Governor's**  
207 **proclamation.**

208 (1) Immediately after the canvass of an election under Subsection 17-3-207(1) has been  
209 completed, the clerk of each existing county shall:

210 (a) prepare a certified abstract of the canvass, seal the certified abstract, and endorse it  
211 "election returns"; and

212 (b) deliver the sealed, certified abstract in person or mail it by registered mail to the  
213 lieutenant governor.

214 (2) Upon receipt of the certified abstract, the lieutenant governor shall promptly certify the  
215 result of the election to the governor.

216 (3) If a majority of those voting from within the proposed new county and a majority of  
217 those voting from within each existing county vote in favor of the proposed new county, the  
218 governor shall issue a written proclamation that:

219 (a) states the result of the election;

220 (b) declares the creation of the new county, to take effect at noon on the first Monday in  
221 January of the year following the election of officers under Section 17-3-210;

222 (c) declares the name of the new county, as stated in the petition under Subsection  
223 17-3-206(2)(b);

224 (d) describes the boundaries of the new county and the boundaries of each of the counties  
225 from which part of the new county will be taken, as altered by the creation of the new county; and

226 (e) states the judicial district to which the new county will belong.

227 (4) Within three days after issuing a proclamation under Subsection (3), the governor shall  
228 mail a copy of the proclamation to the legislative body of each county from which the new county  
229 will be taken.

230 Section 9. Section **17-3-209** is enacted to read:

231 **17-3-209. Transition committee -- Membership -- Duties.**

232 (1) Within 45 days after the issuance of the governor's proclamation under Subsection  
233 17-3-208(3), the legislative body of the processing county shall convene the first meeting of a  
234 transition committee consisting of:

235 (a) if the new county will be taken entirely from a single existing county:

236 (i) three persons designated by the legislative body of the existing county within 20 days  
237 after the issuance of the governor's proclamation under Subsection 17-3-208(3);

238 (ii) three residents of the future new county designated by the governor within 20 days  
239 after the issuance of the governor's proclamation under Subsection 17-3-208(3); and

240 (iii) three persons chosen by a majority of the other committee members under Subsections  
241 (1)(a)(i) and (ii); or

242 (b) if the new county will be taken from more than one existing county:

243 (i) two persons from each existing county, designated by the legislative body of each  
244 respective existing county within 20 days after the issuance of the governor's proclamation under  
245 Subsection 17-3-208(3);

246 (ii) residents of the future new county equal in number to the number of existing counties,  
247 designated by the governor within 20 days after the issuance of the governor's proclamation under  
248 Subsection 17-3-208(3); and

249 (iii) persons chosen by a majority of the other committee members under Subsections  
250 (1)(b)(i) and (ii), equal in number to the number of existing counties from which the new county  
251 will be taken.

252 (2) The transition committee shall elect a chair from its members and establish rules to  
253 govern its proceedings.

254 (3) A majority of the members of the transition committee constitutes a quorum, and the  
255 action of a majority of a quorum constitutes the action of the transition committee.

256 (4) All meetings of the transition committee shall comply with Title 52, Chapter 4, Open  
257 and Public Meetings.

258 (5) Members of the transition committee may not be paid for their service on the  
259 committee, but shall be reimbursed all reasonably necessary expenses incurred in serving on the  
260 committee.

261 (6) Before the effective date of the new county's creation, the transition committee shall:

262 (a) meet as often as the committee considers necessary;

263 (b) divide and allocate between each existing county and the new county the assets and  
264 liabilities of that existing county at the time of the new county's creation;

265 (c) determine the effect of the new county's creation on each dependent special district  
266 created under Title 17A, Chapter 3, Dependent Special Districts, that is located partly within one  
267 or more of the existing counties and partly within the new county;

268 (d) determine the proper disposition of land title records and other records of each existing  
269 county, including whether the existing county or new county should retain the original documents  
270 and whether duplicates of the records should be produced for a county that does not retain or  
271 obtain possession of the originals;

272 (e) determine all other administrative matters that arise as a result of the creation of a new  
273 county and that involve the new county and an existing county;

274 (f) at least 60 days before an election under Section 17-3-210, designate three  
275 municipalities within the future new county to go on the ballot at the election as choices for county  
276 seat of the new county; and

277 (g) prepare and distribute publicly a written report of the transition committee's actions  
278 under Subsections (6)(b), (c), (d), (e), and (f).

