

GOVERNMENT ENTITY CHANGES

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kory M. Holdaway

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to the processes and requirements when a boundary or name of a local governmental entity is changed.

Highlighted Provisions:

This bill:

- ▶ modifies the processes and requirements for notifying certain entities when a governmental entity boundary is changed in a county, municipality, special service district, local district, community development and renewal agency, local school district, or an entity created by interlocal agreement;
- ▶ changes the flow of information for an entity boundary change to be through the county recorder and then the lieutenant governor, with the lieutenant governor notifying entities needing boundary change information;
- ▶ establishes two standards for accuracy of boundary change information;
- ▶ requires the accuracy of boundary information for a notice and petition for a boundary change to meet the standard of a preliminary map;
- ▶ requires the accuracy of boundary information when recorded with the county recorder to meet the standard of a retracable plat;
- ▶ prohibits a governmental entity boundary splitting a parcel;
- ▶ prohibits the county recorder from recording a boundary change unless the county surveyor has reviewed the accuracy of the plat;



- 28 ▶ prohibits the lieutenant governor from certifying a boundary change unless the
- 29 county surveyor has reviewed the accuracy of the plat;
- 30 ▶ requires the county recorder to forward to the lieutenant governor a recorded copy
- 31 of a boundary change or name change;
- 32 ▶ modifies the process of an entity changing its name;
- 33 ▶ removes the requirement to file articles of incorporation;
- 34 ▶ requires the lieutenant governor to evaluate if a change in municipal or county
- 35 classification is needed after a boundary change;
- 36 ▶ modifies the number of days in which documents relating to a boundary change
- 37 must be recorded;
- 38 ▶ changes the arbitrator in a county boundary dispute from the state engineer to an
- 39 independent county surveyor;
- 40 ▶ allows the county recorder to establish an earlier deadline for submitting boundary
- 41 changes in order to receive next year's property tax proceeds resulting from the
- 42 boundary change;
- 43 ▶ modifies the duties of the surveyor position within the Automated Geographic
- 44 Reference Center, Division of Information Technology Services to include
- 45 providing technical support to county surveyors, as requested, in evaluating
- 46 boundary changes;
- 47 ▶ requires the lieutenant governor to make available to the public on the Internet
- 48 documents related to a governmental entity boundary change;
- 49 ▶ requires the Automated Geographic Reference Center to provide boundaries of
- 50 political subdivisions to the United States Bureau of the Census in meeting the
- 51 needs of the bureau; and
- 52 ▶ makes technical corrections.

53 **Monies Appropriated in this Bill:**

54 None

55 **Other Special Clauses:**

56 None

57 **Utah Code Sections Affected:**

58 AMENDS:

- 59 **10-1-118**, as enacted by Laws of Utah 2000, Chapter 318
- 60 **10-2-103**, as last amended by Laws of Utah 2000, Chapter 184
- 61 **10-2-119**, as last amended by Laws of Utah 2005, Chapter 233
- 62 **10-2-120**, as last amended by Laws of Utah 2005, Chapter 233
- 63 **10-2-121**, as last amended by Laws of Utah 2005, First Special Session, Chapter 9
- 64 **10-2-125**, as last amended by Laws of Utah 2007, Chapter 212
- 65 **10-2-302**, as last amended by Laws of Utah 2001, Second Special Session, Chapter 4
- 66 **10-2-418**, as last amended by Laws of Utah 2007, Chapters 329 and 378
- 67 **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329
- 68 **10-2-425**, as last amended by Laws of Utah 2007, Chapters 329 and 378
- 69 **10-2-507**, as last amended by Laws of Utah 2005, Chapter 233
- 70 **10-2-610**, as last amended by Laws of Utah 1997, Chapter 389
- 71 **10-2-712**, as last amended by Laws of Utah 2005, Chapter 233
- 72 **10-6-111**, as last amended by Laws of Utah 2005, Chapter 146
- 73 **11-13-204**, as last amended by Laws of Utah 2005, Chapter 233
- 74 **11-13-205**, as last amended by Laws of Utah 2005, Chapters 105 and 233
- 75 **17-2-1**, as last amended by Laws of Utah 1993, Chapter 227
- 76 **17-2-2**, as last amended by Laws of Utah 1984, Chapter 68
- 77 **17-2-3**, as last amended by Laws of Utah 1984, Chapter 68
- 78 **17-2-4**, as last amended by Laws of Utah 2005, Chapter 233
- 79 **17-2-5**, Utah Code Annotated 1953
- 80 **17-2-9**, as last amended by Laws of Utah 2005, Chapter 233
- 81 **17-2-13**, as last amended by Laws of Utah 2005, Chapter 233
- 82 **17-3-3**, as last amended by Laws of Utah 2005, Chapter 233
- 83 **17-50-104**, as last amended by Laws of Utah 2005, Chapter 233
- 84 **17-50-105**, as last amended by Laws of Utah 2005, Chapter 233
- 85 **17-50-502**, as enacted by Laws of Utah 2000, Chapter 318
- 86 **17A-2-1311**, as last amended by Laws of Utah 2005, Chapter 233
- 87 **17A-2-1327**, as last amended by Laws of Utah 2005, Chapter 233
- 88 **17A-2-1329**, as last amended by Laws of Utah 2005, Chapter 233
- 89 **17A-3-802**, as renumbered and amended by Laws of Utah 1990, Chapter 186

- 90 **17A-3-803**, as renumbered and amended by Laws of Utah 1990, Chapter 186
- 91 **17B-1-215**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 92 **17B-1-216**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 93 **17B-1-217**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 94 **17B-1-412**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 95 **17B-1-414**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 96 **17B-1-415**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 97 **17B-1-416**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 98 **17B-1-417**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 99 **17B-1-512**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 100 **17B-1-1308**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 101 **17C-1-201**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 102 **17C-1-701**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 103 **53A-2-101.5**, as enacted by Laws of Utah 2005, Chapter 233
- 104 **53A-2-118**, as last amended by Laws of Utah 2007, First Special Session, Chapter 1
- 105 **59-2-1304**, as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 106 **59-2-1325**, as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 107 **63-30d-401**, as last amended by Laws of Utah 2007, Chapter 329
- 108 **63F-1-506**, as last amended by Laws of Utah 2005, Chapter 233 and renumbered and
- 109 amended by Laws of Utah 2005, Chapter 169
- 110 **63F-1-507**, as last amended by Laws of Utah 2007, Chapter 329
- 111 **67-1a-6.5**, as last amended by Laws of Utah 2007, Chapters 212 and 329

112 ENACTS:

- 113 **17-21-26**, Utah Code Annotated 1953
- 114 **17-23-20**, Utah Code Annotated 1953
- 115 **59-2-924.5**, Utah Code Annotated 1953

116 REPEALS:

- 117 **10-1-116**, as last amended by Laws of Utah 2005, Chapter 233
- 118 **10-1-117**, as last amended by Laws of Utah 2007, Chapter 329
- 119 **10-2-122**, as last amended by Laws of Utah 2000, Chapter 38
- 120 **10-2-508**, as last amended by Laws of Utah 2003, Chapter 279

121 **10-2-611**, as last amended by Laws of Utah 2005, Chapter 233



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

124 Section 1. Section **10-1-118** is amended to read:

125 **10-1-118. Changing the name of a municipality.**

126 (1) ~~(a)~~ A municipality may change its name by ~~[filing amended articles of~~
127 ~~incorporation as provided in Section 10-1-117:]~~ recording with the county recorder a notice of
128 name change.

129 (b) The notice in Subsection (1)(a) shall have been:

130 (i) approved by the municipal legislative body; and

131 (ii) signed and verified by the mayor of the municipality.

132 (2) The name change becomes effective upon the lieutenant governor's certification of
133 the ~~[amended articles as provided in Subsection 10-1-117(3)]~~ name change under Section
134 67-1a-6.5.

135 Section 2. Section **10-2-103** is amended to read:

136 **10-2-103. Request for feasibility study -- Requirements -- Limitations.**

137 (1) The process to incorporate a contiguous area of a county as a city is initiated by a
138 request for a feasibility study filed with the clerk of the county in which the area is located.

139 (2) Each request under Subsection (1) shall:

140 (a) be signed by the owners of private real property that:

141 (i) is located within the area proposed to be incorporated;

142 (ii) covers at least 10% of the total private land area within the area; and

143 (iii) is equal in value to at least 7% of the value of all private real property within the
144 area;

145 (b) indicate the typed or printed name and current residence address of each owner
146 signing the request;

147 ~~[(c) describe the contiguous area proposed to be incorporated as a city;]~~

148 ~~[(d)]~~ (c) designate up to five signers of the request as sponsors, one of whom shall be
149 designated as the contact sponsor, with the mailing address and telephone number of each;

150 ~~[(e)]~~ (d) be accompanied by and circulated with ~~[an accurate map or plat]~~ a preliminary
151 map as defined in Section 17-23-20, prepared by a licensed surveyor, showing the boundaries

152 of the proposed city; and

153 ~~[(f)]~~ (e) request the county legislative body to commission a study to determine the
154 feasibility of incorporating the area as a city.

155 (3) A request for a feasibility study under this section may not propose for
156 incorporation an area that includes some or all of an area that is the subject of a completed
157 feasibility study or supplemental feasibility study whose results comply with Subsection
158 10-2-109(3) unless:

159 (a) the proposed incorporation that is the subject of the completed feasibility study or
160 supplemental feasibility study has been defeated by the voters at an election under Section
161 10-2-111; or

162 (b) the time provided under Subsection 10-2-109(1) for filing an incorporation petition
163 based on the completed feasibility study or supplemental feasibility study has elapsed without
164 the filing of a petition.

165 (4) (a) Except as provided in Subsection (4)(b), a request under this section may not
166 propose for incorporation an area that includes some or all of an area proposed for annexation
167 in an annexation petition under Section 10-2-403 that:

- 168 (i) was filed before the filing of the request; and
- 169 (ii) is still pending on the date the request is filed.

170 (b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area
171 that includes some or all of an area proposed for annexation in an annexation petition described
172 in Subsection (4)(a) if:

173 (i) the proposed annexation area that is part of the area proposed for incorporation does
174 not exceed 20% of the area proposed for incorporation;

175 (ii) the request complies with Subsections (2) and (3) with respect to the area proposed
176 for incorporation excluding the proposed annexation area; and

177 (iii) excluding the area proposed for annexation from the area proposed for
178 incorporation would not cause the area proposed for incorporation to lose its contiguousness.

179 (c) Except as provided in Section 10-2-107, each request to which Subsection (4)(b)
180 applies shall be considered as not proposing the incorporation of the area proposed for
181 annexation.

182 (5) At the time of filing the request for a feasibility study with the county clerk, the

183 sponsors of the request shall mail or deliver a copy of the request to the chair of the planning
 184 commission of each township in which any part of the area proposed for incorporation is
 185 located.

186 Section 3. Section **10-2-119** is amended to read:

187 **10-2-119. Recording notice of incorporation -- When incorporation complete --**
 188 **Incorporation presumed conclusive.**

189 (1) (a) Within ~~[seven]~~ 30 days after the canvass of the final election of city officers
 190 under Section 10-2-116, the mayor-elect of the new city shall ~~[file at least three copies of the~~
 191 ~~articles]~~ record with the county recorder a notice of incorporation ~~[with the lieutenant~~
 192 ~~governor]~~.

193 ~~[(2) The articles of incorporation shall:]~~

194 (b) The notice in Subsection (1)(a) shall:

195 ~~[(a)]~~ (i) contain the name of the city;

196 ~~[(b) contain an accurate map or plat, prepared by a licensed surveyor, approved by the~~
 197 ~~legislative body, and filed with the county surveyor in accordance with Section 17-23-17]~~

198 (ii) contain a retraceable plat, as defined in Section 17-23-20, showing the boundaries
 199 of the city;

200 ~~[(c) contain the city's class according to population as defined in Section 10-2-301;~~
 201 ~~and]~~

202 (iii) include the results of the election;

203 (iv) include a statement signed by an attorney attesting that all legal requirements for
 204 the incorporation have been met; and

205 ~~[(d)]~~ (v) be signed and verified by the mayor-elect of the city.

206 ~~[(3) The legislative body of the new city shall comply with the notice requirements of~~
 207 ~~Section 10-1-116:]~~

208 (c) In addition to the deadline in Subsection (1)(a), the tax deadlines in Section
 209 59-2-924.5 apply.

210 (2) The county recorder shall comply with the requirements of Section 17-21-26.

211 (3) The lieutenant governor shall comply with the requirements of Sections 10-2-302
 212 and 67-1a-6.5.

213 (4) The incorporation is effective upon the lieutenant governor certifying the

214 incorporation under Section 67-1a-6.5.

215 (5) Notwithstanding any other provision of law, a city shall be conclusively presumed
 216 to be lawfully incorporated and existing if for two years following the city's incorporation:

217 (a) (i) the city has levied and collected a property tax; or

218 (ii) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use
 219 tax; and

220 (b) no challenge to the existence or incorporation of the city has been filed in the
 221 district court for the county in which the city is located.

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

223 **10-2-120. Powers of officers-elect.**

224 [~~(1)(a) Before filing articles of incorporation, the mayor-elect of the future city may~~
 225 ~~file with the lieutenant governor a verified notice of intention to file the articles of~~
 226 ~~incorporation.]~~

227 [~~(b) The notice under Subsection (1)(a) shall contain:]~~

228 [~~(i) the name of the future city;]~~

229 [~~(ii) an accurate map or plat, prepared by a licensed surveyor, approved by the~~
 230 ~~legislative body, and filed with the county surveyor in accordance with Section 17-23-17,~~
 231 ~~showing the boundaries of the future city;]~~

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

233 [~~(iv) the proposed date for filing the articles of incorporation.]~~

234 [(2)] (1) Upon the [lieutenant governor's certification of the notice under Section
 235 ~~67-1a-6.5] canvass of the final election of city officers under Section 10-2-116 and until the
 236 future city becomes legally incorporated, the officers of the future city may:~~

237 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act For Utah
 238 Cities, a proposed budget and compilation of ordinances;

239 (b) negotiate and make personnel contracts and hirings;

240 (c) negotiate and make service contracts;

241 [~~(d) file the notification required by Subsection 10-1-116(1);]~~

242 [~~(e)] (d) negotiate and make contracts to purchase equipment, materials, and supplies;~~

243 [~~(f)] (e) borrow funds from the county in which the future city is located under~~

244 Subsection 10-2-121(3);

245 [~~(g)~~] (f) borrow funds for startup expenses of the future municipality; and
246 [~~(h)~~] (g) issue tax anticipation notes in the name of the future municipality.
247 [~~(3)~~] (2) The city's legislative body shall review and ratify each contract made by the
248 officers-elect under Subsection [~~(2)~~] (1) within 30 days of the effective date of incorporation
249 under Section [~~10-2-122~~] 10-2-119.

250 Section 5. Section **10-2-121** is amended to read:

251 **10-2-121. Division of municipal-type services revenues -- County may provide**
252 **startup funds -- Notice requirements.**

253 (1) The county in which an area incorporating under this part is located shall, until the
254 date of the city's incorporation under Section [~~10-2-122~~] 10-2-119, continue:

255 (a) to levy and collect ad valorem property tax and other revenues from or pertaining to
256 the future city; and

257 (b) except as otherwise agreed by the county and the officers-elect of the city [~~after the~~
258 ~~filing of the notice under Subsection 10-2-120(1)~~], to provide the same services to the future
259 city as the county provided before the commencement of the incorporation proceedings.

260 (2) (a) The legislative body of the county in which a newly incorporated city is located
261 shall share pro rata with the new city, based on the date of incorporation, the taxes and service
262 charges or fees levied and collected by the county under Section 17-34-3 during the year of the
263 new city's incorporation if and to the extent that the new city provides, by itself or by contract,
264 the same services for which the county levied and collected the taxes and service charges or
265 fees.

266 (b) (i) The legislative body of a county in which a city incorporated after January 1,
267 2004, is located may share with the new city taxes and service charges or fees that were levied
268 and collected by the county under Section 17-34-3:

269 (A) before the year of the new city's incorporation;

270 (B) from the previously unincorporated area that, because of the city's incorporation, is
271 located within the boundaries of the newly incorporated city; and

272 (C) for the purpose of providing services to the area that before the new city's
273 incorporation was unincorporated.

274 (ii) A county legislative body may share taxes and service charges or fees under
275 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts

276 due under a contract for municipal-type services provided by the county to the new city.

277 (3) (a) The legislative body of a county in which an area incorporating under this part is
278 located may appropriate county funds to:

279 (i) before incorporation but after [~~a notice under Subsection 10-2-120(1) is filed~~] the
280 canvass of the final election of city officers under Section 10-2-116, the officers-elect of the
281 future city to pay startup expenses of the future city; or

282 (ii) after incorporation, the new city.

283 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a
284 grant, a loan, or as an advance against future distributions under Subsection (2).

285 [~~(4) (a) Within 30 days of incorporation, the legislative body of the new city shall~~
286 ~~record with the recorder of the county in which the new city is located a plat or map, prepared~~
287 ~~by a licensed surveyor and approved by the legislative body of the new city, the county~~
288 ~~recorder, and county surveyor, showing the boundaries of the new city.]~~

289 [~~(b) The legislative body of the new city shall comply with the notice requirements of~~
290 ~~Section 10-1-116.]~~

291 Section 6. Section **10-2-125** is amended to read:

292 **10-2-125. Incorporation of a town.**

293 (1) As used in this section:

294 (a) "Base petition" means a petition under this section proposing the incorporation of a
295 town and signed by the owners of private real property that:

296 (i) is located within the area proposed to be incorporated;

297 (ii) covers at least a majority of the total private land area within the area proposed to
298 be incorporated; and

299 (iii) is equal in value to at least 1/3 but not more than 1/2 of the value of all private real
300 property within the area proposed to be incorporated.

301 (b) "Qualifying petition" means a petition under this section proposing the
302 incorporation of a town and signed by the owners of private real property that:

303 (i) is located within the area proposed to be incorporated;

304 (ii) covers at least a majority of the total private land area within the area proposed to
305 be incorporated; and

306 (iii) is equal in value to more than 1/2 of the value of all private real property within

307 the area proposed to be incorporated.

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

310 (b) (i) The population figure under Subsection (2)(a) shall be derived from the most
311 recent official census or census estimate of the United States Bureau of the Census.

