

- 28 • provide technical support to the lieutenant governor in evaluating boundary
- 29 creation or boundary changes;
- 30 • assist the State Tax Commission in processing and quality assurance of
- 31 boundary descriptions or maps into digital format;
- 32 • coordinate with county recorders and surveyors to create a statewide parcel
- 33 layer; and
- 34 • facilitate and integrate the collection efforts of local government and federal
- 35 agencies for data collection to densify and enhance the statewide Public Land
- 36 Survey System reference network in the State Geographic Information
- 37 Database;
- 38 ▶ requires the State Geographic Information Database to include an accurate
- 39 representation of all civil subdivision boundaries of the state;
- 40 ▶ requires the lieutenant governor under certain circumstances to certify boundary
- 41 creations, modifications, and dissolutions;
- 42 ▶ requires the lieutenant governor to keep, index, maintain, and make available to the
- 43 public documents related to the creation, modification, and dissolving of
- 44 boundaries; and
- 45 ▶ makes technical corrections.

46 **Monies Appropriated in this Bill:**

47 None

48 **Other Special Clauses:**

49 None

50 **Utah Code Sections Affected:**

51 AMENDS:

- 52 **10-1-116**, as enacted by Chapter 337, Laws of Utah 1998
- 53 **10-1-117**, as last amended by Chapter 257, Laws of Utah 2003
- 54 **10-2-119**, as last amended by Chapter 318, Laws of Utah 2000
- 55 **10-2-120**, as last amended by Chapter 337, Laws of Utah 1998
- 56 **10-2-125**, as last amended by Chapter 292, Laws of Utah 2003
- 57 **10-2-419**, as last amended by Chapter 257, Laws of Utah 2003
- 58 **10-2-425**, as last amended by Chapter 350, Laws of Utah 2004

- 59 **10-2-507**, as last amended by Chapter 279, Laws of Utah 2003
- 60 **10-2-611**, as last amended by Chapter 318, Laws of Utah 2000
- 61 **10-2-712**, as last amended by Chapter 318, Laws of Utah 2000
- 62 **11-13-203**, as renumbered and amended by Chapter 286, Laws of Utah 2002
- 63 **11-13-204**, as last amended by Chapter 21, Laws of Utah 2003
- 64 **11-13-205**, as renumbered and amended by Chapter 286, Laws of Utah 2002
- 65 **17-2-4**, as last amended by Chapter 3, Laws of Utah 2002, Sixth Special Session
- 66 **17-2-9**, as last amended by Chapter 3, Laws of Utah 2002, Sixth Special Session
- 67 **17-2-13**, as enacted by Chapter 294, Laws of Utah 2002
- 68 **17-3-3**, as last amended by Chapter 225, Laws of Utah 2002
- 69 **17-50-104**, as enacted by Chapter 294, Laws of Utah 2002
- 70 **17-50-105**, as renumbered and amended by Chapter 294, Laws of Utah 2002
- 71 **17A-2-1311**, as last amended by Chapter 170, Laws of Utah 2003
- 72 **17A-2-1313**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 73 **17A-2-1327**, as last amended by Chapter 170, Laws of Utah 2003
- 74 **17A-2-1329**, as last amended by Chapter 170, Laws of Utah 2003
- 75 **17B-2-215**, as last amended by Chapter 257, Laws of Utah 2003
- 76 **17B-2-216**, as last amended by Chapter 257, Laws of Utah 2003
- 77 **17B-2-514**, as last amended by Chapters 170 and 257, Laws of Utah 2003
- 78 **17B-2-515.5**, as enacted by Chapter 257, Laws of Utah 2003
- 79 **17B-2-516**, as last amended by Chapter 170, Laws of Utah 2003
- 80 **17B-2-601**, as last amended by Chapter 257, Laws of Utah 2003
- 81 **17B-2-603.5**, as enacted by Chapter 257, Laws of Utah 2003
- 82 **17B-2-610**, as last amended by Chapters 170 and 257, Laws of Utah 2003
- 83 **17B-2-708**, as last amended by Chapter 170, Laws of Utah 2003
- 84 **17B-4-201**, as last amended by Chapter 205, Laws of Utah 2002
- 85 **17B-4-410**, as enacted by Chapter 133, Laws of Utah 2001
- 86 **17B-4-1401**, as enacted by Chapter 133, Laws of Utah 2001
- 87 **20A-14-201**, as last amended by Chapter 331, Laws of Utah 2000
- 88 **53A-2-118**, as enacted by Chapter 234, Laws of Utah 2003
- 89 **63A-6-201**, as renumbered and amended by Chapter 212, Laws of Utah 1993

90 63A-6-202, as enacted by Chapter 212, Laws of Utah 1993

91 63A-6-203, as last amended by Chapter 225, Laws of Utah 2002

92 67-1a-6, as enacted by Chapter 68, Laws of Utah 1984

93 ENACTS:

94 53A-2-101.5, Utah Code Annotated 1953



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

97 Section 1. Section 10-1-116 is amended to read:

98 **10-1-116. Notice to State Tax Commission after incorporation, dissolution, or**
99 **boundary change -- Tax rate on new property included in municipality.**

100 (1) The legislative body of each city or town that is incorporated, dissolved, or whose
101 boundaries are changed through annexation, boundary adjustment, disconnection, or
102 consolidation on or after May 4, 1998, shall, within [~~45~~] 30 days of the incorporation,
103 dissolution, or boundary change, file a written notice of the incorporation, dissolution, or
104 boundary change with the State Tax Commission.

105 (2) Each written notice required under Subsection (1) shall:

106 (a) be accompanied by:

107 (i) (A) in the case of an incorporation or consolidation, a copy of the articles of
108 incorporation after certification by the lieutenant governor;

109 (B) in the case of a boundary change through annexation or boundary adjustment, a
110 copy of the ordinance or resolution that effectuated the boundary change; [~~or~~]

111 (C) in the case of a disconnection, a copy of the amendment to the articles of
112 incorporation after certification by the lieutenant governor; [~~and~~] or

113 (D) in the case of a dissolution, a copy of the articles of dissolution after certification
114 by the lieutenant governor; and

115 (ii) a map or plat that delineates a metes and bounds description of the area affected
116 and evidence that the information has been recorded by the county recorder; and

117 (b) contain a certification by the municipal legislative body that all necessary legal
118 requirements relating to the incorporation, dissolution, or boundary change have been
119 completed.

120 (3) Property included in a newly incorporated municipality or added to a municipality

121 through annexation or boundary adjustment shall carry the tax rate imposed by the municipality
122 if the notice required under Subsection (1) is filed with the State Tax Commission no later than
123 December 31 of the year during which the incorporation or boundary change occurs.

124 Section 2. Section **10-1-117** is amended to read:

125 **10-1-117. Amending articles of incorporation -- Lieutenant governor**
126 **certification.**

127 (1) A municipality may amend its articles of incorporation by filing amended articles
128 with the lieutenant governor.

129 (2) The lieutenant governor may not certify amended articles of incorporation unless
130 they have been:

131 (a) approved by the municipal legislative body; and

132 (b) signed and verified by the mayor of the municipality.

133 (3) (a) Within ten days after receiving amended articles of incorporation that comply
134 with Subsection (2), the lieutenant governor shall:

135 (i) certify the amended articles; and

136 (ii) deliver a copy of the certified articles to:

137 (A) the legislative body of the municipality; and

138 (B) the clerk of the county in which the municipality is located.

139 (b) If the lieutenant governor receives amended articles of incorporation reflecting a
140 municipal annexation or boundary adjustment under Chapter 2, Part 4, Annexation, that also
141 causes an automatic annexation to a local district under Section 17B-2-515.5 or an automatic
142 withdrawal from a local district under Subsection 17B-2-601(2):

143 (i) the lieutenant governor may not certify the municipality's amended articles or issue
144 to the local district a certificate of annexation or withdrawal relating to the automatic
145 annexation or withdrawal until the lieutenant governor receives both the municipality's
146 amended articles of incorporation under Subsection 10-2-425(1)(b) and the local district's
147 notice of annexation under Subsection 17B-2-514(2)(b) or notice of withdrawal under
148 Subsection 17B-2-610(1)(b);

149 (ii) within ten days after receiving both the municipality's amended articles of
150 incorporation and the local district's notice of annexation or withdrawal, the lieutenant
151 governor shall:

- 152 (A) simultaneously:
- 153 (I) certify the amended articles; and
- 154 (II) issue a certificate of annexation or withdrawal, as the case may be;
- 155 (B) send a copy of the certified amended articles to the legislative body of the
- 156 municipality;
- 157 (C) send a certificate of annexation or withdrawal to the local district; and
- 158 (D) send a copy of the certified amended articles and certificate of annexation or
- 159 withdrawal to:
 - 160 (I) the State Tax Commission[;];
 - 161 (II) the Automated Geographic Reference Center created under Section 63A-6-202;
 - 162 (III) the state auditor[;]; and
 - 163 (IV) the assessor, surveyor, and recorder of each county in which any part of the area
 - 164 included in the municipal annexation is located.
- 165 (4) Upon certification by the lieutenant governor, the amended articles shall take effect.
- 166 (5) The lieutenant governor:
 - 167 (a) shall furnish a certified copy of the amended articles of incorporation to any person
 - 168 who requests a certified copy; and
 - 169 (b) may charge a reasonable fee for the certified copy.
- 170 Section 3. Section **10-2-119** is amended to read:
- 171 **10-2-119. Filing of articles of incorporation -- Certification of articles by**
- 172 **lieutenant governor.**
 - 173 (1) Within seven days after the canvass of the final election of city officers under
 - 174 Section 10-2-116, the mayor-elect of the new city shall file at least three copies of the articles
 - 175 of incorporation with the lieutenant governor.
 - 176 (2) The articles of incorporation shall:
 - 177 (a) contain the name of the city;
 - 178 (b) contain [~~a geographical description~~] an accurate map or plat, prepared by a licensed
 - 179 surveyor, approved by the legislative body, and filed with the county surveyor in accordance
 - 180 with Section 17-23-17, showing the boundaries of the city;
 - 181 (c) contain the city's class according to population as defined in Section 10-2-301; and
 - 182 (d) be signed and verified by the mayor-elect of the city.

183 (3) (a) Within ten days of receipt of the articles of incorporation of the new city, the
184 lieutenant governor shall:

185 (i) certify the articles of incorporation;

186 (ii) deliver one copy of the articles of incorporation ~~[to the clerk]~~ and an accurate map
187 or plat, prepared by a licensed surveyor, approved by the legislative body, and filed with the
188 county surveyor in accordance with Section 17-23-17, showing the boundaries of the city to:

189 (A) the state auditor;

190 (B) the Automated Geographic Reference Center created under Section 63A-6-202;
191 and

192 (C) the clerk, assessor, surveyor, auditor, and recorder of the county in which the new
193 city is located; and

194 (iii) return one copy of the articles of incorporation to the mayor-elect of the new city.

195 (b) The lieutenant governor shall furnish a certified copy of the articles of
196 incorporation to any person on request and may charge a reasonable fee for the copy.

197 (4) The legislative body of the new city shall comply with the notice requirements of
198 Section 10-1-116.

199 Section 4. Section **10-2-120** is amended to read:

200 **10-2-120. Alternative to filing articles of incorporation -- Powers of officers-elect.**

201 (1) (a) Before filing articles of incorporation, the mayor-elect of the future city may file
202 a verified notice of intention to file the articles of incorporation.

203 (b) The notice under Subsection (1)(a) shall contain:

204 (i) the name of the future city;

205 ~~[(ii) a geographical description of the new city;]~~

206 (ii) an accurate map or plat, prepared by a licensed surveyor, approved by the
207 legislative body, and filed with the county surveyor in accordance with Section 17-23-17,
208 showing the boundaries of the future city;

209 (iii) the city's class according to population as defined in Section 10-2-301; and

210 (iv) the proposed date for filing the articles of incorporation.

211 (2) On receipt of the notice under Subsection (1), the lieutenant governor shall:

212 (a) certify the notice;

213 (b) deliver one copy of the notice to the clerk of the county in which the future city is

214 located; and
215 (c) return one copy of the notice to the mayor-elect.
216 (3) Upon the lieutenant governor's certification of the notice and until the future city
217 becomes legally incorporated, the officers of the future city may:
218 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act For Utah
219 Cities, a proposed budget and compilation of ordinances;
220 (b) negotiate and make personnel contracts and hirings;
221 (c) negotiate and make service contracts;
222 (d) file the notification required by Subsection 10-1-116(1);
223 (e) negotiate and make contracts to purchase equipment, materials, and supplies; [and]
224 (f) borrow funds from the county in which the future city is located under Subsection
225 10-2-121(3);
226 (g) borrow funds for startup expenses of the future municipality; and
227 (h) issue tax anticipation notes in the name of the future municipality.
228 (4) The city's legislative body shall review and ratify each contract made by the
229 officers-elect under Subsection (3) within 30 days of the effective date of incorporation under
230 Section 10-2-122.