279 (7) In fulfilling its responsibilities under Subsection (6), each transition committee:

280 (a) shall treat each existing county and the new county fairly and equitably, giving  
281 preference to no county and proportionately dividing between each existing county and the new  
282 county the existing county's assets and liabilities, taking into account differences between the  
283 counties in terms of population, population density, infrastructure, geography, size, assessed value  
284 of property, and expected revenues from property tax, other taxes, and other revenue sources; and

285 (b) may engage professionals the committee reasonably considers necessary to assist the  
286 committee.

287 (8) Each existing county and the new county shall equally bear all expenses of the  
288 transition committee.

289 (9) (a) Judicial review of a decision of the transition committee may be sought by:

290 (i) the legislative body of an existing county; or

291 (ii) (A) before the creation of the new county, the members-elect of the legislative body  
292 of the new county; or

293 (B) after the creation of the new county, the legislative body of the new county.

294 (b) Each request for judicial review under Subsection (9)(a) shall be filed:

295 (i) within the later of:

296 (A) 30 days after the issuance of the transition committee's report under Subsection (6)(e);

297 or

298 (B) 30 days after the election of officers of the new county under Section 17-3-207; and

299 (ii) with the district court that has jurisdiction in the county from which the new county  
300 is being created.

301 (c) In an action under Subsection (9)(a), the court shall uphold the decision of the  
302 transition committee unless the court determines that the decision is arbitrary, capricious, or illegal.

303 Section 10. Section **17-3-210** is enacted to read:

304 **17-3-210. Election to select county seat and to elect officers in new county.**

305 (1) On the first Tuesday after the first Monday of November next following the issuance  
306 of the governor's proclamation under Subsection 17-3-208(3), the legislative body of each existing  
307 county shall hold an election of voters within the new county to select a county seat and to elect  
308 county officers for the new county.

309 (2) Notwithstanding Subsection 20A-9-202(1), each person intending to become a  
310 candidate for a county office to be filled at the election under Subsection (1) shall file a declaration  
311 of candidacy within 15 days after the issuance of the governor's proclamation under Subsection  
312 17-3-208(3).

313 (3) The city or town receiving the largest number of votes for county seat in an election  
314 under Subsection (1) shall be the seat of the new county.

315 Section 11. Section **17-3-211** is enacted to read:

316 **17-3-211. Election code applies -- Election expenses.**

317 (1) Except as otherwise provided in this part, the provisions of Title 20A, Election Code,  
318 apply to each election under this part.

319 (2) Each existing county and the new county shall equally share all expenses of the  
320 elections provided for under this part.

321 Section 12. Section **17-3-212** is enacted to read:

322 **17-3-212. Transfer of records -- Expenses shared by counties.**

323 (1) On or before the effective date of the creation of a new county, the clerk and recorder  
324 of each existing county shall:

325 (a) work with the clerk-elect and recorder-elect of the new county to carry into effect the  
326 determination of the transition committee under Subsection 17-3-209(6)(d); and

327 (b) deliver to the clerk-elect and recorder-elect of the new county:

328 (i) all original records relating to or affecting:

329 (A) elections that have been held within the area of the new county;

330 (B) the creation or operation of dependent special districts created under Title 17A,

331 Chapter 3, Dependent Special Districts, located entirely within the new county; and

332 (C) the creation of independent special districts created under Title 17A, Chapter 2,

333 Independent Special Districts, located entirely within the new county; and

334 (ii) certified copies of records relating to or affecting:

335 (A) elections held in voting precincts located partly in an existing county and partly in the

336 new county;

337 (B) the creation or operation of dependent special districts created under Title 17A,  
338 Chapter 3, Dependent Special Districts, located partly in an existing county and partly in the new  
339 county; and

340 (C) the creation of independent special districts created under Title 17A, Chapter 2,  
341 Independent Special Districts, located partly within an existing county and partly within the new  
342 county.

343 (2) The new county shall pay all expenses of copying and transferring records or copies  
344 of records from an existing county to the new county.