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

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

317 (b) Each petition under Subsection (3)(a) shall:

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

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

320 (B) covers a majority of the total private land area within the area; and

321 (C) is equal in value to at least 1/3 of the value of all private real property within the
322 area;

323 [~~(ii) state the legal description of the boundaries of the area proposed to be~~
324 ~~incorporated as a town;~~]

325 [(~~iii~~)] (ii) designate up to five signers of the petition as sponsors, one of whom shall be
326 designated as the contact sponsor, with the mailing address of each owner signing as a sponsor;

327 [(~~iv~~)] (iii) be accompanied by and circulated with [~~an accurate map or plat~~] a
328 preliminary map as defined in Section 17-23-20, prepared by a licensed surveyor, showing the
329 [~~boundaries~~] boundary of the proposed town; and

330 [(~~v~~)] (iv) substantially comply with and be circulated in the following form:

331 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
332 town)

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

335 We, the undersigned owners of real property within the area described in this petition,
336 respectfully petition the county legislative body for the area described in this petition to be
337 incorporated as a town. Each of the undersigned affirms that each has personally signed this

338 petition and is an owner of real property within the described area, and that the current
339 residence address of each is correctly written after the signer's name. The area proposed to be
340 incorporated as a town is described as follows: (insert an accurate description of the area
341 proposed to be incorporated).

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

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

346 (4) Section 10-2-104 applies to a petition for incorporation as a town in any county,
347 except that the notice under Subsection 10-2-104(1) shall be sent within seven calendar days
348 after the filing of a petition under Subsection (3).

349 (5) (a) (i) The legislative body of each county with which a base petition is filed under
350 this section shall commission and pay for a feasibility study as provided in Section 10-2-103.

351 (ii) If the results of the feasibility study under Subsection (5)(a)(i) meet the
352 requirements of Subsection 10-2-109(3), the county legislative body shall grant the petition.

353 (iii) If the results of the feasibility study under Subsection (5)(a)(i) do not meet the
354 requirements of Subsection 10-2-109(3), the county legislative body may:

- 355 (A) deny the petition;
- 356 (B) grant the petition; or
- 357 (C) with the consent of the petition sponsors, grant the petition, after:
 - 358 (I) imposing conditions to mitigate the fiscal inequities identified in the feasibility
359 study; or

360 (II) altering the boundaries of the area proposed to be incorporated as a town to
361 approximate the boundaries necessary to meet the requirements of Subsection 10-2-109(3).

362 (iv) Each town that incorporates pursuant to a petition granted after the county
363 legislative body imposes conditions under Subsection (5)(a)(iii)(C)(I) shall comply with those
364 conditions.

365 (b) The legislative body of each county of the second, third, fourth, fifth, or sixth class
366 with which a qualifying petition is filed shall grant the petition.

367 (6) (a) Upon the granting of a petition filed under this section, the legislative body of
368 the county in which the proposed town is located shall appoint a mayor and members of the

369 town council from a list of qualified individuals approved by the petition sponsors.

370 (b) The officers appointed under Subsection (6)(a) shall hold office until the next
371 regular municipal election and until their successors are elected and qualified.

372 (7) Each newly incorporated town shall operate under the six-member council form of
373 government as described in Section 10-3-101.

374 (8) (a) Each mayor appointed under Subsection (6) shall, within [~~seven~~] 30 days of
375 appointment, [~~file articles of incorporation of the new town with the lieutenant governor~~
376 record with the county recorder a notice of incorporation.

377 [~~(b) The articles of incorporation shall meet the requirements of Subsection~~
378 ~~10-2-119(2).]~~

379 (b) The notice in Subsection (8)(a) shall include:

380 (i) a retracable plat as defined in Section 17-23-20 depicting the boundary of the
381 town;

382 (ii) all documents establishing the legality of or effectuating the incorporation; and

383 (iii) a statement signed by an attorney attesting that all legal requirements for the
384 incorporation have been met.

385 (c) In addition to the deadline in Subsection (8)(a), the tax deadlines in Section
386 59-2-924.5 apply.

387 (9) The county recorder shall comply with the requirements of Section 17-21-26.

388 (10) The lieutenant governor shall comply with the requirements of Sections 10-2-302
389 and 67-1a-6.5.

390 [~~(9)~~] (11) A town is incorporated upon the lieutenant governor's issuance of a
391 certificate of entity creation under Section 67-1a-6.5.

392 [~~(10) The legislative body of the new town shall comply with the notice requirements~~
393 ~~of Section 10-1-116.]~~

394 Section 7. Section **10-2-302** is amended to read:

395 **10-2-302. Change of class of municipality.**

396 (1) Each municipality shall retain its classification under Section 10-2-301 until
397 changed as provided in this section.

398 (2) The lieutenant governor shall:

399 (a) monitor the population figure for each municipality as shown on:

400 ~~(a)~~ (i) each official census or census estimate of the United States Bureau of the
401 Census; or

402 ~~(b)~~ (ii) if the population figure for a municipality is not available from the United
403 States Bureau of the Census, the population estimate from the Utah Population Estimates
404 Committee[-];

405 (b) determine a municipality's classification upon incorporation; and

406 (c) determine if a municipality's classification needs to be changed after a boundary
407 change as defined in Section 17-23-20.

408 (3) If the applicable population figure under Subsection (2) indicates that a
409 municipality's population has increased beyond the limit for its current class, the lieutenant
410 governor shall:

411 (a) prepare a certificate indicating the class in which the municipality belongs based on
412 the increased population figure; and

413 (b) within ten days after preparing the certificate, deliver a copy of the certificate to the
414 legislative body of the municipality whose class has changed.

415 (4) (a) If the applicable population figure under Subsection (2) indicates that a
416 municipality's population has decreased below the limit for its current class, the legislative
417 body of the municipality may petition the lieutenant governor to prepare a certificate indicating
418 the class in which the municipality belongs based on the decreased population figure.

419 (b) Upon receipt of a petition under Subsection (4)(a), the lieutenant governor shall
420 prepare the certificate, and within ten days after preparing the certificate, deliver a copy of the
421 certificate to the legislative body of the municipality whose class has changed.

422 (5) A municipality's change in class is effective on the date of the lieutenant governor's
423 certificate under Subsection (3) or (4).

424 Section 8. Section **10-2-418** is amended to read:

425 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
426 **Hearing.**

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

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

431 (B) the majority of each island or peninsula consists of residential or commercial
432 development;

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

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

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

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

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

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

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

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

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

455 (ii) (A) publish notice at least once a week for three successive weeks in a newspaper
456 of general circulation within the municipality and the area proposed for annexation; or

457 (B) if there is no newspaper of general circulation in the areas described in Subsection
458 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are
459 most likely to give notice to the residents of those areas;

460 (iii) send written notice to the board of each local district and special service district
461 whose boundaries contain some or all of the area proposed for annexation and to the legislative

462 body of the county in which the area proposed for annexation is located; and

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

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

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

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

469 (iii) ~~describe~~ include a preliminary map as defined in Section 17-23-20 depicting the
470 area proposed for annexation; and

471 (iv) except for an annexation that meets the property owner consent requirements of
472 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will
473 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written
474 protests to the annexation are filed by the owners of private real property that:

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

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

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

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

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

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

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

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

493 (b) ~~(f)~~ Upon conclusion of the public hearing under Subsection (2)(a)(iv), a
494 municipality may adopt an ordinance annexing the area proposed for annexation under this
495 section without allowing or considering protests under Subsection (3)(a) if the owners of at
496 least 75% of the total private land area within the entire area proposed for annexation,
497 representing at least 75% of the value of the private real property within the entire area
498 proposed for annexation, have consented in writing to the annexation.

499 ~~[(ii) Upon adoption of an annexation ordinance under Subsection (3)(b)(i), the area
500 annexed shall be conclusively presumed to be validly annexed.]~~

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

504 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body
505 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an
506 unincorporated island regarding which protests have been filed and proceeding under
507 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

508 (5) (a) Within 30 days after adopting an ordinance under Subsection (3)(b), the
509 municipal legislative body shall record with the county recorder a notice of annexation.

510 (b) The notice in Subsection (5)(a) shall include:

511 (i) a retraceable plat as defined in Section 17-23-20 depicting the boundaries of the
512 annexation;

513 (ii) the ordinance adopted under Subsection (3)(b); and

514 (iii) a statement signed by an attorney attesting that all legal requirements for the
515 annexation have been met.

516 (c) In addition to the deadline in Subsection (5)(a), the tax deadlines in Section
517 59-2-924.5 apply.

518 (6) The county recorder shall comply with the requirements of Section 17-21-26.

519 (7) The lieutenant governor shall comply with the requirements of Sections 10-2-302
520 and 67-1a-6.5.

521 (8) The annexation is effective upon the lieutenant governor certifying the annexation
522 under Section 67-1a-6.5.

523 Section 9. Section **10-2-419** is amended to read:

524 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

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

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

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

542 (ii) ~~describe~~ include a preliminary map as defined in Section 17-23-20 depicting the
543 area proposed to be adjusted;

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

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

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

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

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

554 (v) state that the area that is the subject of the boundary adjustment will, because of the

555 boundary adjustment, be automatically annexed to a local district providing fire protection,
556 paramedic, and emergency services, as provided in Section 17B-1-416, if:

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

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

560 (II) in the creation of which an election was not required because of Subsection
561 17B-1-214(3)(c); and

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

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

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

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

570 (II) in the creation of which an election was not required because of Subsection
571 17B-1-214(3)(c); and

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

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

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

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

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

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

586 (4) The municipal legislative body shall comply with the requirements of Section
587 10-2-425 as if the boundary [~~change~~] adjustment were an annexation.

588 (5) [~~An~~] The boundary adjustment for an ordinance adopted under Subsection (3)
589 becomes effective [~~when~~] after each municipality involved in the boundary adjustment has
590 adopted an ordinance under Subsection (3) and as determined under Subsection
591 10-2-425[~~(5)~~](7) if the boundary change were an annexation.

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

593 **10-2-425. Recording plat -- Notice requirements.**

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

596 (a) send notice of the enactment to each affected entity;

597 [~~(b) file with the lieutenant governor;~~]

598 (b) record with the county recorder:

599 (i) a certified copy of the ordinance approving the annexation or boundary adjustment,
600 together with a [~~plat or map prepared by a licensed surveyor,~~] retraceable plat as defined in
601 Section 17-23-20, and approved by the municipal legislative body, [~~and filed with the county~~
602 ~~surveyor in accordance with Section 17-23-17;~~] showing the new boundaries of the affected
603 area; and

604 [~~(ii) (A) if the municipality has articles of incorporation, amended articles of~~
605 ~~incorporation reflecting the annexation or boundary adjustment, as provided in Section~~
606 ~~10-1-117; or]~~

607 [~~(B) if the municipality does not have articles of incorporation;~~]

608 (ii) written notice of the adoption of an annexation ordinance, accompanied by a copy
609 of the ordinance; and

610 (c) in accordance with Section 26-8a-414, file the documents described in Subsection
611 (1)(b)(i) with the Department of Health.

612 (2) In addition to the deadline in Subsection (1), the tax deadlines in Section
613 59-2-924.5 apply.

614 (3) The county recorder shall comply with the requirements of Section 17-21-26.

615 (4) The lieutenant governor shall comply with the requirements of Sections 10-2-302
616 and 67-1a-6.5.

617 ~~[(2)]~~ (5) If an annexation or boundary adjustment under this part also causes an
 618 automatic annexation to a local district under Section 17B-1-416 or an automatic withdrawal
 619 from a local district under Subsection 17B-1-502(2), the municipal legislative body shall, as
 620 soon as practicable after enacting an ordinance annexing an unincorporated area or adjusting a
 621 boundary, send notice of the annexation or boundary adjustment to the local district to which
 622 the annexed area is automatically annexed or from which the annexed area is automatically
 623 withdrawn.

624 ~~[(3)]~~ The municipal legislative body shall comply with the notice requirements of
 625 Section ~~10-1-116~~;

626 ~~[(4)]~~ (6) Each notice required under ~~[Subsections]~~ Subsection (1) ~~[and (3)]~~ relating to
 627 an annexation shall state the effective date of the annexation, as determined under Subsection
 628 ~~[(5)]~~ (7).

629 ~~[(5)]~~ (7) An annexation under this part is completed and takes effect:

630 (a) for the annexation of an area located in a county of the first class, except for an
 631 annexation under Section 10-2-418:

632 (i) July 1 following enactment of an ordinance annexing the unincorporated area if:
 633 (A) the ordinance is adopted during the preceding November 1 through April 30; and
 634 (B) the requirements of Subsection (1) are met before that July 1; or

635 (ii) January 1 following enactment of an ordinance annexing the unincorporated area if:
 636 (A) the ordinance is adopted during the preceding May 1 through October 31; and
 637 (B) the requirements of Subsection (1) are met before that January 1; and

638 (b) for all other annexations, the date of the lieutenant governor's issuance of ~~[(i)]~~ a
 639 certification of amended articles under Subsection 10-1-117(3), for an annexation by a
 640 municipality that has articles of incorporation and filed with the lieutenant governor amended
 641 articles of incorporation under Subsection (1)(a)(iii)(A); or ~~(ii)]~~ a certificate of annexation
 642 under ~~[Subsection (1)(b), for an annexation by a municipality that does not have articles of~~
 643 ~~incorporation and filed with the lieutenant governor a notice of adoption of an annexation~~
 644 ~~ordinance under Subsection (1)(a)(iii)(B)]~~ Section 67-1a-6.5.

645 Section 11. Section **10-2-507** is amended to read:

646 **10-2-507. Disconnection decree -- Filing of documents -- Notice requirements.**

647 (1) ~~[(a)]~~ Upon entering a disconnection order, the court shall ~~[file with the lieutenant~~

648 ~~governor] record with the county recorder a certified copy of the order and a [transparent~~
649 ~~reproducible copy of the map or plat] retraceable plat as defined in Section 17-23-20.~~

650 ~~[(b) The disconnection is effective upon the lieutenant governor's certification of the~~
651 ~~disconnection order under Section 67-1a-6.5.]~~

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

655 ~~[(a)] (2) (a) A municipality that passes an ordinance approving disconnection under~~
656 ~~Subsection 10-2-502.5(4)(b) shall record with the county recorder a notice of disconnection~~
657 ~~within 30 days after adoption of an ordinance approving disconnection under Subsection~~
658 ~~10-2-502.5(4)(b)[; or].~~

659 ~~[(b) entry of a court order under Section 10-2-502.7 ordering disconnection.]~~

660 ~~[(3) The amended articles of incorporation shall:]~~

661 ~~[(a) describe the postdisconnection geography of the municipality; and]~~

662 ~~[(b) specify the postdisconnection population of the municipality:]~~

663 ~~(b) The notice in Subsection (2)(a) shall include:~~

664 ~~(i) a retraceable plat as defined in Section 17-23-20 depicting the boundary of the~~
665 ~~municipality after disconnection; and~~

666 ~~(ii) the ordinance approving disconnection under Subsection 10-2-502.5(4)(b).~~

667 ~~(c) In addition to the deadline in Subsection (2)(a), the tax deadlines in Section~~
668 ~~59-2-924.5 apply.~~

669 ~~(3) The county recorder shall comply with the requirements of Section 17-21-26.~~

670 ~~(4) The lieutenant governor shall comply with the requirements of [Subsection~~
671 ~~10-1-117(3)] Sections 10-2-302 and 67-1a-6.5.~~

672 ~~(5) The disconnection is effective upon the lieutenant governor certifying the court~~
673 ~~order under Subsection (1) or certifying the notice under Subsection (2), as the case may be.~~

674 ~~[(5)] (6) Any cost incurred by the municipality in complying with this section may be~~
675 ~~charged against the disconnected territory.~~

676 ~~[(6) The legislative body of each municipality that has had territory disconnected shall~~
677 ~~comply with the notice requirements of Section 10-1-116.]~~

678 Section 12. Section **10-2-610** is amended to read:

679 **10-2-610. Consolidation -- Favorable vote at election -- Notice of results --**
680 **Publication -- Recording -- When incorporation complete -- Disincorporation of original**
681 **municipalities.**

682 (1) The [commissioners of the] county [or counties] legislative body of each affected
683 county shall canvass the results of the election or elections in the same manner as for general
684 elections and shall certify the results of the election to the county clerk or clerks. [H]

685 (2) Upon receiving the election results under Subsection (1) and if a majority of the
686 ballots cast at the election on consolidation in each municipality are for consolidation, the
687 county clerk or clerks shall [immediately, on receiving notice of the results of the canvass
688 being filed in the proper office,]:

689 (a) give notice of the election result by publication in the same manner and for the
690 same time as provided in Section 10-2-608; and [in the notice the county clerk or clerks shall
691 indicate to which class the consolidated municipality belongs. A]

692 (b) record with the county recorder:

693 (i) a copy of the notice with proper proof of its original publication [shall be filed with
694 the papers,]; and

695 (ii) a certified copy of all papers and record entries relating to the matter on file in the
696 county clerk's office [shall be filed in the office of the county recorder. The].

697 (3) (a) Within 30 days of the canvass of the election, the mayor of the consolidated
698 municipality shall [cause articles of consolidation to be filed in the office of the lieutenant
699 governor which shall contain the same information as is required in Subsection 10-2-119(2)
700 together with] record with the county recorder a notice of consolidation.

701 (b) The notice in Subsection (3)(a) shall contain:

702 (i) a retracable plat as defined in Section 17-23-20 depicting the boundary of the
703 consolidated municipality;

704 (ii) a provision stating that the municipality is a consolidation of two or more
705 municipalities [and];

706 (iii) the election results; and

707 (iv) the names of the municipalities which comprise the new municipality.

708 (c) In addition to the deadline in Subsection (3)(a), the tax deadlines in Section
709 59-2-924.5 apply.

710 (4) The county recorder shall comply with the requirements of Section 17-21-26.

711 (5) The lieutenant governor shall comply with the requirements of Sections 10-2-302
712 and 67-1a-6.5.

713 (6) Upon the lieutenant governor certifying the consolidation under Section 67-1a-6.5,
714 the:

715 (a) consolidation becomes effective; and

716 (b) original municipalities involved in the consolidation are disincorporated.