231 Section 5. Section **10-2-125** is amended to read:

232 **10-2-125. Incorporation of a town.**

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

235 (b) (i) The population figure under Subsection (1)(a) shall be derived from the most
236 recent official census or census estimate of the United States Bureau of the Census.

237 (ii) If the population figure is not available from the United States Bureau of the
238 Census, the population figure shall be derived from the estimate from the Utah Population
239 Estimates Committee.

240 (2) (a) The process to incorporate an area as a town is initiated by filing a petition with
241 the clerk of the county in which the area is located.

242 (b) Each petition under Subsection (2)(a) shall:

243 (i) be signed by the owners of private real property that:

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

245 (B) covers a majority of the total private land area within the area; and
246 (C) is equal in value to at least 1/3 of the value of all private real property within the
247 area;

248 (ii) state the legal description of the boundaries of the area proposed to be incorporated
249 as a town; and

250 (iii) substantially comply with and be circulated in the following form:

251 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
252 town)

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

255 We, the undersigned owners of real property within the area described in this petition,
256 respectfully petition the county legislative body to examine the question of whether the area
257 should incorporate as a town. Each of the undersigned affirms that each has personally signed
258 this petition and is an owner of real property within the described area, and that the current
259 residence address of each is correctly written after the signer's name. The area proposed to be
260 incorporated as a town is described as follows: (insert an accurate description of the area
261 proposed to be incorporated).

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

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

266 (3) Section 10-2-104 applies to a petition for incorporation as a town, except that the
267 notice under Subsection 10-2-104(1) shall be sent within seven calendar days of the filing of a
268 petition under Subsection (2).

269 (4) (a) A county legislative body may treat a petition filed under Subsection (2) as a
270 request for a feasibility study under Section 10-2-103 and process it as a request under that
271 section would be processed under this part to determine whether the feasibility study results
272 meet the requirements of Subsection 10-2-109(3).

273 (b) If the results of a feasibility study under Subsection (4)(a) do not meet the
274 requirements of Subsection 10-2-109(3), the county legislative body may not approve the
275 incorporation petition.

276 (c) If the results of the feasibility study under Subsection (4)(a) meet the requirements
277 of Subsection 10-2-109(3), the county legislative body may approve the incorporation petition,
278 if the county legislative body determines that the incorporation is in the best interests of the
279 citizens of the county and the proposed town.

280 (5) Upon approval of a petition filed under Subsection (2), the legislative body of the
281 county in which the proposed town is located shall appoint a mayor and members of the town
282 council who shall hold office until the next regular municipal election and until their
283 successors are elected and qualified.

284 (6) (a) (i) Each mayor appointed under Subsection (5) shall, within seven days of
285 appointment, file articles of incorporation of the new town with the lieutenant governor.

286 (ii) The articles of incorporation shall meet the requirements of Subsection
287 10-2-119(2).

288 (b) Within ten days of receipt of the articles of incorporation, the lieutenant governor
289 shall:

290 (i) certify the articles of incorporation;

291 (ii) return a copy of the articles of incorporation to the appointed mayor; and

292 (iii) send a copy of the articles of incorporation ~~[to the]~~ and an accurate map or plat,
293 prepared by a licensed surveyor, approved by the legislative body, and filed with the county
294 surveyor in accordance with Section 17-23-17, showing the boundaries of the city to:

295 (A) the state auditor;

296 (B) the Automated Geographic Reference Center created under Section 63A-6-202;

297 and

298 (C) the clerk, assessor, surveyor, auditor, and recorder of the county in which the town
299 is located.

300 (7) A town is incorporated upon the lieutenant governor's certification of the articles of
301 incorporation.

302 ~~[(8) (a) Within 30 days of incorporation, the legislative body of the new town shall~~
303 ~~record with the recorder of the county in which the new town is located a plat or map, prepared~~
304 ~~by a licensed surveyor and approved by the legislative body, showing the boundaries of the~~
305 ~~town.]~~

306 ~~[(b)]~~ (8) The legislative body of the new town shall comply with the notice

307 requirements of Section 10-1-116.

308 Section 6. Section **10-2-419** is amended to read:

309 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

318 (iii) (A) publish notice at least once a week for three successive weeks in a newspaper
319 of general circulation within the municipality; or

320 (B) if there is no newspaper of general circulation within the municipality, post at least
321 one notice per 1,000 population in places within the municipality that are most likely to give
322 notice to residents of the municipality.

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

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

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

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

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

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

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

336 (C) is equal in value to at least 15% of the value of all private real property within the
337 area proposed for adjustment; and

338 (v) state that the area that is the subject of the boundary adjustment will, because of the
339 boundary adjustment, be automatically annexed to a local district providing fire protection,
340 paramedic, and emergency services, as provided in Section 17B-2-515.5, if:

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

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

344 (II) in the creation of which an election was not required because of Subsection
345 17B-2-214(3)(c); and

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

348 (vi) state that the area proposed for annexation to the municipality will be
349 automatically withdrawn from a local district providing fire protection, paramedic, and
350 emergency services, as provided in Subsection 17B-2-601(2), if:

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

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

354 (II) in the creation of which an election was not required because of Subsection
355 17B-2-214(3)(c); and

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

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

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

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

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

368 (c) is equal in value to at least 15% of the value of all private real property within the

369 area proposed for adjustment.

370 (4) The municipal legislative body shall comply with the requirements of Section
 371 10-2-425 as if the boundary change were an annexation.

372 [~~(4)~~] (5) An ordinance adopted under Subsection (3) becomes effective when each
 373 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
 374 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an
 375 annexation.

376 Section 7. Section **10-2-425** is amended to read:

377 **10-2-425. Filing of plat or map and amended articles -- Notice requirements --**
 378 **Effective date of annexation.**

379 (1) (a) Within 30 days after enacting an ordinance annexing an unincorporated area or
 380 adjusting a boundary under this part, the municipal legislative body shall:

381 (i) send notice of the enactment to each affected entity;

382 [~~(ii)~~] ~~record with the county recorder a certified copy of the ordinance approving the~~
 383 ~~annexation or boundary adjustment, together with a plat or map prepared by a licensed~~
 384 ~~surveyor and approved by the municipal legislative body, showing the new boundaries of the~~
 385 ~~affected area;~~]

386 [~~(iii)~~] (ii) file with the lieutenant governor:

387 (A) a certified copy of the ordinance approving the annexation or boundary adjustment,
 388 together with a plat or map prepared by a licensed surveyor, approved by the municipal
 389 legislative body, and filed with the county surveyor in accordance with Section 17-23-17,
 390 showing the new boundaries of the affected area; and

391 [~~(A)~~] (B) (I) if the municipality has articles of incorporation, amended articles of
 392 incorporation reflecting the annexation or boundary adjustment, as provided in Section
 393 10-1-117; or

394 [~~(B)~~] (II) if the municipality does not have articles of incorporation, written notice of
 395 the adoption of an annexation ordinance, accompanied by a copy of the ordinance; and

396 [~~(iv)~~] (iii) in accordance with Section 26-8a-414, file the documents described in
 397 Subsection (1)(a)(ii)(A) with the Department of Health.

398 (b) Within ten days after receiving a notice of the adoption of an annexation ordinance
 399 under Subsection (1)(a)[~~(iii)~~] (ii)(B)(II), the lieutenant governor shall issue a certificate of

400 annexation and send:

401 (i) a copy of the certificate to the legislative body of the annexing municipality[;];

402 (ii) a copy of the certificate and the documents described in Subsection (1)(a)(ii)(A) to:

403 (A) the State Tax Commission[;];

404 (B) the Automated Geographic Reference Center created under Section 63A-6-202;

405 (C) the state auditor[;]; and

406 (D) the assessor, surveyor, and recorder of each county in which any part of the

407 annexed area is located.

408 (2) If an annexation or boundary adjustment under this part also causes an automatic
409 annexation to a local district under Section 17B-2-515.5 or an automatic withdrawal from a
410 local district under Subsection 17B-2-601(2), the municipal legislative body shall, as soon as
411 practicable after enacting an ordinance annexing an unincorporated area or adjusting a
412 boundary, send notice of the annexation or boundary adjustment to the local district to which
413 the annexed area is automatically annexed or from which the annexed area is automatically
414 withdrawn.

415 (3) The municipal legislative body shall comply with the notice requirements of
416 Section 10-1-116.

417 (4) Each notice required under Subsections (1) and (3) relating to an annexation shall
418 state the effective date of the annexation, as determined under Subsection (5).

419 (5) An annexation under this part is completed and takes effect:

420 (a) for the annexation of an area located in a county of the first class:

421 (i) July 1 following enactment of an ordinance annexing the unincorporated area if:

422 (A) the ordinance is adopted during the preceding November 1 through April 30; and

423 (B) the requirements of Subsection (1) are met before that July 1; or

424 (ii) January 1 following enactment of an ordinance annexing the unincorporated area if:

425 (A) the ordinance is adopted during the preceding May 1 through October 31; and

426 (B) the requirements of Subsection (1) are met before that January 1; and

427 (b) for all other annexations, the date of the lieutenant governor's issuance of:

428 (i) a certification of amended articles under Subsection 10-1-117(3), for an annexation
429 by a municipality that has articles of incorporation and filed with the lieutenant governor
430 amended articles of incorporation under Subsection (1)(a)(iii)(A); or

431 (ii) a certificate of annexation under Subsection (1)(b), for an annexation by a
432 municipality that does not have articles of incorporation and filed with the lieutenant governor
433 a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).

434 Section 8. Section **10-2-507** is amended to read:

435 **10-2-507. Decree -- Filing of documents -- Notice requirements.**

436 (1) (a) Upon entering a disconnection order, the court shall file with the lieutenant
437 governor a certified copy of the order and a transparent reproducible copy of the map or plat [~~in~~
438 ~~the county recorder's office~~].

439 (b) Within ten days after receiving the disconnection order, the lieutenant governor
440 shall:

441 (i) certify the order; and

442 (ii) deliver one copy of the order to:

443 (A) the legislative body of the municipality;

444 (B) the state auditor;

445 (C) the Automated Geographic Reference Center created under Section 63A-6-202;

446 and

447 (D) the clerk, assessor, surveyor, and recorder of the county in which the municipality
448 is located.

449 (c) The disconnection is effective upon the lieutenant governor's certification of the
450 disconnection order.

451 (2) The municipality shall file amended articles of incorporation in the lieutenant
452 governor's office, as provided in Section 10-1-117, and the county recorder's office within 30
453 days after, as the case may be:

454 (a) adoption of an ordinance approving disconnection under Subsection
455 10-2-502.5(4)(b); or

456 (b) entry of a court order under Section 10-2-502.7 ordering disconnection.

457 (3) The amended articles of incorporation shall:

458 (a) describe the postdisconnection geography of the municipality; and

459 (b) specify the postdisconnection population of the municipality.

460 (4) The lieutenant governor shall comply with the requirements of Subsection
461 10-1-117(3).

462 (5) Any cost incurred by the municipality in complying with this section may be
463 charged against the disconnected territory.

464 (6) The legislative body of each municipality that has had territory disconnected shall
465 comply with the notice requirements of Section 10-1-116.

466 Section 9. Section **10-2-611** is amended to read:

467 **10-2-611. Lieutenant governor's certification of articles of consolidation -- When**
468 **incorporation complete -- Disincorporation of original municipalities.**

469 (1) (a) Within ten days after receiving the articles of consolidation, the lieutenant
470 governor shall:

471 (i) certify the articles; and

472 (ii) deliver one copy of the certified articles to [~~the clerk~~]:

473 (A) the legislative body of the new municipality;

474 (B) the state auditor;

475 (C) the Automated Geographic Reference Center created under Section 63A-6-202;

476 and

477 (D) the clerk, assessor, surveyor, and recorder of the county in which the new
478 municipality is located[~~; and~~].

479 [~~(iii) return one copy of the certified articles to the legislative body of the new~~
480 ~~municipality.~~]

481 (b) The lieutenant governor:

482 (i) shall furnish a certified copy of the articles of consolidation to any person who
483 requests a certified copy; and

484 (ii) may charge a reasonable fee for the certified copy.