345 Section 13. Section **17-3-213** is enacted to read:

346 **17-3-213. Effect on school districts, special districts, and voting precincts.**

347 (1) The creation of a new county under this part does not affect the boundaries of an  
348 independent special district, created under Title 17A, Chapter 2, Independent Special Districts, or  
349 a school district located within an existing county or the new county.

350 (2) The creation of a new county divides each voting precinct located partly within an  
351 existing county and partly within the new county along the boundary separating the two counties.

352 (3) The effect of the creation of a new county on a dependent special district created under  
353 Title 17A, Chapter 3, Dependent Special Districts, located partly within an existing county and  
354 partly within the new county, shall be determined by the transition committee under Section  
355 17-3-206.

356 Section 14. Section **17-3-214** is enacted to read:

357 **17-3-214. Offenses in new county -- Civil and criminal actions.**

358 (1) Each offense committed in the area of the new county before the creation of the new  
359 county that has not been prosecuted may be prosecuted to judgment and execution in the new  
360 county.

361 (2) Each civil or criminal action pending in the district court to which the existing county  
362 belongs may continue to be prosecuted in the district court to which the new county belongs,  
363 subject to a change of venue as provided by law.

364 Section 15. Section **17-3-215** is enacted to read:

365 **17-3-215. Delivery of certified tax list -- Delivery of taxes collected.**

366 Upon the effective date of the creation of the new county, the treasurer of each existing

367 county shall deliver to the treasurer of the new county:

368 (1) a certified list of all taxes collected by the treasurer of the existing county for the  
369 preceding year upon the property located within the new county; and

370 (2) all taxes collected by the treasurer of the existing county for the preceding year upon  
371 property located within the new county, less the new county's pro rata share of the cost of assessing  
372 and collecting the taxes and the entire cost of preparing the certified list under Subsection (1).

373 Section 16. Section **17-3-301** is enacted to read:

374 **Part 3. Consolidating Counties**

375 **17-3-301. Consolidation of multiple counties.**

376 Two or more contiguous counties may be consolidated into a single new county as provided  
377 in this part.

378 Section 17. Section **17-3-302** is enacted to read:

379 **17-3-302. Consolidation of counties -- Petition.**

380 (1) The process to consolidate more than one county into a single new county is initiated  
381 by filing a petition with the clerk of the most populous county of the counties proposed to be  
382 consolidated.

383 (2) Each petition under Subsection (1) shall:

384 (a) contain the signatures of registered voters residing within each of the counties proposed  
385 to be consolidated equal in number to at least 25% of the number of votes cast within each of the  
386 respective counties at the last gubernatorial election before the filing of the petition;

387 (b) state the name of the proposed consolidated county; and

388 (c) be filed before the first Monday in May of any year.

389 (3) Within five days of the filing of a petition under Subsection (1), the clerk of the county  
390 in which the petition was filed shall deliver a copy of the petition to the clerk of each other county  
391 proposed to be consolidated.

392 Section 18. Section **17-3-303** is enacted to read:

393 **17-3-303. Consolidation of counties -- Election.**

394 (1) At the next special election date under Subsection 20A-1-204(1)(a) that is more than  
395 45 days after the filing of a petition under Subsection 17-3-302(1), the legislative body of each of  
396 the counties proposed to be consolidated shall hold an election on the proposal to consolidate  
397 counties.

398           (2) The legislative body of each of the counties proposed to be consolidated shall give  
399 reasonable, advance public notice in its respective county of the election under Subsection (1).

400           (3) The form of ballot in an election under Subsection (1) shall be:

401           For the consolidation of (insert the names of each of the counties proposed to be  
402 consolidated) into a single new county known as (insert the proposed name of the proposed  
403 consolidated county)

404           Against the consolidation of (insert the names of each of the counties proposed to be  
405 consolidated) into a single new county known as (insert the proposed name of the proposed  
406 consolidated county)

407           Section 19. Section **17-3-304** is enacted to read:

408           **17-3-304. Election returns -- Lieutenant governor certification -- Governor's**  
409 **proclamation.**

410           (1) Immediately after the canvass of an election under Subsection 17-3-303(1) has been  
411 completed, the county clerk of each county proposed to be consolidated shall:

412           (a) prepare a certified abstract of the canvass, seal the certified abstract, and endorse it  
413 "election returns"; and

414           (b) deliver the sealed, certified abstract in person or mail it by registered mail to the  
415 lieutenant governor.