717 Section 13. Section **10-2-712** is amended to read:

718 **10-2-712. Power of court -- Recording court order -- Effective date.**

719 (1) The district court may:

720 (a) enforce compliance with any order issued to give effect to this part by proceedings
721 for contempt; and

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

723 ~~[(2) (a) The district court shall file articles of dissolution with the lieutenant governor~~
724 ~~on the dissolution of the municipality.]~~

725 (2) (a) Within 30 days after the issuance of a court order to dissolve a municipality, the
726 district court shall record with the county recorder the court order.

727 (b) The county recorder shall comply with the requirements of Section 17-21-26.

728 (c) The lieutenant governor shall comply with the requirements of Sections 10-2-302
729 and 67-1a-6.5.

730 ~~[(b)]~~ (d) Upon the lieutenant governor's certification of the articles of dissolution, the
731 municipality is dissolved under Section 67-1a-6.5.

732 Section 14. Section **10-6-111** is amended to read:

733 **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**
734 **-- Budget message -- Review by governing body.**

735 (1) On or before the first regularly scheduled meeting of the governing body in the last
736 May of the current period, the budget officer shall prepare for the ensuing fiscal period, on
737 forms provided by the state auditor, and file with the governing body, a tentative budget for
738 each fund for which a budget is required. The tentative budget of each fund shall set forth in
739 tabular form the following:

740 (a) Actual revenues and expenditures in the last completed fiscal period.

- 741 (b) Budget estimates for the current fiscal period.
- 742 (c) Actual revenues and expenditures for a period of 6 to 21 months, as appropriate, of
743 the current fiscal period.
- 744 (d) Estimated total revenues and expenditures for the current fiscal period.
- 745 (e) The budget officer's estimates of revenues and expenditures for the budget period,
746 computed in the following manner:
- 747 (i) The budget officer shall estimate, on the basis of demonstrated need, the
748 expenditures for the budget period after a review of the budget requests and estimates of the
749 department heads. Each department head shall be heard by the budget officer prior to making
750 of the final estimates, but the officer may revise any department's estimate as the officer
751 considers advisable for the purpose of presenting the budget to the governing body.
- 752 (ii) The budget officer shall estimate the amount of revenue available to serve the
753 needs of each fund, estimate the portion to be derived from all sources other than general
754 property taxes, and estimate the portion that must be derived from general property taxes.
755 From the latter estimate the officer shall compute and disclose in the budget the lowest rate of
756 property tax levy that will raise the required amount of revenue, calculating the levy upon the
757 latest taxable value.
- 758 (f) If the governing body elects, actual performance experience to the extent
759 established by Section 10-6-154 and available in work units, unit costs, man hours, or man
760 years for each budgeted fund on an actual basis for the last completed fiscal period, and
761 estimated for the current fiscal period and for the ensuing budget period.
- 762 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,
763 shall contain the estimates of expenditures submitted by department heads, together with
764 specific work programs and such other supporting data as this chapter requires or the governing
765 body may request. Each city of the first or second class shall, and a city of the third, fourth, or
766 fifth class may, submit a supplementary estimate of all capital projects which each department
767 head believes should be undertaken within the next three succeeding years.
- 768 (b) Each tentative budget submitted by the budget officer to the governing body shall
769 be accompanied by a budget message, which shall explain the budget, contain an outline of the
770 proposed financial policies of the city for the budget period, and shall describe the important
771 features of the budgetary plan. It shall set forth the reasons for salient changes from the

772 previous fiscal period in appropriation and revenue items and shall explain any major changes
773 in financial policy.

774 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the
775 governing body in any regular meeting or special meeting called for the purpose and may be
776 amended or revised in such manner as is considered advisable prior to public hearings, except
777 that no appropriation required for debt retirement and interest or reduction of any existing
778 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be
779 reduced below the minimums so required.

780 (4) (a) If the municipality is acting pursuant to Section 10-2-120, the tentative budget
781 shall:

782 (i) be submitted to the governing body-elect as soon as practicable [~~after the filing of~~
783 ~~the notice under Section 10-2-120 indicating the proposed date for filing the articles of~~
784 ~~incorporation~~]; and

785 (ii) cover each fund for which a budget is required from the date of incorporation to the
786 end of the fiscal year.

787 (b) The governing body shall substantially comply with all other provisions of this act,
788 and the budget shall be passed upon incorporation.

789 Section 15. Section **11-13-204** is amended to read:

790 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
791 **services interlocal entities -- Length of term of agreement and interlocal entity --**
792 **Recording with county recorder -- Notice to lieutenant governor.**

793 (1) (a) An interlocal entity:

794 (i) may:

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

797 (B) sue and be sued;

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

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

801 (E) acquire real or personal property, or an undivided, fractional, or other interest in
802 real or personal property, necessary or convenient for the purposes contemplated in the

803 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;
804 (F) directly or by contract with another:
805 (I) own and acquire facilities and improvements or an undivided, fractional, or other
806 interest in facilities and improvements;
807 (II) construct, operate, maintain, and repair facilities and improvements; and
808 (III) provide the services contemplated in the agreement creating the interlocal entity;
809 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
810 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
811 any part of the revenues and receipts from the facilities, improvements, or services that the
812 interlocal entity provides;
813 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
814 other obligations issued by the interlocal entity; and
815 (I) sell or contract for the sale of the services, output, product, or other benefits
816 provided by the interlocal entity to:
817 (I) public agencies inside or outside the state; and
818 (II) with respect to any excess services, output, product, or benefits, any person on
819 terms that the interlocal entity considers to be in the best interest of the public agencies that are
820 parties to the agreement creating the interlocal entity; and
821 (ii) may not levy, assess, or collect ad valorem property taxes.
822 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(i)(G) may, to
823 the extent provided by the documents under which the assignment, pledge, or other conveyance
824 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes
825 payable to the state or its political subdivisions.
826 (2) An energy services interlocal entity:
827 (a) except with respect to any ownership interest it has in facilities providing additional
828 project capacity, is not subject to:
829 (i) Part 3, Project Entity Provisions; or
830 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
831 Pay Corporate Franchise or Income Tax Act; and
832 (b) may:
833 (i) own, acquire, and, by itself or by contract with another, construct, operate, and

834 maintain a facility or improvement for the generation, transmission, and transportation of
835 electric energy or related fuel supplies;

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

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

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

846 (3) Notwithstanding Section 11-13-216, an agreement [~~creating~~] to create an interlocal
847 entity or an amendment to that agreement may provide that the agreement may continue and
848 the interlocal entity may remain in existence until the latest to occur of:

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

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

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

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

858 (4) (a) The governing body of each party to the agreement to create an interlocal entity
859 under Section 11-13-203 shall, within 30 days of the date of the agreement, jointly [~~file~~] record
860 a written notice of the agreement with the [~~lieutenant governor~~] county recorder.

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

862 (i) be accompanied by:

863 (A) a copy of the agreement to create the interlocal entity; and

864 (B) if less than all of the territory of any Utah public agency that is a party to the

865 agreement is included within the interlocal entity, a [~~plat that delineates a metes and bounds~~
 866 ~~description of the area affected or a map of~~] retraceable plat as defined in Section 17-23-20
 867 depicting the area affected; and

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

870 (5) The county recorder shall comply with the requirements of Section 17-21-26.

871 (6) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

872 [~~(5)~~] (7) Upon the lieutenant governor's issuance of a certificate of creation under
 873 Section 67-1a-6.5, the interlocal entity is created.

874 [~~(6)~~] (8) Nothing in this section may be construed as expanding the rights of any
 875 municipality or interlocal entity to sell or provide retail service.

876 Section 16. Section **11-13-205** is amended to read:

877 **11-13-205. Agreement by public agencies to create a new entity to own sewage**
 878 **and wastewater facilities -- Powers and duties of new entities -- Validation of previously**
 879 **created entities -- Recording with county recorder -- Notice to lieutenant governor.**

880 (1) It is declared that the policy of the state is to assure the health, safety, and welfare
 881 of its citizens, that adequate sewage and wastewater treatment plants and facilities are essential
 882 to the well-being of the citizens of the state and that the acquisition of adequate sewage and
 883 wastewater treatment plants and facilities on a regional basis in accordance with federal law
 884 and state and federal water quality standards and effluent standards in order to provide services
 885 to public agencies is a matter of statewide concern and is in the public interest. It is found and
 886 declared that there is a statewide need to provide for regional sewage and wastewater treatment
 887 plants and facilities, and as a matter of express legislative determination it is declared that the
 888 compelling need of the state for construction of regional sewage and wastewater treatment
 889 plants and facilities requires the creation of entities under the Interlocal Cooperation Act to
 890 own, construct, operate, and finance sewage and wastewater treatment plants and facilities; and
 891 it is the purpose of this law to provide for the accomplishment thereof in the manner provided
 892 in this section.

893 (2) Any two or more public agencies of the state may [~~also agree~~] enter into an
 894 agreement to create a separate legal or administrative entity to accomplish and undertake the
 895 purpose of owning, acquiring, constructing, financing, operating, maintaining, and repairing

896 regional sewage and wastewater treatment plants and facilities.

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

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

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

908 (c) to borrow money, incur indebtedness and issue revenue bonds, notes or other
909 obligations payable solely from the revenues and receipts derived from all or a portion of the
910 regional sewage and wastewater treatment plants and facilities which it owns, operates, and
911 maintains, such bonds, notes, or other obligations to be issued and sold in compliance with the
912 provisions of Title 11, Chapter 14, Local Government Bonding Act;

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

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

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

923 (5) All proceedings previously had in connection with the creation of any legal or
924 administrative entity pursuant to this chapter, and all proceedings previously had by any such
925 entity for the authorization and issuance of bonds of the entity are validated, ratified, and
926 confirmed; and these entities are declared to be validly created interlocal cooperation entities

927 under this chapter. These bonds, whether previously or subsequently issued pursuant to these
 928 proceedings, are validated, ratified, and confirmed and declared to constitute, if previously
 929 issued, or when issued, the valid and legally binding obligations of the entity in accordance
 930 with their terms. Nothing in this section shall be construed to affect or validate any bonds, or
 931 the organization of any entity, the legality of which is being contested at the time this act takes
 932 effect.

933 (6) (a) The governing body of each party to the agreement to create an entity under this
 934 section shall, within 30 days of the date of the agreement, jointly ~~[file]~~ record a written notice
 935 of the agreement with the ~~[lieutenant governor]~~ county recorder.

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

937 (i) be accompanied by:

938 (A) a copy of the agreement to create the entity; and

939 (B) a ~~[map or plat that delineates a metes and bounds description of]~~ retraceable plat as
 940 defined in Section 17-23-20 depicting the area affected; and

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

943 (7) Upon the lieutenant governor's issuance of a certificate of entity creation under
 944 Section 67-1a-6.5, the entity is created.

945 Section 17. Section **17-2-1** is amended to read:

946 **17-2-1. Annexation of entire county to adjacent county -- Petition -- Election --**
 947 **Ballots.**

948 [~~Whenever a]~~

949 (1) As used in Sections 17-2-1 through 17-2-5:

950 (a) "Annexation" means the combining of two or more entire counties into a single
 951 county so that the boundary of the combined county contains all of the territory of the counties
 952 being combined, but no additional territory.

953 (b) "Annexing county" means the county to which the county annexed is to be joined.

954 (c) "County annexed" and "county to be annexed" means the county which is to be
 955 joined to the adjacent annexing county.

956 (2) A majority of the legal voters of [any] a county [desire to have the territory
 957 included within the boundaries of such county annexed to an adjoining county they] may

958 petition the county legislative body of the county in which they reside, which is [~~hereafter~~
 959 ~~referred to as~~] the county to be annexed, [~~as well as~~] and the county legislative body of the
 960 county to which they desire to be annexed, which [~~shall hereafter be referred to as~~] is the
 961 annexing county. [~~Such petition must~~]

962 (3) (a) The petition shall be presented to each county clerk before the first Monday in
 963 June of any year[~~; and, if~~].

964 (b) If the petition is presented in a year during which a general election is held, the
 965 county legislative body [~~must cause said proposition to be submitted~~] of each affected county
 966 shall submit the proposition to the legal voters of [each of said counties] the county at the
 967 [~~ensuing~~] next general election.

968 (c) If the petition is presented during a year in which there is no general election, the
 969 county legislative body [~~must~~] of each affected county shall call a special election to be held on
 970 the first Tuesday after the first Monday in November following the presentation of [~~such~~] the
 971 petition, and [~~must cause~~] shall place the proposition [~~to be submitted~~] to the legal voters of the
 972 respective counties on that day.

973 (d) (i) Except as otherwise provided, [such] the election shall be held, the results
 974 canvassed, and returns made under the provisions of the general election laws of the state.

975 (ii) The ballot [to be used] shall be:

976 For annexing ____ county to ____ county.

977 Against annexing ____ county to ____ county.

978 Section 18. Section **17-2-2** is amended to read:

979 **17-2-2. Annexation of entire county to adjacent county -- Election returns**
 980 **transmitted to lieutenant governor.**

981 As soon as the returns of the vote upon [~~such~~] the proposition in Section 17-2-1 have
 982 been canvassed by the county boards of canvassers each county clerk must make a certified
 983 abstract [~~thereof~~], seal up [~~such~~] the abstract, endorse it "election returns," and without delay
 984 transmit it by registered mail to the lieutenant governor.

985 Section 19. Section **17-2-3** is amended to read:

986 **17-2-3. Annexation of entire county to adjacent county -- Certification of election**
 987 **result to governor.**

988 (1) The county clerk shall file with the lieutenant governor the certified abstract of

989 ~~[such returns must be filed in the office of the lieutenant governor, and, if it appears therefrom~~
990 ~~that] the returns from Section 17-2-2.~~

991 (2) If a majority of the voters in each of the counties ~~[have]~~ voted in favor of ~~[such]~~ the
992 annexation, the lieutenant governor ~~[must]~~ shall certify the result of ~~[such]~~ the vote to the
993 governor.

994 Section 20. Section **17-2-4** is amended to read:

995 **17-2-4. Annexation of entire county to adjacent county -- When annexation**
996 **effective -- Governor's proclamation -- Recording with county recorder -- Notice to**
997 **lieutenant governor -- Effective date.**

998 (1) Upon receipt of the election result from the lieutenant governor under Section
999 17-2-3, the governor shall issue a proclamation, stating the result of the vote in each of the
1000 counties, and that the annexation of the one county to the other will take effect as provided in
1001 Subsection (3).

1002 (2) (a) Within 30 days after the issuance of the governor's proclamation under
1003 Subsection (1), the legislative body of the annexing county shall ~~[send a notice to the lieutenant~~
1004 ~~governor]~~ record with the county recorder a notice of annexation.

1005 (b) Each notice under Subsection (2)(a) shall include:

1006 (i) a copy of the governor's proclamation;

1007 (ii) a certification that all necessary legal requirements relating to the annexation have
1008 been completed; and

1009 (iii) a ~~[map or plat that delineates an accurate metes and bounds description of]~~
1010 retraceable plat as defined in Section 17-23-20 depicting the annexing county following
1011 annexation.

1012 (3) An annexation approved at an election under Section 17-2-1 takes effect on January
1013 1 of the year immediately following issuance of the:

1014 (a) governor's proclamation; and

1015 (b) certificate of consolidation by the lieutenant governor under Section 67-1a-6.5.

1016 Section 21. Section **17-2-5** is amended to read:

1017 **17-2-5. Annexation of entire county to adjacent county -- Conditions of**
1018 **annexation.**

1019 ~~[Whenever]~~ If a majority of the legal voters of each of the counties to which the

1020 proposition under Section 17-2-1 is submitted vote in favor of annexing one county to another
1021 [~~in the manner provided in this chapter such~~], the annexation shall be made under the following
1022 conditions:

1023 (1) [~~Such~~] The annexation shall be complete and take effect on the [~~first Monday of~~
1024 ~~January following the day of the election at which such proposition was submitted~~] date
1025 specified in Section 17-2-4.

1026 (2) All territory [~~theretofore included~~] within the boundaries of the county annexed
1027 shall become the territory of the annexing county.

1028 (3) The precincts and school districts existing in the county annexed shall continue and
1029 become precincts and school districts in the annexing county and shall remain as then
1030 organized until changed in the manner provided by law, and the officers of such precincts and
1031 school districts shall hold their respective offices until the expiration of the terms [~~thereof~~].

1032 (4) All property, both real and personal, held and owned by the county annexed shall
1033 be vested in the annexing county.

1034 (5) The terms of all county officers in the county annexed shall terminate and cease on
1035 the day the annexation takes effect, and it is made the duty of [~~such~~] the officers to immediately
1036 deliver to the corresponding officers of the annexing county all books, records and papers of
1037 the [~~annexed~~] county annexed.

1038 (6) Any person who is confined under lawful commitment in the county jail of the
1039 county annexed, or otherwise lawfully held to answer for alleged violation of any of the
1040 criminal laws of this state, shall be immediately delivered to the sheriff of the annexing county,
1041 and [~~such~~] the person shall be confined in its county jail for the unexpired term of the sentence
1042 or held as specified in the commitment.

1043 (7) All criminal proceedings pending in the county annexed shall be prosecuted to
1044 judgment and execution in the annexing county; all offenses [~~theretofore~~] committed in the
1045 county annexed which shall not have been prosecuted shall be prosecuted in the annexing
1046 county.

1047 (8) All actions, proceedings and matters pending in the district court of the county
1048 annexed may be proceeded with in the district court of the annexing county.

1049 (9) All indebtedness of the county annexed shall be transferred to and become the
1050 indebtedness of the annexing county with the same effect as if it had been incurred by [~~such~~]

1051 the county.

1052 Section 22. Section **17-2-9** is amended to read:

1053 **17-2-9. Annexation of part of county -- Governor's proclamation -- Recording**
 1054 **with county recorder -- Notice to lieutenant governor -- When annexation effective.**

1055 (1) Upon receipt of the lieutenant governor's certification under Section 17-2-8, the
 1056 governor shall issue a proclamation, stating the result of the vote in each county, and that the
 1057 annexation of the territory to the annexing county will take effect as provided in Subsection (3).

1058 (2) (a) Within 30 days after the issuance of the governor's proclamation under
 1059 Subsection (1), the legislative body of the annexing county shall send a notice to the [~~lieutenant~~
 1060 ~~governor~~] county recorder.