485 (2) Upon the lieutenant governor's certification of the articles of consolidation, the
486 incorporation of the new municipality shall be complete and the original municipalities
487 involved in the consolidation shall be considered to be disincorporated.

488 (3) The legislative body of the new municipality shall comply with the notice
489 requirements of Section 10-1-116.

490 Section 10. Section **10-2-712** is amended to read:

491 **10-2-712. Power of court -- Articles of dissolution -- Lieutenant governor**
492 **certification.**

493 (1) The district court may:
494 (a) enforce compliance with any order issued to give effect to this part by proceedings
495 for contempt; and

496 (b) appoint any person to assist it in carrying out the provisions of this part.

497 (2) (a) The district court shall ~~[cause]~~ file articles of dissolution ~~[to be filed]~~ with the
498 lieutenant governor on the dissolution of the municipality.

499 (b) Within ten days after receiving the articles of dissolution, the lieutenant governor
500 shall:

501 (i) certify the articles; and

502 (ii) deliver one copy of the certified articles to ~~[the clerk]~~;

503 (A) the legislative body of the municipality;

504 (B) the state auditor;

505 (C) the Automated Geographic Reference Center created under Section 63A-6-202;

506 and

507 (D) the clerk, assessor, surveyor, and recorder of the county in which the dissolved
508 municipality was located.

509 (c) The lieutenant governor:

510 (i) shall furnish a certified copy of the articles of dissolution to any person who
511 requests a certified copy; and

512 (ii) may charge a reasonable fee for the certified copy.

513 (d) Upon the lieutenant governor's certification of the articles of dissolution, the
514 municipality is dissolved.

515 Section 11. Section **11-13-203** is amended to read:

516 **11-13-203. Interlocal entities -- Agreement to create an interlocal entity -- Utah**
517 **interlocal entity may become electric interlocal entity or energy services interlocal entity.**

518 (1) An interlocal entity ~~[created under this section]~~ is:

519 (a) separate from the public agencies that create it;

520 (b) a body politic and corporate; and

521 (c) a political subdivision of the state.

522 (2) Any two or more Utah public agencies may ~~[by]~~ enter into an agreement to create a
523 Utah interlocal entity to accomplish the purpose of their joint or cooperative action, including

524 undertaking and financing a facility or improvement to provide the service contemplated by
525 that agreement.

526 (3) (a) A Utah public agency and one or more public agencies may ~~by~~ enter into an
527 agreement to create an electric interlocal entity to accomplish the purpose of their joint or
528 cooperative action if that purpose is to participate in the undertaking or financing of:

529 (i) facilities to provide additional project capacity;

530 (ii) common facilities under Title 54, Chapter 9, Electric Power Facilities Act; or

531 (iii) electric generation or transmission facilities.

532 (b) By agreement with one or more public agencies that are not parties to the
533 agreement creating it, a Utah interlocal entity may be reorganized as an electric interlocal entity
534 if:

535 (i) the public agencies that are parties to the agreement creating the Utah interlocal
536 entity authorize, in the same manner required to amend the agreement creating the Utah
537 interlocal entity, the Utah interlocal entity to be reorganized as an electric interlocal entity; and

538 (ii) the purpose of the joint or cooperative action to be accomplished by the electric
539 interlocal entity meets the requirements of Subsection (3)(a).

540 (4) (a) Two or more Utah public agencies may ~~by~~ enter into an agreement with one
541 another or with one or more public agencies to create an energy services interlocal entity to
542 accomplish the purposes of their joint and cooperative action with respect to facilities, services,
543 and improvements necessary or desirable with respect to the acquisition, generation,
544 transmission, management, and distribution of electric energy for the use and benefit of the
545 public agencies that enter into the agreement.

546 (b) (i) A Utah interlocal entity that was created to facilitate the transmission or supply
547 of electric power may, by resolution adopted by its governing body, elect to become an energy
548 services interlocal entity.

549 (ii) Notwithstanding Subsection (4)(b)(i), a Utah interlocal entity that is also a project
550 entity may not elect to become an energy services interlocal entity.

551 (iii) An election under Subsection (4)(b)(i) does not alter, limit, or affect the validity or
552 enforceability of a previously executed contract, agreement, bond, or other obligation of the
553 Utah interlocal entity making the election.

554 Section 12. Section **11-13-204** is amended to read:

555 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
556 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**
557 **lieutenant governor.**

558 (1) (a) An interlocal entity:

559 (i) may:

560 (A) adopt, amend, and repeal rules, bylaws, policies, and procedures for the regulation
561 of its affairs and the conduct of its business;

562 (B) sue and be sued;

563 (C) have an official seal and alter that seal at will;

564 (D) make and execute contracts and other instruments necessary or convenient for the
565 performance of its duties and the exercise of its powers and functions;

566 (E) acquire real or personal property, or an undivided, fractional, or other interest in
567 real or personal property, necessary or convenient for the purposes contemplated in the
568 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;

569 (F) directly or by contract with another:

570 (I) own and acquire facilities and improvements or an undivided, fractional, or other
571 interest in facilities and improvements;

572 (II) construct, operate, maintain, and repair facilities and improvements; and

573 (III) provide the services contemplated in the agreement creating the interlocal entity;

574 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
575 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
576 any part of the revenues and receipts from the facilities, improvements, or services that the
577 interlocal entity provides;

578 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
579 other obligations issued by the interlocal entity; and

580 (I) sell or contract for the sale of the services, output, product, or other benefits
581 provided by the interlocal entity to:

582 (I) public agencies inside or outside the state; and

583 (II) with respect to any excess services, output, product, or benefits, any person on
584 terms that the interlocal entity considers to be in the best interest of the public agencies that are
585 parties to the agreement creating the interlocal entity; and

586 (ii) may not levy, assess, or collect ad valorem property taxes.

587 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(i)(G) may, to
588 the extent provided by the documents under which the assignment, pledge, or other conveyance
589 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes
590 payable to the state or its political subdivisions.

591 (2) An energy services interlocal entity:

592 (a) except with respect to any ownership interest it has in facilities providing additional
593 project capacity, is not subject to:

594 (i) Part 3, Project Entity Provisions; or

595 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
596 Pay Corporate Franchise or Income Tax Act; and

597 (b) may:

598 (i) own, acquire, and, by itself or by contract with another, construct, operate, and
599 maintain a facility or improvement for the generation, transmission, and transportation of
600 electric energy or related fuel supplies;

601 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
602 services, transmission, and transportation services, and supplies of natural gas and fuels
603 necessary for the operation of generation facilities;

604 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,
605 and others, whether located in or out of the state, for the sale of wholesale services provided by
606 the energy services interlocal entity; and

607 (iv) adopt and implement risk management policies and strategies and enter into
608 transactions and agreements to manage the risks associated with the purchase and sale of
609 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,
610 and other instruments.

611 (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or
612 an amendment to that agreement may provide that the agreement may continue and the
613 interlocal entity may remain in existence until the latest to occur of:

614 (a) 50 years after the date of the agreement or amendment;

615 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its
616 indebtedness;

617 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed
618 or transferred all of its interest in its facilities and improvements; or

619 (d) five years after the facilities and improvements of the interlocal entity are no longer
620 useful in providing the service, output, product, or other benefit of the facilities and
621 improvements, as determined under the agreement governing the sale of the service, output,
622 product, or other benefit.

623 (4) (a) The governing body of each party to the agreement to create an interlocal entity
624 ~~[created]~~ under Section 11-13-203 ~~[on or after May 4, 1998,]~~ shall, within 30 days of the
625 ~~[creation]~~ date of the agreement, jointly file a written notice of the ~~[creation]~~ agreement with
626 the ~~[State Tax Commission]~~ lieutenant governor.

627 (b) Each written notice required under Subsection (4)(a) shall:

628 (i) be accompanied by:

629 (A) a copy of the agreement ~~[creating]~~ to create the interlocal entity; and

630 (B) if less than all of the territory of any Utah public agency that is a party to the
631 agreement is included within the interlocal entity, a plat that delineates a metes and bounds
632 description of the area affected or a map of the area affected ~~[and evidence that the information~~
633 ~~has been recorded by the recorder of the county in which the Utah public agency is located]~~;
634 and

635 (ii) contain a certification by the governing body that all necessary legal requirements
636 relating to the creation have been completed.

637 (5) Within ten days after receiving a notice under Subsection (4)(a), the lieutenant
638 governor shall:

639 (a) issue a certificate of interlocal entity creation;

640 (b) send a copy of the certificate issued under Subsection (5)(a) and a copy of the
641 notice of entity creation, including the accompanying map or legal description, to:

642 (i) the State Tax Commission;

643 (ii) the state auditor;

644 (iii) the Automated Geographic Reference Center created under Section 63A-6-202;

645 and

646 (iv) the recorder, surveyor, assessor, auditor, and clerk of each county in which any
647 part of the created interlocal entity is located; and

648 (c) send to the parties to the agreement and the interlocal entity being created a copy of
649 the certificate issued under Subsection (5)(a) and a statement indicating completion of
650 Subsection (5)(b).

651 (6) Upon the lieutenant governor's issuance of a certificate of creation under
652 Subsection (5)(a), the interlocal entity is created.

653 [~~5~~] (7) Nothing in this section [~~shall~~] may be construed as expanding the rights of any
654 municipality or interlocal entity to sell or provide retail service.

655 Section 13. Section **11-13-205** is amended to read:

656 **11-13-205. Agreement by public agencies to create a new entity to own sewage**
657 **and wastewater facilities -- Powers and duties of new entities -- Validation of previously**
658 **created entities -- Notice to lieutenant governor.**

659 (1) It is declared that the policy of the state is to assure the health, safety, and welfare
660 of its citizens, that adequate sewage and wastewater treatment plants and facilities are essential
661 to the well-being of the citizens of the state and that the acquisition of adequate sewage and
662 wastewater treatment plants and facilities on a regional basis in accordance with federal law
663 and state and federal water quality standards and effluent standards in order to provide services
664 to public agencies is a matter of statewide concern and is in the public interest. It is found and
665 declared that there is a statewide need to provide for regional sewage and wastewater treatment
666 plants and facilities, and as a matter of express legislative determination it is declared that the
667 compelling need of the state for construction of regional sewage and wastewater treatment
668 plants and facilities requires the creation of entities under the Interlocal Cooperation Act to
669 own, construct, operate, and finance sewage and wastewater treatment plants and facilities; and
670 it is the purpose of this law to provide for the accomplishment thereof in the manner provided
671 in this section.

672 (2) Any two or more public agencies of the state may also agree to create a separate
673 legal or administrative entity to accomplish and undertake the purpose of owning, acquiring,
674 constructing, financing, operating, maintaining, and repairing regional sewage and wastewater
675 treatment plants and facilities.

676 (3) A separate legal or administrative entity created in the manner provided herein is
677 considered to be a political subdivision and body politic and corporate of the state with power
678 to carry out and effectuate its corporate powers, including, but not limited to, the power:

679 (a) to adopt, amend, and repeal rules, bylaws, and regulations, policies, and procedures
680 for the regulation of its affairs and the conduct of its business, to sue and be sued in its own
681 name, to have an official seal and power to alter that seal at will, and to make and execute
682 contracts and all other instruments necessary or convenient for the performance of its duties
683 and the exercise of its powers and functions under the Interlocal Cooperation Act;

684 (b) to own, acquire, construct, operate, maintain, repair, or cause to be constructed,
685 operated, maintained, and repaired one or more regional sewage and wastewater treatment
686 plants and facilities, all as shall be set forth in the agreement providing for its creation;

687 (c) to borrow money, incur indebtedness and issue revenue bonds, notes or other
688 obligations payable solely from the revenues and receipts derived from all or a portion of the
689 regional sewage and wastewater treatment plants and facilities which it owns, operates, and
690 maintains, such bonds, notes, or other obligations to be issued and sold in compliance with the
691 provisions of Title 11, Chapter 14, Utah Municipal Bond Act;

692 (d) to enter into agreements with public agencies and other parties and entities to
693 provide sewage and wastewater treatment services on such terms and conditions as it considers
694 to be in the best interests of its participants; and

695 (e) to acquire by purchase or by exercise of the power of eminent domain, any real or
696 personal property in connection with the acquisition and construction of any sewage and
697 wastewater treatment plant and all related facilities and rights-of-way which it owns, operates,
698 and maintains.

699 (4) The provisions of Part 3, Project Entity Provisions, do not apply to a legal or
700 administrative entity created for regional sewage and wastewater treatment purposes under this
701 section.