416           (2) Upon receipt of the certified abstract, the lieutenant governor shall promptly certify the  
417 result of the election to the governor.

418           (3) If a majority of those voting from each county vote in favor of consolidating the  
419 counties into a single county, the governor shall issue a written proclamation that:

420           (a) states the result of the election;

421           (b) declares the consolidation of the multiple counties into a single county, to take effect  
422 at 12 noon on the first Monday in January of the year following the election of officers under  
423 Section 17-3-305;

424           (c) declares the name of the consolidated county, as stated in the petition under Subsection  
425 17-3-302(2)(b);

426           (d) describes the boundaries of the consolidated county; and

427           (e) states the judicial district to which the new county belongs.

428           (4) Within three days after issuing a proclamation under Subsection (3), the governor shall

429 mail a copy of the proclamation to the legislative body of each of the counties to be consolidated.

430 Section 20. Section **17-3-305** is enacted to read:

431 **17-3-305. Election to select county seat and to elect officers in consolidated county.**

432 (1) On the first Tuesday after the first Monday of November next following the issuance  
433 of the governor's proclamation under Subsection 17-3-304(3), the legislative body of each of the  
434 counties to be consolidated shall hold an election to select a county seat and to elect county officers  
435 for the new consolidated county.

436 (2) Notwithstanding Subsection 20A-9-202(1), each person intending to become a  
437 candidate for a county office to be filled at the election under Subsection (1) shall file a declaration  
438 of candidacy within 15 days after the issuance of the governor's proclamation under Subsection  
439 17-3-304(3).

440 (3) The city or town receiving the largest number of votes for county seat in an election  
441 under Subsection (1) shall be the seat of the new county.

442 Section 21. Section **17-3-306** is enacted to read:

443 **17-3-306. Election code applies -- Election expenses.**

444 (1) Except as otherwise provided in this part, the provisions of Title 20A, Election Code,  
445 apply to each election under this part.

446 (2) Each of the counties proposed to be consolidated shall bear their own respective  
447 expenses of the elections provided for under this part.

448 Section 22. Section **17-3-307** is enacted to read:

449 **17-3-307. Transfer of records -- Expenses -- Transition to consolidated county.**

450 (1) On or before the effective date of the consolidation, the legislative body of each of the  
451 counties to be consolidated shall deliver to the members-elect of the legislative body of the  
452 consolidated county all original records of the respective counties to be consolidated.

453 (2) The new county shall pay all expenses of transferring records from the counties to be  
454 consolidated to the consolidated county.

455 (3) The legislative body and all officers and employees of each of the counties to be  
456 consolidated shall cooperate and take all steps reasonably necessary for a smooth and orderly  
457 transition from separate counties with their separate organizations and structures to a consolidated  
458 county with its consolidated organization and structure.

459 Section 23. Section **17-3-308** is enacted to read:

460 **17-3-308. Effect of consolidation.**

461 (1) Upon consolidation:

462 (a) each of the counties being consolidated are dissolved and lose their separate identity;

463 (b) all assets of each of the counties being consolidated are transferred and belong to the

464 new consolidated county; and

465 (c) all liabilities of each of the counties being consolidated are transferred to and assumed

466 by the new consolidated county.

467 (2) The consolidation of multiple counties under this part does not affect the boundaries

468 of an independent special district, created under Title 17A, Chapter 2, Independent Special

469 Districts, or a school district located within the area of the consolidated county.

470 **Section 24. Repealer.**

471 This act repeals:

472 **Section 17-3-1, By petition -- Election -- Ballots.**

473 **Section 17-3-2, Election returns transmitted to lieutenant governor.**

474 **Section 17-3-3, Certification of returns -- Governor's proclamation of creation of new**  
475 **county -- Name -- Judicial district.**

476 **Section 17-3-4, County seat, selection by election -- First officers -- Election.**

477 **Section 17-3-5, Records to be transmitted -- Expenses for transcribing and transfer.**

478 **Section 17-3-6, Effect on precincts and school and other districts -- Indebtedness.**

479 **Section 17-3-7, Pending civil and criminal actions.**

480 **Section 17-3-8, Prior offenses.**

481 **Section 17-3-9, Division of taxes.**