1061 (b) Each notice under Subsection (2)(a) shall include:

1062 (i) a copy of the governor's proclamation;

1063 (ii) a certification that all necessary legal requirements relating to the annexation have
 1064 been completed; and

1065 (iii) a [~~map or plat that delineates an accurate metes and bounds description of~~
 1066 retraceable plat as defined in Section 17-23-20 depicting the area that was annexed.

1067 (3) The county recorder shall comply with the requirements of Section 17-21-26.

1068 (4) The lieutenant governor shall comply with the requirements of Sections 17-50-502
 1069 and 67-1a-6.5.

1070 [~~(3)~~] (5) An annexation approved at an election under Section 17-2-6 takes effect on
 1071 January 1 of the year immediately following issuance of the:

1072 (a) governor's proclamation; and

1073 (b) certificate of boundary change by the lieutenant governor under Section 67-1a-6.5.

1074 Section 23. Section **17-2-13** is amended to read:

1075 **17-2-13. Minor adjustments to county boundaries authorized -- Public hearing --**
 1076 **Joint resolution of county legislative bodies -- Notice to lieutenant governor.**

1077 (1) Counties sharing a common boundary may, in accordance with the provisions of
 1078 Subsection (2) and Article XI, Section 3, of the Utah Constitution, adjust all or part of the
 1079 common boundary to move it up to 1,000 feet from its location before the adjustment.

1080 (2) The legislative bodies of both counties desiring to adjust a common boundary in
 1081 accordance with Subsection (1) shall:

1082 (a) hold a joint public hearing on the proposed boundary adjustment;

1083 (b) in addition to the regular notice required for public meetings of the county

1084 legislative bodies, mail written notice to all real property owners of record whose property may

1085 change counties as the result of the proposed adjustment; and

1086 (c) adopt a joint resolution approved by both county legislative bodies which:

1087 (i) approves the proposed boundary adjustment;

1088 (ii) ~~[sets forth the legal description of]~~ includes a retraceable plat as defined in Section

1089 17-23-20 depicting the county boundary after the adjustment; and

1090 (iii) provides an effective date for the boundary adjustment.

1091 (3) (a) Within ~~[15]~~ 30 days after the adoption of a joint resolution under Subsection

1092 (2)(c) by both counties, the legislative bodies shall jointly ~~[send]~~ record a notice ~~[to the~~

1093 lieutenant governor] with the county recorder of each county whose boundary was changed.

1094 (b) Each notice under Subsection (3)(a) shall include:

1095 (i) a copy of the joint resolution under Subsection (2)(c);

1096 (ii) a certification that all necessary legal requirements relating to the boundary

1097 adjustment have been completed; and

1098 (iii) a ~~[map or plat, verified by the county surveyor, and filed with the county surveyor~~

1099 ~~in accordance with Section 17-23-17, that delineates an accurate metes and bounds description~~

1100 ~~of]~~ retraceable plat as defined in Section 17-23-20 depicting the boundary adjustment.

1101 (4) The county recorder of each county whose boundary was changed shall comply

1102 with the requirements of Section 17-21-26.

1103 (5) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1104 ~~[(4)]~~ (6) Upon the effective date ~~[of]~~ specified in the joint resolution under Subsection

1105 (2)(c) or the date the lieutenant governor issues the certificate of boundary change under

1106 Section 67-1a-6.5, whichever date is later, all territory designated to be annexed into another

1107 county shall become the territory of the annexing county and the provisions of Sections

1108 17-2-11 and 17-2-12 shall apply in the same manner as with any ~~[other annexations]~~

1109 annexation under this chapter.

1110 Section 24. Section **17-3-3** is amended to read:

1111 **17-3-3. Certification of returns -- Governor's proclamation of creation of new**

1112 **county -- Name -- Judicial district -- Recording with county recorder -- Notice to**

1113 **lieutenant governor.**

1114 (1) The certified abstract of returns under Section 17-3-2 shall be filed in the office of
1115 the lieutenant governor, who shall certify the result to the governor.

1116 (2) If it appears that any proposition submitted to the electors as provided in this
1117 chapter has been carried in the affirmative by a majority vote of the qualified electors residing
1118 in that portion of the county proposed as a new county, and also by a majority vote of the
1119 qualified electors residing in the remaining portion of that county, the governor shall issue a
1120 proclamation, stating:

1121 (a) the result of the vote in each division of the county;

1122 (b) the name and boundaries of the new county;

1123 (c) the boundaries of the original county as changed by the creation of the new county;

1124 (d) that the creation of the new county will take effect on the first Monday in January
1125 following;

1126 (e) the name proposed in the petition as the name of the new county; and

1127 (f) the judicial district to which the new county belongs.

1128 (3) (a) Within 30 days after the issuance of the governor's proclamation under
1129 Subsection (2), the legislative [~~body of the county from which the greatest portion of the new~~
1130 ~~county was taken shall send a notice to the lieutenant governor~~] bodies shall jointly record a
1131 notice with the county recorder.

1132 (b) Each notice under Subsection (3)(a) shall include:

1133 (i) a copy of the governor's proclamation;

1134 (ii) a certification that all necessary legal requirements relating to the creation of the
1135 new county have been completed; and

1136 (iii) a [~~map or plat that delineates an accurate metes and bounds description~~]
1137 retraceable plat as defined in Section 17-23-20 depicting the boundary of the new county and
1138 each county whose boundary was changed.

1139 (4) The county recorder shall comply with the requirements of Section 17-21-26.

1140 (5) The lieutenant governor shall comply with the requirements of Sections 17-50-502
1141 and 67-1a-6.5.

1142 [~~4~~] (6) The new county that is the subject of the governor's proclamation under
1143 Subsection (2) shall be a county of the state from and after 12 noon of the first Monday in

1144 January following the [~~issuance of the governor's proclamation~~] lieutenant governor certifying
1145 the creation under Section 67-1a-6.5.

1146 Section 25. Section **17-21-26** is enacted to read:

1147 **17-21-26. Recording a government boundary change -- Governmental entity name**
1148 **change.**

1149 (1) As used in this section:

1150 (a) "Boundary change notice" means the notice and accompanying documents the
1151 county recorder receives regarding a boundary change:

1152 (i) pursuant to Subsection 10-2-119(1), 10-2-125(8), 11-13-204(4), 11-13-205(6),
1153 17A-2-1311(2), 17B-1-215(1), 17C-1-201(2), or 53A-2-101.5(1) for an entity's pending
1154 creation;

1155 (ii) pursuant to Subsection 10-2-712(2), 17A-2-1329(3), 17B-1-1308(4),
1156 17C-1-701(2)(a), or 53A-2-101.5(1) for an entity's pending dissolution;

1157 (iii) pursuant to Subsection 10-2-610(3), 17-2-4(2), 17-50-104(3), or 53A-2-101.5(1)
1158 for an entity's pending consolidation;

1159 (iv) pursuant to Subsection 17-3-3(3), 17-50-104(3), or 53A-2-101.5(1) for an entity's
1160 pending division;

1161 (v) pursuant to Subsection 10-2-418(5), 10-2-425(1), 17A-2-1327(4), 17B-1-414(2), or
1162 53A-2-101.5(1) for an entity's pending annexation;

1163 (vi) pursuant to Subsection 10-2-507(1), 10-2-507(2), 17B-1-512(1), or
1164 53A-2-101.5(1) for an entity's pending withdrawal;

1165 (vii) pursuant to Section 17-50-105 or Subsection 10-2-419(4), 17-2-13(3),
1166 17-50-104(3), 17B-1-417(6), or 53A-2-101.5(1) for an entity's pending boundary adjustment;
1167 and

1168 (viii) pursuant to Section 17-50-105 for a boundary clarification.

1169 (b) "County recorder" means the county recorder of each county which contains any
1170 part of the area affected by the boundary change in the boundary change notice.

1171 (c) "Entity" means a political subdivision of the state.

1172 (d) (i) "Initiating body" means the county legislative body, municipal legislative body,
1173 local district or special service district board, court, public official, or other authorized person
1174 that initiates the boundary change, boundary clarification, or name change of an entity or

1175 entities.

1176 (ii) "Initiating body" includes the affected county surveyors and the independent county
1177 surveyor as defined in Section 17-50-105 when resolving disputed or uncertain boundaries
1178 under Section 17-50-105.

1179 (e) "Name change notice" means the notice the county recorder receives regarding a
1180 governmental entity's name change pursuant to Section 10-1-118 or 17C-1-201 for an entity's
1181 pending name change.

1182 (2) Except in the case of a dissolution, a county recorder may not record a boundary
1183 change notice unless the accompanying plat has been signed by the county surveyor attesting
1184 that the plat complies with the requirements under Section 17-23-20 for a retraceable plat.

1185 (3) Within 30 days after receiving a boundary change notice, the county recorder shall:

1186 (a) review the boundary change notice for accuracy; and

1187 (b) (i) send to the lieutenant governor a copy of the boundary change notice; or

1188 (ii) if the initiating body requests, send to the lieutenant governor a copy of the
1189 boundary change by way of the initiating body.

1190 (4) (a) Within five days after receiving a certificate from the lieutenant governor
1191 pursuant to Section 67-1a-6.5, the county recorder shall record the certificate and the boundary
1192 change notice reflecting the boundary change.

1193 (b) The county recorder may record the boundary change notice prior to receiving the
1194 certificate reflecting the boundary change from the lieutenant governor if the county recorder
1195 records:

1196 (i) with the boundary change notice, a document stating that the boundary change is
1197 effective on the date the lieutenant governor issues the certificate or as otherwise specified in
1198 statute and is not effective on the date of recording; and

1199 (ii) the certificate reflecting the boundary change upon receipt.

1200 (5) Within 15 days after recording a name change notice, the county recorder shall send
1201 to the lieutenant governor a recorded copy of the name change notice.

1202 Section 26. Section **17-23-20** is enacted to read:

1203 **17-23-20. Accuracy of boundary information in government boundary changes.**

1204 (1) As used in this section:

1205 (a) "Annexation" means the adjustment of the boundary of an entity so that the

1206 adjustment gains territory and does not lose territory.

1207 (b) "Boundary adjustment" means the adjustment of the common boundary between
1208 two adjacent entities of the same type.

1209 (c) (i) "Boundary change" means any change in the boundary of an entity whether
1210 through creation, dissolution, consolidation, division, annexation, withdrawal, boundary
1211 adjustment, or any other change in the location of the entity's boundary.

1212 (ii) "Boundary change" does not include a boundary clarification.

1213 (d) "Boundary clarification" means the establishment of the true boundary when the
1214 boundary is disputed or uncertain.

1215 (e) "Consolidation" means the combining of two or more entities of the same type into
1216 a single entity so that the consolidated entity's boundary contains all of the territory of the
1217 original entities, but no additional territory.

1218 (f) "Creation" means the formation of a new entity that did not previously exist.

1219 (g) "Dissolution" means the termination of the existence of an entity.

1220 (h) "Division" means the dividing of one entity into two or more entities so that the
1221 boundary of the original entity contains all of the territory of the resultant entities, but no
1222 additional territory.

1223 (i) "Entity" means the governmental entity that is the subject of the boundary change or
1224 boundary clarification.

1225 (j) "Entity of the same type" or "entities of the same type" means a:

1226 (i) county, if the entity is a county;

1227 (ii) municipality, if the entity is a municipality;

1228 (iii) local district, if the entity is a local district;

1229 (iv) special service district, if the entity is a special service district; or

1230 (v) school district, if the entity is a school district.

1231 (k) "Preliminary map" means a map that:

1232 (i) has been prepared to show a proposed boundary change; and

1233 (ii) complies with the requirements of Subsection (5).

1234 (l) "Retraceable plat" means a plat:

1235 (i) with complete and accurate information that the:

1236 (A) county surveyor, should a dispute arise, could use to establish on the ground the

1237 boundary change; and
1238 (B) county recorder could use to identify the tracts or parcels affected for tax purposes;
1239 and
1240 (ii) that complies with the requirements of Subsection (4).
1241 (m) "Withdrawal" means the adjustment of the boundary of an entity so that the
1242 adjustment loses territory and does not gain territory.
1243 (2) The accuracy of the boundary information for a notice and petition of a boundary
1244 change shall meet the standard of a preliminary map.
1245 (3) The accuracy of the boundary information for a boundary change or boundary
1246 clarification when recorded with the county recorder shall meet the standard of a retraceable
1247 plat.
1248 (4) A preliminary map shall:
1249 (a) show graphically the general boundaries of the proposed boundary change; and
1250 (b) be accurate enough so that a signer of a petition, a voter in an election, and the
1251 county clerk could definitively determine which properties are included and which properties
1252 are excluded from the proposed boundary change.
1253 (5) A retraceable plat shall:
1254 (a) be named according to the county recorder's approval of the name so that the name
1255 of the boundary change is unique enough to be easily distinguished from other boundary
1256 changes;
1257 (b) be created on material of a permanent nature on stable base, reproducible material
1258 of the sizes and type required by the county recorder;
1259 (c) graphically illustrate the boundary change;
1260 (d) be drawn to a convenient scale so that all data is legible;
1261 (e) be certified and signed by a professional land surveyor licensed under Title 58,
1262 Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;
1263 (f) be reviewed and signed by the county surveyor;
1264 (g) be reviewed and signed by an attorney attesting that all legal requirements have
1265 been met;
1266 (h) be reviewed and signed by the entity's governing body; and
1267 (i) contain:

- 1268 (i) a description of the property that identifies the boundary change sufficient for
1269 retractment;
- 1270 (ii) ties to two existing government monuments with each monument depicting:
1271 (A) the type or construction of the monument;
1272 (B) if known or shown on the monument, the date stamped on the monument; and
1273 (C) if known or shown on the monument, the agency responsible for installing the
1274 monument;
- 1275 (iii) for existing entities, the existing boundary of the entity clearly shown;
1276 (iv) for each entity of the same type with a boundary contiguous to the boundary
1277 change, the county recorder's recording information for the contiguous boundary;
1278 (v) for each parcel adjacent to the boundary of the boundary change, whether inside or
1279 outside of the entity, the:
- 1280 (A) current county tax serial number;
1281 (B) parcel owner's name; and
1282 (C) parcel address, if available;
- 1283 (vi) the name of the entity;
1284 (vii) the general location by quarter section;
1285 (viii) the name of the county or the names of the counties if the entity is located in
1286 more than one county;
- 1287 (ix) the date of the survey;
1288 (x) a north arrow and legend;
1289 (xi) the area of the boundary change;
1290 (xii) a signature block for documenting the:
1291 (A) county surveyor's approval;
1292 (B) entity's attorney's approval; and
1293 (C) entity's governing body's approval of the boundary change; and
1294 (xiii) a three inch by three inch block in the lower right hand corner for the county
1295 recorder's use when recording the plat.
- 1296 (6) The boundary of a boundary change may not split a parcel.
1297 Section 27. Section **17-50-104** is amended to read:
1298 **17-50-104. Counties of the state -- County boundaries maintained by lieutenant**

1299 **governor -- Notice of county boundary changes.**

1300 (1) The counties of the state are those whose geographic boundaries are described in
1301 the official county boundary records maintained by the office of the lieutenant governor and
1302 may be changed only in accordance with the provisions of this title.

1303 (2) The office of the lieutenant governor shall maintain the official county boundaries
1304 for the counties of the state and update those boundaries when notified of a change in county
1305 boundaries in accordance with Subsection (3).

1306 (3) Whenever any change is made to county boundaries under this title, the legislative
1307 bodies of the affected counties shall [provide], within 30 days of the date of the change, jointly
1308 record, with the county recorder of each county whose boundary was changed, a notice of the
1309 change, including [an accurate map or plat of] a retracable plat as defined in Section 17-23-20
1310 depicting the changed county boundaries[-, to the lieutenant governor].

1311 (4) The county recorder shall comply with the requirements of Section 17-21-26.

1312 (5) The lieutenant governor shall comply with the requirements of Sections 17-50-502
1313 and 67-1a-6.5.

1314 (6) The boundary change is effective upon the lieutenant governor certifying the
1315 boundary change under Section 67-1a-6.5.

1316 Section 28. Section **17-50-105** is amended to read:

1317 **17-50-105. Disputed boundaries.**

1318 (1) As used in this section "independent county surveyor" means a county surveyor
1319 elected in accordance with Subsection 17-23-1(1)(a), whose county is unaffected by the
1320 disputed or uncertain boundary, and is selected by the affected county surveyors.

1321 [(1)] (2) (a) If a dispute or uncertainty arises as to the true location of a county
1322 boundary as described in the official records maintained by the office of the lieutenant
1323 governor, the county surveyors of each county whose boundary is the subject of the dispute or
1324 uncertainty [may determine] shall resurvey the true location.

1325 (b) If agreement is reached under Subsection (1)(a), the county [~~surveyors shall~~
1326 ~~provide~~] surveyor of each affected county shall record with the county recorder a notice,
1327 accompanied by a [map, to the lieutenant governor] retracable plat as defined in Section
1328 17-23-20 showing the true location of the county boundary.

1329 [(2)] (3) (a) If the county surveyors fail to agree on or otherwise fail to establish the

1330 true location of the county boundary, the county executive of either or both of the affected
1331 counties shall engage the services of ~~[the state engineer]~~ an independent county surveyor.

1332 (b) After being engaged under Subsection ~~[(2)]~~ (3)(a), the ~~[state engineer]~~ independent
1333 county surveyor shall notify the surveyor of each county whose boundary is the subject of the
1334 dispute or uncertainty of the procedure the ~~[state engineer]~~ independent county surveyor will
1335 use to determine the true location of the boundary.

1336 (c) With the assistance of each surveyor who chooses to participate, the ~~[state engineer]~~
1337 independent county surveyor shall determine permanently the true location of the boundary by
1338 marking surveys and erecting suitable monuments to designate the boundary.

1339 (d) Each boundary established under this Subsection ~~[(2)]~~ (3) shall be considered
1340 permanent until superseded by legislative enactment.

1341 (e) The ~~[state engineer shall provide]~~ independent county surveyor shall record with
1342 the county recorder of each affected county a notice, accompanied by a [map, to the lieutenant
1343 governor] retraceable plat as defined in Section 17-23-20 showing the true location of the
1344 county boundary.