702 (5) All proceedings previously had in connection with the creation of any legal or
703 administrative entity pursuant to this chapter, and all proceedings previously had by any such
704 entity for the authorization and issuance of bonds of the entity are validated, ratified, and
705 confirmed; and these entities are declared to be validly created interlocal cooperation entities
706 under this chapter. These bonds, whether previously or subsequently issued pursuant to these
707 proceedings, are validated, ratified, and confirmed and declared to constitute, if previously
708 issued, or when issued, the valid and legally binding obligations of the entity in accordance
709 with their terms. Nothing in this section shall be construed to affect or validate any bonds, or

710 the organization of any entity, the legality of which is being contested at the time this act takes
711 effect.

712 (6) (a) The governing body of each party to the agreement to create an entity ~~[created]~~
713 under this section ~~[on or after May 4, 1998,]~~ shall, within 30 days of the ~~[creation]~~ date of the
714 agreement, jointly file a written notice of the [creation] agreement with the [State Tax
715 Commission] lieutenant governor.

716 (b) Each written notice required under Subsection (6)(a) shall:

717 (i) be accompanied by:

718 (A) a copy of the agreement ~~[creating]~~ to create the entity; and

719 (B) a map or plat that delineates a metes and bounds description of the area affected
720 ~~[and evidence that the information has been recorded by the county recorder]; and~~

721 (ii) contain a certification by the governing body that all necessary legal requirements
722 relating to the creation have been completed.

723 (7) Within ten days after receiving a notice under Subsection (6)(a), the lieutenant
724 governor shall:

725 (a) issue a certificate of entity creation;

726 (b) send a copy of the certificate issued under Subsection (6)(a) and a copy of the
727 notice of entity creation including the accompanying map or legal description to the State Tax
728 Commission, state auditor, Automated Geographic Reference Center created in Section
729 63A-6-202, county recorder, county surveyor, county assessor, county auditor, and county clerk
730 in which any part of the created entity is located; and

731 (c) send to the parties to the agreement and the entity being created a copy of the
732 certificate issued under Subsection (6)(a) and a statement indicating completion of Subsection
733 (6)(b).

734 (8) Upon the lieutenant governor's issuance of a certificate of entity creation, the entity
735 is created.

736 Section 14. Section **17-2-4** is amended to read:

737 **17-2-4. When annexation effective -- Governor's proclamation -- Notice to State**
738 **Tax Commission.**

739 (1) Upon receipt of the election result from the lieutenant governor under Section
740 17-2-3, the governor shall issue a proclamation, stating the result of the vote in each of the

741 counties, and that the annexation of the one county to the other will take effect as provided in
742 Subsection (2).

743 (2) An annexation approved at an election under Section 17-2-1 takes effect on January
744 1 of the year immediately following issuance of the governor's proclamation.

745 (3) (a) Within 30 days after the issuance of the governor's proclamation under
746 Subsection (1), the legislative body of the annexing county shall send a notice to:

747 (i) the State Tax Commission[-]; and

748 (ii) the Automated Geographic Reference Center created under Section 63A-6-202.

749 (b) Each notice under Subsection (3)(a) shall include:

750 (i) a copy of the governor's proclamation;

751 (ii) a certification that all necessary legal requirements relating to the annexation have
752 been completed; and

753 (iii) a map or plat that delineates an accurate metes and bounds description of the
754 annexing county following annexation.

755 Section 15. Section **17-2-9** is amended to read:

756 **17-2-9. When annexation effective -- Governor's proclamation -- Notice to State**
757 **Tax Commission.**

758 (1) Upon receipt of the lieutenant governor's certification under Section 17-2-8, the
759 governor shall issue a proclamation, stating the result of the vote in each county, and that the
760 annexation of the territory to the annexing county will take effect as provided in Subsection (2).

761 (2) An annexation approved at an election under Section 17-2-6 takes effect on January
762 1 of the year immediately following issuance of the governor's proclamation.

763 (3) (a) Within 30 days after the issuance of the governor's proclamation under
764 Subsection (1), the legislative body of the annexing county shall send a notice to:

765 (i) the State Tax Commission[-]; and

766 (ii) the Automated Geographic Reference Center created under Section 63A-6-202.

767 (b) Each notice under Subsection (3)(a) shall include:

768 (i) a copy of the governor's proclamation;

769 (ii) a certification that all necessary legal requirements relating to the annexation have
770 been completed; and

771 (iii) a map or plat that delineates an accurate metes and bounds description of the area

772 that was annexed.

773 Section 16. Section 17-2-13 is amended to read:

774 **17-2-13. Minor adjustments to county boundaries authorized -- Public hearing --**
775 **Joint resolution of county legislative bodies.**

776 (1) Counties sharing a common boundary may, in accordance with the provisions of
777 Subsection (2) and Article XI, Section 3, of the Utah Constitution, adjust all or part of the
778 common boundary to move it up to 1,000 feet from its location before the adjustment.

779 (2) The legislative bodies of both counties desiring to adjust a common boundary in
780 accordance with Subsection (1) shall:

781 (a) hold a joint public hearing on the proposed boundary adjustment;

782 (b) in addition to the regular notice required for public meetings of the county
783 legislative bodies, mail written notice to all real property owners of record whose property may
784 change counties as the result of the proposed adjustment; and

785 (c) adopt a joint resolution approved by both county legislative bodies which:

786 (i) approves the proposed boundary adjustment;

787 (ii) sets forth the legal description of the county boundary after the adjustment; and

788 (iii) provides an effective date for the boundary adjustment.

789 (3) Upon the effective date of the joint resolution under Subsection (2)(c), all territory
790 designated to be annexed into another county shall become the territory of the annexing county
791 and the provisions of Sections 17-2-11 and 17-2-12 shall apply in the same manner as with any
792 other annexations under this chapter.

793 (4) (a) Within 30 days after the adoption of a joint resolution under Subsection (2)(c)
794 by both counties, the legislative body of the county which received the greatest area shall send
795 a notice to:

796 (i) the State Tax Commission; and

797 (ii) the Automated Geographic Reference Center created under Section 63A-6-202.

798 (b) Each notice under Subsection (4)(a) shall include:

799 (i) a copy of the joint resolution under Subsection (2)(c);

800 (ii) a certification that all necessary legal requirements relating to the boundary
801 adjustment have been completed; and

802 (iii) a map or plat, verified by the county surveyor, and filed with the county surveyor

803 in accordance with Section 17-23-17, that delineates an accurate metes and bounds description
804 of the boundary adjustment.

805 Section 17. Section **17-3-3** is amended to read:

806 **17-3-3. Certification of returns -- Governor's proclamation of creation of new**
807 **county -- Name -- Judicial district -- Notice to State Tax Commission.**

808 (1) The certified abstract of returns under Section 17-3-2 shall be filed in the office of
809 the lieutenant governor, who shall certify the result to the governor.

810 (2) If it appears that any proposition submitted to the electors as provided in this
811 chapter has been carried in the affirmative by a majority vote of the qualified electors residing
812 in that portion of the county proposed as a new county, and also by a majority vote of the
813 qualified electors residing in the remaining portion of that county, the governor shall issue a
814 proclamation, stating:

815 (a) the result of the vote in each division of the county;

816 (b) the name and boundaries of the new county;

817 (c) the boundaries of the original county as changed by the creation of the new county;

818 (d) that the creation of the new county will take effect on the first Monday in January
819 following;

820 (e) the name proposed in the petition as the name of the new county; and

821 (f) the judicial district to which the new county belongs.

822 (3) (a) Within 30 days after the issuance of the governor's proclamation under
823 Subsection (2), the legislative body of the county from which the greatest portion of the new
824 county was taken shall send a notice to:

825 (i) the State Tax Commission[-]; and

826 (ii) the Automated Geographic Reference Center created under Section 63A-6-202.

827 (b) Each notice under Subsection (3)(a) shall include:

828 (i) a copy of the governor's proclamation;

829 (ii) a certification that all necessary legal requirements relating to the creation of the
830 new county have been completed; and

831 (iii) a map or plat that delineates an accurate metes and bounds description of the new
832 county.

833 (4) The new county that is the subject of the governor's proclamation under Subsection

834 (2) shall be a county of the state from and after 12 noon of the first Monday in January
835 following the issuance of the governor's proclamation.

836 Section 18. Section **17-50-104** is amended to read:

837 **17-50-104. Counties of the state -- County boundaries maintained by lieutenant**
838 **governor -- Notice of county boundary changes.**

839 (1) The counties of the state are those whose geographic boundaries are described in
840 the official county boundary records maintained by the office of the lieutenant governor and
841 may be changed only in accordance with the provisions of this title.

842 (2) The office of the lieutenant governor shall maintain the official county boundaries
843 for the counties of the state and update those boundaries when notified of a change in county
844 boundaries in accordance with Subsection (3).

845 (3) Whenever any change is made to county boundaries under this title, the affected
846 counties shall provide notice ~~[to]~~ of the change, including an accurate map or plat of the
847 changed county boundaries, to:

848 (a) the office of the lieutenant governor [and];

849 (b) the State Tax Commission [of the change, including a description of the changed
850 county boundaries.]; and

851 (c) the Automated Geographic Reference Center created under Section 63A-6-202.

852 Section 19. Section **17-50-105** is amended to read:

853 **17-50-105. Disputed boundaries.**

854 (1) (a) If a dispute or uncertainty arises as to the true location of a county boundary as
855 described in the official records maintained by the office of the lieutenant governor, the
856 surveyors of each county whose boundary is the subject of the dispute or uncertainty may
857 determine the true location.

858 (b) If agreement is reached under Subsection (1)(a), the county surveyors shall provide
859 notice, accompanied by a map, to the lieutenant governor showing the true location of the
860 county boundary.

861 (2) (a) If the county surveyors fail to agree on or otherwise fail to establish the true
862 location of the county boundary, the county executive of either or both of the affected counties
863 shall engage the services of the state engineer.

864 (b) After being engaged under Subsection (2)(a), the state engineer shall notify the

865 surveyor of each county whose boundary is the subject of the dispute or uncertainty of the
866 procedure the state engineer will use to determine the true location of the boundary.

867 (c) With the assistance of each surveyor who chooses to participate, the state engineer
868 shall determine permanently the true location of the boundary by marking surveys and erecting
869 suitable monuments to designate the boundary.

870 (d) Each boundary established under this Subsection (2) shall be considered permanent
871 until superseded by legislative enactment.

872 (e) The state engineer shall provide notice, accompanied by a map, to the lieutenant
873 governor showing the true location of the county boundary.

874 (3) Nothing in this section may be construed to give the county surveyors or state
875 engineer any authority other than to erect suitable monuments to designate county boundaries
876 as they are described in the official records maintained by the office of the lieutenant governor.

877 (4) Within ten days after receiving notice under Subsection (1)(b) or (2)(e), the
878 lieutenant governor shall send a copy of the notice including the accompanying map, to:

879 (a) the State Tax Commission;

880 (b) the state auditor;

881 (c) the Automated Geographic Reference Center created under Section 63A-6-202; and

882 (d) the recorder, surveyor, assessor, auditor, and clerk of each county affected by the
883 boundary.

884 Section 20. Section **17A-2-1311** is amended to read:

885 **17A-2-1311. Adoption of resolution -- Notice to lieutenant governor --**
886 **Certification by lieutenant governor -- Judicial review.**

887 (1) (a) After conclusion of the hearing, and after the time for filing protests as provided
888 in Section 17A-2-1309 has expired, the governing authority shall adopt a resolution either
889 approving the establishment of the special service district or determining that the proposal to
890 establish it should be abandoned.

891 (b) A resolution approving the establishment of a special service district may contain
892 any changes from the initial resolution or notice of intention the governing authority
893 determines to be appropriate, including reduction of the boundaries of the special service
894 district and elimination of one or more of the types of services proposed.

895 (c) The boundaries of the special service district may not be increased nor additional

896 types of services added, unless the governing authority gives a new notice of intention and
897 holds a new hearing.

898 (d) All or a part of the area of an abandoned special service district may be included in
899 a new special service district established in the manner provided in this part.

900 (2) (a) Within 90 days after adopting a resolution approving the establishment of a
901 special service district under Subsection (1), the governing authority shall file a notice with the
902 lieutenant governor.

903 (b) Each notice under Subsection (2)(a) shall:

904 (i) be accompanied by:

905 (A) a copy of the resolution adopted by the governing authority approving the
906 establishment of the special service district; and

907 (B) a map showing the boundaries of the special service district, prepared and certified
908 by a licensed surveyor and filed with the county surveyor in accordance with Section 17-23-17;
909 and

910 (ii) include a certification by the governing authority that all requirements for the
911 establishment of a special service district have been complied with.