1345 ~~[(3)]~~ (4) Nothing in this section may be construed to give ~~[the]~~ a county ~~[surveyors or~~
1346 ~~state engineer]~~ surveyor or an independent county surveyor any authority to change, alter,
1347 relocate, or amend a county boundary other than to erect suitable monuments to designate
1348 county boundaries as they are described in the official records maintained by the office of the
1349 lieutenant governor.

1350 (5) The county recorder shall comply with the requirements of Section 17-21-26.

1351 (6) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1352 (7) The boundary clarification is effective upon the lieutenant governor certifying the
1353 boundary clarification under Section 67-1a-6.5.

1354 Section 29. Section **17-50-502** is amended to read:

1355 **17-50-502. Change of class of county.**

1356 (1) Each county shall retain its classification under Section 17-50-501 until changed as
1357 provided in this section.

1358 (2) The lieutenant governor shall:

1359 (a) monitor the population figure for each county as shown on:

1360 ~~[(a)]~~ (i) each official census or census estimate of the United States Bureau of the

1361 Census; or

1362 ~~(b)~~ (ii) if the population figure for a county is not available from the United States

1363 Bureau of the Census, the population estimate from the Utah Population Estimates

1364 Committee[-]; and

1365 (b) determine if a county's classification needs to be changed after a boundary change
1366 under Section 17-2-4, 17-2-9, or 17-2-13.

1367 (3) If the applicable population figure under Subsection (2) indicates that a county's
1368 population has increased beyond the limit for its current class, the lieutenant governor shall:

1369 (a) prepare a certificate indicating the class in which the county belongs based on the
1370 increased population figure; and

1371 (b) within ten days after preparing the certificate, deliver a copy of the certificate to the
1372 legislative body and, if the county has an executive that is separate from the legislative body,
1373 the executive of the county whose class was changed.

1374 (4) A county's change in class is effective on the date of the lieutenant governor's
1375 certificate under Subsection (3).

1376 Section 30. Section **17A-2-1311** is amended to read:

1377 **17A-2-1311. Adoption of resolution -- Notice to lieutenant governor -- Judicial**
1378 **review.**

1379 (1) (a) After conclusion of the hearing, and after the time for filing protests as provided
1380 in Section 17A-2-1309 has expired, the governing authority shall adopt a resolution either
1381 approving the establishment of the special service district or determining that the proposal to
1382 establish it should be abandoned.

1383 (b) A resolution approving the establishment of a special service district may contain
1384 any changes from the initial resolution or notice of intention the governing authority
1385 determines to be appropriate, including reduction of the boundaries of the special service
1386 district and elimination of one or more of the types of services proposed.

1387 (c) The boundaries of the special service district may not be increased nor additional
1388 types of services added, unless the governing authority gives a new notice of intention and
1389 holds a new hearing.

1390 (d) All or a part of the area of an abandoned special service district may be included in
1391 a new special service district established in the manner provided in this part.

1392 (2) (a) Within 30 days after adopting a resolution approving the establishment of a
1393 special service district under Subsection (1), the governing authority shall ~~[file]~~ record a notice
1394 with the ~~[lieutenant governor]~~ county recorder.

1395 (b) Each notice under Subsection (2)(a) shall:

1396 (i) be accompanied by:

1397 (A) a copy of the resolution adopted by the governing authority approving the
1398 establishment of the special service district; and

1399 (B) a ~~[map]~~ retraceable plat as defined in Section 17-23-20 showing the boundaries of
1400 the special service district~~[-prepared and certified by a licensed surveyor and filed with the~~
1401 ~~county surveyor in accordance with Section 17-23-17]~~; and

1402 (ii) include a certification by the governing authority that all requirements for the
1403 establishment of a special service district have been complied with.

1404 (c) The county recorder shall comply with the requirements of Section 17-21-26.

1405 (d) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1406 ~~[(e)]~~ (e) Upon the lieutenant governor's issuance of the certificate of creation under
1407 Section 67-1a-6.5, the special service district is created and incorporated.

1408 (3) After a special service district is established, a person may petition the district court
1409 for a writ of review of the actions of the governing authority in establishing the district if:

1410 (a) (i) the person filed a written protest; or

1411 (ii) the person filed a written protest, withdrew the protest, and then cancelled the
1412 withdrawal; ~~[and]~~

1413 (b) (i) the person is a qualified voter residing within the district; or

1414 (ii) the person is a qualified voter whose property has been included within the
1415 boundaries of the special service district; ~~[and]~~

1416 (c) the petition is filed within 30 days after the date of the resolution establishing the
1417 special service district; and

1418 (d) (i) the petition alleges that the person's property will not be benefitted by one or
1419 more of the services to be provided by the special service district; or

1420 (ii) the petition alleges that the procedures used to establish the special service district
1421 violated the law.

1422 (4) If a petition for a writ of review is not filed within the time limits established by

1423 this section, owners of property and qualified voters within the special service district may not
1424 object to the establishment of the district.

1425 (5) The governing authority may consider the voter registration records of the county as
1426 conclusive evidence of residency in the special service district.

1427 Section 31. Section **17A-2-1327** is amended to read:

1428 **17A-2-1327. Adding additional services -- Annexing additional area -- Notice to**
1429 **lieutenant governor.**

1430 (1) Subject to the provisions of Subsections (2) and (3), after the establishment of a
1431 special service district, additional services from that specified in the resolution establishing the
1432 district may be added and additional area from that specified in the resolution may be annexed
1433 to the district by using the procedure provided for in this part for the establishment of the
1434 district with appropriate changes in the wording of the required instruments.

1435 (2) (a) Notwithstanding Subsection (1), additional services may not be added and
1436 additional area may not be annexed to the special service district and the governing authority
1437 shall abandon the additional services or annexation proceedings if written protests are filed at
1438 or before the hearing by:

1439 (i) with respect to proceedings to add services:

1440 (A) the owners of more than 50% of the taxable value of the taxable property within
1441 the district; or

1442 (B) more than 50% of the qualified electors of the district; or

1443 (ii) with respect to proceedings to annex new area:

1444 (A) the owners of more than 50% of the taxable value of the taxable property within
1445 the area to be annexed; or

1446 (B) more than 50% of the qualified electors of the area to be annexed.

1447 (b) (i) The determination of owners, properties, and taxable value under Subsection
1448 (2)(a) shall be according to the assessment rolls last completed before the adoption of the
1449 resolution proposing the addition of services or annexation.

1450 (ii) The determination of qualified electors under Subsection (2)(a) shall be from the
1451 registration lists last made or revised before the adoption of the resolution proposing the
1452 addition of services or annexation.

1453 (3) (a) Notwithstanding Subsection (1), the notice, hearing, and protest requirements of

1454 Sections 17A-2-1307, 17A-2-1308, and 17A-2-1309 do not apply if a petition for additional
1455 services or annexation of additional area is filed with the governing body of the special service
1456 district containing the signatures of all owners of all taxable real property:

1457 (i) within the special service district, if the petition is for additional services; or

1458 (ii) within the area proposed to be annexed, if the petition is for annexation of
1459 additional area.

1460 (b) For purposes of Subsection (3)(a), the owners of taxable property shall be
1461 determined according to the assessment roll last completed before the filing of the petition.

1462 (4) (a) If the governing authority adopts a resolution approving the annexation of
1463 additional area, the governing authority shall, within 30 days after adopting the resolution,
1464 ~~file~~ record a notice with the ~~lieutenant governor~~ county recorder.

1465 (b) The notice required under Subsection (4)(a) shall:

1466 (i) be accompanied by:

1467 (A) a copy of the resolution adopted by the governing authority approving the
1468 annexation of additional area; and

1469 (B) a ~~map~~ retraceable plat as defined in Section 17-23-20 showing the additional area
1470 to be annexed by the special service district~~[- prepared and certified by a licensed surveyor and~~
1471 ~~filed with the county surveyor in accordance with Section 17-23-17]; and~~

1472 (ii) include a certification by the governing authority that all requirements for the
1473 annexation of the additional area have been complied with.

1474 (c) The county recorder shall comply with the requirements of Section 17-21-26.

1475 (d) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1476 ~~(e)~~ (e) Upon the lieutenant governor's issuance of the certificate of boundary change
1477 under Section 67-1a-6.5, the additional area that is the subject of the governing authority's
1478 resolution is annexed to the special service district.

1479 Section 32. Section **17A-2-1329** is amended to read:

1480 **17A-2-1329. Dissolution of district -- Withdrawal of area from district -- Notice to**
1481 **lieutenant governor.**

1482 (1) A special service district may not be dissolved nor areas withdrawn from the
1483 district if any bonds, notes, or other obligations of the district are outstanding and unpaid or if
1484 any contractual obligation to provide the services exists.

1485 (2) Subject to the limitation in Subsection (1), the governing authority of the special
1486 service district may by resolution:

1487 (a) approve the dissolution of the district upon a determination that the district is no
1488 longer needed for the purposes for which it was formed; or

1489 (b) approve the withdrawal of specifically described areas from the special service
1490 district upon a determination that these areas should not or cannot be supplied with the services
1491 of the special service district.

1492 (3) (a) Within 30 days after the adoption of a resolution approving a dissolution or
1493 withdrawal under Subsection (2), the governing authority shall ~~[file]~~ record a notice with the
1494 ~~[lieutenant governor]~~ county recorder.

1495 (b) The notice required under Subsection (3)(a) shall:

1496 (i) be accompanied by:

1497 (A) a copy of the resolution adopted by the governing authority approving the
1498 dissolution or withdrawal; and

1499 (B) in the case of a withdrawal, a ~~[map]~~ retraceable plat as defined in Section 17-23-20
1500 showing the area to be withdrawn~~[- prepared and certified by a licensed surveyor and filed with~~
1501 ~~the county surveyor in accordance with Section 17-23-17];~~ and

1502 (ii) include a certification by the governing authority that all requirements for the
1503 dissolution or withdrawal have been complied with.

1504 (c) The county recorder shall comply with the requirements of Section 17-21-26.

1505 (d) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1506 ~~[(e)]~~ (e) (i) Upon the lieutenant governor's issuance of the certificate of dissolution
1507 under Section 67-1a-6.5, the special service district is dissolved.

1508 (ii) Upon the lieutenant governor's issuance of the certificate of withdrawal, the area to
1509 be withdrawn that is the subject of the governing authority's resolution is withdrawn from the
1510 special service district.

1511 Section 33. Section **17A-3-802** is amended to read:

1512 **17A-3-802. Hearing -- Factors considered -- Action on petition -- Denial.**

1513 (1) The commission within 30 days after receipt of an organization petition shall cause
1514 notice of hearing upon the question of the desirability and necessity for organization to be
1515 published within the area or areas proposed for organization.

1516 (2) In determining whether to grant or deny an organization petition, the commission
1517 shall consider:

1518 (a) the demonstrated necessity and administrative practicality of organization;

1519 (b) the topography of the proposed area;

1520 (c) the soil compositions within the proposed area;

1521 (d) the prevailing land use practices within the proposed area;

1522 (e) the relationship of the proposed area to existing watersheds and agricultural
1523 regions; and

1524 (f) the sentiment expressed by persons within the proposed district for or against
1525 organization.

1526 (3) If the commission determines after hearing and consideration that it is not necessary
1527 or practical to organize the proposed area into a district, it shall deny the petition and set forth
1528 in writing the reasons for its action.

1529 (4) If the commission determines after hearing and consideration that it is necessary
1530 and administratively practical to organize the proposed district, it shall grant the petition and
1531 set forth in writing the reasons for its action. Provisions for winding up the affairs of a district
1532 are set forth in Section 17A-3-804.

1533 (5) (a) If the petition is granted, the commission shall certify and [file] record with the
1534 county recorder a copy of the legal [description] documents organizing the proposed district
1535 including a retraceable plat as defined in Section 17-23-20 depicting the boundary of the
1536 district [with the lieutenant governor].

1537 (b) The county recorder shall comply with the requirements of Section 17-21-26.

1538 (c) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1539 (d) The district is organized upon the lieutenant governor certifying the district creation
1540 under Section 67-1a-6.5.

1541 (6) The commission, upon denying a petition for organization, is without jurisdiction to
1542 entertain a similar petition for six months following denial.

1543 Section 34. Section 17A-3-803 is amended to read:

1544 **17A-3-803. Consolidation, division, or termination of district -- Action on**
1545 **petition.**

1546 (1) Any 25, or more, land occupiers resident within a district may sign and file a

1547 written petition with the commission for the consolidation of two or more existing districts, for
1548 the division of an existing district into two or more separate districts, or for termination of an
1549 existing district; or, the commission on its own motion may propose to consolidate two or more
1550 districts, divide a district, or terminate a district.

1551 (2) No district, whether upon written petition or upon the commission's own motion,
1552 shall be consolidated, divided, or terminated without compliance with the notice, hearing, and
1553 consideration requirements set forth in Section 17A-3-802.

1554 (3) If the commission determines after hearing and consideration that it is not necessary
1555 or administratively practical to allow consolidation, or to allow division, or to allow
1556 termination, as the case may be, it shall deny the petition or its own motion and set forth in
1557 writing the reasons for its action.

1558 (4) If the commission determines after hearing and consideration that it is necessary
1559 and administratively practical to consolidate, divide, or terminate a district or districts, as the
1560 case may be, it shall grant the petition or its own motion, as the case may be, and set forth in
1561 writing the reasons for its action.

1562 (5) (a) If two or more districts are consolidated or if a district is divided or terminated,
1563 the commission shall certify and [file] record with the county recorder a copy of the legal
1564 [description] documents consolidating, dividing, or terminating, as the case may be, and, if
1565 consolidating or dividing, include a retraceable plat as defined in Section 17-23-20 depicting
1566 the boundary of the new district or districts [with the lieutenant governor. The commission
1567 shall also certify and file a "notice of termination" with the lieutenant governor immediately
1568 following the termination of any district].

1569 (b) The county recorder shall comply with the requirements of Section 17-21-26.

1570 (c) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1571 (d) The consolidation, division, or termination, as the case may be, is effective upon
1572 the lieutenant governor certifying the consolidation, division, or termination, as the case may
1573 be, under Section 67-1a-6.5.

1574 (6) The commission, upon denying its own motion or a petition for consolidation,
1575 division, or termination, is without jurisdiction to entertain a similar motion or petition for six
1576 months following denial.

1577 Section 35. Section **17B-1-215** is amended to read:

1578 **17B-1-215. Notice to county recorder -- Certificate of incorporation -- Local**
1579 **district incorporated.**

1580 (1) The responsible body shall ~~[file]~~ record a notice with the ~~[lieutenant governor]~~
1581 county recorder within ~~[ten]~~ 30 days after:

1582 (a) the canvass of an election under Section 17B-1-214, if a majority of those voting at
1583 the election within the proposed local district as a whole vote in favor of the creation of a local
1584 district;

1585 (b) certification of a petition as to which the election requirement of Subsection
1586 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a) or (b); or

1587 (c) adoption of a resolution under Subsection 17B-1-213(4) approving the creation of a
1588 local district for which an election was not required under Subsection 17B-1-214(3)(c) or (d),
1589 by the legislative body of each county whose unincorporated area is included within and the
1590 legislative body of each municipality whose area is included within the proposed local district,
1591 or by the board of trustees of the initiating local district.

1592 (2) The area of each local district shall consist of:

1593 (a) if an election was held under Section 17B-1-214, the area of the new local district
1594 as approved at the election;

1595 (b) if an election was not required because of Subsection 17B-1-214(3)(a) or (b), the
1596 area of the proposed local district as described in the petition; or

1597 (c) if an election was not required because of Subsection 17B-1-214(3)(c) or (d), the
1598 area of the new local district as described in the resolution adopted under Subsection
1599 17B-1-213(4).

1600 (3) In each notice under Subsection (1) the responsible body shall:

1601 (a) if the notice follows an election under Section 17B-1-214, certify the results of the
1602 election;

1603 (b) ~~[describe]~~ include a retraceable plat as defined in Section 17-23-20 depicting the
1604 boundaries of the new local district with ~~[an accurate map or plat showing]~~ the boundaries
1605 delineated in Subsection (2)~~[, prepared and certified by a licensed surveyor and filed with the~~
1606 ~~county surveyor in accordance with Section 17-23-17]; and~~

1607 (c) certify that all requirements for the creation of a local district have been complied
1608 with.

1609 (4) The county recorder shall comply with the requirements of Section 17-21-26.

1610 (5) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1611 ~~[(4)]~~ (6) Upon the lieutenant governor's issuance of the certificate of creation under
1612 Section 67-1a-6.5, the local district is created and incorporated.

1613 Section 36. Section **17B-1-216** is amended to read:

1614 **17B-1-216. Costs and expenses of creating a local district.**

1615 (1) Except as provided in Subsection (2), each county whose unincorporated area
1616 includes and each municipality whose boundaries include some or all of the proposed local
1617 district shall bear their respective costs and expenses associated with the procedure under this
1618 part for creating a local district.

1619 (2) Within a year after its creation, each local district shall reimburse the costs and
1620 expenses associated with the preparation, certification, and [~~filing~~] recording of the [~~map~~] plat
1621 of the local district under Subsection 17B-1-215(3)(b).

1622 Section 37. Section **17B-1-217** is amended to read:

1623 **17B-1-217. Conclusive presumption regarding creation and existence.**

1624 Notwithstanding any other provision of law, a local district shall be conclusively
1625 presumed to have been lawfully created and existing if for two years following the district's
1626 creation under Subsection 17B-1-215~~[(4)]~~(6):

1627 (1) the district has:

1628 (a) levied and collected a tax; or

1629 (b) collected a fee, charge, or assessment for a commodity, service, facility, or
1630 improvement provided by the district; and

1631 (2) no challenge has been filed in court to the existence or creation of the district.

1632 Section 38. Section **17B-1-412** is amended to read:

1633 **17B-1-412. Protests -- Election.**

1634 (1) (a) An owner of private real property located within or a registered voter residing
1635 within an area proposed to be annexed may protest an annexation by filing a written protest
1636 with the board of trustees of the proposed annexing local district, except:

1637 (i) as provided in Section 17B-1-413;

1638 (ii) for an annexation under Section 17B-1-415; and

1639 (iii) for an annexation proposed by a local district that receives sales and use tax funds

1640 from the counties, cities, and towns within the local district that impose a sales and use tax
1641 under Section 59-12-501.

1642 (b) A protest of a boundary adjustment is not governed by this section but is governed
1643 by Section 17B-1-417.

1644 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of
1645 the public hearing under Section 17B-1-409.

1646 (3) (a) Except as provided in Subsection (4), the local district shall hold an election on
1647 the proposed annexation if:

1648 (i) timely protests are filed by:

1649 (A) the owners of private real property that:

1650 (I) is located within the area proposed to be annexed;

1651 (II) covers at least 10% of the total private land area within the entire area proposed to
1652 be annexed and within each applicable area; and

1653 (III) is equal in assessed value to at least 10% of the assessed value of all private real
1654 property within the entire area proposed to be annexed and within each applicable area; or

1655 (B) registered voters residing within the entire area proposed to be annexed and within
1656 each applicable area equal in number to at least 10% of the number of votes cast within the
1657 entire area proposed for annexation and within each applicable area, respectively, for the office
1658 of governor at the last regular general election before the filing of the petition; or

1659 (ii) the proposed annexing local district is one that receives sales and use tax funds
1660 from the counties, cities, and towns within the local district that impose a sales and use tax
1661 under Section 59-12-501.

1662 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be
1663 phrased to indicate that a voter's casting a vote for or against the annexation includes also a
1664 vote for or against the imposition of the sales and use tax as provided in Section 59-12-501.

1665 (ii) Except as otherwise provided in this part, each election under Subsection (3)(a)
1666 shall be governed by Title 20A, Election Code.

1667 (c) If a majority of registered voters residing within the area proposed to be annexed
1668 and voting on the proposal vote:

1669 (i) in favor of annexation, the board of trustees shall, subject to Subsections
1670 17B-1-414(1)(b), (2), and [~~3~~] (5), complete the annexation by adopting a resolution approving

1671 annexation of the area; or

1672 (ii) against annexation, the annexation process is terminated, the board may not adopt a
1673 resolution approving annexation of the area, and the area proposed to be annexed may not for
1674 two years be the subject of an effort under this part to annex to the same local district.

1675 (4) If sufficient protests are filed under this section to require an election for a
1676 proposed annexation to which the protest provisions of this section are applicable, a board of
1677 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and
1678 terminating the annexation process without holding an election.

1679 Section 39. Section **17B-1-414** is amended to read:

1680 **17B-1-414. Resolution approving an annexation -- Notice of annexation -- When**
1681 **annexation complete.**

1682 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution
1683 approving the annexation of the area proposed to be annexed or rejecting the proposed
1684 annexation within 30 days after:

1685 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests
1686 to require an election are not filed;

1687 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

1688 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is
1689 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

1690 (B) expiration of the time for submitting a request for public hearing under Subsection
1691 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
1692 hearing.

1693 (b) If the local district has entered into an agreement with the United States that
1694 requires the consent of the United States for an annexation of territory to the district, a
1695 resolution approving annexation under this part may not be adopted until the written consent of
1696 the United States is obtained and filed with the board of trustees.

1697 (2) (a) The board shall [~~file~~] record a notice with the [~~lieutenant governor~~] county
1698 recorder:

1699 (i) within 30 days after adoption of a resolution under Subsection (1), Subsection
1700 17B-1-412(3)(c)(i), or Section 17B-1-415; and

1701 (ii) as soon as practicable after receiving the notice under Subsection 10-2-425[~~(2)~~](5)

1702 of a municipal annexation that causes an automatic annexation to a local district under Section
1703 17B-1-416.

1704 (b) The notice required under Subsection (2)(a) shall:

1705 (i) be accompanied by:

1706 (A) if applicable, a copy of the board resolution approving the annexation; and

1707 (B) ~~[an accurate map]~~ a retraceable plat as defined in Section 17-23-20 depicting the
1708 boundaries of the area to be annexed ~~[or a legal description of the area to be annexed, adequate~~
1709 ~~for purposes of the county assessor and recorder];~~

1710 (ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), include
1711 a certification by the local district board that all requirements for the annexation have been
1712 complied with; and

1713 (iii) for an automatic annexation to a local district under Section 17B-1-416, state that
1714 an area outside the boundaries of the local district is being automatically annexed to the local
1715 district under Section 17B-1-416 because of a municipal annexation under Title 10, Chapter 2,
1716 Part 4, Annexation.

1717 (3) The county recorder shall comply with the requirements of Section 17-21-26.

1718 (4) The lieutenant governor shall comply with the requirements of Section 67-1a-6.5.

1719 ~~[(3)]~~ (5) The annexation shall be complete:

1720 (a) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), upon
1721 the lieutenant governor's issuance of the certificate of annexation under Section 67-1a-6.5; and

1722 (b) for an automatic annexation that is the subject of a notice under Subsection
1723 (2)(a)(ii), upon the lieutenant governor's issuance of the certificate of annexation under
1724 ~~[Subsection 10-1-117(3)(b)]~~ Section 67-1a-6.5.

1725 Section 40. Section **17B-1-415** is amended to read:

1726 **17B-1-415. Annexation of wholesale district through expansion of retail provider.**

1727 (1) (a) A local district that provides a wholesale service may adopt a resolution
1728 approving the annexation of an area outside the local district's boundaries if:

1729 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,
1730 a municipality or another local district that:

1731 (A) acquires the wholesale service from the local district and provides it as a retail
1732 service;

1733 (B) is, before the annexation or other addition, located at least partly within the local
1734 district; and

1735 (C) after the annexation or other addition will provide to the annexed or added area the
1736 same retail service that the local district provides as a wholesale service to the municipality or
1737 other local district; and

1738 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of
1739 another local district that provides the same wholesale service as the proposed annexing local
1740 district.

1741 (b) For purposes of this section:

1742 (i) a local district providing public transportation service shall be considered to be
1743 providing a wholesale service; and

1744 (ii) a municipality included within the boundaries of the local district providing public
1745 transportation service shall be considered to be acquiring that wholesale service from the local
1746 district and providing it as a retail service and to be providing that retail service after the
1747 annexation or other addition to the annexed or added area, even though the municipality does
1748 not in fact provide that service.

1749 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local
1750 district providing a wholesale service and located partly or entirely within the boundaries of
1751 another local district that provides the same wholesale service may be annexed to the local
1752 district if:

1753 (a) the conditions under Subsection (1)(a)(i) are present; and

1754 (b) the proposed annexing local district and the other local district follow the same
1755 procedure as is required for a boundary adjustment under Section 17B-1-417, including both
1756 district boards adopting a resolution approving the annexation of the area to the proposed
1757 annexing local district and the withdrawal of that area from the other district.

1758 (3) Upon the adoption of an annexation resolution under this section, the board of the
1759 annexing local district shall comply with the requirements of Subsection 17B-1-414(2), and the
1760 lieutenant governor shall issue a certificate of annexation and send a copy of notice as provided
1761 in Section 67-1a-6.5.

1762 (4) Subsection 17B-1-414~~(3)~~(5) applies to an annexation under this section.

1763 Section 41. Section **17B-1-416** is amended to read:

1764 **17B-1-416. Automatic annexation to a district providing fire protection,**
1765 **paramedic, and emergency services.**

1766 (1) An area outside the boundaries of a local district that is annexed to a municipality
1767 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,
1768 Annexation, is automatically annexed to the local district if:

1769 (a) the local district provides fire protection, paramedic, and emergency services;

1770 (b) an election for the creation of the local district was not required because of
1771 Subsection 17B-1-214(3)(c); and

1772 (c) before the municipal annexation or boundary adjustment, the entire municipality
1773 that is annexing the area or adding the area by boundary adjustment was included within the
1774 local district.

1775 (2) The effective date of an annexation under this section is governed by Subsection
1776 17B-1-414~~(3)~~(5)(b).

1777 Section 42. Section **17B-1-417** is amended to read:

1778 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
1779 **adjusting boundaries -- Notice of the adjustment -- Notice to lieutenant governor.**

1780 (1) As used in this section, "affected area" means the area located within the
1781 boundaries of one local district that will be removed from that local district and included within
1782 the boundaries of another local district because of a boundary adjustment under this section.

1783 (2) The boards of trustees of two or more local districts having a common boundary
1784 and providing the same service on the same wholesale or retail basis may adjust their common
1785 boundary as provided in this section.

1786 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
1787 common with another local district shall:

1788 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

1789 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
1790 after the adoption of the resolution under Subsection (3)(a)(i); and

1791 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of
1792 general circulation within the local district; or

1793 (II) if there is no newspaper of general circulation within the local district, post notice
1794 in at least four conspicuous places within the local district; or

1795 (B) mail a notice to each owner of property located within the affected area and to each
1796 registered voter residing within the affected area.

1797 (b) The notice required under Subsection (3)(a)(iii) shall:

1798 (i) state that the board of trustees of the local district has adopted a resolution
1799 indicating the board's intent to adjust a boundary that the local district has in common with
1800 another local district that provides the same service as the local district;

1801 (ii) describe the affected area;

1802 (iii) state the date, time, and location of the public hearing required under Subsection
1803 (3)(a)(ii);

1804 (iv) provide a local district telephone number where additional information about the
1805 proposed boundary adjustment may be obtained;

1806 (v) explain the financial and service impacts of the boundary adjustment on property
1807 owners or residents within the affected area; and

1808 (vi) state in conspicuous and plain terms that the board of trustees may approve the
1809 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
1810 written protests to the adjustment are filed with the board by:

1811 (A) the owners of private real property that:

1812 (I) is located within the affected area;

1813 (II) covers at least 50% of the total private land area within the affected area; and

1814 (III) is equal in assessed value to at least 50% of the assessed value of all private real
1815 property within the affected area; or

1816 (B) registered voters residing within the affected area equal in number to at least 50%
1817 of the votes cast in the affected area for the office of governor at the last regular general
1818 election before the filing of the protests.

1819 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
1820 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

1821 (d) The boards of trustees of the local districts whose boundaries are being adjusted
1822 may jointly:

1823 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

1824 (ii) hold the public hearing required under Subsection (3)(a)(ii).

1825 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees

1826 may adopt a resolution approving the adjustment of the common boundary unless, at or before
1827 the public hearing, written protests to the boundary adjustment have been filed with the board
1828 by:

1829 (a) the owners of private real property that:

1830 (i) is located within the affected area;

1831 (ii) covers at least 50% of the total private land area within the affected area; and

1832 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
1833 property within the affected area; or

1834 (b) registered voters residing within the affected area equal in number to at least 50%
1835 of the votes cast in the affected area for the office of governor at the last regular general
1836 election before the filing of the protests.

1837 (5) A resolution adopted under Subsection (4) does not take effect until the board of
1838 each local district whose boundaries are being adjusted has adopted a resolution under
1839 Subsection (4).

1840 (6) (a) Within 30 days after the resolutions take effect under Subsection (5), the board
1841 of the local district whose boundaries are being adjusted to include the affected area shall ~~[file]~~
1842 record a notice with the ~~[lieutenant governor]~~ county recorder.

1843 (b) The notice required under Subsection (6)(a) shall:

1844 (i) be accompanied by:

1845 (A) a copy of each of the board resolutions approving the boundary adjustment; and

1846 (B) ~~[an accurate map]~~ a retraceable plat as defined in Section 17-23-20 depicting the
1847 affected area ~~[or a legal description of the affected area, adequate for purposes of the county~~
1848 ~~assessor and recorder]~~; and

1849 (ii) include a certification by the board of the local district whose boundaries are being
1850 adjusted to include the affected area that all requirements for the boundary adjustment have
1851 been complied with.

1852 (7) Upon the lieutenant governor's issuance of a certificate of boundary change under
1853 Section 67-1a-6.5, the affected area is annexed to the local district whose boundaries are being
1854 adjusted to include the affected area, and the affected area is withdrawn from the local district
1855 whose boundaries are being adjusted to exclude the affected area.

1856 Section 43. Section **17B-1-512** is amended to read:

1857 **17B-1-512. Notice of withdrawal -- Contest period -- Judicial review.**

1858 (1) (a) The board of trustees shall [~~file~~] record a written notice of withdrawal with the
1859 [~~lieutenant governor~~] county recorder:

1860 (i) within ten days after adopting a resolution approving a withdrawal under Section
1861 17B-1-510; and

1862 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
1863 automatic withdrawal under Subsection 17B-1-502[~~(2)~~](5), after receiving a copy of the
1864 municipal legislative body's resolution approving an automatic withdrawal under Subsection
1865 17B-1-502(3)(a), or after receiving notice of a withdrawal of a municipality from a local
1866 district under Section 17B-2-505.

1867 (b) The notice required under Subsection (1)(a) shall:

1868 (i) be accompanied by:

1869 (A) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, a copy
1870 of the board resolution approving the withdrawal; and

1871 (B) [~~an accurate map~~] a retraceable plat as defined in Section 17-23-20 depicting the
1872 boundaries of the withdrawn area [~~or a legal description of the withdrawn area, adequate for~~
1873 ~~purposes of the county assessor and recorder~~]; and

1874 (ii) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, include
1875 a certification by the local district board that all requirements for the withdrawal have been
1876 complied with.

1877 (2) (a) Upon the lieutenant governor's issuance of the certificate of boundary change
1878 under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an automatic
1879 withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality from a
1880 local district under Section 17B-2-505, the withdrawal shall be effective, subject to the
1881 conditions of the withdrawal resolution, if applicable.

1882 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon
1883 the lieutenant governor's issuance of a certificate of boundary change under Section 67-1a-6.5.

1884 (3) The local district may provide for the publication of any resolution approving or
1885 denying the withdrawal of an area in a newspaper of general circulation in the area proposed
1886 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a
1887 notice of withdrawal or denial of withdrawal, containing:

- 1888 (a) the name of the local district;
- 1889 (b) a description of the area proposed for withdrawal;
- 1890 (c) a brief explanation of the grounds on which the board of trustees determined to
- 1891 approve or deny the withdrawal; and
- 1892 (d) the times and place where a copy of the resolution may be examined, which shall be
- 1893 at the place of business of the local district, identified in the notice, during regular business
- 1894 hours of the local district as described in the notice and for a period of at least 30 days after the
- 1895 publication of the notice.
- 1896 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
- 1897 deny a withdrawal of an area from the local district by submitting a request, within 60 days
- 1898 after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting
- 1899 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees
- 1900 based its decision to deny the withdrawal.
- 1901 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
- 1902 trustees, the board may consider the suggestions for mitigation and adopt a resolution
- 1903 approving or denying the request in the same manner as provided in Section 17B-1-510 with
- 1904 respect to the original resolution denying the withdrawal and file a notice of the action as
- 1905 provided in Subsection (1).
- 1906 (6) (a) Any person in interest may seek judicial review of:
- 1907 (i) the board of trustees' decision to withdraw an area from the local district;
- 1908 (ii) the terms and conditions of a withdrawal; or
- 1909 (iii) the board's decision to deny a withdrawal.
- 1910 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
- 1911 district court in the county in which a majority of the area proposed to be withdrawn is located:
- 1912 (i) if the resolution approving or denying the withdrawal is published under Subsection
- 1913 (3), within 60 days after the publication or after the board of trustees' denial of the request
- 1914 under Subsection (5);
- 1915 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
- 1916 the resolution approving or denying the withdrawal is adopted; or
- 1917 (iii) if a request is submitted to the board of trustees of a local district under Subsection
- 1918 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board

1919 adopts a resolution under Subsection (5) unless the resolution is published under Subsection
1920 (3), in which event the action must be filed within 60 days after the publication.

1921 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
1922 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

1923 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

1924 (ii) the court finds that the board materially failed to follow the procedures set forth in
1925 this part.

1926 (d) A court may award costs and expenses of an action under this section, including
1927 reasonable attorney fees, to the prevailing party.

1928 (7) After the applicable contest period under Subsection (4) or (6), no person may
1929 contest the board of trustees' approval or denial of withdrawal for any cause.

1930 Section 44. Section **17B-1-1308** is amended to read:

1931 **17B-1-1308. Dissolution resolution -- Limitations on dissolution -- Distribution of**
1932 **remaining assets -- Notice of dissolution to lieutenant governor.**

1933 (1) After the public hearing required under Section 17B-1-1306 and subject to
1934 Subsection (2), the administrative body may adopt a resolution approving dissolution of the
1935 local district.

1936 (2) A resolution under Subsection (1) may not be adopted unless:

1937 (a) any outstanding debt of the local district is:

1938 (i) satisfied and discharged in connection with the dissolution; or

1939 (ii) assumed by another governmental entity with the consent of all the holders of that
1940 debt and all the holders of other debts of the local district;

1941 (b) for a local district that has provided service during the preceding three years or
1942 undertaken planning or other activity preparatory to providing service:

1943 (i) another entity has committed to provide the same service to the area being served or
1944 proposed to be served by the local district; and

1945 (ii) all who are to receive the service have consented to the service being provided by
1946 the other entity; and

1947 (c) all outstanding contracts to which the local district is a party are resolved through
1948 mutual termination or the assignment of the district's rights, duties, privileges, and
1949 responsibilities to another entity with the consent of the other parties to the contract.

1950 (3) (a) (i) Any assets of the local district remaining after paying all debts and other
1951 obligations of the local district shall be used to pay costs associated with the dissolution
1952 process under this part.

1953 (ii) Any costs of the dissolution process remaining after exhausting the remaining
1954 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.

1955 (b) Any assets of the local district remaining after application of Subsection (3)(a) shall
1956 be distributed:

1957 (i) proportionately to the owners of real property within the dissolved local district if
1958 there is a readily identifiable connection between a financial burden borne by the real property
1959 owners in the district and the remaining assets; or

1960 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which
1961 the dissolved local district was located before dissolution in the same proportion that the land
1962 area of the local district located within the unincorporated area of the county or within the city
1963 or town bears to the total local district land area.

1964 (4) (a) Within 30 days after adopting a resolution approving dissolution of the local
1965 district, the administrative body shall ~~[file]~~ record a notice with the ~~[lieutenant governor]~~
1966 county recorder.

1967 (b) The notice required under Subsection (4)(a) shall:

1968 (i) be accompanied by a copy of the board resolution approving the dissolution; and

1969 (ii) include a certification by the administrative body that all requirements for the
1970 dissolution have been complied with.

1971 (c) Upon the lieutenant governor's issuance of the certificate of dissolution under
1972 Section 67-1a-6.5, the local district is dissolved.

1973 Section 45. Section **17C-1-201** is amended to read:

1974 **17C-1-201. Creation of agency -- Notice to lieutenant governor.**

1975 (1) Subject to Subsection (2), a community may, by ordinance adopted by its
1976 legislative body, create a community development and renewal agency.