912 (c) Within ten days after receiving the notice under Subsection (2)(a), the lieutenant
913 governor shall:

914 (i) issue a certificate of incorporation for the new special service district and send a
915 copy of the certificate to the governing authority, the State Tax Commission, [~~and~~] the state
916 auditor, and the Automated Geographic Reference Center created under Section 63A-6-202;
917 and

918 (ii) send a copy of the notice under Subsection (2)(a), including the accompanying
919 map, to the State Tax Commission and the Automated Geographic Reference Center created
920 under Section 63A-6-202.

921 (d) Upon the lieutenant governor's issuance of the certificate of incorporation, the
922 special service district is created and incorporated.

923 (3) After a special service district is established, a person may petition the district court
924 for a writ of review of the actions of the governing authority in establishing the district if:

925 (a) (i) the person filed a written protest; or

926 (ii) the person filed a written protest, withdrew the protest, and then cancelled the

927 withdrawal; and

928 (b) (i) the person is a qualified voter residing within the district; or

929 (ii) the person is a qualified voter whose property has been included within the
930 boundaries of the special service district; and

931 (c) the petition is filed within 30 days after the date of the resolution establishing the
932 special service district; and

933 (d) (i) the petition alleges that the person's property will not be benefitted by one or
934 more of the services to be provided by the special service district; or

935 (ii) the petition alleges that the procedures used to establish the special service district
936 violated the law.

937 (4) If a petition for a writ of review is not filed within the time limits established by
938 this section, owners of property and qualified voters within the special service district may not
939 object to the establishment of the district.

940 (5) The governing authority may consider the voter registration records of the county as
941 conclusive evidence of residency in the special service district.

942 Section 21. Section **17A-2-1313** is amended to read:

943 **17A-2-1313. Service district as separate body politic -- Supervision and control**
944 **by governing authority.**

945 (1) [~~After the adoption of the resolution establishing a service district, the~~] A special
946 service district [so] established [shall be] under this part is a separate body politic and
947 corporate and a quasi-municipal public corporation distinct from each county or municipality in
948 which the service district is located.

949 (2) The governing authority of the county or municipality in which the service district
950 is located shall control and have supervisory authority over all activities of the service district
951 but may delegate:

952 (a) to an administrative control board established under Section 17A-2-1326 or to
953 designated officers or employees (who may, but need not be, officers or employees of the
954 county or municipality which established the service district), the performance of any such
955 activities and the exercise of any rights, powers, and authority of the service district; and

956 (b) to designated officers or employees all rights, powers, and authority that may be
957 delegated to an administrative control board established under Section 17A-2-1326.

958 Section 22. Section 17A-2-1327 is amended to read:

959 **17A-2-1327. Adding additional services -- Annexing additional area -- Notice to**
960 **lieutenant governor -- Certification by lieutenant governor.**

961 (1) Subject to the provisions of Subsections (2) and (3), after the establishment of a
962 special service district, additional services from that specified in the resolution establishing the
963 district may be added and additional area from that specified in the resolution may be annexed
964 to the district by using the procedure provided for in this part for the establishment of the
965 district with appropriate changes in the wording of the required instruments.

966 (2) (a) Notwithstanding Subsection (1), additional services may not be added and
967 additional area may not be annexed to the special service district and the governing authority
968 shall abandon the additional services or annexation proceedings if written protests are filed at
969 or before the hearing by:

970 (i) with respect to proceedings to add services:

971 (A) the owners of more than 50% of the taxable value of the taxable property within
972 the district; or

973 (B) more than 50% of the qualified electors of the district; or

974 (ii) with respect to proceedings to annex new area:

975 (A) the owners of more than 50% of the taxable value of the taxable property within
976 the area to be annexed; or

977 (B) more than 50% of the qualified electors of the area to be annexed.

978 (b) (i) The determination of owners, properties, and taxable value under Subsection
979 (2)(a) shall be according to the assessment rolls last completed before the adoption of the
980 resolution proposing the addition of services or annexation.

981 (ii) The determination of qualified electors under Subsection (2)(a) shall be from the
982 registration lists last made or revised before the adoption of the resolution proposing the
983 addition of services or annexation.

984 (3) (a) Notwithstanding Subsection (1), the notice, hearing, and protest requirements of
985 Sections 17A-2-1307, 17A-2-1308, and 17A-2-1309 do not apply if a petition for additional
986 services or annexation of additional area is filed with the governing body of the special service
987 district containing the signatures of all owners of all taxable real property:

988 (i) within the special service district, if the petition is for additional services; or

989 (ii) within the area proposed to be annexed, if the petition is for annexation of
990 additional area.

991 (b) For purposes of Subsection (3)(a), the owners of taxable property shall be
992 determined according to the assessment roll last completed before the filing of the petition.

993 (4) (a) If the governing authority adopts a resolution approving the annexation of
994 additional area, the governing authority shall, within 90 days after adopting the resolution, file
995 a notice with the lieutenant governor.

996 (b) The notice required under Subsection (4)(a) shall:

997 (i) be accompanied by:

998 (A) a copy of the resolution adopted by the governing authority approving the
999 annexation of additional area; and

1000 (B) a map showing the additional area to be annexed by the special service district,
1001 prepared and certified by a licensed surveyor and filed with the county surveyor in accordance
1002 with Section 17-23-17; and

1003 (ii) include a certification by the governing authority that all requirements for the
1004 annexation of the additional area have been complied with.

1005 (c) Within ten days after receiving the notice under Subsection (4)(a), the lieutenant
1006 governor shall:

1007 (i) issue a certificate of annexation and send a copy of the certificate to the governing
1008 authority, the State Tax Commission, [~~and~~] the state auditor, and the Automated Geographic
1009 Reference Center created under Section 63A-6-202; and

1010 (ii) send a copy of the notice under Subsection (4)(a), including the accompanying
1011 map, to the State Tax Commission and the Automated Geographic Reference Center created
1012 under Section 63A-6-202.

1013 (d) Upon the lieutenant governor's issuance of the certificate of annexation, the
1014 additional area that is the subject of the governing authority's resolution is annexed to the
1015 special service district.

1016 Section 23. Section **17A-2-1329** is amended to read:

1017 **17A-2-1329. Dissolution of district -- Withdrawal of area from district -- Notice to**
1018 **lieutenant governor -- Certification by lieutenant governor.**

1019 (1) A special service district may not be dissolved nor areas withdrawn from the

1020 district if any bonds, notes, or other obligations of the district are outstanding and unpaid or if
1021 any contractual obligation to provide the services exists.

1022 (2) Subject to the limitation in Subsection (1), the governing authority of the special
1023 service district may by resolution:

1024 (a) approve the dissolution of the district upon a determination that the district is no
1025 longer needed for the purposes for which it was formed; or

1026 (b) approve the withdrawal of specifically described areas from the special service
1027 district upon a determination that these areas should not or cannot be supplied with the services
1028 of the special service district.

1029 (3) (a) Within 90 days after the adoption of a resolution approving a dissolution or
1030 withdrawal under Subsection (2), the governing authority shall file a notice with the lieutenant
1031 governor.

1032 (b) The notice required under Subsection (3)(a) shall:

1033 (i) be accompanied by:

1034 (A) a copy of the resolution adopted by the governing authority approving the
1035 dissolution or withdrawal; and

1036 (B) in the case of a withdrawal, a map showing the area to be withdrawn, prepared and
1037 certified by a licensed surveyor and filed with the county surveyor in accordance with Section
1038 17-23-17; and

1039 (ii) include a certification by the governing authority that all requirements for the
1040 dissolution or withdrawal have been complied with.

1041 (c) Within ten days after receiving the notice under Subsection (3)(a), the lieutenant
1042 governor shall:

1043 (i) issue a certificate of dissolution or withdrawal, as the case may be, and send a copy
1044 of the certificate to the governing authority, the State Tax Commission, [~~and~~] the state auditor,
1045 and the Automated Geographic Reference Center created under Section 63A-6-202; and

1046 (ii) in the case of a withdrawal, send a copy of the notice under Subsection (3)(a),
1047 including the accompanying map, to the State Tax Commission and the Automated Geographic
1048 Reference Center created under Section 63A-6-202.

1049 (d) (i) Upon the lieutenant governor's issuance of the certificate of dissolution, the
1050 special service district is dissolved.

1051 (ii) Upon the lieutenant governor's issuance of the certificate of withdrawal, the area to
 1052 be withdrawn that is the subject of the governing authority's resolution is withdrawn from the
 1053 special service district.

1054 Section 24. Section **17B-2-215** is amended to read:

1055 **17B-2-215. Certification to lieutenant governor -- Certificate of incorporation --**
 1056 **Notice to State Tax Commission and state auditor -- Local district incorporated --**
 1057 **Incorporation presumed conclusive.**

1058 (1) The responsible body shall file a notice with the lieutenant governor within ten days
 1059 after:

1060 (a) the canvass of an election under Section 17B-2-214, if a majority of those voting at
 1061 the election within the proposed local district as a whole vote in favor of the creation of a local
 1062 district;

1063 (b) certification of a petition as to which the election requirement of Subsection
 1064 17B-2-214(1) does not apply because of Subsection 17B-2-214(3)(a) or (b); or

1065 (c) adoption of a resolution under Subsection 17B-2-213(4) approving the creation of a
 1066 local district for which an election was not required under Subsection 17B-2-214(3)(c), by the
 1067 legislative body of each county whose unincorporated area is included within and the
 1068 legislative body of each municipality whose area is included within the proposed local district.

1069 (2) The area of each local district shall consist of:

1070 (a) if an election was held under Section 17B-2-214, the area of the new local district
 1071 as approved at the election;

1072 (b) if an election was not required because of Subsection 17B-2-214(3)(a) or (b), the
 1073 area of the proposed local district as described in the petition; or

1074 (c) if an election was not required because of Subsection 17B-2-214(3)(c), the area of
 1075 the new local district as described in the resolution adopted under Subsection 17B-2-213(4).

1076 [~~(2)~~] (3) In each notice under Subsection (1) the responsible body shall:

1077 (a) if the notice follows an election under Section 17B-2-214[~~;~~(~~i~~)] certify the results of
 1078 the election; [~~and~~]

1079 [~~(ii)~~] (b) describe the boundaries of the new local district with an accurate map or plat
 1080 showing the boundaries delineated in Subsection (2), prepared and certified by a licensed
 1081 surveyor and filed with the county surveyor in accordance with Section 17-23-17; and

1082 ~~[(b)]~~ (c) certify that all requirements for the creation of a local district have been
1083 complied with.

1084 ~~[(3)-(a)]~~ (4) Within ten days after receiving the notice under Subsection (1), the
1085 lieutenant governor shall:

1086 (a) issue a certificate of incorporation for the new local district and send a copy of the
1087 certificate to:

1088 (i) the responsible body~~[-];~~

1089 ~~[(b) The area of each local district declared to be incorporated by a certificate of~~
1090 ~~incorporation issued under this section shall consist of:]~~

1091 ~~[(i) if an election was held under Section 17B-2-214, the area of the new local district~~
1092 ~~as approved at the election;]~~

1093 ~~[(ii) if an election was not required because of Subsection 17B-2-214(3)(a) or (b), the~~
1094 ~~area of the proposed local district as described in the petition; or]~~

1095 ~~[(iii) if an election was not required because of Subsection 17B-2-214(3)(c), the area of~~
1096 ~~the new local district as described in the resolution adopted under Subsection 17B-2-213(4).]~~

1097 ~~[(4) (a) Within 30 days after receiving a certificate of incorporation under Subsection~~
1098 ~~(3), the responsible body shall file a written notice of the creation of the local district with the~~
1099 ~~State Tax Commission and the state auditor.]~~

1100 ~~[(b) Each notice to the State Tax Commission under Subsection (4)(a) shall be~~
1101 ~~accompanied by:]~~

1102 ~~[(i) a copy of the lieutenant governor's certificate of incorporation; and]~~

1103 ~~[(ii) a map showing the boundaries of the local district, prepared and certified by a~~
1104 ~~licensed surveyor.]~~

1105 (ii) the State Tax Commission;

1106 (iii) the state auditor; and

1107 (iv) the assessor and recorder of each county in which any part of the local district is
1108 located; and

1109 (b) send a copy of the notice under Subsection (1), including the accompanying map or
1110 legal description, to:

1111 (i) the State Tax Commission;

1112 (ii) the Automated Geographic Reference Center created under Section 63A-6-202; and

1113 (iii) the assessor, surveyor, and recorder of each county in which any part of the local
1114 district is located.