1977 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
1978 community legislative body shall ~~[file]~~ record with the ~~[lieutenant governor]~~ county recorder a
1979 notice of the adoption of the ordinance, with a copy of the ordinance.

1980 (b) Upon the lieutenant governor's issuance of the certificate of creation under Section

1981 67-1a-6.5, the agency is created and incorporated.

1982 (3) (a) An agency may change its name, whether to indicate it is a community
1983 development and renewal agency or otherwise, by adopting a resolution setting forth its new
1984 name and ~~[filing]~~ recording the resolution with the ~~[lieutenant governor, the State Tax~~
1985 ~~Commission, the State Board of Education, and the assessor of the county in which the agency~~
1986 ~~is located]~~ county recorder.

1987 (b) The name change is effective upon the lieutenant governor certifying the name
1988 change under Section 67-1a-6.5.

1989 (c) Within ten days after receiving the certificate of name change from the lieutenant
1990 governor under Section 67-1a-6.5, the agency shall send a copy of the certificate and the
1991 resolution to the State Board of Education and each taxing entity.

1992 Section 46. Section **17C-1-701** is amended to read:

1993 **17C-1-701. Dissolution by ordinance -- Restrictions -- Filing copy of ordinance --**
1994 **Agency records -- Dissolution expenses.**

1995 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
1996 an agency may, by ordinance, deactivate and dissolve the agency.

1997 (b) An ordinance dissolving an agency may not be adopted unless the agency has no
1998 outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally
1999 binding contractual obligations with persons or entities other than the community.

2000 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
2001 community legislative body shall ~~[file]~~ record a certified copy of the ordinance with the
2002 ~~[lieutenant governor]~~ county recorder.

2003 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
2004 Section 67-1a-6.5, the agency is dissolved.

2005 (c) Within ten days after receiving the certificate of dissolution from the lieutenant
2006 governor under Section 67-1a-6.5, the community legislative body shall send a copy of the
2007 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
2008 Education, and each taxing entity.

2009 (d) The community legislative body shall publish a notice of dissolution in a
2010 newspaper of general circulation in the county in which the dissolved agency is located.

2011 (3) The books, documents, records, papers, and seal of each dissolved agency shall be

2012 deposited for safekeeping and reference with the recorder of the community that dissolved the
2013 agency.

2014 (4) The agency shall pay all expenses of the deactivation and dissolution.

2015 Section 47. Section **53A-2-101.5** is amended to read:

2016 **53A-2-101.5. Notice of school district boundary changes including creation,**
2017 **consolidation, division, or dissolution.**

2018 (1) Within 30 days after the creation, consolidation, division, or dissolution of a school
2019 district, or any other change affecting the boundary of a new or existing school district, the
2020 county legislative body shall ~~[file]~~ record a written notice of the action with the ~~[lieutenant~~
2021 ~~governor]~~ county recorder.

2022 (2) ~~[The]~~ Except in the case of a dissolution, the notice under Subsection (1) shall be
2023 accompanied by ~~[an accurate map or plat]~~ a retraceable plat as defined in Section 17-23-20
2024 showing the boundaries of the affected school districts~~[-, prepared and certified by a local~~
2025 ~~surveyor and filed with the county surveyor in accordance with Section 17-23-17].~~

2026 (3) Upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
2027 the creation, consolidation, division, dissolution, or other change affecting the boundary of a
2028 new or existing school district that was the subject of the action has legal effect.

2029 Section 48. Section **53A-2-118** is amended to read:

2030 **53A-2-118. Creation of new school district -- Initiation of process -- Procedures**
2031 **to be followed.**

2032 (1) A new school district may be created from one or more existing school districts, as
2033 provided in this section.

2034 (2) (a) The process to create a new school district may be initiated:

2035 (i) through a citizens' initiative petition;

2036 (ii) at the request of the board of the existing district or districts to be affected by the
2037 creation of the new district; or

2038 (iii) at the request of a city within the boundaries of the school district or at the request
2039 of interlocal agreement participants, pursuant to Section 53A-2-118.1.

2040 (b) (i) Each petition submitted under Subsection (2)(a)(i) shall be signed by qualified
2041 electors residing within the geographical boundaries of the proposed new school district equal
2042 in number to at least 15% of the number of electors in the area who voted for the office of

2043 governor at the last regular general election.

2044 (ii) Each request or petition submitted under Subsection (2)(a) shall:

2045 (A) be filed with the clerk of each county in which any part of the proposed new school
2046 district is located;

2047 (B) indicate the typed or printed name and current residence address of each governing
2048 board member making a request, or registered voter signing a petition, as the case may be;

2049 (C) describe the proposed new school district boundaries; and

2050 (D) designate up to five signers of the petition or request as sponsors, one of whom
2051 shall be designated as the contact sponsor, with the mailing address and telephone number of
2052 each.

2053 (c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,
2054 reinstate the signer's signature at any time before the filing of the petition by filing a written
2055 withdrawal or reinstatement with the county clerk.

2056 (d) The process under Subsection (2)(a)(i) may only be initiated once during any
2057 four-year period.

2058 (e) A new district may not be formed pursuant to Subsection (2)(a) if the student
2059 population of the proposed new district is less than 3,000 or the existing district's student
2060 population would be less than 3,000 because of the creation of the new school district.

2061 (f) Within 45 days after the filing of a petition under Subsection (2)(a)(i) or five
2062 business days after the filing of a request under Subsection (2)(a)(ii) or (iii), the clerk of each
2063 county with which a request or petition is filed shall:

2064 (i) determine whether the request or petition complies with Subsections (2)(a), (b), (d),
2065 and (e), as applicable; and

2066 (ii) (A) if the county clerk determines that the request or petition complies with the
2067 applicable requirements:

2068 (I) certify the request or petition and deliver the certified request or petition to the
2069 county legislative body; and

2070 (II) mail or deliver written notification of the certification to the contact sponsor; or

2071 (B) if the county clerk determines that the request or petition fails to comply with any
2072 of the applicable requirements, reject the request or petition and notify the contact sponsor in
2073 writing of the rejection and reasons for the rejection.

2074 (g) If the county clerk fails to certify or reject a request or petition within the time
2075 specified in Subsection (2)(f), the request or petition shall be considered to be certified.

2076 (h) (i) If the county clerk rejects a request or petition, the request or petition may be
2077 amended to correct the deficiencies for which it was rejected and then refiled.

2078 (ii) Subsection (2)(d) does not apply to a request or petition that is amended and refiled
2079 after having been rejected by a county clerk.

2080 (i) If a county legislative body receives a request from a school board under Subsection
2081 (2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county clerk on or
2082 before December 1:

2083 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
2084 by Subsection (3), on or before January 1;

2085 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
2086 county legislative body, as provided by Subsection (3), on or before July 1; and

2087 (iii) if the legislative body of each county with which a request or petition is filed
2088 approves a proposal to create a new district, the proposal shall be submitted to the respective
2089 county clerk to be voted on by the electors of each existing district at the regular general or
2090 municipal general election held in November.

2091 (3) (a) The legislative body of each county with which a request or petition is filed
2092 shall appoint an ad hoc advisory committee to review and make recommendations on a request
2093 for the creation of a new school district submitted under Subsection (2)(a)(i) or (ii).

2094 (b) The advisory committee shall:

2095 (i) seek input from:

2096 (A) those requesting the creation of the new school district;

2097 (B) the school board and school personnel of each existing school district;

2098 (C) those citizens residing within the geographical boundaries of each existing school
2099 district;

2100 (D) the State Board of Education; and

2101 (E) other interested parties;

2102 (ii) review data and gather information on at least:

2103 (A) the financial viability of the proposed new school district;

2104 (B) the proposal's financial impact on each existing school district;

2105 (C) the exact placement of school district boundaries; and
2106 (D) the positive and negative effects of creating a new school district and whether the
2107 positive effects outweigh the negative if a new school district were to be created; and
2108 (iii) make a report to the county legislative body in a public meeting on the committee's
2109 activities, together with a recommendation on whether to create a new school district.
2110 (4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):
2111 (a) The county legislative body shall provide for a 45-day public comment period on
2112 the report and recommendation to begin on the day the report is given under Subsection
2113 (3)(b)(iii).
2114 (b) Within 14 days after the end of the comment period, the legislative body of each
2115 county with which a request or petition is filed shall vote on the creation of the proposed new
2116 school district.
2117 (c) The proposal is approved if a majority of the members of the legislative body of
2118 each county with which a request or petition is filed votes in favor of the proposal.
2119 (d) If the proposal is approved, the legislative body of each county with which a
2120 request or petition is filed shall submit the proposal to the county clerk to be voted on:
2121 (i) by the legal voters of each existing school district;
2122 (ii) in accordance with the procedures and requirements applicable to a regular general
2123 election under Title 20A, Election Code; and
2124 (iii) at the next regular general election or municipal general election, whichever is
2125 first.
2126 (e) Creation of the new school district shall occur if a majority of the electors within
2127 both the proposed school district and each remaining school district voting on the proposal vote
2128 in favor of the creation of the new district.
2129 (f) Each county legislative body shall provide notice of the action as required in Section
2130 53A-2-101.5.
2131 (g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a new district is
2132 approved by the electors, the existing district's documented costs to study and implement the
2133 proposal shall be reimbursed by the new district.
2134 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection
2135 (2)(f) or (g), the legislative body of each county in which part of the proposed new school

2136 district is located shall submit the proposal to the respective clerk of each county to be voted
2137 on:

- 2138 (i) by the legal voters residing within the proposed new school district boundaries;
- 2139 (ii) in accordance with the procedures and requirements applicable to a regular general
2140 election under Title 20A, Election Code; and
- 2141 (iii) at the next regular general election or municipal general election, whichever is
2142 first.

2143 (b) (i) If a majority of the legal voters within the proposed new school district
2144 boundaries voting on the proposal at an election under Subsection (5)(a) vote in favor of the
2145 creation of the new district:

- 2146 (A) each county legislative body shall, within 30 days after the canvass of the election,
2147 ~~[file]~~ record with the ~~[lieutenant-governor]~~ county recorder the written notice required under
2148 Section 53A-2-101.5; and
- 2149 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
2150 the new district is created.

2151 (ii) Notwithstanding the creation of a new district as provided in Subsection
2152 (5)(b)(i)(B):

- 2153 (A) a new school district may not begin to provide educational services to the area
2154 within the new district until July 1 of the second calendar year following the election at which
2155 voters approve creation of the new school district;
- 2156 (B) a remaining district may not begin to provide educational services to the area
2157 within the remaining district until the time specified in Subsection (5)(b)(ii)(A); and
- 2158 (C) each existing district shall continue, until the time specified in Subsection
2159 (5)(b)(ii)(A), to provide educational services within the entire area covered by the existing
2160 district as though the new district had not been created.

2161 Section 49. Section **59-2-924.5** is enacted to read:

2162 **59-2-924.5. Taxation impacts from a government entity boundary change.**

2163 (1) As used in this section:

- 2164 (a) "Boundary change" has the same meaning as defined in Section 17-23-20.
- 2165 (b) "Boundary change notice" has the same meaning as defined in Section 17-21-26.
- 2166 (c) "Entity" means a political subdivision of the state that has authority to impose a

2167 property tax, including a county, municipality, local district, and school district.

2168 (2) (a) Subject to Subsection (2)(b), a county recorder may establish a deadline for
2169 submitting a boundary change notice to the county recorder in order for the entity to receive
2170 property tax in the next calendar year from property that is the subject of the boundary change.

2171 (b) The deadline in Subsection (2)(a) shall be no later than December 31 and no earlier
2172 than December 1.

2173 (c) If the county recorder does not establish a deadline under Subsection (2)(a), the
2174 deadline is December 31.

2175 (3) Property added to or taken from an entity through a boundary change shall carry the
2176 tax rate imposed by the entity if the:

2177 (a) county recorder receives the boundary change notice on or before the date
2178 established in Subsection (2);

2179 (b) lieutenant governor certifies the boundary change under Section 67-1a-6.5 no later
2180 than December 31; and

2181 (c) State Tax Commission receives the certificate of the boundary change no later than
2182 December 31 of the year during which the boundary change occurs.

2183 (4) If the deadlines in Subsections (3)(a), (b), and (c) are met, taxes will be assessed
2184 and collected on property subject to the boundary change in the year following the boundary
2185 change.

2186 (5) A newly created entity may not have a certified tax rate or levy a tax for any
2187 particular year unless that entity existed on the first day of that calendar year.

2188 Section 50. Section **59-2-1304** is amended to read:

2189 **59-2-1304. Rate of previous year governs -- Proration among taxing units.**

2190 (1) The amount of taxes to be collected in the current year on personal property
2191 assessed by the county assessor shall be based on the tax rates levied by all taxing entities for
2192 the previous year, and the tax so billed shall be the full tax on the property for the current year.
2193 The money collected shall be paid into the county treasury and paid by the treasurer to the
2194 various taxing entities pro rata in accordance with the tax rates levied and approved for the
2195 current year, including new entities levying for the first time.

2196 (2) The deadlines in Section 59-2-924.5 apply.

2197 Section 51. Section **59-2-1325** is amended to read:

2198 **59-2-1325. Nature and extent of lien -- Time of attachment.**

2199 (1) A tax upon real property is a lien against the property assessed. A tax due upon
2200 improvements upon real property assessed to a person other than the owner of the real property
2201 is a lien upon the property and improvements. These liens attach as of January 1 of each year.

2202 (2) The deadlines in Section 59-2-924.5 apply.

2203 Section 52. Section **63-30d-401** is amended to read:

2204 **63-30d-401. Claim for injury -- Notice -- Contents -- Service -- Legal disability --**
2205 **Appointment of guardian ad litem.**

2206 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of
2207 limitations that would apply if the claim were against a private person begins to run.

2208 (b) The statute of limitations does not begin to run until a claimant knew, or with the
2209 exercise of reasonable diligence should have known:

2210 (i) that the claimant had a claim against the governmental entity or its employee; and

2211 (ii) the identity of the governmental entity or the name of the employee.

2212 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

2213 (2) Any person having a claim against a governmental entity, or against its employee
2214 for an act or omission occurring during the performance of the employee's duties, within the
2215 scope of employment, or under color of authority shall file a written notice of claim with the
2216 entity before maintaining an action, regardless of whether or not the function giving rise to the
2217 claim is characterized as governmental.

2218 (3) (a) The notice of claim shall set forth:

2219 (i) a brief statement of the facts;

2220 (ii) the nature of the claim asserted;

2221 (iii) the damages incurred by the claimant so far as they are known; and

2222 (iv) if the claim is being pursued against a governmental employee individually as
2223 provided in Subsection 63-30d-202(3)(c), the name of the employee.

2224 (b) The notice of claim shall be:

2225 (i) signed by the person making the claim or that person's agent, attorney, parent, or
2226 legal guardian; and

2227 (ii) directed and delivered by hand or by mail according to the requirements of Section
2228 68-3-8.5 to the office of:

- 2229 (A) the city or town clerk, when the claim is against an incorporated city or town;
- 2230 (B) the county clerk, when the claim is against a county;
- 2231 (C) the superintendent or business administrator of the board, when the claim is against
- 2232 a school district or board of education;
- 2233 (D) the presiding officer or secretary/clerk of the board, when the claim is against a
- 2234 local district or special service district;
- 2235 (E) the attorney general, when the claim is against the state ~~[of Utah]~~;
- 2236 (F) a member of the governing board, the executive director, or executive secretary,
- 2237 when the claim is against any other public board, commission, or body; or
- 2238 (G) the agent authorized by a governmental entity to receive the notice of claim by the
- 2239 governmental entity under Subsection (5)(e).
- 2240 (4) (a) If an injury that may reasonably be expected to result in a claim against a
- 2241 governmental entity is sustained by a claimant who is under the age of majority or mentally
- 2242 incompetent, that governmental entity may file a request with the court for the appointment of a
- 2243 guardian ad litem for the potential claimant.
- 2244 (b) If a guardian ad litem is appointed, the time for filing a claim under Section
- 2245 63-30d-402 begins when the order appointing the guardian is issued.
- 2246 (5) (a) Each governmental entity subject to suit under this chapter shall file a statement
- 2247 with the Division of Corporations and Commercial Code within the Department of Commerce
- 2248 containing:
- 2249 (i) the name and address of the governmental entity;
- 2250 (ii) the office or agent designated to receive a notice of claim; and
- 2251 (iii) the address at which it is to be directed and delivered.
- 2252 (b) Each governmental entity shall update its statement as necessary to ensure that the
- 2253 information is accurate.
- 2254 (c) The Division of Corporations and Commercial Code shall develop a form for
- 2255 governmental entities to complete that provides the information required by Subsection (5)(a).
- 2256 (d) (i) Newly incorporated municipalities shall file the statement required by
- 2257 Subsection (5)(a) at the time ~~[that the statement of incorporation and boundaries is filed with~~
- 2258 ~~the lieutenant governor under Section 10-1-106]~~ the notice of incorporation is recorded with
- 2259 the county recorder under Section 10-2-119 or 10-2-125.

2260 (ii) Newly incorporated local districts shall file the statement required by Subsection
 2261 (5)(a) at the time [that] the written notice is [filed] recorded with the [~~lieutenant governor~~]
 2262 county recorder under Section 17B-1-215.

2263 (e) A governmental entity may, in its statement, identify an agent authorized by the
 2264 entity to accept notices of claim on its behalf.

2265 (6) The Division of Corporations and Commercial Code shall:

2266 (a) maintain an index of the statements required by this section arranged both
 2267 alphabetically by entity and by county of operation; and

2268 (b) make the indices available to the public both electronically and via hard copy.

2269 (7) A governmental entity may not challenge the validity of a notice of claim on the
 2270 grounds that it was not directed and delivered to the proper office or agent if the error is caused
 2271 by the governmental entity's failure to file or update the statement required by Subsection (5).

2272 Section 53. Section **63F-1-506** is amended to read:

2273 **63F-1-506. Automated Geographic Reference Center.**

2274 (1) There is created the Automated Geographic Reference Center as part of the
 2275 division.

2276 (2) The center shall:

2277 (a) provide geographic information system services to state agencies under rules
 2278 adopted in accordance with Section 63F-1-504 and policies established by the division;

2279 (b) provide geographic information system services to federal government, local
 2280 political subdivisions, and private persons under rules and policies established by the division;

2281 (c) manage the State Geographic Information Database; and

2282 (d) establish standard format, lineage, and other requirements for the database.

2283 (3) (a) There is created a position of surveyor within the center [~~which surveyor shall~~].

2284 (b) The surveyor under this Subsection (3) shall:

2285 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional
 2286 Engineers and Land Surveyors Licensing Act[~~, and shall have the following duties:~~];

2287 [~~(a)~~] (ii) provide technical support to the office of lieutenant governor in evaluating a
 2288 boundary [~~creation or boundary changes prior to certification by the lieutenant governor under~~
 2289 ~~Section 67-1a-6.5~~] change as defined in Section 17-23-20;

2290 (iii) as requested by a county surveyor, provide technical assistance to the county

2291 surveyor in evaluating a boundary change as defined in Section 17-23-20;

2292 ~~[(b)]~~ (iv) assist the State Tax Commission in processing and quality assurance of
 2293 boundary descriptions or maps into digital format for inclusion in the State Geographic
 2294 Information Database;

2295 ~~[(c)]~~ (v) coordinate with county recorders and surveyors to create a statewide parcel
 2296 layer in the State Geographic Information Database containing parcel boundary, parcel
 2297 identifier, parcel address, owner type, and county recorder contact information; and

2298 ~~[(d)]~~ (vi) facilitate and integrate the collection efforts of local government and federal
 2299 agencies for data collection to densify and enhance the statewide Public Land Survey System
 2300 reference network in the State Geographic Information Database.

2301 (4) The division may:

2302 (a) make rules and establish policies to govern the center and its operations; and

2303 (b) set fees for the services provided by the center.

2304 (5) The state may not sell information obtained from counties under Subsection

2305 (3)~~[(c)]~~(b)(iv).

2306 Section 54. Section **63F-1-507** is amended to read:

2307 **63F-1-507. State Geographic Information Database.**

2308 (1) There is created a State Geographic Information Database to be managed by the
 2309 center.

2310 (2) The database shall:

2311 (a) serve as the central reference for all information contained in any GIS database by
 2312 any state agency;

2313 (b) serve as a clearing house and repository for all data layers required by multiple
 2314 users;

2315 (c) serve as a standard format for geographic information acquired, purchased, or
 2316 produced by any state agency; and

2317 (d) include an accurate representation of all civil subdivision boundaries of the state.

2318 (3) Each state agency that acquires, purchases, or produces digital geographic
 2319 information data shall:

2320 (a) inform the center of the existence of the data layers and their geographic extent;

2321 (b) allow the center access to all data classified public; and

2322 (c) comply with any database requirements established by the center.

2323 [~~(4) At least annually, the State Tax Commission shall deliver to the center information~~
2324 ~~the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,~~
2325 ~~17-2-9, 17-3-3, 17B-1-215, and 17C-1-201 relating to the creation or modification of the~~
2326 ~~boundaries of the political subdivisions that are the subject of those sections.~~]

2327 (4) The center shall provide boundaries of political subdivisions to the United States
2328 Bureau of the Census in meeting the needs of the bureau.

2329 Section 55. Section **67-1a-6.5** is amended to read:

2330 **67-1a-6.5. Lieutenant governor certification of governmental entity creation,**
2331 **consolidation, division, annexation, withdrawal, or boundary adjustment.**

2332 (1) As used in this section:

2333 (a) "AGRC" means the Automated Geographic Reference Center created under Section
2334 63F-1-506.

2335 (b) "Annexation" means the adjustment of the boundary of an entity so that the
2336 adjustment gains territory and does not lose territory.

2337 (c) "Boundary adjustment" means the adjustment of the common boundary between
2338 two adjacent entities of the same type.

2339 [~~(b)~~] (d) "Boundary change" means [the adjustment of an entity's boundary either
2340 through gaining territory (annexation), losing territory (withdrawal), adjusting the common
2341 boundary with an adjacent entity (may gain territory, lose territory, or a combination of both
2342 gaining and losing territory), or any other adjustment] any change in the boundary of the entity
2343 whether through creation, dissolution, consolidation, division, annexation, withdrawal,
2344 boundary adjustment, or any other change in the location of the entity's boundary.

2345 (e) "Boundary change notice" means the notice and accompanying documents the
2346 lieutenant governor receives from the county recorder pursuant to Section 17-21-26 regarding a
2347 boundary change or boundary clarification.

2348 (f) "Boundary clarification" means the establishment of the true boundary when the
2349 boundary is disputed or uncertain.

2350 [~~(e)~~] (g) "Consolidation" means the combining of two or more entities of the same type
2351 into a single entity [~~such~~] so that the consolidated entity's boundary contains all of the territory
2352 of the original entities, but no additional territory.

2353 ~~[(d)]~~ (h) (i) "County attorney" means the county attorney of each county which contains
 2354 any part of the area affected by the entity [~~creation, consolidation, division, dissolution, or~~
 2355 boundary change.

2356 (ii) "County attorney" includes the district attorney in a county that has a district
 2357 attorney but not a county attorney.

2358 ~~[(e)]~~ (i) (i) "County auditor" means the county auditor of each county which contains
 2359 any part of the area affected by the entity [~~creation, consolidation, division, dissolution, or~~
 2360 boundary change.

2361 (ii) ~~[If the]~~ In a county that does not have a county auditor, "county auditor" means the
 2362 county clerk or other government official acting as the county auditor.

2363 ~~[(f)]~~ (j) "County recorder" means the county recorder of each county which contains
 2364 any part of the area affected by the entity [~~creation, consolidation, division, dissolution, or~~
 2365 boundary change.

2366 ~~[(g)]~~ (k) "County surveyor" means the county surveyor of each county which contains
 2367 any part of the area affected by the entity [~~creation, consolidation, division, dissolution, or~~
 2368 boundary change.

2369 ~~[(h)]~~ (l) "Creation" means the [~~forming~~] formation of a new entity [~~where~~] that [~~entity~~]
 2370 did not previously exist [~~before its creation~~].

2371 ~~[(i)]~~ (m) "Dissolution" means the [~~disbandment~~] termination of the existence of an
 2372 entity.

2373 ~~[(j)]~~ (n) "Division" means the dividing of one entity into two or more entities [~~such~~] so
 2374 that the original entity's boundary contains all of the territory of the resultant entities, but no
 2375 additional territory.

2376 ~~[(k)]~~ (o) "Entity" means the governmental entity that is [~~created, consolidated, divided,~~
 2377 ~~dissolved, or whose boundary is changed~~] the subject of the boundary change or name change.

2378 (p) "Entity of the same type" or "entities of the same type" means a:

2379 (i) county, if the entity is a county;

2380 (ii) municipality, if the entity is a municipality;

2381 (iii) local district, if the entity is a local district;

2382 (iv) special service district, if the entity is a special service district; or

2383 (v) school district, if the entity is a school district.

2384 ~~[(h)]~~ (q) (i) "Initiating body" means the county legislative body, municipal legislative
2385 body, local district or special service district board, court, public official, or other authorized
2386 person that initiates the ~~[creation, dissolution, consolidation, or]~~ boundary change, boundary
2387 clarification, or name change of an entity or entities.

2388 ~~[(m) "Notice of entity boundary change" means the notice the lieutenant governor~~
2389 ~~receives under Subsection 10-1-116(1), 10-2-419(4), 10-2-425(1), 10-2-507(1), 17-2-9(2),~~
2390 ~~17-2-13(3), 17-50-104(3), 17-50-105(1)(b) or (2)(c), 17A-2-1327(4), 17B-1-414(2),~~
2391 ~~17B-1-417(6), 17B-1-512(1), or 53A-2-101.5(1) of an entity's pending boundary change.]~~

2392 ~~[(n) "Notice of entity consolidation" means the notice the lieutenant governor receives~~
2393 ~~under Section 10-2-610 or Subsection 10-1-116(1) or 17-2-4(2) of entities' pending~~
2394 ~~consolidation.]~~

2395 ~~[(o) "Notice of entity creation" means the notice the lieutenant governor receives under~~
2396 ~~Subsection 10-1-116(1), 10-2-119(1), 10-2-125(8), 11-13-204(4), 11-13-205(6),~~
2397 ~~17A-2-1311(2), 17B-1-215(1), 17C-1-201(2), or 53A-2-101.5(1) of an entity's pending~~
2398 ~~creation.]~~

2399 ~~[(p) "Notice of entity dissolution" means the notice the lieutenant governor receives~~
2400 ~~under Subsection 10-1-116(1), 10-2-712(2), 17A-2-1329(3), 17B-1-1308(4), or~~
2401 ~~17C-1-701(2)(a) of an entity's pending dissolution.]~~

2402 ~~[(q) "Notice of entity division" means the notice the lieutenant governor receives under~~
2403 ~~Subsection 17-3-3(3) of an entity's pending division.]~~

2404 ~~[(r) "Notice of intention to file articles of incorporation" means the notice the~~
2405 ~~lieutenant governor receives under Subsection 10-2-120(1).]~~

2406 ~~[(s) "Lieutenant governor" means the lieutenant governor created in Article VII,~~
2407 ~~Section 1 of the Utah Constitution.]~~

2408 ~~[(t) "State auditor" means the state auditor created in Article VII, Section 1 of the Utah~~
2409 ~~Constitution.]~~

2410 ~~[(u) "State Tax Commission" means the State Tax Commission created in Article XIII,~~
2411 ~~Section 6 of the Utah Constitution.]~~

2412 (ii) "Initiating body" includes the affected county surveyors and the independent county
2413 surveyor as defined in Section 17-50-105 when resolving disputed or uncertain boundaries
2414 under Section 17-50-105.

2415 (r) "Name change notice" means the notice the lieutenant governor receives from the
2416 county recorder pursuant to Section 17-21-26 regarding a governmental entity name change.

2417 (s) "Withdrawal" means the adjustment of the boundary of an entity so that the
2418 adjustment loses territory and does not gain territory.

2419 (2) [~~Within~~] Subject to Subsections (4) and (5), within ten days after receiving a
2420 boundary change notice [~~of entity creation~~], the lieutenant governor shall:

2421 (a) certify the boundary change and issue a certificate of entity creation, dissolution,
2422 consolidation, division, annexation, withdrawal, boundary adjustment, or boundary
2423 clarification as the case may be;

2424 (b) (i) send a copy of the certificate issued under Subsection (2)(a) and a copy of the
2425 boundary change notice [~~of entity creation~~], including the accompanying [~~map or legal~~
2426 description] plat, to the State Tax Commission, AGRC, [~~county recorder~~], county surveyor,
2427 county auditor, and county attorney; [~~and~~]

2428 (ii) if the boundary change notice is for a creation, dissolution, consolidation, or
2429 division, send a copy of the certificate issued under Subsection (2)(a) to the state auditor; and

2430 (iii) send the original certificate or a certified copy of the certificate issued under
2431 Subsection (2)(a) to the county recorder; and

2432 (c) send to the initiating body or bodies, and each entity whose boundary is changed, if
2433 different than the initiating body, a copy of the certificate issued under Subsection (2)(a) and a
2434 statement indicating [~~completion of~~] that the lieutenant governor has sent each certificate and
2435 boundary change notice required to be sent under Subsection (2)(b).

2436 (3) After certifying a boundary change, the lieutenant governor shall, if the entity is a:

2437 (a) municipality, determine if the municipality's classification needs to be changed
2438 under Section 10-2-302; or

2439 (b) county, determine if the county's classification needs to be changed under Section
2440 17-50-502.

2441 (4) Except in the case of a dissolution, the lieutenant governor may not certify a
2442 boundary change notice unless the accompanying plat has been signed by the county surveyor
2443 attesting that the plat complies with the requirements under Section 17-23-20 for a retracable
2444 plat.

2445 (5) If the lieutenant governor receives a boundary change notice reflecting a municipal

2446 annexation or boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, that also
2447 causes an automatic annexation to a local district under Section 17B-1-416 or an automatic
2448 withdrawal from a local district under Subsection 17B-1-502(2):

2449 (a) the lieutenant governor may not certify the municipality's boundary change or issue
2450 to the local district a certificate of annexation or withdrawal relating to the automatic
2451 annexation or withdrawal until the lieutenant governor receives both the municipality's
2452 boundary change notice under Subsection 10-2-425(1)(b) and the local district's notice of
2453 annexation under Subsection 17B-1-414(2)(b) or notice of withdrawal under Subsection
2454 17B-1-512(1)(b); and

2455 (b) within ten days after receiving both the municipality's boundary change notice and
2456 the local district's notice of annexation or withdrawal, the lieutenant governor shall
2457 simultaneously certify the boundary changes in complying with the requirements of Subsection
2458 (2).

2459 ~~[(3)]~~ (6) Within ten days after receiving a name change notice ~~[of intention to file~~
2460 ~~articles of incorporation]~~, the lieutenant governor shall:

2461 (a) certify the name change and issue a certificate ~~[indicating receipt of a notice of~~
2462 ~~intention to file articles of incorporation]~~ of name change;

2463 (b) ~~[(i)]~~ send a copy of the certificate issued under Subsection (3)(a) ~~[and a copy of the~~
2464 ~~notice of intention to file articles of incorporation, including the accompanying map or legal~~
2465 ~~description;]~~ to the State Tax Commission, AGRC, county recorder, county surveyor, county
2466 auditor, ~~[and]~~ county attorney~~[:];~~, and ~~[(ii) send a copy of the certificate issued under~~
2467 ~~Subsection (3)(a) to the]~~ state auditor; and

2468 (c) send to the initiating body a copy of the certificate issued under Subsection (3)(a)
2469 and a statement indicating ~~[completion of]~~ that the lieutenant governor has sent each certificate
2470 required to be sent under Subsection (3)(b).

2471 ~~[(4) Within ten days after receiving a notice of entity consolidation, the lieutenant~~
2472 ~~governor shall:]~~

2473 ~~[(a) issue a certificate of entity consolidation;]~~

2474 ~~[(b) (i) send a copy of the certificate issued under Subsection (4)(a) and a copy of the~~
2475 ~~notice of entity consolidation to the State Tax Commission, AGRC, county recorder, county~~
2476 ~~surveyor, county auditor, and county attorney; and]~~

2477 ~~[(ii) send a copy of the certificate issued under Subsection (4)(a) to the state auditor;~~
2478 ~~and]~~

2479 ~~[(c) send to the initiating body and the entities being consolidated, if different from the~~
2480 ~~initiating body, a copy of the certificate issued under Subsection (4)(a) and a statement~~
2481 ~~indicating completion of Subsection (4)(b).]~~

2482 ~~[(5) Within ten days after receiving a notice of entity division, the lieutenant governor~~
2483 ~~shall:]~~

2484 ~~[(a) issue a certificate of entity division;]~~

2485 ~~[(b) (i) send a copy of the certificate issued under Subsection (5)(a) and a copy of the~~
2486 ~~notice of entity consolidation, including the accompanying map or legal description, to the~~
2487 ~~State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county~~
2488 ~~attorney; and]~~

2489 ~~[(ii) send a copy of the certificate issued under Subsection (5)(a) to the state auditor;~~
2490 ~~and]~~

2491 ~~[(c) send to the initiating body a copy of the certificate issued under Subsection (5)(a)~~
2492 ~~and a statement indicating completion of Subsection (5)(b).]~~

2493 ~~[(6) Within ten days after receiving a notice of entity dissolution, the lieutenant~~
2494 ~~governor shall:]~~

2495 ~~[(a) issue a certificate of entity dissolution;]~~

2496 ~~[(b) (i) send a copy of the certificate issued under Subsection (6)(a) and a copy of the~~
2497 ~~notice of entity dissolution to the State Tax Commission, AGRC, county recorder, county~~
2498 ~~surveyor, county auditor, and county attorney; and]~~

2499 ~~[(ii) send a copy of the certificate issued under Subsection (6)(a) to the state auditor;~~
2500 ~~and]~~

2501 ~~[(c) send to the initiating body and the entity being dissolved, if different than the~~
2502 ~~initiating body, a copy of the certificate issued under Subsection (6)(a) and a statement~~
2503 ~~indicating completion of Subsection (6)(b).]~~

2504 ~~[(7) Within ten days after receiving a notice of entity boundary change, the lieutenant~~
2505 ~~governor shall:]~~

2506 ~~[(a) issue a certificate of entity boundary change;]~~

2507 ~~[(b) send a copy of the certificate issued under Subsection (7)(a) and a copy of the~~

2508 notice of entity boundary change, including the accompanying map or legal description, to the
 2509 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
 2510 attorney; and]

2511 [~~(c)~~ send to the initiating body or bodies, and each entity whose boundary is changed, if
 2512 different than the initiating body, a copy of the certificate issued under Subsection (7)(a) and a
 2513 statement indicating completion of Subsection (7)(b).]

2514 [~~(8)~~] (7) (a) The lieutenant governor shall:

2515 (i) keep, index, maintain, and make available to the public certificates, notices, maps,
 2516 and other documents necessary in performing the duties of Subsections (2) [~~through (7)~~.] and
 2517 (6);

2518 [~~(b)~~ The lieutenant governor shall]

2519 (ii) make available on the Internet the information referred to in Subsection (7)(a)(i);

2520 and

2521 (iii) furnish a certified copy of documents to any person who requests a certified copy.

2522 [~~(c)~~] (b) The lieutenant governor may charge a reasonable fee for copies of documents
 2523 or certified copies of documents.

2524 Section 56. **Repealer.**

2525 This bill repeals:

2526 Section **10-1-116, Notice to lieutenant governor of incorporation, dissolution, or**
 2527 **boundary change -- Tax rate on new property included in municipality.**

2528 Section **10-1-117, Amending articles of incorporation -- Lieutenant governor**
 2529 **certification -- Effective date.**

2530 Section **10-2-122, When incorporation complete -- Incorporation presumed**
 2531 **conclusive.**

2532 Section **10-2-508, Disconnection completed.**

2533 Section **10-2-611, When incorporation complete -- Disincorporation of original**
 2534 **municipalities.**

Legislative Review Note
as of 2-22-08 8:43 AM

Office of Legislative Research and General Counsel

H.B. 447 - Government Entity Changes

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Some local governments may experience increased costs if they do not currently have licensed surveyors on staff.