1115 (5) Upon the lieutenant governor's issuance of the certificate of incorporation, the local
1116 district is created and incorporated.

1117 (6) A local district shall be conclusively presumed to be lawfully incorporated if no
1118 challenge to the existence or incorporation of the local district is filed in district court within 90
1119 days after the lieutenant governor issues a certificate of incorporation.

1120 Section 25. Section **17B-2-216** is amended to read:

1121 **17B-2-216. Costs and expenses of creating local district.**

1122 (1) Except as provided in Subsection (2), each county whose unincorporated area
1123 includes and each municipality whose boundaries include some or all of the proposed local
1124 district shall bear their respective costs and expenses associated with the procedure under this
1125 part for creating a local district.

1126 (2) Within a year after its creation, each local district shall reimburse the costs and
1127 expenses associated with the preparation [~~and~~], certification, and filing of the map of the local
1128 district under Subsection 17B-2-215[~~(4)(b)(ii)~~](3)(b).

1129 Section 26. Section **17B-2-514** is amended to read:

1130 **17B-2-514. Resolution approving an annexation -- Notice of annexation -- When**
1131 **annexation complete.**

1132 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution
1133 approving the annexation of the area proposed to be annexed or rejecting the proposed
1134 annexation within 30 days after:

1135 (i) expiration of the protest period under Subsection 17B-2-512(2), if sufficient protests
1136 to require an election are not filed;

1137 (ii) for a petition that meets the requirements of Subsection 17B-2-513(1):

1138 (A) a public hearing under Section 17B-2-509 is held, if the board chooses or is
1139 required to hold a public hearing under Subsection 17B-2-513(2)(a)(ii); or

1140 (B) expiration of the time for submitting a request for public hearing under Subsection
1141 17B-2-513(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
1142 hearing.

1143 (b) If the local district has entered into an agreement with the United States that

1144 requires the consent of the United States for an annexation of territory to the district, a
1145 resolution approving annexation under this part may not be adopted until the written consent of
1146 the United States is obtained and filed with the board of trustees.

1147 (2) (a) The board shall file a notice with the lieutenant governor:

1148 (i) within 90 days after adoption of a resolution under Subsection (1), Subsection
1149 17B-2-512(3)(c)(i), or Section 17B-2-515; and

1150 (ii) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a
1151 municipal annexation that causes an automatic annexation to a local district under Section
1152 17B-2-515.5.

1153 (b) The notice required under Subsection (2)(a) shall:

1154 (i) be accompanied by:

1155 (A) if applicable, a copy of the board resolution approving the annexation; and

1156 (B) an accurate map depicting the boundaries of the area to be annexed or a legal
1157 description of the area to be annexed, adequate for purposes of the county assessor and
1158 recorder;

1159 (ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), include
1160 a certification by the local district board that all requirements for the annexation have been
1161 complied with; and

1162 (iii) for an automatic annexation to a local district under Section 17B-2-515.5, state
1163 that an area outside the boundaries of the local district is being automatically annexed to the
1164 local district under Section 17B-2-515.5 because of a municipal annexation under Title 10,
1165 Chapter 2, Part 4, Annexation.

1166 (c) (i) Within ten days after receiving the notice under Subsection (2)(a)(i), the
1167 lieutenant governor shall:

1168 (A) issue a certificate of annexation and send a copy of the certificate to:

1169 (I) the local district board[?];

1170 (II) the State Tax Commission[?];

1171 (III) the state auditor[?]; and

1172 (IV) the assessor, surveyor, and recorder of each county in which any part of the
1173 annexed area is located; and

1174 (B) send a copy of the notice under Subsection (2)(a)(i), including the accompanying

1175 map or legal description, to:

1176 (I) the State Tax Commission [~~and~~];

1177 (II) the Automated Geographic Reference Center created under Section 63A-6-202;

1178 and

1179 (III) the assessor, surveyor, and recorder of each county in which any part of the
1180 annexed area is located.

1181 (ii) The lieutenant governor shall issue a certificate of annexation for an automatic
1182 annexation that is the subject of a notice under Subsection (2)(a)(ii) as provided in Subsection
1183 10-2-117(3)(b).

1184 (3) The annexation shall be complete:

1185 (a) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), upon
1186 the lieutenant governor's issuance of the certificate of annexation under Subsection (2)(c)(i);
1187 and

1188 (b) for an automatic annexation that is the subject of a notice under Subsection
1189 (2)(a)(ii), upon the lieutenant governor's issuance of the certificate of annexation under
1190 Subsection 10-1-117(3)(b).

1191 Section 27. Section **17B-2-515.5** is amended to read:

1192 **17B-2-515.5. Automatic annexation to a district providing fire protection,**
1193 **paramedic, and emergency services.**

1194 (1) An area outside the boundaries of a local district that is annexed to a municipality
1195 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,
1196 Annexation, is automatically annexed to the local district if:

1197 (a) the local district provides fire protection, paramedic, and emergency services;

1198 (b) an election for the creation of the local district was not required because of

1199 Subsection 17B-2-214(3)(c); and

1200 (c) before the municipal annexation or boundary adjustment, the entire municipality
1201 that is annexing the area or adding the area by boundary adjustment was included within the
1202 local district.

1203 (2) The effective date of an annexation under this section is governed by Subsection
1204 17B-2-514[(2)(b)(iv)](3)(b).

1205 Section 28. Section **17B-2-516** is amended to read:

1206 **17B-2-516. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
1207 **adjusting boundaries -- Notice of the adjustment -- Certification by lieutenant governor.**

1208 (1) As used in this section, "affected area" means the area located within the
1209 boundaries of one local district that will be removed from that local district and included within
1210 the boundaries of another local district because of a boundary adjustment under this section.

1211 (2) The boards of trustees of two or more local districts having a common boundary
1212 and providing the same service on the same wholesale or retail basis may adjust their common
1213 boundary as provided in this section.

1214 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
1215 common with another local district shall:

1216 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

1217 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
1218 after the adoption of the resolution under Subsection (3)(a)(i); and

1219 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of
1220 general circulation within the local district; or

1221 (II) if there is no newspaper of general circulation within the local district, post notice
1222 in at least four conspicuous places within the local district; or

1223 (B) mail a notice to each owner of property located within the affected area and to each
1224 registered voter residing within the affected area.

1225 (b) The notice required under Subsection (3)(a)(iii) shall:

1226 (i) state that the board of trustees of the local district has adopted a resolution
1227 indicating the board's intent to adjust a boundary that the local district has in common with
1228 another local district that provides the same service as the local district;

1229 (ii) describe the affected area;

1230 (iii) state the date, time, and location of the public hearing required under Subsection
1231 (3)(a)(ii);

1232 (iv) provide a local district telephone number where additional information about the
1233 proposed boundary adjustment may be obtained;

1234 (v) explain the financial and service impacts of the boundary adjustment on property
1235 owners or residents within the affected area; and

1236 (vi) state in conspicuous and plain terms that the board of trustees may approve the

1237 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
1238 written protests to the adjustment are filed with the board by:

1239 (A) the owners of private real property that:

1240 (I) is located within the affected area;

1241 (II) covers at least 50% of the total private land area within the affected area; and

1242 (III) is equal in assessed value to at least 50% of the assessed value of all private real
1243 property within the affected area; or

1244 (B) registered voters residing within the affected area equal in number to at least 50%
1245 of the votes cast in the affected area for the office of governor at the last regular general
1246 election before the filing of the protests.

1247 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
1248 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

1249 (d) The boards of trustees of the local districts whose boundaries are being adjusted
1250 may jointly:

1251 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

1252 (ii) hold the public hearing required under Subsection (3)(a)(ii).

1253 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
1254 may adopt a resolution approving the adjustment of the common boundary unless, at or before
1255 the public hearing, written protests to the boundary adjustment have been filed with the board
1256 by:

1257 (a) the owners of private real property that:

1258 (i) is located within the affected area;

1259 (ii) covers at least 50% of the total private land area within the affected area; and

1260 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
1261 property within the affected area; or

1262 (b) registered voters residing within the affected area equal in number to at least 50%
1263 of the votes cast in the affected area for the office of governor at the last regular general
1264 election before the filing of the protests.

1265 (5) A resolution adopted under Subsection (4) does not take effect until the board of
1266 each local district whose boundaries are being adjusted has adopted a resolution under
1267 Subsection (4).

1268 (6) (a) Within 90 days after the resolutions take effect under Subsection (5), the board
1269 of the local district whose boundaries are being adjusted to include the affected area shall file a
1270 notice with the lieutenant governor.

1271 (b) The notice required under Subsection (6)(a) shall:

1272 (i) be accompanied by:

1273 (A) a copy of each of the board resolutions approving the boundary adjustment; and

1274 (B) an accurate map depicting the affected area or a legal description of the affected
1275 area, adequate for purposes of the county assessor and recorder; and

1276 (ii) include a certification by the board of the local district whose boundaries are being
1277 adjusted to include the affected area that all requirements for the boundary adjustment have
1278 been complied with.

1279 (c) Within ten days after receiving the notice under Subsection (6)(a), the lieutenant
1280 governor shall:

1281 (i) issue a certificate of boundary adjustment and send a copy of the certificate to:

1282 (A) the board of each local district whose boundary is being adjusted[;];

1283 (B) the State Tax Commission[;];

1284 (C) the state auditor[;]; and

1285 (D) the assessor and recorder of each county in which any part of the affected area is
1286 located; and

1287 (ii) send a copy of the notice under Subsection (6)(a), including the accompanying map
1288 or legal description, to:

1289 (A) the State Tax Commission;

1290 (B) the Automated Geographic Reference Center created under Section 63A-6-202;

1291 and

1292 (C) the assessor [~~and~~], recorder, and surveyor of each county in which any part of the
1293 affected area is located.

1294 (7) Upon the lieutenant governor's issuance of a certificate of boundary adjustment, the
1295 affected area is annexed to the local district whose boundaries are being adjusted to include the
1296 affected area, and the affected area is withdrawn from the local district whose boundaries are
1297 being adjusted to exclude the affected area.

1298 Section 29. Section **17B-2-601** is amended to read:

1299 **17B-2-601. Withdrawal of area from local district -- Automatic withdrawal in**
1300 **certain circumstances -- Definitions.**

1301 (1) An area within the boundaries of a local district may be withdrawn from the local
1302 district as provided in this part.

1303 (2) (a) An area within the boundaries of a local district is automatically withdrawn
1304 from the local district by the annexation of the area to a municipality or the adding of the area
1305 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

1306 (i) the local district provides fire protection, paramedic, and emergency services;

1307 (ii) an election for the creation of the local district was not required because of
1308 Subsection 17B-2-214(3)(c); and

1309 (iii) before annexation or boundary adjustment, the boundaries of the local district do
1310 not include any of the annexing municipality.

1311 (b) The effective date of a withdrawal under this Subsection (2) is governed by
1312 Subsection 17B-2-610[~~(1)~~](2)(b).

1313 (3) In addition to those definitions in Section 17B-2-101, as used in this part,
1314 "receiving entity" means an entity that will, following a withdrawal, provide to the withdrawn
1315 area the service previously provided by the local district.

1316 Section 30. Section **17B-2-603.5** is amended to read:

1317 **17B-2-603.5. Withdrawal of municipality in certain districts providing fire**
1318 **protection, paramedic, and emergency services.**

1319 (1) (a) The process to withdraw an area from a local district may be initiated by a
1320 resolution adopted by the legislative body of a municipality that is entirely within the
1321 boundaries of a local district:

1322 (i) that provides fire protection, paramedic, and emergency services; and

1323 (ii) in the creation of which an election was not required because of Subsection
1324 17B-2-214(3)(c).

1325 (b) Within ten days after adopting a resolution under Subsection (1)(a), the municipal
1326 legislative body shall submit to the board of trustees of the local district written notice of the
1327 adoption of the resolution, accompanied by a copy of the resolution.

1328 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body
1329 shall hold an election at the next municipal general election that is more than 60 days after

1330 adoption of the resolution on the question of whether the municipality should withdraw from
1331 the local district.

1332 (3) If a majority of those voting on the question of withdrawal at an election held under
1333 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local
1334 district.

1335 (4) (a) Within ten days after the canvass of an election at which a withdrawal under this
1336 section is submitted to voters, the municipal legislative body shall send written notice to the
1337 board of the local district from which the municipality is proposed to withdraw.

1338 (b) Each notice under Subsection (4)(a) shall:

1339 (i) state the results of the withdrawal election; and

1340 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal
1341 description of the area to be withdrawn, adequate for purposes of the county assessor and
1342 recorder.

1343 (5) The effective date of a withdrawal under this section is governed by Subsection
1344 17B-2-610~~[(1)(b)]~~(2)(a).

1345 Section 31. Section **17B-2-610** is amended to read:

1346 **17B-2-610. Notice of withdrawal -- Contest period -- Judicial review.**

1347 (1) (a) The board of trustees shall file a written notice of withdrawal with the lieutenant
1348 governor:

1349 (i) within ten days after adopting a resolution approving a withdrawal under Section
1350 17B-2-608; and

1351 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
1352 automatic withdrawal under Subsection 17B-2-601(2) or after receiving notice of a withdrawal
1353 of a municipality from a local district under Section 17B-2-603.5.

1354 (b) The notice required under Subsection (1)(a) shall:

1355 (i) be accompanied by:

1356 (A) for a withdrawal pursuant to a resolution adopted under Section 17B-2-608, a copy
1357 of the board resolution approving the withdrawal; and

1358 (B) an accurate map depicting the boundaries of the withdrawn area or a legal
1359 description of the withdrawn area, adequate for purposes of the county assessor and recorder;
1360 and

1361 (ii) for a withdrawal pursuant to a resolution adopted under Section 17B-2-608, include
1362 a certification by the local district board that all requirements for the withdrawal have been
1363 complied with.

1364 (c) Within ten days after receiving the notice of withdrawal under Subsection (1)(a) for
1365 a withdrawal under Section 17B-2-608 or for the withdrawal of a municipality from a local
1366 district under Section 17B-2-603.5, the lieutenant governor shall:

1367 (i) issue a certificate of withdrawal and send a copy of the certificate to:

1368 (A) the local district board[;];

1369 (B) the State Tax Commission[;];

1370 (C) the state auditor[;]; and

1371 (D) the assessor, surveyor, and recorder of each county in which any part of the
1372 withdrawn area is located; and

1373 (ii) send a copy of the notice under Subsection (1)(a), including the accompanying map
1374 or legal description, to:

1375 (A) the State Tax Commission [~~and~~];

1376 (B) the Automated Geographic Reference Center created under Section 63A-6-202;

1377 and

1378 (C) the assessor, surveyor, and recorder of each county in which any part of the
1379 withdrawn area is located.

1380 (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal under
1381 Subsection (1)(c)(i) for a withdrawal under Section 17B-2-608 or for the withdrawal of a
1382 municipality from a local district under Section 17B-2-603.5, the withdrawal shall be effective,
1383 subject to the conditions of the withdrawal resolution, if applicable.

1384 (b) An automatic withdrawal under Subsection 17B-2-601(2) shall be effective upon
1385 the lieutenant governor's issuance of a certificate of withdrawal under Subsection
1386 10-1-117(3)(b).

1387 (3) The local district may provide for the publication of any resolution approving or
1388 denying the withdrawal of an area in a newspaper of general circulation in the area proposed
1389 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a
1390 notice of withdrawal or denial of withdrawal, containing:

1391 (a) the name of the local district;

- 1392 (b) a description of the area proposed for withdrawal;
- 1393 (c) a brief explanation of the grounds on which the board of trustees determined to
- 1394 approve or deny the withdrawal; and
- 1395 (d) the times and place where a copy of the resolution may be examined, which shall be
- 1396 at the place of business of the local district, identified in the notice, during regular business
- 1397 hours of the local district as described in the notice and for a period of at least 30 days after the
- 1398 publication of the notice.
- 1399 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
- 1400 deny a withdrawal of an area from the local district by submitting a request, within 60 days
- 1401 after the resolution is adopted under Section 17B-2-608, to the board of trustees, suggesting
- 1402 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees
- 1403 based its decision to deny the withdrawal.
- 1404 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
- 1405 trustees, the board may consider the suggestions for mitigation and adopt a resolution
- 1406 approving or denying the request in the same manner as provided in Section 17B-2-608 with
- 1407 respect to the original resolution denying the withdrawal and file a notice of the action as
- 1408 provided in Subsection (1).
- 1409 (6) (a) Any person in interest may seek judicial review of:
- 1410 (i) the board of trustees' decision to withdraw an area from the local district;
- 1411 (ii) the terms and conditions of a withdrawal; or
- 1412 (iii) the board's decision to deny a withdrawal.
- 1413 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
- 1414 district court in the county in which a majority of the area proposed to be withdrawn is located:
- 1415 (i) if the resolution approving or denying the withdrawal is published under Subsection
- 1416 (3), within 60 days after the publication or after the board of trustees' denial of the request
- 1417 under Subsection (5);
- 1418 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
- 1419 the resolution approving or denying the withdrawal is adopted; or
- 1420 (iii) if a request is submitted to the board of trustees of a local district under Subsection
- 1421 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board
- 1422 adopts a resolution under Subsection (5) unless the resolution is published under Subsection

1423 (3), in which event the action must be filed within 60 days after the publication.

1424 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
1425 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

1426 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

1427 (ii) the court finds that the board materially failed to follow the procedures set forth in
1428 this part.

1429 (d) A court may award costs and expenses of an action under this section, including
1430 reasonable attorney's fees, to the prevailing party.

1431 (7) After the applicable contest period under Subsection (4) or (6), no person may
1432 contest the board of trustees' approval or denial of withdrawal for any cause.

1433 Section 32. Section **17B-2-708** is amended to read:

1434 **17B-2-708. Dissolution resolution -- Limitations on dissolution -- Distribution of**
1435 **remaining assets -- Notice of dissolution -- Certification by lieutenant governor.**

1436 (1) After the public hearing required under Section 17B-2-706 and subject to
1437 Subsection (2), the administrative body may adopt a resolution approving dissolution of the
1438 local district.

1439 (2) A resolution under Subsection (1) may not be adopted unless:

1440 (a) any outstanding debt of the local district is:

1441 (i) satisfied and discharged in connection with the dissolution; or

1442 (ii) assumed by another governmental entity with the consent of all the holders of that
1443 debt and all the holders of other debts of the local district;

1444 (b) for a local district that has provided service during the preceding three years or
1445 undertaken planning or other activity preparatory to providing service:

1446 (i) another entity has committed to provide the same service to the area being served or
1447 proposed to be served by the local district; and

1448 (ii) all who are to receive the service have consented to the service being provided by
1449 the other entity; and

1450 (c) all outstanding contracts to which the local district is a party are resolved through
1451 mutual termination or the assignment of the district's rights, duties, privileges, and
1452 responsibilities to another entity with the consent of the other parties to the contract.

1453 (3) (a) (i) Any assets of the local district remaining after paying all debts and other

1454 obligations of the local district shall be used to pay costs associated with the dissolution
1455 process under this part.

1456 (ii) Any costs of the dissolution process remaining after exhausting the remaining
1457 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.

1458 (b) Any assets of the local district remaining after application of Subsection (3)(a) shall
1459 be distributed:

1460 (i) proportionately to the owners of real property within the dissolved local district if
1461 there is a readily identifiable connection between a financial burden borne by the real property
1462 owners in the district and the remaining assets; or

1463 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which
1464 the dissolved local district was located before dissolution in the same proportion that the land
1465 area of the local district located within the unincorporated area of the county or within the city
1466 or town bears to the total local district land area.

1467 (4) (a) Within 90 days after adopting a resolution approving dissolution of the local
1468 district, the administrative body shall file a notice with the lieutenant governor.

1469 (b) The notice required under Subsection (4)(a) shall:

1470 (i) be accompanied by a copy of the board resolution approving the dissolution; and

1471 (ii) include a certification by the administrative body that all requirements for the
1472 dissolution have been complied with.

1473 (c) Within ten days after receiving the notice under Subsection (4)(a), the lieutenant
1474 governor shall:

1475 (i) issue a certificate of dissolution and send a copy of the certificate to the
1476 administrative body; and

1477 (ii) send a copy of the certificate of dissolution, with a copy of the administrative
1478 body's resolution, to:

1479 (A) the State Tax Commission[?];

1480 (B) the Automated Geographic Reference Center created under Section 63A-6-202;

1481 (C) the state auditor[?]; and

1482 (D) the assessor, surveyor, and recorder of each county in which any part of the
1483 dissolved district was located immediately before dissolution.

1484 Section 33. Section **17B-4-201** is amended to read:

1485 **17B-4-201. Creation of agency -- Certification of incorporation -- Notice of**
 1486 **creation.**

1487 (1) Subject to Subsection (2), a community may, by ordinance adopted by its
 1488 legislative body, create an agency.

1489 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
 1490 community legislative body shall ~~[cause]~~ file with the lieutenant governor a notice of the
 1491 adoption of the ordinance, with a copy of the ordinance~~[-, to be filed with the lieutenant~~
 1492 ~~governor]~~.

1493 (b) Within ten days after receiving the notice under Subsection (2)(a), the lieutenant
 1494 governor shall issue a certificate of incorporation for the agency and send a copy of the
 1495 certificate to:

1496 (i) the community legislative body[-];

1497 (ii) the State Tax Commission;

1498 (iii) the Automated Geographic Reference Center created under Section 63A-6-202;

1499 and

1500 (iv) the state auditor.

1501 (c) Upon the lieutenant governor's issuance of the certificate of incorporation, the
 1502 agency is created and incorporated.

1503 ~~[(3) Within 20 days after the issuance of the certificate of incorporation, the agency~~
 1504 ~~shall cause a notice of the agency's creation and incorporation, with a copy of the certificate of~~
 1505 ~~incorporation attached, to be filed with the State Tax Commission and the state auditor.]~~

1506 Section 34. Section **17B-4-410** is amended to read:

1507 **17B-4-410. Agency required to transmit and record documents after adoption of**
 1508 **project area plan.**

1509 Within 30 days after the community legislative body adopts, under Section 17B-4-408,
 1510 a project area plan, the agency shall:

1511 (1) record with the recorder of the county in which the project area is located a
 1512 document containing:

1513 (a) a description of the land within the project area;

1514 (b) a statement that the project area plan for the project area has been adopted; and

1515 (c) the date of adoption; ~~[and]~~

1516 (2) transmit a copy of the description of the land within the project area and an accurate
 1517 map or plat indicating the boundaries of the project area to the Automated Geographic
 1518 Reference Center created under Section 63A-6-202; and

1519 [~~2~~] (3) for a project area plan that provides for the payment of tax increment to the
 1520 agency, transmit a copy of the description of the land within the project area, a copy of the
 1521 community legislative body ordinance adopting the project area plan, and a map or plat
 1522 indicating the boundaries of the project area to:

1523 (a) the auditor, surveyor, and assessor of [~~the~~] each county in which any part of the
 1524 project area is located;

1525 (b) the officer or officers performing the function of auditor or assessor for each taxing
 1526 entity that does not use the county assessment roll or collect its taxes through the county;

1527 (c) the legislative body or governing board of each taxing entity;

1528 (d) the State Tax Commission; and

1529 (e) the State Board of Education.

1530 Section 35. Section **17B-4-1401** is amended to read:

1531 **17B-4-1401. Dissolution by ordinance -- Restrictions -- Filing copy of ordinance --**
 1532 **Agency records -- Dissolution expenses.**

1533 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
 1534 an agency may, by ordinance, deactivate and dissolve the agency.

1535 (b) An ordinance dissolving an agency may not be adopted unless the agency has no
 1536 outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally
 1537 binding contractual obligations with persons or entities other than the community.

1538 (2) [~~The~~] (a) Within ten days after adopting an ordinance under Subsection (1), the
 1539 community legislative body [~~of each community that adopts an ordinance under Subsection~~
 1540 (1)] shall[~~;~~(a)] file a certified copy of the ordinance with the lieutenant governor.

1541 (b) Within ten days after receiving the copy of the ordinance under Subsection (2)(a),
 1542 the lieutenant governor shall issue a certificate of dissolution and send a copy of the certificate
 1543 to:

1544 (i) the community legislative body;

1545 (ii) the State Tax Commission[~~;~~];

1546 (iii) the county assessor[~~;~~];

1547 (iv) the county auditor[;];
 1548 (v) the State Board of Education[;and];
 1549 (vi) each taxing entity; and
 1550 (vii) the Automated Geographic Reference Center created under Section 63A-6-202.
 1551 (c) Upon the lieutenant governor's issuance of the certificate of dissolution, the agency
 1552 is dissolved.

1553 ~~[(b) cause]~~ (d) The community legislative body shall publish a notice of dissolution ~~[to~~
 1554 ~~be published]~~ in a newspaper of general circulation in the county in which the dissolved agency
 1555 is located.

1556 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
 1557 deposited for safekeeping and reference with the recorder of the community that dissolved the
 1558 agency.

1559 (4) The agency shall pay all expenses of the deactivation and dissolution.

1560 Section 36. Section **20A-14-201** is amended to read:

1561 **20A-14-201. Boards of education -- School board districts -- Creation --**
 1562 **Reapportionment.**

1563 (1) (a) The county legislative body, for local school districts whose boundaries
 1564 encompass more than a single municipality, and the municipal legislative body, for school
 1565 districts contained completely within a municipality, shall divide the local school district into
 1566 local school board districts as required under Subsection 20A-14-202(1)(a).

1567 (b) The county and municipal legislative bodies shall divide the school district so that
 1568 the local school board districts are substantially equal in population and are as contiguous and
 1569 compact as practicable.

1570 (2) (a) County and municipal legislative bodies shall reapportion district boundaries to
 1571 meet the population, compactness, and contiguity requirements of this section:

1572 (i) at least once every ten years;

1573 (ii) whenever a new district is created;

1574 (iii) whenever districts are consolidated;

1575 (iv) whenever a district loses more than 20% of the population of the entire school
 1576 district to another district;

1577 (v) whenever a district loses more than 50% of the population of a local school board

1578 district to another district;

1579 (vi) whenever a district receives new residents equal to at least 20% of the population
1580 of the district at the time of the last reapportionment because of a transfer of territory from
1581 another district; and

1582 (vii) whenever it is necessary to increase the membership of a board from five to seven
1583 members as a result of changes in student membership under Section 20A-14-202.

1584 (b) If a school district receives territory containing less than 20% of the population of
1585 the transferee district at the time of the last reapportionment, the local school board may assign
1586 the new territory to one or more existing school board districts.

1587 (3) (a) Reapportionment does not affect the right of any school board member to
1588 complete the term for which the member was elected.

1589 (b) (i) After reapportionment, representation in a local school board district shall be
1590 determined as provided in Subsection (3).

1591 (ii) If only one board member whose term extends beyond reapportionment lives
1592 within a reapportioned local school board district, that board member shall represent that local
1593 school board district.

1594 (iii) (A) If two or more members whose terms extend beyond reapportionment live
1595 within a reapportioned local school board district, the members involved shall select one
1596 member by lot to represent the local school board district.

1597 (B) The other members shall serve at-large for the remainder of their terms.

1598 (C) The at-large board members shall serve in addition to the designated number of
1599 board members for the board in question for the remainder of their terms.

1600 (iv) If there is no board member living within a local school board district whose term
1601 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in
1602 this part.

1603 (4) (a) If, before an election affected by reapportionment, the county or municipal
1604 legislative body that conducted the reapportionment determines that one or more members
1605 must be elected to terms of two years to meet this part's requirements for staggered terms, the
1606 legislative body shall determine by lot which of the reapportioned local school board districts
1607 will elect members to two-year terms and which will elect members to four-year terms.

1608 (b) All subsequent elections are for four-year terms.

1609 (5) Within ten days after any local school board district boundary change, the county or
1610 municipal legislative body making the change shall send an accurate map or plat of the
1611 boundary change to the Automated Geographic Reference Center created under Section
1612 63A-6-202.

1613 Section 37. Section **53A-2-101.5** is enacted to read:

1614 **53A-2-101.5. Notice of school district boundary changes including creation,**
1615 **consolidation, or dissolution.**

1616 (1) Within 30 days after the creation, consolidation, or dissolution of a school district,
1617 or any other change affecting the boundary of a new or existing school district, the county
1618 legislative body shall file a written notice of the action with:

1619 (a) the State Tax Commission; and

1620 (b) the Automated Geographic Reference Center created under Section 63A-6-202.

1621 (2) The notice under Subsection (1) shall be accompanied by an accurate map or plat
1622 showing the boundaries of the affected school districts, prepared and certified by a local
1623 surveyor and filed with the county surveyor in accordance with Section 17-23-17.

1624 Section 38. Section **53A-2-118** is amended to read:

1625 **53A-2-118. Creation of new school district by county legislative body -- Initiation**
1626 **of process -- Procedures to be followed.**

1627 (1) A county legislative body may create a new school district from an existing school
1628 district within the geographical boundaries of the county.

1629 (2) (a) The process may be initiated:

1630 (i) through a citizens' initiative petition; or

1631 (ii) at the request of the board of the existing district or districts to be affected by the
1632 creation of the new district.

1633 (b) A petition submitted under Subsection (2)(a)(i) must be signed by qualified electors
1634 residing within the geographical boundaries of the proposed new school district equal in
1635 number to at least 15% of the number of electors in the area who voted for the office of
1636 governor at the last regular general election.

1637 (c) The process may only be initiated once during any four-year period.

1638 (d) A new district may not be formed if the student population of the proposed new
1639 district is less than 5,000 or the existing district's student population would be less than 5,000

1640 because of the creation of the new school district.

1641 (e) If a county legislative body receives a request or petition to create a new district on
1642 or before December 1:

1643 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
1644 by Subsection (3), on or before January 1;

1645 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
1646 county legislative body, as provided by Subsection (3), on or before July 1; and

1647 (iii) if the county legislative body approves a proposal to create a new district, the
1648 proposal shall be submitted to the county clerk to be voted on by the electors of the existing
1649 district at the regular general or municipal general election held in November.

1650 (3) (a) The county legislative body shall appoint an ad hoc advisory committee to
1651 review and make recommendations on a request for the creation of a new school district
1652 submitted under Subsection (2)(a).

1653 (b) The advisory committee shall:

1654 (i) seek input from:

1655 (A) those requesting the creation of the new school district;

1656 (B) the school board and school personnel of the existing school district;

1657 (C) those citizens residing within the geographical boundaries of the existing school
1658 district;

1659 (D) the State Board of Education; and

1660 (E) other interested parties;

1661 (ii) review data and gather information on at least:

1662 (A) the financial viability of the proposed new school district;

1663 (B) the proposal's financial impact on the existing school district;

1664 (C) the exact placement of school district boundaries; and

1665 (D) the positive and negative effects of creating a new school district and whether the
1666 positive effects outweigh the negative if a new school district were to be created; and

1667 (iii) make a report to the county legislative body in a public meeting on the committee's
1668 activities, together with a recommendation on whether to create a new school district.

1669 (4) (a) The county legislative body shall provide for a 45-day public comment period
1670 on the report and recommendation to begin on the day the report is given under Subsection

1671 (3)(b)(iii).

1672 (b) Within 14 days after the end of the comment period, the county legislative body
1673 shall vote on the creation of the proposed new school district.

1674 (c) The proposal is approved if a majority of the members of the county legislative
1675 body votes in favor of the proposal.

1676 (d) If the proposal is approved, the county legislative body shall submit the proposal to
1677 the county clerk to be voted on:

1678 (i) by the electors of the existing school district;

1679 (ii) in accordance with Title 20A, Election Code; and

1680 (iii) at the next regular general election or municipal general election, whichever is
1681 first.

1682 (e) Creation of the new school district shall occur if a majority of the electors within
1683 both the proposed school district and the remaining school district voting on the proposal vote
1684 in favor of the creation of the new district.

1685 (f) ~~(f)~~ The county legislative body shall ~~[within 45 days of the creation of the new~~
1686 ~~school district, file a written]~~ provide notice of the action ~~[with the State Tax Commission]~~ as
1687 required in Section 53A-2-101.5.

1688 ~~[(ii) The notice shall be accompanied by a map showing the boundaries of the affected~~
1689 ~~school districts, prepared and certified by a local surveyor.]~~

1690 (5) If a proposal to create a new district is approved by the electors, the existing
1691 district's documented costs to study and implement the proposal shall be reimbursed by the new
1692 district.

1693 Section 39. Section **63A-6-201** is amended to read:

1694 **63A-6-201. Definitions.**

1695 As used in this part:

1696 (1) "Center" means the Automated Geographic Reference Center created in Section
1697 63A-6-202.

1698 (2) "Database" means the State Geographic Information Database created in Section
1699 63A-6-203.

1700 (3) "Division" means the Division of Information Technology Services.

1701 (4) "Geographic Information System" means a computer driven data integration and

1702 map production system that interrelates disparate layers of data to specific geographic
1703 locations.

1704 (5) "State Geographic Information Database" means the database [~~mandated by~~
1705 created in Section [~~63A-6-202~~] 63A-6-203.

1706 Section 40. Section **63A-6-202** is amended to read:

1707 **63A-6-202. Automated Geographic Reference Center.**

1708 (1) There is created the Automated Geographic Reference Center as part of the
1709 division.

1710 (2) The center shall:

1711 (a) provide geographic information system services to state agencies under rules and
1712 policies established by the division;

1713 (b) provide geographic information system services to federal government, local
1714 political subdivisions, and private persons under rules and policies established by the division;

1715 (c) manage the State Geographic Information Database; [~~and~~]

1716 (d) establish standard format, lineage, and other requirements for the database[-];

1717 (e) provide technical support to the office of lieutenant governor in evaluating
1718 boundary creation or boundary changes prior to certification by the lieutenant governor under
1719 Subsection 67-1a-6(3);

1720 (f) assist the State Tax Commission in processing and quality assurance of boundary
1721 descriptions or maps into digital format for inclusion in the State Geographic Information
1722 Database;

1723 (g) coordinate with county recorders and surveyors to create a statewide parcel layer in
1724 the State Geographic Information Database containing parcel boundary, parcel identifier, parcel
1725 address, owner type, and county recorder contact information; and

1726 (h) facilitate and integrate the collection efforts of local government and federal
1727 agencies for data collection to densify and enhance the statewide Public Land Survey System
1728 reference network in the State Geographic Information Database.

1729 (3) The division may:

1730 (a) make rules and establish policies to govern the center and its operations; and

1731 (b) set fees for the services provided by the center.

1732 (4) The state may not sell information obtained from counties under Subsection (2)(g).

1733 Section 41. Section **63A-6-203** is amended to read:

1734 **63A-6-203. State Geographic Information Database.**

1735 (1) There is created a State Geographic Information Database to be managed by the
1736 center.

1737 (2) The database shall:

1738 (a) serve as the central reference for all information contained in any GIS database by
1739 any state agency;

1740 (b) serve as a clearing house and repository for all data layers required by multiple
1741 users; [~~and~~]

1742 (c) serve as a standard format for geographic information acquired, purchased, or
1743 produced by any state agency[~~-~~]; and

1744 (d) include an accurate representation of all civil subdivision boundaries of the state.

1745 (3) Each state agency that acquires, purchases, or produces digital geographic
1746 information data shall:

1747 (a) inform the center of the existence of the data layers and their geographic extent;

1748 (b) allow the center access to all data classified public; and

1749 (c) comply with any database requirements established by the center.

1750 (4) At least annually, the State Tax Commission shall deliver to the center information
1751 the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,
1752 17-2-9, 17-3-3, 17A-1-102, 17B-2-215, and 17B-4-201 relating to the creation or modification
1753 of the boundaries of the political subdivisions that are the subject of those sections.

1754 Section 42. Section **67-1a-6** is amended to read:

1755 **67-1a-6. Designation as secretary of state -- Duties.**

1756 (1) When required by local, state, federal, or international law, the lieutenant governor
1757 is hereby designated the secretary of state of Utah and shall perform the duties and functions
1758 required by such laws, including attesting or certifying documents, recording or filing laws,
1759 documents, and other papers; and receiving appointments for service of legal process as
1760 provided by law.

1761 (2) Any reference in the laws of the state to the office of the secretary of state is a
1762 reference to the office of lieutenant governor.

1763 (3) (a) The lieutenant governor shall perform the duties and functions of certifying

1764 documents as required in Sections 10-1-117, 10-2-119, 10-2-125, 10-2-425, 10-2-507,
1765 10-2-611, 10-2-712, 11-13-204, 11-13-205, 17A-2-1311, 17A-2-1327, 17A-2-1329,
1766 17B-2-215, 17B-2-514, 17B-2-516, 17B-2-610, 17B-2-708, 17B-4-201, and 17B-4-1401.
1767 (b) The lieutenant governor shall keep, index, maintain, and make available to the
1768 public all documents required in performing the duties of Subsection (3)(a).

Legislative Review Note
as of 2-2-05 3:08 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0113

Government Boundary Changes

08-Feb-05

8:07 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst