

LOCAL GOVERNMENT ENTITY CHANGES

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kory M. Holdaway

Senate Sponsor: _____

LONG TITLE

Committee Note:

The Political Subdivisions Interim Committee recommended this bill.

General Description:

This bill modifies provisions relating to the process of certifying local government actions affecting the name or boundary of a local entity.

Highlighted Provisions:

This bill:

- ▶ modifies and clarifies the process of certifying:
 - local government changes that affect or create local government boundaries; and
 - local government name changes;
- ▶ provides a process for certifying final boundary plats for local government boundary changes;
- ▶ eliminates a requirement for municipalities to prepare articles of incorporation as part of the incorporation process and eliminates an alternative to filing articles of incorporation;
- ▶ modifies the duties of the lieutenant governor, county surveyors, and county recorders in the process of certifying local government boundary and name changes;
- ▶ modifies the process for a municipality to change its name;
- ▶ establishes the date of recording documents related to a boundary action as the effective date of the boundary action for purposes of assessing property affected by



28 the boundary action;

29 ▶ imposes restrictions on a local entity's imposition of property taxes, assessments, or
30 fees until documents related to the boundary action are recorded;

31 ▶ modifies the event from which the effective date of a municipal annexation or
32 boundary adjustment is calculated;

33 ▶ clarifies and makes technical changes relating to the process of consolidating
34 counties and the process of annexing part of one county to another county;

35 ▶ limits a person from filing for recording a plat that depicts a local entity's boundary
36 as it exists as a result of a boundary action unless it complies with certain
37 requirements;

38 ▶ modifies the duties of the surveyor within the Automated Geographic Reference
39 Center; and

40 ▶ makes technical changes.

41 **Monies Appropriated in this Bill:**

42 None

43 **Other Special Clauses:**

44 None

45 **Utah Code Sections Affected:**

46 AMENDS:

47 **10-1-118**, as enacted by Laws of Utah 2000, Chapter 318

48 **10-2-119**, as last amended by Laws of Utah 2005, Chapter 233

49 **10-2-120**, as last amended by Laws of Utah 2005, Chapter 233

50 **10-2-121**, as last amended by Laws of Utah 2005, First Special Session, Chapter 9

51 **10-2-125**, as last amended by Laws of Utah 2008, Chapters 16 and 19

52 **10-2-302**, as last amended by Laws of Utah 2001, Second Special Session, Chapter 4

53 **10-2-418**, as last amended by Laws of Utah 2007, Chapters 329 and 378

54 **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329

55 **10-2-425**, as last amended by Laws of Utah 2007, Chapters 329 and 378

56 **10-2-507**, as last amended by Laws of Utah 2005, Chapter 233

57 **10-2-610**, as last amended by Laws of Utah 1997, Chapter 389

58 **10-2-611**, as last amended by Laws of Utah 2005, Chapter 233

- 59 **10-2-705**, as enacted by Laws of Utah 1977, Chapter 48
- 60 **10-2-711**, as last amended by Laws of Utah 2000, Chapter 318
- 61 **10-2-712**, as last amended by Laws of Utah 2005, Chapter 233
- 62 **10-6-111**, as last amended by Laws of Utah 2005, Chapter 146
- 63 **11-13-204**, as last amended by Laws of Utah 2005, Chapter 233
- 64 **11-13-205**, as last amended by Laws of Utah 2005, Chapters 105 and 233
- 65 **17-3-3**, as last amended by Laws of Utah 2005, Chapter 233
- 66 **17-21-20**, as last amended by Laws of Utah 2007, Chapter 147
- 67 **17-50-104**, as last amended by Laws of Utah 2005, Chapter 233
- 68 **17B-1-215**, as last amended by Laws of Utah 2008, Chapter 360
- 69 **17B-1-216**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 70 **17B-1-414**, as last amended by Laws of Utah 2008, Chapter 118
- 71 **17B-1-415**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 72 **17B-1-416**, as last amended by Laws of Utah 2008, Chapter 118
- 73 **17B-1-417**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 74 **17B-1-512**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 75 **17B-1-1308**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 76 **17C-1-201**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 77 **17C-1-701**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 78 **17D-1-204**, as enacted by Laws of Utah 2008, Chapter 360
- 79 **17D-1-208**, as enacted by Laws of Utah 2008, Chapter 360
- 80 **17D-1-209**, as enacted by Laws of Utah 2008, Chapter 360
- 81 **17D-1-403**, as enacted by Laws of Utah 2008, Chapter 360
- 82 **17D-1-603**, as enacted by Laws of Utah 2008, Chapter 360
- 83 **17D-3-203**, as enacted by Laws of Utah 2008, Chapter 360
- 84 **53A-2-101.5**, as enacted by Laws of Utah 2005, Chapter 233
- 85 **53A-2-118**, as last amended by Laws of Utah 2008, Chapter 92
- 86 **53A-2-118.1**, as last amended by Laws of Utah 2008, Chapter 92
- 87 **63F-1-506**, as last amended by Laws of Utah 2005, Chapter 233 and renumbered and
- 88 amended by Laws of Utah 2005, Chapter 169
- 89 **63F-1-507**, as last amended by Laws of Utah 2007, Chapter 329

90 **63G-7-401**, as renumbered and amended by Laws of Utah 2008, Chapter 382

91 **67-1a-2**, as last amended by Laws of Utah 2007, Chapters 75 and 83

92 ENACTS:

93 **17-2-101**, Utah Code Annotated 1953

94 **17-2-102**, Utah Code Annotated 1953

95 **17-2-201**, Utah Code Annotated 1953

96 **17-2-202**, Utah Code Annotated 1953

97 **17-23-20**, Utah Code Annotated 1953

98 **59-2-305.5**, Utah Code Annotated 1953

99 **67-1a-6.7**, Utah Code Annotated 1953

100 REPEALS AND REENACTS:

101 **67-1a-6.5**, as last amended by Laws of Utah 2008, Chapter 360

102 RENUMBERS AND AMENDS:

103 **17-2-103**, (Renumbered from 17-2-1, as last amended by Laws of Utah 1993, Chapter
104 227)

105 **17-2-104**, (Renumbered from 17-2-3, as last amended by Laws of Utah 1984, Chapter
106 68)

107 **17-2-105**, (Renumbered from 17-2-4, as last amended by Laws of Utah 2005, Chapter
108 233)

109 **17-2-106**, (Renumbered from 17-2-5, Utah Code Annotated 1953)

110 **17-2-203**, (Renumbered from 17-2-6, as last amended by Laws of Utah 2003, Chapter
111 258)

112 **17-2-204**, (Renumbered from 17-2-8, as last amended by Laws of Utah 2003, Chapter
113 258)

114 **17-2-205**, (Renumbered from 17-2-9, as last amended by Laws of Utah 2005, Chapter
115 233)

116 **17-2-206**, (Renumbered from 17-2-10, as last amended by Laws of Utah 2002, Sixth
117 Special Session, Chapter 3)

118 **17-2-207**, (Renumbered from 17-2-11, as last amended by Laws of Utah 1993, Chapter
119 227)

120 **17-2-208**, (Renumbered from 17-2-12, Utah Code Annotated 1953)

121 17-2-209, (Renumbered from 17-2-13, as last amended by Laws of Utah 2005, Chapter
122 233)

123 REPEALS:

124 10-1-116, as last amended by Laws of Utah 2005, Chapter 233

125 10-1-117, as last amended by Laws of Utah 2007, Chapter 329

126 10-2-122, as last amended by Laws of Utah 2000, Chapter 38

127 10-2-508, as last amended by Laws of Utah 2003, Chapter 279

128 17-2-2, as last amended by Laws of Utah 1984, Chapter 68

129 17-2-7, as last amended by Laws of Utah 2003, Chapter 258

130 17-3-2, as last amended by Laws of Utah 1984, Chapter 68

131

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

133 Section 1. Section 10-1-118 is amended to read:

134 **10-1-118. Changing the name of a municipality.**

135 (1) A municipality may change its name by ~~[filing amended articles of incorporation as~~
136 ~~provided in Section 10-1-117.];~~

137 (a) adopting an ordinance or resolution approving a new name; and

138 (b) filing with the lieutenant governor a copy of a notice of an impending name change,
139 as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).

140 (2) Upon the lieutenant governor's issuance of a certificate of name change under
141 Section 67-1a-6.7, the municipality shall file with the recorder of each county in which the
142 municipality is located:

143 (a) the original notice of an impending name change; and

144 (b) the original certificate of name change.

145 ~~[(2)]~~ (3) (a) The name change becomes effective upon the lieutenant governor's
146 [certification of the amended articles as provided in Subsection 10-1-117(3).] issuance of a
147 certificate of name change under Section 67-1a-6.7.

148 (b) Notwithstanding Subsection (3)(a), until the documents listed in Subsection (2) are
149 recorded in the office of the county recorder, the municipality may not operate under the new
150 name.

151 Section 2. Section 10-2-119 is amended to read:

152 **10-2-119. Filing of notice and certified final boundary plat with lieutenant**
153 **governor -- Effective date of incorporation -- Necessity of recording documents and effect**
154 **of not recording.**

155 (1) [~~Within seven days after the canvass of the final election of city officers under~~
156 ~~Section 10-2-116, the] The mayor-elect of the [new] future city shall [file at least three copies
157 of the articles of incorporation]:~~

158 (a) within 30 days after the canvass of the final election of city officers under Section
159 10-2-116, file with the lieutenant governor[-]:

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

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

162 ~~[(b) contain an accurate map or plat, prepared by a licensed surveyor, approved by the~~
163 ~~legislative body, and filed with the county surveyor in accordance with Section 17-23-17;~~
164 ~~showing the boundaries of the city;]~~

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

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

168 ~~[(3) The legislative body of the new city shall comply with the notice requirements of~~
169 ~~Section 10-1-116.]~~

170 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
171 that meets the requirements of Subsection 67-1a-6.5(3); and

172 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

173 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
174 Section 67-1a-6.5, submit to the recorder of each county in which the city is located:

175 (i) the original notice of an impending boundary action;

176 (ii) the original certificate of incorporation; and

177 (iii) the original certified final boundary plat.

178 (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a
179 certificate of incorporation under Section 67-1a-6.5.

180 (b) Notwithstanding any other provision of law, a city is conclusively presumed to be
181 lawfully incorporated and existing if, for two years following the city's incorporation:

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

183 (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and use
 184 tax; and

185 (ii) no challenge to the existence or incorporation of the city has been filed in the
 186 district court for the county in which the city is located.

187 (3) (a) The effective date of an incorporation for purposes of assessing property within
 188 the new city is governed by Section 59-2-305.5.

189 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the
 190 recorder of the county in which the property is located, a newly incorporated city may not:

191 (i) levy or collect a property tax on property within the city;

192 (ii) levy or collect an assessment on property within the city; or

193 (iii) charge or collect a fee for service provided to property within the city.

194 Section 3. Section **10-2-120** is amended to read:

195 **10-2-120. Powers of officers-elect.**

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

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

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

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

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

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

206 ~~[(2)]~~ (1) Upon the ~~[lieutenant governor's certification of the notice]~~ canvass of the final
 207 election of city officers under Section ~~[67-1a-6.5]~~ 10-2-116 and until the future city becomes
 208 legally incorporated, the officers of the future city may:

209 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,
 210 a proposed budget and compilation of ordinances;

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

212 (c) negotiate and make service contracts;

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

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

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

216 Subsection 10-2-121(3);

217 [~~(g)~~] (f) borrow funds for startup expenses of the future [municipality] city; and

218 [~~(h)~~] (g) issue tax anticipation notes in the name of the future [municipality] city.

219 [~~(3)~~] (2) The city's legislative body shall review and ratify each contract made by the

220 officers-elect under Subsection [~~(2)~~] (1) within 30 days [~~of~~] after the effective date of

221 incorporation under Section [~~10-2-122~~] 10-2-119.

222 Section 4. Section **10-2-121** is amended to read:

223 **10-2-121. Division of municipal-type services revenues -- County may provide**
224 **startup funds -- Filing of plat or map -- Notice requirements.**

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

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

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

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

238 (b) (i) The legislative body of a county in which a city incorporated after January 1,
239 2004, is located may share with the new city taxes and service charges or fees that were levied
240 and collected by the county under Section 17-34-3:

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

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

244 (C) for the purpose of providing services to the area that before the new city's

245 incorporation was unincorporated.

246 (ii) A county legislative body may share taxes and service charges or fees under
247 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts
248 due under a contract for municipal-type services provided by the county to the new city.

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

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

254 (ii) after incorporation, the new city.

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

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

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

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

264 **10-2-125. Incorporation of a town.**

265 (1) As used in this section:

266 (a) "Assessed value," with respect to agricultural land, means the value at which the
267 land would be assessed without regard to a valuation for agricultural use under Section
268 59-2-503.

269 (b) "Financial feasibility study" means a study to determine:

270 (i) the projected revenues for the proposed town during the first three years after
271 incorporation; and

272 (ii) the projected costs, including overhead, that the proposed town will incur in
273 providing governmental services during the first three years after incorporation.

274 (c) "Municipal service" means a publicly provided service that is not provided on a
275 countywide basis.

276 (d) "Nonurban" means having a residential density of less than one unit per acre.
277 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of
278 at least 100 but less than 1,000, may incorporate as a town as provided in this section.
279 (ii) An area within a county of the first class is not contiguous for purposes of
280 Subsection (2)(a)(i) if:
281 (A) the area includes a strip of land that connects geographically separate areas; and
282 (B) the distance between the geographically separate areas is greater than the average
283 width of the strip of land connecting the geographically separate areas.
284 (b) The population figure under Subsection (2)(a) shall be determined:
285 (i) as of the date the incorporation petition is filed; and
286 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's
287 certification under Subsection (6) of a petition filed under Subsection (4).
288 (3) (a) The process to incorporate an area as a town is initiated by filing a request for a
289 public hearing with the clerk of the county in which the area is located.
290 (b) Each request for a public hearing under Subsection (3)(a) shall:
291 (i) be signed by the owners of at least five separate parcels of private real property,
292 each owned by a different owner, located within the area proposed to be incorporated; and
293 (ii) be accompanied by an accurate map or plat depicting the boundary of the proposed
294 town.
295 (c) Within ten days after a request for a public hearing is filed under Subsection (3)(a),
296 the county clerk shall, with the assistance of other county officers from whom the clerk
297 requests assistance, determine whether the petition complies with the requirements of
298 Subsection (3)(b).
299 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with
300 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written
301 notice of the rejection to the signers of the request.
302 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the
303 requirements of Subsection (3)(b), the clerk shall:
304 (A) schedule and arrange for a public hearing to be held:
305 (I) (Aa) at a public facility located within the boundary of the proposed town; or
306 (Bb) if there is no public facility within the boundary of the proposed town, at another

307 nearby public facility or at the county seat; and

308 (II) within 20 days after the clerk provides the last notice required under Subsection
309 (3)(e)(i)(B); and

310 (B) subject to Subsection (3)(e)(ii), give notice of the public hearing on the proposed
311 incorporation by:

312 (I) posting notice of the public hearing on the county's Internet website, if the county
313 has an Internet website; and

314 (II) (Aa) publishing notice of the public hearing at least once a week for two
315 consecutive weeks in a newspaper of general circulation within the proposed town; or

316 (Bb) if there is no newspaper of general circulation within the proposed town, posting
317 notice of the public hearing in at least five conspicuous public places within the proposed town.

318 (ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,
319 Subsection (3)(e)(i)(B)(II)(Bb) and the first publishing of notice required under Subsection
320 (3)(e)(i)(B)(II)(Aa), if applicable, shall occur no later than ten days after the clerk determines
321 that a request complies with the requirements of Subsection (3)(b).

322 (iii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the chair
323 of the county commission or council, or the chair's designee, to:

324 (A) introduce the concept of the proposed incorporation to the public;

325 (B) allow the public to review the map or plat of the boundary of the proposed town;

326 (C) allow the public to ask questions and become informed about the proposed
327 incorporation; and

328 (D) allow the public to express their views about the proposed incorporation, including
329 their views about the boundary of the area proposed to be incorporated.

330 (4) (a) At any time within three months after the public hearing under Subsection
331 (3)(e), a petition to incorporate the area as a town may be filed with the clerk of the county in
332 which the area is located.

333 (b) Each petition under Subsection (4)(a) shall:

334 (i) be signed by:

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

336 (I) is located within the area proposed to be incorporated;

337 (II) covers a majority of the total private land area within the area;

338 (III) is equal in assessed value to more than 1/2 of the assessed value of all private real
339 property within the area; and

340 (IV) consists, in number of parcels, of at least 1/3 of the number of all parcels of
341 private real property within the area proposed to be incorporated; and

342 (B) a majority of all registered voters within the area proposed to be incorporated as a
343 town, according to the official voter registration list maintained by the county on the date the
344 petition is filed;

345 (ii) designate as sponsors at least five of the property owners who have signed the
346 petition, one of whom shall be designated as the contact sponsor, with the mailing address of
347 each owner signing as a sponsor;

348 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a
349 licensed surveyor, showing a legal description of the boundary of the proposed town; and

350 (iv) substantially comply with and be circulated in the following form:

351 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
352 town)

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

355 We, the undersigned owners of real property and registered voters within the area
356 described in this petition, respectfully petition the county legislative body for the area described
357 in this petition to be incorporated as a town. Each of the undersigned affirms that each has
358 personally signed this petition and is an owner of real property or a registered voter residing
359 within the described area, and that the current residence address of each is correctly written
360 after the signer's name. The area proposed to be incorporated as a town is described as follows:
361 (insert an accurate description of the area proposed to be incorporated).

362 (c) A petition under this Subsection (4) may not describe an area that includes some or
363 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

364 (i) was filed before the filing of the petition; and

365 (ii) is still pending on the date the petition is filed.

366 (d) A petition may not be filed under this section if the private real property owned by
367 the petition sponsors, designated under Subsection (4)(b)(ii), cumulatively exceeds 40% of the
368 total private land area within the area proposed to be incorporated as a town.

369 (e) A signer of a petition under this Subsection (4) may withdraw or, after withdrawn,
370 reinstate the signer's signature on the petition:

- 371 (i) at any time until the county clerk certifies the petition under Subsection (6); and
- 372 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

373 (5) (a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town
374 an area located within a county of the first class, the county clerk shall deliver written notice of
375 the proposed incorporation:

- 376 (i) to each owner of private real property owning more than 1% of the assessed value
377 of all private real property within the area proposed to be incorporated as a town; and
- 378 (ii) within seven calendar days after the date on which the petition is filed.

379 (b) A private real property owner described in Subsection (5)(a)(i) may exclude all or
380 part of the owner's property from the area proposed to be incorporated as a town by filing a
381 notice of exclusion:

- 382 (i) with the county clerk; and
- 383 (ii) within ten calendar days after receiving the clerk's notice under Subsection (5)(a).

384 (c) The county legislative body shall exclude from the area proposed to be incorporated
385 as a town the property identified in the notice of exclusion under Subsection (5)(b) if:

- 386 (i) the property:
 - 387 (A) is nonurban; and
 - 388 (B) does not and will not require a municipal service; and
- 389 (ii) exclusion will not leave an unincorporated island within the proposed town.

390 (d) If the county legislative body excludes property from the area proposed to be
391 incorporated as a town, the county legislative body shall send written notice of the exclusion to
392 the contact sponsor within five days after the exclusion.

393 (6) Within 20 days after the filing of a petition under Subsection (4), the county clerk
394 shall:

395 (a) with the assistance of other county officers from whom the clerk requests
396 assistance, determine whether the petition complies with the requirements of Subsection (4);
397 and

398 (b) (i) if the clerk determines that the petition complies with those requirements:

399 (A) certify the petition and deliver the certified petition to the county legislative body;

400 and

401 (B) mail or deliver written notification of the certification to:

402 (I) the contact sponsor;

403 (II) if applicable, the chair of the planning commission of each township in which any
404 part of the area proposed for incorporation is located; and

405 (III) the Utah Population Estimates Committee; or

406 (ii) if the clerk determines that the petition fails to comply with any of those
407 requirements, reject the petition and notify the contact sponsor in writing of the rejection and
408 the reasons for the rejection.

409 (7) (a) (i) A petition that is rejected under Subsection (6)(b)(ii) may be amended to
410 correct a deficiency for which it was rejected and then refiled with the county clerk.

411 (ii) A valid signature on a petition filed under Subsection (4)(a) may be used toward
412 fulfilling the signature requirement of Subsection (4)(b) for the same petition that is amended
413 under Subsection (7)(a)(i) and then refiled with the county clerk.

414 (b) If a petition is amended and refiled under Subsection (7)(a)(i) after having been
415 rejected by the county clerk under Subsection (6)(b)(ii):

416 (i) the amended petition shall be considered as a newly filed petition; and

417 (ii) the amended petition's processing priority is determined by the date on which it is
418 refiled.

419 (8) (a) (i) The legislative body of a county with which a petition is filed under
420 Subsection (4) may, at its option and upon the petition being certified under Subsection (6),
421 commission and pay for a financial feasibility study.

422 (ii) If the county legislative body chooses to commission a financial feasibility study,
423 the county legislative body shall:

424 (A) within 20 days after the incorporation petition is certified, select and engage a
425 feasibility consultant; and

426 (B) require the feasibility consultant to complete the financial feasibility study and
427 submit written results of the study to the county legislative body no later than 30 days after the
428 feasibility consultant is engaged to conduct the financial feasibility study.

429 (b) The county legislative body shall approve a petition proposing the incorporation of
430 a town and hold an election for town officers, as provided in Subsection (9), if:

431 (i) the county clerk has certified the petition under Subsection (6); and
432 (ii) (A) (I) the county legislative body has commissioned a financial feasibility study
433 under Subsection (8)(a); and
434 (II) the results of the financial feasibility study show that the average annual amount of
435 revenues described in Subsection (1)(b)(i) does not exceed the average annual amount of costs
436 described in Subsection (1)(b)(ii) by more than 10%; or
437 (B) the county legislative body chooses not to commission a financial feasibility study.
438 (c) (i) If the county legislative body commissions a financial feasibility study under
439 Subsection (8)(a) and the results of the financial feasibility study show that the average annual
440 amount of revenues described in Subsection (1)(b)(i) exceeds the average annual amount of
441 costs described in Subsection (1)(b)(ii) by more than 10%, the county legislative body may:
442 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial
443 feasibility study show that the average annual amount of revenues described in Subsection
444 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%
445 or more;
446 (B) approve the petition and hold an election for town officers, as provided in
447 Subsection (9); or
448 (C) (I) with the consent of the petition sponsors:
449 (Aa) impose conditions to mitigate the fiscal inequities identified in the financial
450 feasibility study; or
451 (Bb) alter the boundaries of the area proposed to be incorporated as a town to
452 approximate the boundaries necessary to prevent the average annual amount of revenues
453 described in Subsection (1)(b)(i) from exceeding the average annual amount of costs described
454 in Subsection (1)(b)(ii); and
455 (II) approve the incorporation petition and hold an election for town officers, as
456 provided in Subsection (9).
457 (ii) A county legislative body intending to deny a petition under Subsection (8)(c)(i)(A)
458 shall deny the petition within 20 days after the feasibility consultant submits the written results
459 of the financial feasibility study.
460 (d) Each town that incorporates pursuant to a petition approved after the county
461 legislative body imposes conditions under Subsection (8)(c)(i)(C)(I) shall comply with those

462 conditions.

463 (9) (a) The legislative body of the county in which the proposed new town is located
464 shall hold the election for town officers provided for in Subsection (8) within:

465 (i) 45 days after the petition is certified, for an election under Subsection (8)(b)(ii)(B);

466 (ii) 45 days after the feasibility consultant submits the written results of the financial
467 feasibility study, for an election under Subsection (8)(b)(ii)(A) or (8)(c)(i)(B); or

468 (iii) 60 days after the feasibility consultant submits the written results of the financial
469 feasibility study, for an election under Subsection (8)(c)(i)(C).

470 (b) The officers elected at an election under Subsection (9)(a) shall take office:

471 (i) at noon on the first Monday in January next following the election, if the election is
472 held on a regular general or municipal general election date; or

473 (ii) at noon on the first day of the month next following the effective date of the
474 incorporation under Subsection (12), if the election of officers is held on any other date.

475 (10) Each newly incorporated town shall operate under the five-member council form
476 of government as defined in Section 10-3b-102.

477 ~~(11) [(a) Within seven days after the canvass of the election of town officers under~~
478 ~~Subsection (9), the] The mayor-elect of the ~~[new] future~~ town shall ~~[file at least three copies of~~
479 ~~the articles of incorporation of the new town]:~~~~

480 (a) within 30 days after the canvass of the election of town officers under Subsection
481 (9), file with the lieutenant governor[-]:

482 ~~[(b) The articles of incorporation shall meet the requirements of Subsection~~
483 ~~10-2-119(2):-]~~

484 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
485 that meets the requirements of Subsection 67-1a-6.5(3); and

486 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

487 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
488 Section 67-1a-6.5, submit to the recorder of each county in which the town is located:

489 (i) the original notice of an impending boundary action;

490 (ii) the original certificate of incorporation; and

491 (iii) the original certified final boundary plat.

492 (12) (a) A new town is incorporated:

493 ~~[(a)]~~ (i) on December 31 of the year in which the lieutenant governor issues a
 494 certificate of ~~[entity creation for the town]~~ incorporation under Section 67-1a-6.5, if the
 495 election of town officers under Subsection (9) is held on a regular general or municipal general
 496 election date; or

497 ~~[(b)]~~ (ii) on the last day of the month during which the lieutenant governor issues a
 498 certificate of ~~[entity creation for the town]~~ incorporation under Section 67-1a-6.5, if the
 499 election of town officers under Subsection (9) is held on any other date.

500 (b) (i) The effective date of an incorporation for purposes of assessing property within
 501 the new town is governed by Section 59-2-305.5.

502 (ii) Until the documents listed in Subsection (11)(b) are recorded in the office of the
 503 recorder of the county in which the property is located, a newly incorporated town may not:

504 (A) levy or collect a property tax on property within the town;

505 (B) levy or collect an assessment on property within the town; or

506 (C) charge or collect a fee for service provided to property within the town.

507 (13) For each petition filed before March 5, 2008:

508 (a) the petition is subject to and governed by the law in effect at the time the petition
 509 was filed; and

510 (b) the law in effect at the time the petition was filed governs in all administrative and
 511 judicial proceedings relating to the petition.

512 Section 6. Section **10-2-302** is amended to read:

513 **10-2-302. Change of class of municipality.**

514 (1) Each municipality shall retain its classification under Section 10-2-301 until
 515 changed as provided in this section or Subsection 67-1a-2(3).

516 ~~[(2) The lieutenant governor shall monitor the population figure for each municipality~~
 517 ~~as shown on:]~~

518 ~~[(a) each official census or census estimate of the United States Bureau of the Census;~~
 519 ~~or]~~

520 ~~[(b) if the population figure for a municipality is not available from the United States~~
 521 ~~Bureau of the Census, the population estimate from the Utah Population Estimates~~
 522 ~~Committee.];~~

523 ~~[(3) If the applicable population figure under Subsection (2) indicates that a~~

524 municipality's population has increased beyond the limit for its current class, the lieutenant
525 governor shall:]

526 [~~(a)~~ prepare a certificate indicating the class in which the municipality belongs based
527 on the increased population figure; and]

528 [~~(b)~~ within ten days after preparing the certificate, deliver a copy of the certificate to
529 the legislative body of the municipality whose class has changed.]

530 [~~(4)~~ (a)] (2) If [~~the applicable~~] a municipality's population [~~figure~~], as determined by
531 the lieutenant governor under Subsection [(2)] 67-1a-2(3), indicates that [a] the municipality's
532 population has decreased below the limit for its current class, the legislative body of the
533 municipality may petition the lieutenant governor to prepare a certificate indicating the class in
534 which the municipality belongs based on the decreased population figure.

535 [~~(b)~~ Upon receipt of a petition under Subsection (4)(a), the lieutenant governor shall
536 prepare the certificate, and within ten days after preparing the certificate, deliver a copy of the
537 certificate to the legislative body of the municipality whose class has changed.]

538 [(5)] (3) A municipality's change in class is effective on the date of the lieutenant
539 governor's certificate under Subsection [(3) or (4)] 67-1a-2(3).

540 Section 7. Section **10-2-418** is amended to read:

541 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
542 **Hearing.**

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

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

547 (B) the majority of each island or peninsula consists of residential or commercial
548 development;

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

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

553 (ii) (A) the area to be annexed consists of one or more unincorporated islands within or
554 unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800

555 residents; and

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

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

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

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

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

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

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

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

576 (iii) send written notice to the board of each local district and special service district
577 whose boundaries contain some or all of the area proposed for annexation and to the legislative
578 body of the county in which the area proposed for annexation is located; and

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

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

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

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

585 (iii) describe the area proposed for annexation; and

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

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

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

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

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

598 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the
599 municipal legislative body may adopt an ordinance [~~annexing~~] approving the annexation of the
600 area proposed for annexation under this section unless, at or before the hearing, written protests
601 to the annexation have been filed with the city recorder or town clerk, as the case may be, by
602 the owners of private real property that:

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

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

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

608 (b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a
609 municipality may adopt an ordinance [~~annexing~~] approving the annexation of the area proposed
610 for annexation under this section without allowing or considering protests under Subsection
611 (3)(a) if the owners of at least 75% of the total private land area within the entire area proposed
612 for annexation, representing at least 75% of the value of the private real property within the
613 entire area proposed for annexation, have consented in writing to the annexation.

614 (ii) Upon [~~adoption of~~] the effective date under Section 10-2-425 of an annexation
615 approved by an ordinance adopted under Subsection (3)(b)(i), the area annexed shall be
616 conclusively presumed to be validly annexed.

617 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal
618 legislative body may not adopt an ordinance [~~annexing~~] approving the annexation of the area
619 proposed for annexation, and the annexation proceedings under this section shall be considered
620 terminated.

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

625 Section 8. Section **10-2-419** is amended to read:

626 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

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

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

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

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

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

647 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust

648 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
649 protests to the adjustment are filed by the owners of private real property that:

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

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

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

655 (v) state that the area that is the subject of the boundary adjustment will, because of the
656 boundary adjustment, be automatically annexed to a local district providing fire protection,
657 paramedic, and emergency services, as provided in Section 17B-1-416, if:

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

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

661 (II) in the creation of which an election was not required because of Subsection
662 17B-1-214(3)(c); and

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

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

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

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

671 (II) in the creation of which an election was not required because of Subsection
672 17B-1-214(3)(c); and

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

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

678 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal

679 legislative body may adopt an ordinance [~~adjusting~~] approving the adjustment of the common
 680 boundary unless, at or before the hearing under Subsection (2)(a)(ii), written protests to the
 681 adjustment have been filed with the city recorder or town clerk, as the case may be, by the
 682 owners of private real property that:

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

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

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

688 (4) The municipal legislative body shall comply with the requirements of Section
 689 10-2-425 as if the boundary [~~change~~] adjustment were an annexation.

690 (5) (a) An ordinance adopted under Subsection (3) becomes effective when each
 691 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
 692 (3) [~~and as determined under Subsection 10-2-425(5) if the boundary change were an~~
 693 ~~annexation~~].

694 (b) The effective date of a boundary adjustment under this section is governed by
 695 Section 10-2-425.

696 Section 9. Section **10-2-425** is amended to read:

697 **10-2-425. Filing of plat or map and amended articles -- Notice requirements.**

698 [~~(1) Within 30 days after enacting an ordinance annexing an unincorporated area or~~
 699 ~~adjusting a boundary under this part, the municipal legislative body shall:]~~

700 [~~(a) send notice of the enactment to each affected entity;]~~

701 [~~(b)~~] (1) The legislative body of each municipality that enacts an ordinance under this
 702 part approving the annexation of an unincorporated area or the adjustment of a boundary shall:

703 (a) within 30 days after enacting the ordinance or, in the case of a boundary
 704 adjustment, within 30 days after each of the municipalities involved in the boundary
 705 adjustment has enacted an ordinance, file with the lieutenant governor:

706 [~~(i) a certified copy of the ordinance approving the annexation or boundary adjustment,~~
 707 ~~together with a plat or map prepared by a licensed surveyor, approved by the municipal~~
 708 ~~legislative body, and filed with the county surveyor in accordance with Section 17-23-17,~~
 709 ~~showing the new boundaries of the affected area; and]~~

710 ~~[(ii) (A) if the municipality has articles of incorporation, amended articles of~~
 711 ~~incorporation reflecting the annexation or boundary adjustment, as provided in Section~~
 712 ~~10-1-117; or]~~

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

715 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that
 716 meets the requirements of Subsection 67-1a-6.5(3); and

717 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

718 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary
 719 adjustment, as the case may be, under Section 67-1a-6.5:

720 (i) submit to the recorder of each county in which the annexed area or the area affected
 721 by the boundary adjustment, respectively, is located:

722 (A) the original notice of an impending boundary action;

723 (B) the original certificate of annexation or boundary adjustment; and

724 (C) the original certified final boundary plat;

725 (ii) send notice of the annexation or boundary adjustment to each affected entity; and

726 ~~[(e)]~~ (iii) in accordance with Section 26-8a-414, file [the documents described in
 727 Subsection (1)(b)(i)] with the Department of Health[-];

728 (A) a certified copy of the ordinance approving the annexation of an unincorporated
 729 area or the adjustment of a boundary; and

730 (B) a copy of the certified final boundary plat.

731 (2) If an annexation or boundary adjustment under this part also causes an automatic
 732 annexation to a local district under Section 17B-1-416 or an automatic withdrawal from a local
 733 district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as
 734 practicable after ~~[enacting an ordinance annexing an unincorporated area or adjusting a~~
 735 ~~boundary]~~ the lieutenant governor issues a certificate of annexation or boundary adjustment
 736 under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the local
 737 district to which the annexed area is automatically annexed or from which the annexed area is
 738 automatically withdrawn.

739 ~~[(3) The municipal legislative body shall comply with the notice requirements of~~
 740 ~~Section 10-1-116.]~~

741 ~~[(4)]~~ (3) Each notice required under ~~[Subsections (1) and (3)]~~ Subsection (1) relating to
 742 an annexation or boundary adjustment shall state the effective date of the annexation or
 743 boundary adjustment, as determined under Subsection ~~[(5)]~~ (4).

744 ~~[(5)]~~ (4) An annexation or boundary adjustment under this part is completed and takes
 745 effect:

746 (a) for the annexation of or boundary adjustment affecting an area located in a county
 747 of the first class~~[-, except for an annexation under Section 10-2-418]:~~

748 (i) July 1 following ~~[enactment of an ordinance annexing the unincorporated area]~~ the
 749 lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or
 750 boundary adjustment if:

751 (A) the ~~[ordinance is adopted]~~ certificate is issued during the preceding November 1
 752 through April 30; and

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

754 (ii) January 1 following ~~[enactment of an ordinance annexing the unincorporated area]~~
 755 the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or
 756 boundary adjustment if:

757 (A) the ~~[ordinance is adopted]~~ certificate is issued during the preceding May 1 through
 758 October 31; and

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

760 (b) for all other annexations, the date of the lieutenant governor's issuance, under
 761 Section 67-1a-6.5, of[:] a certificate of annexation or boundary adjustment.

762 ~~[(i) a certification of amended articles under Subsection 10-1-117(3), for an annexation~~
 763 ~~by a municipality that has articles of incorporation and filed with the lieutenant governor~~
 764 ~~amended articles of incorporation under Subsection (1)(a)(iii)(A); or]~~

765 ~~[(ii) a certificate of annexation under Subsection (1)(b), for an annexation by a~~
 766 ~~municipality that does not have articles of incorporation and filed with the lieutenant governor~~
 767 ~~a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).]~~

768 (5) (a) As used in this Subsection (5):

769 (i) "Affected area" means:

770 (A) in the case of an annexation, the annexed area; and

771 (B) in the case of a boundary adjustment, any area that, as a result of the boundary

772 adjustment, is moved from within the boundary of one municipality to within the boundary of
773 another municipality.

774 (ii) "Annexing municipality" means:

775 (A) in the case of an annexation, the municipality that annexes an unincorporated area;

776 and

777 (B) in the case of a boundary adjustment, a municipality whose boundary includes an
778 affected area as a result of a boundary adjustment.

779 (b) The effective date of an annexation or boundary adjustment for purposes of
780 assessing property within an affected area is governed by Section 59-2-305.5.

781 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the
782 recorder of the county in which the property is located, a municipality may not:

783 (i) levy or collect a property tax on property within an affected area;

784 (ii) levy or collect an assessment on property within an affected area; or

785 (iii) charge or collect a fee for service provided to property within an affected area.

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

787 **10-2-507. Disconnection decree -- Filing of documents -- Notice requirements.**

788 [~~(1) (a) Upon entering a disconnection order, the court shall]~~

789 (1) As used in this section, "disconnection action" means:

790 (a) the municipal legislative body's adoption of an ordinance under Subsection

791 10-2-502.5(4)(b) approving disconnection; or

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

793 (2) The municipal legislative body shall:

794 (a) within 30 days after the disconnection action, file with the lieutenant governor [a
795 certified copy of the order and a transparent reproducible copy of the map or plat.];

796 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
797 that meets the requirements of Subsection 67-1a-6.5(3); and

798 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

799 (b) upon the lieutenant governor's issuance of a certificate of disconnection under

800 Section 67-1a-6.5, submit to the recorder of each county in which the disconnected territory is
801 located;

802 (A) the original notice of an impending boundary action;

803 (B) the original certificate of disconnection; and

804 (C) the original certified final boundary plat.

805 ~~[(b)]~~ (3) The disconnection is effective upon the lieutenant governor's [~~certification of~~
806 ~~the~~] issuance of a certificate of disconnection [~~order~~] under Section 67-1a-6.5.

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

810 ~~[(a) adoption of an ordinance approving disconnection under Subsection~~
811 ~~10-2-502.5(4)(b); or]~~

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

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

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

815 ~~[(b) specify the postdisconnection population of the municipality.]~~

816 ~~[(4) The lieutenant governor shall comply with the requirements of Subsection~~
817 ~~10-1-117(3):]~~

818 (4) (a) The effective date of a disconnection for purposes of assessing property within
819 the disconnected territory is governed by Section 59-2-305.5.

820 (b) Until the documents listed in Subsection (2)(b) are recorded in the office of the
821 recorder of the county in which the property is located, the county in which the disconnected
822 territory is located may not:

823 (i) except as provided in Section 10-2-506, levy or collect a property tax on property
824 within the disconnected territory;

825 (ii) levy or collect an assessment on property within the disconnected territory; or

826 (iii) charge or collect a fee for service provided to property within the disconnected
827 territory.

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

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

832 Section 11. Section **10-2-610** is amended to read:

833 **10-2-610. Favorable vote at election -- Notice of results -- Publication -- Filing.**

834 (1) ~~The [commissioners of the] legislative body of each county [or counties] in which a~~
835 ~~proposed consolidating municipality is located~~ shall canvass the results of the election or
836 elections in the same manner as for general elections and shall certify the results of the election
837 to the county clerk or clerks.

838 (2) If a majority of the ballots cast at the election on consolidation in each municipality
839 are for consolidation, the county clerk or clerks shall immediately, on receiving notice of the
840 results of the canvass ~~[being filed in the proper office]~~ under Subsection (1), give notice of the
841 result by publication in the same manner and for the same time as provided in Section 10-2-608
842 ~~[and in the notice the county clerk or clerks shall indicate to which class the consolidated~~
843 ~~municipality belongs. A copy of the notice with proper proof of its original publication shall~~
844 ~~be filed with the papers, and a certified copy of all papers and record entries relating to the~~
845 ~~matter on file in the county clerk's office shall be filed in the office of the county recorder. The~~
846 ~~mayor of the consolidated municipality shall cause articles of consolidation to be filed in the~~
847 ~~office of the lieutenant governor which shall contain the same information as is required in~~
848 ~~Subsection 10-2-119(2) together with a provision stating that the municipality is a~~
849 ~~consolidation of two or more municipalities and the names of the municipalities which~~
850 ~~comprise the new municipality].~~

851 (3) The mayors of the municipalities to be consolidated shall:

852 (a) within 30 days after the canvass of an election at which voters approve
853 consolidation, file with the lieutenant governor:

854 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
855 that meets the requirements of Subsection 67-1a-6.5(3); and

856 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

857 (b) upon the lieutenant governor's issuance of a certificate of consolidation under
858 Section 67-1a-6.5, submit to the recorder of each county in which the consolidated city is
859 located:

860 (i) the original notice of an impending boundary action;

861 (ii) the original certificate of incorporation; and

862 (iii) the original certified final boundary plat.

863 Section 12. Section **10-2-611** is amended to read:

864 **10-2-611. When consolidation complete -- Disincorporation of original**

865 **municipalities.**

866 (1) Upon the lieutenant governor's [~~certification of the articles~~] issuance of a certificate
867 of consolidation under Section 67-1a-6.5[~~, the incorporation of the new municipality shall be~~
868 ~~complete and~~];

869 (a) the consolidation is effective; and

870 (b) the original municipalities involved in the consolidation [~~shall be considered to be~~]
871 are disincorporated.

872 [~~(2) The legislative body of the new municipality shall comply with the notice~~
873 ~~requirements of Section 10-1-116.~~]

874 (2) (a) The effective date of a consolidation of municipalities for purposes of assessing
875 property within the consolidated municipality is governed by Section 59-2-305.5.

876 (b) Until the documents listed in Subsection 10-2-610(3)(b) are recorded in the office
877 of the recorder of the county in which the property is located, a consolidated municipality may
878 not:

879 (i) levy or collect a property tax on property within the consolidated municipality;

880 (ii) levy or collect an assessment on property within the consolidated municipality; or

881 (iii) charge or collect a fee for service provided to property within the consolidated
882 municipality.

883 Section 13. Section **10-2-705** is amended to read:

884 **10-2-705. Judgment -- Determination of claims.**

885 The vote shall be taken and canvassed in the same manner as in other municipal
886 elections, and return thereof made to the district court. If the district court finds that a majority
887 of the votes cast favored dissolution, a judgment shall be entered [~~dissolving~~] approving the
888 dissolution of the municipality and, upon dissolution, the corporate powers of such
889 municipality shall cease, and the court shall cause notice to be given in a manner to be
890 prescribed by it, requiring all claims against the municipality to be filed in the court within a
891 time fixed in the notice, not exceeding six months, and all claims not so filed shall be forever
892 barred. At the expiration of the time so fixed the court shall adjudicate claims so filed, which
893 shall be treated as denied, and any citizen of the municipality at the time the vote was taken
894 may appear and defend against any claim so filed, or the court may in its discretion appoint
895 some person for that purpose.

896 Section 14. Section **10-2-711** is amended to read:

897 **10-2-711. Dissolution by the county legislative body.**

898 (1) (a) A municipality having fewer than 50 residents may be dissolved on application
899 to the district court by the county legislative body of the county where the municipality is
900 located.

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

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

906 (2) Notice of the application shall be served on the municipality in the manner
907 prescribed by law or by publication in the manner provided by law if the municipal authorities
908 cannot be served.

909 (3) The district court may enter an order approving the dissolution of the municipality
910 [~~dissolved~~] on a finding that the existence of the municipality serves no valid municipal
911 purpose, its existence is a sham, or on a clear and convincing showing that the best interests of
912 the community would be served by the dissolution.

913 (4) If the municipality is dissolved, the district court shall wind down the affairs and
914 dissolve the municipality as quickly as possible in the same manner as is provided in Sections
915 10-2-705 through 10-2-709.

916 Section 15. Section **10-2-712** is amended to read:

917 **10-2-712. Power of court -- Articles of dissolution -- Notice to lieutenant**
918 **governor.**

919 (1) The district court may:

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

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

923 (2) (a) [~~The~~] Upon entering an order approving the dissolution of a municipality, the
924 district court shall file [articles of dissolution] with the lieutenant governor [on the dissolution
925 of the municipality.];

926 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,

927 that meets the requirements of Subsection 67-1a-6.5(3); and

928 (ii) a certified copy of the court order approving the dissolution.

929 (b) Upon the lieutenant governor's [~~certification of the articles~~] issuance of a certificate
930 of dissolution[;] under Section 67-1a-6.5:

931 (i) the municipality is dissolved [~~under Section 67-1a-6.5~~]; and

932 (ii) the court shall submit to the recorder of each county in which the dissolved
933 municipality was located:

934 (A) the original court order approving dissolution of the municipality; and

935 (B) the original certificate of dissolution.

936 (3) (a) The effective date of a dissolution of a municipality for purposes of assessing
937 property within the dissolved municipality is governed by Section 59-2-305.5.

938 (b) Until the documents listed in Subsection (2)(b)(ii) are recorded in the office of the
939 recorder of the county in which the property is located, the county in which a dissolved
940 municipality is located may not:

941 (i) levy or collect a property tax on property within the former boundary of the
942 dissolved municipality;

943 (ii) levy or collect an assessment on property within the former boundary of the
944 dissolved municipality; or

945 (iii) charge or collect a fee for service provided to property within the former boundary
946 of the dissolved municipality.

947 Section 16. Section **10-6-111** is amended to read:

948 **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**
949 **-- Budget message -- Review by governing body.**

950 (1) (a) On or before the first regularly scheduled meeting of the governing body in the
951 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on
952 forms provided by the state auditor, and file with the governing body, a tentative budget for
953 each fund for which a budget is required.

954 (b) The tentative budget of each fund shall set forth in tabular form [~~the following~~]:

955 [~~(a) Actual~~] (i) the actual revenues and expenditures in the last completed fiscal
956 period[;];

957 [~~(b) Budget~~] (ii) the budget estimates for the current fiscal period[;];

958 ~~[(e) Actual]~~ (iii) the actual revenues and expenditures for a period of 6 to 21 months,
959 as appropriate, of the current fiscal period[-];

960 ~~[(d) Estimated]~~ (iv) the estimated total revenues and expenditures for the current fiscal
961 period[-];

962 ~~[(e) The]~~ (v) the budget officer's estimates of revenues and expenditures for the budget
963 period, computed [in the following manner:] as provided in Subsection (1)(c); and

964 ~~[(i) The budget officer shall estimate, on the basis of demonstrated need, the~~
965 ~~expenditures for the budget period after a review of the budget requests and estimates of the~~
966 ~~department heads. Each department head shall be heard by the budget officer prior to making~~
967 ~~of the final estimates, but the officer may revise any department's estimate as the officer~~
968 ~~considers advisable for the purpose of presenting the budget to the governing body.]~~

969 ~~[(ii) The budget officer shall estimate the amount of revenue available to serve the~~
970 ~~needs of each fund, estimate the portion to be derived from all sources other than general~~
971 ~~property taxes, and estimate the portion that must be derived from general property taxes.~~
972 ~~From the latter estimate the officer shall compute and disclose in the budget the lowest rate of~~
973 ~~property tax levy that will raise the required amount of revenue, calculating the levy upon the~~
974 ~~latest taxable value.]~~

975 ~~[(f) If]~~ (vi) if the governing body elects, the actual performance experience to the
976 extent established by Section 10-6-154 and available in work units, unit costs, man hours, or
977 man years for each budgeted fund on an actual basis for the last completed fiscal period, and
978 estimated for the current fiscal period and for the ensuing budget period.

979 (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),
980 the budget officer shall estimate:

981 (A) on the basis of demonstrated need, the expenditures for the budget period, after:

982 (I) hearing each department head; and

983 (II) reviewing the budget requests and estimates of the department heads; and

984 (B) (I) the amount of revenue available to serve the needs of each fund;

985 (II) the portion of revenue to be derived from all sources other than general property
986 taxes; and

987 (III) the portion of revenue that must be derived from general property taxes.

988 (ii) The budget officer may revise any department's estimate under Subsection

989 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to
990 the governing body.

991 (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall
992 compute and disclose in the budget the lowest rate of property tax levy that will raise the
993 required amount of revenue, calculating the levy upon the latest taxable value.

994 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,
995 shall contain the estimates of expenditures submitted by department heads, together with
996 specific work programs and such other supporting data as this chapter requires or the governing
997 body may request. Each city of the first or second class shall, and a city of the third, fourth, or
998 fifth class may, submit a supplementary estimate of all capital projects which each department
999 head believes should be undertaken within the next three succeeding years.

1000 (b) Each tentative budget submitted by the budget officer to the governing body shall
1001 be accompanied by a budget message, which shall explain the budget, contain an outline of the
1002 proposed financial policies of the city for the budget period, and shall describe the important
1003 features of the budgetary plan. It shall set forth the reasons for salient changes from the
1004 previous fiscal period in appropriation and revenue items and shall explain any major changes
1005 in financial policy.

1006 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the
1007 governing body in any regular meeting or special meeting called for the purpose and may be
1008 amended or revised in such manner as is considered advisable prior to public hearings, except
1009 that no appropriation required for debt retirement and interest or reduction of any existing
1010 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be
1011 reduced below the minimums so required.

1012 (4) (a) If the municipality is acting pursuant to Section 10-2-120, the tentative budget
1013 shall:

1014 (i) be submitted to the governing body-elect as soon as practicable [~~after the filing of~~
1015 ~~the notice under Section 10-2-120 indicating the proposed date for filing the articles of~~
1016 ~~incorporation~~]; and

1017 (ii) cover each fund for which a budget is required from the date of incorporation to the
1018 end of the fiscal year.

1019 (b) The governing body shall substantially comply with all other provisions of this [act]

1020 chapter, and the budget shall be passed upon incorporation.

1021 Section 17. Section **11-13-204** is amended to read:

1022 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
1023 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**
1024 **lieutenant governor.**

1025 (1) (a) An interlocal entity:

1026 (i) may:

1027 (A) adopt, amend, and repeal rules, bylaws, policies, and procedures for the regulation
1028 of its affairs and the conduct of its business;

1029 (B) sue and be sued;

1030 (C) have an official seal and alter that seal at will;

1031 (D) make and execute contracts and other instruments necessary or convenient for the
1032 performance of its duties and the exercise of its powers and functions;

1033 (E) acquire real or personal property, or an undivided, fractional, or other interest in
1034 real or personal property, necessary or convenient for the purposes contemplated in the
1035 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;

1036 (F) directly or by contract with another:

1037 (I) own and acquire facilities and improvements or an undivided, fractional, or other
1038 interest in facilities and improvements;

1039 (II) construct, operate, maintain, and repair facilities and improvements; and

1040 (III) provide the services contemplated in the agreement creating the interlocal entity;

1041 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
1042 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
1043 any part of the revenues and receipts from the facilities, improvements, or services that the
1044 interlocal entity provides;

1045 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
1046 other obligations issued by the interlocal entity; and

1047 (I) sell or contract for the sale of the services, output, product, or other benefits
1048 provided by the interlocal entity to:

1049 (I) public agencies inside or outside the state; and

1050 (II) with respect to any excess services, output, product, or benefits, any person on

1051 terms that the interlocal entity considers to be in the best interest of the public agencies that are
1052 parties to the agreement creating the interlocal entity; and

1053 (ii) may not levy, assess, or collect ad valorem property taxes.

1054 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(i)(G) may, to
1055 the extent provided by the documents under which the assignment, pledge, or other conveyance
1056 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes
1057 payable to the state or its political subdivisions.

1058 (2) An energy services interlocal entity:

1059 (a) except with respect to any ownership interest it has in facilities providing additional
1060 project capacity, is not subject to:

1061 (i) Part 3, Project Entity Provisions; or

1062 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
1063 Pay Corporate Franchise or Income Tax Act; and

1064 (b) may:

1065 (i) own, acquire, and, by itself or by contract with another, construct, operate, and
1066 maintain a facility or improvement for the generation, transmission, and transportation of
1067 electric energy or related fuel supplies;

1068 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
1069 services, transmission, and transportation services, and supplies of natural gas and fuels
1070 necessary for the operation of generation facilities;

1071 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,
1072 and others, whether located in or out of the state, for the sale of wholesale services provided by
1073 the energy services interlocal entity; and

1074 (iv) adopt and implement risk management policies and strategies and enter into
1075 transactions and agreements to manage the risks associated with the purchase and sale of
1076 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,
1077 and other instruments.

1078 (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or
1079 an amendment to that agreement may provide that the agreement may continue and the
1080 interlocal entity may remain in existence until the latest to occur of:

1081 (a) 50 years after the date of the agreement or amendment;

1082 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its
1083 indebtedness;

1084 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed
1085 or transferred all of its interest in its facilities and improvements; or

1086 (d) five years after the facilities and improvements of the interlocal entity are no longer
1087 useful in providing the service, output, product, or other benefit of the facilities and
1088 improvements, as determined under the agreement governing the sale of the service, output,
1089 product, or other benefit.

1090 (4) (a) The governing body of each party to the agreement to create an interlocal entity
1091 under Section 11-13-203 shall[-];

1092 (i) within 30 days [~~of~~] after the date of the agreement, jointly file [~~a written notice of~~
1093 ~~the agreement~~] with the lieutenant governor[-];

1094 [~~(b) Each written notice required under Subsection (4)(a) shall:]~~

1095 [~~(i) be accompanied by:]~~

1096 [~~(A) a copy of the agreement to create the interlocal entity; and]~~

1097 (A) a copy of a notice of an impending boundary action, as defined in Section
1098 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1099 (B) if less than all of the territory of any Utah public agency that is a party to the
1100 agreement is included within the interlocal entity, a copy of a certified final boundary plat [~~that~~
1101 ~~delineates a metes and bounds description of the area affected or a map of the area affected;~~
1102 ~~and~~], as defined in Section 67-1a-6.5; and

1103 [~~(ii) contain a certification by the governing body that all necessary legal requirements~~
1104 ~~relating to the creation have been completed:]~~

1105 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
1106 67-1a-6.5, submit to the recorder of each county in which the interlocal entity is located:

1107 (A) the original notice of an impending boundary action;

1108 (B) the original certificate of creation; and

1109 (C) the original certified final boundary plat, if a certified final boundary plat was
1110 required to be filed with the lieutenant governor under Subsection (4)(a)(i)(B).

1111 [~~(5)~~] (b) Upon the lieutenant governor's issuance of a certificate of creation under
1112 Section 67-1a-6.5, the interlocal entity is created.

1113 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the
 1114 recorder of the county in which the property is located, a newly created interlocal entity may
 1115 not charge or collect a fee for service provided to property within the interlocal entity.

1116 ~~[(6)]~~ (5) Nothing in this section may be construed as expanding the rights of any
 1117 municipality or interlocal entity to sell or provide retail service.

1118 Section 18. Section **11-13-205** is amended to read:

1119 **11-13-205. Agreement by public agencies to create a new entity to own sewage**
 1120 **and wastewater facilities -- Powers and duties of new entities -- Validation of previously**
 1121 **created entities -- Notice to lieutenant governor.**

1122 (1) It is declared that the policy of the state is to assure the health, safety, and welfare
 1123 of its citizens, that adequate sewage and wastewater treatment plants and facilities are essential
 1124 to the well-being of the citizens of the state and that the acquisition of adequate sewage and
 1125 wastewater treatment plants and facilities on a regional basis in accordance with federal law
 1126 and state and federal water quality standards and effluent standards in order to provide services
 1127 to public agencies is a matter of statewide concern and is in the public interest. It is found and
 1128 declared that there is a statewide need to provide for regional sewage and wastewater treatment
 1129 plants and facilities, and as a matter of express legislative determination it is declared that the
 1130 compelling need of the state for construction of regional sewage and wastewater treatment
 1131 plants and facilities requires the creation of entities under the Interlocal Cooperation Act to
 1132 own, construct, operate, and finance sewage and wastewater treatment plants and facilities; and
 1133 it is the purpose of this law to provide for the accomplishment thereof in the manner provided
 1134 in this section.

1135 (2) Any two or more public agencies of the state may also agree to create a separate
 1136 legal or administrative entity to accomplish and undertake the purpose of owning, acquiring,
 1137 constructing, financing, operating, maintaining, and repairing regional sewage and wastewater
 1138 treatment plants and facilities.

1139 (3) A separate legal or administrative entity created ~~[in the manner provided herein]~~
 1140 under this section is considered to be a political subdivision and body politic and corporate of
 1141 the state with power to carry out and effectuate its corporate powers, including~~[-but not limited~~
 1142 ~~to;]~~ the power:

1143 (a) to adopt, amend, and repeal rules, bylaws, and regulations, policies, and procedures

1144 for the regulation of its affairs and the conduct of its business, to sue and be sued in its own
1145 name, to have an official seal and power to alter that seal at will, and to make and execute
1146 contracts and all other instruments necessary or convenient for the performance of its duties
1147 and the exercise of its powers and functions under the Interlocal Cooperation Act;

1148 (b) to own, acquire, construct, operate, maintain, repair, or cause to be constructed,
1149 operated, maintained, and repaired one or more regional sewage and wastewater treatment
1150 plants and facilities, all as shall be set forth in the agreement providing for its creation;

1151 (c) to borrow money, incur indebtedness and issue revenue bonds, notes or other
1152 obligations payable solely from the revenues and receipts derived from all or a portion of the
1153 regional sewage and wastewater treatment plants and facilities which it owns, operates, and
1154 maintains, such bonds, notes, or other obligations to be issued and sold in compliance with the
1155 provisions of Title 11, Chapter 14, Local Government Bonding Act;

1156 (d) to enter into agreements with public agencies and other parties and entities to
1157 provide sewage and wastewater treatment services on such terms and conditions as it considers
1158 to be in the best interests of its participants; and

1159 (e) to acquire by purchase or by exercise of the power of eminent domain, any real or
1160 personal property in connection with the acquisition and construction of any sewage and
1161 wastewater treatment plant and all related facilities and rights-of-way which it owns, operates,
1162 and maintains.

1163 (4) The provisions of Part 3, Project Entity Provisions, do not apply to a legal or
1164 administrative entity created for regional sewage and wastewater treatment purposes under this
1165 section.

1166 (5) All proceedings previously had in connection with the creation of any legal or
1167 administrative entity pursuant to this chapter, and all proceedings previously had by any such
1168 entity for the authorization and issuance of bonds of the entity are validated, ratified, and
1169 confirmed; and these entities are declared to be validly created interlocal cooperation entities
1170 under this chapter. These bonds, whether previously or subsequently issued pursuant to these
1171 proceedings, are validated, ratified, and confirmed and declared to constitute, if previously
1172 issued, or when issued, the valid and legally binding obligations of the entity in accordance
1173 with their terms. Nothing in this section shall be construed to affect or validate any bonds, or
1174 the organization of any entity, the legality of which is being contested at the time this act takes

1175 effect.

1176 (6) (a) The governing body of each party to the agreement to create an entity under this
1177 section shall[-];

1178 (i) within 30 days [~~of~~] after the date of the agreement, jointly file [~~a written notice of~~
1179 ~~the agreement~~] with the lieutenant governor[-];

1180 [~~(b) Each written notice required under Subsection (6)(a) shall:]~~

1181 [~~(i) be accompanied by:]~~

1182 [~~(A) a copy of the agreement to create the entity; and]~~

1183 [~~(B) a map or plat that delineates a metes and bounds description of the area affected;~~
1184 ~~and]~~

1185 [~~(ii) contain a certification by the governing body that all necessary legal requirements~~
1186 ~~relating to the creation have been completed.]~~

1187 (A) a copy of a notice of an impending boundary action, as defined in Section
1188 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1189 (B) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

1190 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
1191 67-1a-6.5, submit to the recorder of each county in which the entity is located:

1192 (A) the original notice of an impending boundary action;

1193 (B) the original certificate of creation; and

1194 (C) the original certified final boundary plat.

1195 [~~(7)~~] (b) Upon the lieutenant governor's issuance of a certificate of entity creation under
1196 Section 67-1a-6.5, the entity is created.

1197 (c) Until the documents listed in Subsection (6)(a)(ii) are recorded in the office of the
1198 recorder of the county in which the property is located, a newly created entity under this section
1199 may not charge or collect a fee for service provided to property within the entity.

1200 Section 19. Section **17-2-101** is enacted to read:

1201 **CHAPTER 2. COUNTY CONSOLIDATIONS AND ANNEXATIONS**

1202 **Part 1. Consolidation of Counties**

1203 **17-2-101. Title.**

1204 (1) This chapter is known as "County Consolidations and Annexations."

1205 (2) This part is known as "Consolidation of Counties."

1206 Section 20. Section **17-2-102** is enacted to read:

1207 **17-2-102. Definitions.**

1208 As used in this part:

1209 (1) "Consolidating county" means the county to which another county is joined or is
1210 proposed to be joined by consolidation under this part.

1211 (2) "Originating county" means the county that is joined or proposed to be joined to
1212 another county by consolidation under this part.

1213 Section 21. Section **17-2-103**, which is renumbered from Section 17-2-1 is renumbered
1214 and amended to read:

1215 ~~[17-2-1].~~ **17-2-103. County to county -- Petition -- Election -- Ballots.**

1216 ~~[Whenever]~~ (1) If a majority of the legal voters of any county desire to have the
1217 ~~[territory included within the boundaries of such] county [annexed to] joined to and~~
1218 consolidated with an adjoining county, they may petition the county legislative body of the
1219 county in which they reside[, which is hereafter referred to as the county to be annexed, as well
1220 as] and the county legislative body of the adjoining county [to which they desire to be annexed,
1221 which shall hereafter be referred to as the annexing county. Such petition must].

1222 (2) Each petition under Subsection (1) shall be presented before the first Monday in
1223 June of any year~~[, and, if].~~

1224 (3) (a) If a petition under Subsection (1) is presented in a year during which a regular
1225 general election is held, the county legislative body [must cause said] of the originating county
1226 and the county legislative body of the consolidating county shall cause the proposition to be
1227 submitted to the legal voters of [each of said counties] their respective counties at the [ensuing]
1228 next regular general election[. If the petition].

1229 (b) If a petition under Subsection (1) is presented during a year in which there is no
1230 regular general election, the county legislative body [must] of the originating county and the
1231 county legislative body of the consolidating county shall:

1232 (i) call a special election to be held on the first Tuesday after the first Monday in
1233 November following the presentation of [such] the petition[;]; and [must]

1234 (ii) cause the proposition to be submitted to the legal voters of the respective counties
1235 on that day.

1236 (c) Except as otherwise provided[, such election] in this part, an election under this

1237 Subsection (3) shall be held, the results canvassed, and returns made under the provisions of
 1238 the general election laws of the state.

1239 (d) The ballot to be used at an election under this Subsection (3) shall be:

1240 For [~~annexing~~] combining ____ county [~~to~~] with ____ county.

1241 Against [~~annexing~~] combining ____ county [~~to~~] with ____ county.

1242 Section 22. Section **17-2-104**, which is renumbered from Section 17-2-3 is renumbered
 1243 and amended to read:

1244 **[17-2-3]. 17-2-104. Certification of election result to governor.**

1245 [~~The certified abstract of such returns must be filed in the office of the lieutenant~~
 1246 ~~governor, and, if]~~

1247 If it appears [~~therefrom~~] from the certified report that the lieutenant governor receives
 1248 under Section 20A-4-304 that a majority of the voters in each of the counties have voted in
 1249 favor of [~~such annexation~~] consolidation, the lieutenant governor [~~must~~] shall certify the result
 1250 of [~~such~~] the vote to the governor.

1251 Section 23. Section **17-2-105**, which is renumbered from Section 17-2-4 is renumbered
 1252 and amended to read:

1253 **[17-2-4]. 17-2-105. Governor's proclamation -- Notice to lieutenant governor**
 1254 **-- Effective date.**

1255 (1) Upon receipt of the election result from the lieutenant governor under Section
 1256 [~~17-2-3~~] 17-2-104, the governor shall issue a proclamation, stating the result of the vote in each
 1257 of the counties, and that the [~~annexation~~] consolidation of the one county [~~to~~] with the other
 1258 will take effect as provided in Subsection (3).

1259 (2) [~~(a) Within 30 days after the issuance of the governor's proclamation under~~
 1260 ~~Subsection (1), the] The legislative body of the [~~annexing~~] consolidating county shall:~~

1261 (a) within 30 days after the issuance of the governor's proclamation under Subsection
 1262 (1), send [~~a notice~~] to the lieutenant governor[-];

1263 [~~(b) Each notice under Subsection (2)(a) shall include:]~~

1264 [~~(i) a copy of the governor's proclamation;]~~

1265 [~~(ii) a certification that all necessary legal requirements relating to the annexation have~~
 1266 ~~been completed; and]~~

1267 [~~(iii) a map or plat that delineates an accurate metes and bounds description of the~~

1268 ~~annexing county following annexation.]~~

1269 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
1270 that meets the requirements of Subsection 67-1a-6.5(3); and

1271 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

1272 (b) upon the lieutenant governor's issuance of a certificate of consolidation under
1273 Section 67-1a-6.5, submit to the recorder of the consolidating county:

1274 (i) the original notice of an impending boundary action;

1275 (ii) the original certificate of consolidation; and

1276 (iii) the original certified final boundary plat.

1277 (3) ~~[An annexation]~~ (a) A consolidation of counties approved at an election under
1278 Section ~~[17-2-1]~~ 17-2-103 takes effect on January 1 of the year immediately following the
1279 lieutenant governor's issuance of ~~[the: (a) governor's proclamation; and (b)]~~ a certificate of
1280 consolidation ~~[by the lieutenant governor]~~ under Section 67-1a-6.5.

1281 (b) (i) The effective date of a consolidation of counties for purposes of assessing
1282 property within the consolidating county is governed by Section 59-2-305.5.

1283 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the
1284 recorder of the county in which the property is located, a consolidating county may not:

1285 (A) levy or collect a property tax on property in the consolidating county that used to
1286 be in the originating county;

1287 (B) levy or collect an assessment on property in the consolidating county that used to
1288 be in the originating county; or

1289 (C) charge or collect a fee for service provided to property within the consolidating
1290 county that used to be in the originating county.

1291 Section 24. Section **17-2-106**, which is renumbered from Section 17-2-5 is renumbered
1292 and amended to read:

1293 ~~[17-2-5].~~ **17-2-106. Conditions of consolidation.**

1294 ~~[Whenever a majority of the legal voters of each of the counties to which the~~
1295 ~~proposition is submitted vote in favor of annexing one county to another in the manner~~
1296 ~~provided in this chapter such annexation shall be made under the following conditions:]~~

1297 ~~[(1) Such annexation shall be complete and take effect on the first Monday of January~~
1298 ~~following the day of the election at which such proposition was submitted.]~~

1299 [(2)] (1) All territory [~~theretofore~~] included within the boundaries of the originating
 1300 county [~~annexed shall become~~] becomes, upon consolidation, the territory of the [~~annexing~~]
 1301 consolidating county.

1302 [(3)] (2) The precincts and school districts existing in the originating county [~~annexed~~
 1303 ~~shall~~] continue and become precincts and school districts in the [~~annexing~~] consolidating
 1304 county and [~~shall~~] remain as then organized until changed in the manner provided by law, and
 1305 the officers of [~~such~~] those precincts and school districts [~~shall~~] hold their respective offices
 1306 until the expiration of the applicable terms [~~thereof~~].

1307 [(4) All] (3) The ownership of all property, both real and personal, held and owned by
 1308 the originating county [~~annexed shall be~~] at the time of consolidation is vested in the
 1309 [~~annexing~~] consolidating county.

1310 [(5)] (4) The terms of all county officers in the originating county [~~annexed shall~~]
 1311 terminate and cease on the day the [~~annexation~~] consolidation takes effect, and [~~it is made the~~
 1312 ~~duty of such~~] those officers [~~to~~] shall immediately deliver to the corresponding officers of the
 1313 [~~annexing~~] consolidating county all books, records, and papers of the [~~annexed~~] originating
 1314 county.

1315 [(6)] (5) Any person who is confined under lawful commitment in the county jail of the
 1316 originating county [~~annexed~~], or otherwise lawfully held to answer for alleged violation of any
 1317 of the criminal laws of this state, shall be immediately delivered to the sheriff of the [~~annexing~~]
 1318 consolidating county, and such person shall be confined in its county jail for the unexpired
 1319 term of the sentence or held as specified in the commitment.

1320 [(7)] (6) (a) All criminal proceedings pending in the originating county [~~annexed~~] shall
 1321 be prosecuted to judgment and execution in the [~~annexing~~] consolidating county[~~; all~~].

1322 (b) All offenses [~~theretofore~~] committed in the originating county [~~annexed which shall~~
 1323 ~~not have~~] before consolidation that have not been prosecuted shall be prosecuted in the
 1324 [~~annexing~~] consolidating county.

1325 [(8)] (7) All actions, proceedings, and matters pending in the district court of the
 1326 originating county [~~annexed~~] may be proceeded with in the district court of the [~~annexing~~]
 1327 consolidating county.

1328 [(9)] (8) All indebtedness of the originating county [~~annexed shall be~~] are transferred to
 1329 and become the indebtedness of the [~~annexing~~] consolidating county with the same effect as if

1330 it had been incurred by ~~[such]~~ the consolidating county.

1331 Section 25. Section **17-2-201** is enacted to read:

1332 **Part 2. County Annexation**

1333 **17-2-201. Title.**

1334 This part is known as "County Annexation."

1335 Section 26. Section **17-2-202** is enacted to read:

1336 **17-2-202. Definitions.**

1337 As used in this part:

1338 (1) "Annexing county" means the county to which a portion of an adjoining county is
1339 annexed or proposed to be annexed as provided in this part.

1340 (2) "Initiating county" means the county, from which a portion is annexed or proposed
1341 to be annexed to an adjoining county.

1342 Section 27. Section **17-2-203**, which is renumbered from Section 17-2-6 is renumbered
1343 and amended to read:

1344 ~~[17-2-6].~~ **17-2-203. Annexation of portion of county to adjoining county --**
1345 **Petition -- Election -- Ballots.**

1346 (1) (a) Except as provided in Section ~~[17-2-13, whenever]~~ 17-2-209, if a majority of
1347 the legal voters of any portion of any county, in number equal to a majority of the votes cast at
1348 the preceding general election within that portion of the county, desire to have the territory
1349 within which they reside included within the boundaries of an adjoining county, they may
1350 petition the county legislative body of the county in which they reside~~[-, which is hereafter~~
1351 ~~referred to as the county from which territory is to be taken, as well as]~~ and the county
1352 legislative body of the adjoining county ~~[to which they desire to be annexed, which is referred~~
1353 ~~to as the annexing county].~~

1354 (b) ~~[Such]~~ Each petition ~~[must]~~ under Subsection (1)(a) shall be presented before the
1355 first Monday in June of a year during which a general election is held~~[-, and the county].~~

1356 (c) If a petition is presented under Subsection (1)(a), at the ensuing regular general
1357 election:

1358 (i) the legislative body ~~[must]~~ of the initiating county shall cause ~~[such]~~ the proposition
1359 to be submitted to the legal voters residing in the initiating county ~~[from which territory is to be~~
1360 ~~taken as well as]; and~~

1361 (ii) the legislative body of the annexing county shall cause the proposition to be
 1362 submitted to the legal voters of the annexing county [at the ensuing general election].

1363 (2) (a) Except as otherwise provided, the election provided in Subsection (1) shall be
 1364 held, the results canvassed, and returns made under the provisions of the general election laws
 1365 of the state.

1366 (b) The ballot to be used shall be:

1367 For annexing a portion of ____ county to ____ county.

1368 Against annexing a portion of ____ county to ____ county.

1369 Section 28. Section **17-2-204**, which is renumbered from Section 17-2-8 is renumbered
 1370 and amended to read:

1371 ~~[17-2-8].~~ **17-2-204. Certification of election result to governor.**

1372 ~~[(1) The certified abstract under Section 17-2-7 shall be filed in the office of the~~
 1373 ~~lieutenant governor.]~~

1374 ~~[(2)]~~ In an election held under Subsection ~~[17-2-6(1)]~~ 17-2-203(1), if it appears from
 1375 the certified ~~[abstracts]~~ report that the lieutenant governor receives under Section 20A-4-304
 1376 that a majority ~~[in each county]~~ of those voting in each county have voted in favor of ~~[such]~~ the
 1377 annexation, the lieutenant governor shall certify the result of ~~[such]~~ the vote to the governor.

1378 Section 29. Section **17-2-205**, which is renumbered from Section 17-2-9 is renumbered
 1379 and amended to read:

1380 ~~[17-2-9].~~ **17-2-205. Governor's proclamation -- Notice to lieutenant governor**
 1381 **-- When annexation effective.**

1382 (1) Upon receipt of the lieutenant governor's certification under Section ~~[17-2-8]~~
 1383 17-2-204, the governor shall issue a proclamation, stating the result of the vote in each county,
 1384 and that the annexation of the territory to the annexing county will take effect as provided in
 1385 Subsection (3).

1386 (2) ~~[(a) Within 30 days after the issuance of the governor's proclamation under~~
 1387 ~~Subsection (1), the]~~ The legislative body of the annexing county shall:

1388 (a) within 30 days after the issuance of the governor's proclamation under Subsection
 1389 (1), send [a notice] to the lieutenant governor[-];

1390 ~~[(b) Each notice under Subsection (2)(a) shall include:]~~

1391 ~~[(i) a copy of the governor's proclamation;]~~

1392 ~~[(ii) a certification that all necessary legal requirements relating to the annexation have~~
1393 ~~been completed; and]~~

1394 ~~[(iii) a map or plat that delineates an accurate metes and bounds description of the area~~
1395 ~~that was annexed.]~~

1396 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
1397 that meets the requirements of Subsection 67-1a-6.5(3); and

1398 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

1399 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section
1400 67-1a-6.5, submit to the recorder of the annexing county:

1401 (i) the original notice of an impending boundary action;

1402 (ii) the original certificate of consolidation; and

1403 (iii) the original certified final boundary plat.

1404 (3) (a) An annexation approved at an election under Section [17-2-6] 17-2-203 takes
1405 effect on January 1 of the year immediately following [issuance of the: (a) governor's
1406 proclamation; and (b)] the lieutenant governor's issuance of a certificate of [boundary change
1407 by the lieutenant governor] annexation under Section 67-1a-6.5.

1408 (b) (i) The effective date of a county annexation for purposes of assessing property
1409 within the annexing county is governed by Section 59-2-305.5.

1410 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the
1411 recorder of the county in which the property is located, an annexing county may not:

1412 (A) levy or collect a property tax on property in the annexing county that used to be in
1413 the initiating county;

1414 (B) levy or collect an assessment on property in the annexing county that used to be in
1415 the initiating county; or

1416 (C) charge or collect a fee for service provided to property within the annexing county
1417 that used to be in the initiating county.

1418 Section 30. Section **17-2-206**, which is renumbered from Section 17-2-10 is
1419 renumbered and amended to read:

1420 ~~[17-2-10].~~ **17-2-206. Territory becomes part of annexing county -- Division of**
1421 **revenues.**

1422 (1) Upon the effective date of the annexation, all the area proposed to be annexed shall

1423 become part of the annexing county.

1424 (2) (a) The legislative body of the initiating county [~~in which the area proposed to be~~
1425 ~~annexed is located before annexation~~] shall:

1426 (i) until the date of annexation, continue:

1427 (A) to levy and collect ad valorem property tax and other revenues from or pertaining
1428 to the area; and

1429 (B) except as otherwise agreed with the annexing county, to provide the same services
1430 to the area proposed to be annexed as the initiating county provided before the commencement
1431 of the annexation proceedings; and

1432 (ii) after annexation, share pro rata with the annexing county the taxes and service
1433 charges or fees levied and collected by the initiating county during the year of the annexation if
1434 and to the extent that the annexing county provides, by itself or by contract, the same services
1435 for which the initiating county levied and collected the taxes and service charges or fees.

1436 (b) The pro rata allocation of taxes under Subsection (2)(a)(ii) shall be based on the
1437 date of annexation, and the pro rata allocation of service charges and fees shall be based on the
1438 proportion of services related to the service charges and fees that remain to be rendered after
1439 annexation.

1440 Section 31. Section **17-2-207**, which is renumbered from Section 17-2-11 is
1441 renumbered and amended to read:

1442 ~~[17-2-11].~~ **17-2-207. Effect on precincts and school districts -- Assumption of**
1443 **indebtedness.**

1444 (1) The precincts and school districts in the annexed territory [~~shall~~];

1445 (a) continue[~~, and shall~~];

1446 (b) become precincts and school districts in the annexing county; and [~~shall~~]

1447 (c) remain as then organized until changed in the manner provided by law[~~, and the~~].

1448 (2) The officers of [~~such~~] those precincts and school districts [~~shall~~] hold their
1449 respective offices until the expiration of [~~the~~] their terms [~~thereof; provided, that whenever~~
1450 ~~pursuant to the provisions of this chapter any~~].

1451 (3) If a precinct or school district [~~shall be~~] is divided [~~the same shall become~~] because
1452 of a county annexation under this part:

1453 (a) the precinct or school district is disorganized, and the property and territory

1454 embraced ~~[therein shall be]~~ in the precinct or school district is subject to the action of the
 1455 county legislative body of the respective counties~~[-; provided further, that]; and~~

1456 (b) any bonded or other indebtedness of ~~[any such]~~ a school district ~~[shall attach]~~
 1457 attaches to~~[-]~~ and ~~[become]~~ becomes the obligation of~~[-]~~ the district that ~~[shall be]~~ is created
 1458 out of the territory that ~~[shall retain]~~ retains the buildings and other property of the original
 1459 district.

1460 Section 32. Section **17-2-208**, which is renumbered from Section 17-2-12 is
 1461 renumbered and amended to read:

1462 ~~[17-2-12].~~ **17-2-208. Pending criminal proceedings.**

1463 All criminal proceedings and actions ~~[which shall be]~~ pending in the annexed territory
 1464 at the time of annexation shall be prosecuted to judgment and execution in ~~[such]~~ the annexed
 1465 territory as part of the annexing county. All offenses ~~[theretofore]~~ committed in the annexed
 1466 territory ~~[which shall not]~~ before annexation that have not been prosecuted may be prosecuted
 1467 to judgment and execution in ~~[such]~~ the annexed territory or any part of the annexing county.

1468 Section 33. Section **17-2-209**, which is renumbered from Section 17-2-13 is
 1469 renumbered and amended to read:

1470 ~~[17-2-13].~~ **17-2-209. Minor adjustments to county boundaries authorized --**
 1471 **Public hearing -- Joint resolution of county legislative bodies -- Notice to lieutenant**
 1472 **governor.**

1473 (1) Counties sharing a common boundary may, in accordance with the provisions of
 1474 Subsection (2) and Article XI, Section 3, of the Utah Constitution, adjust all or part of the
 1475 common boundary to move it up to 1,000 feet from its location before the adjustment.

1476 (2) The legislative bodies of both counties desiring to adjust a common boundary in
 1477 accordance with Subsection (1) shall:

1478 (a) hold a joint public hearing on the proposed boundary adjustment;

1479 (b) in addition to the regular notice required for public meetings of the county
 1480 legislative bodies, mail written notice to all real property owners of record whose property may
 1481 change counties as the result of the proposed adjustment; and

1482 (c) adopt a joint resolution approved by both county legislative bodies ~~[which: (i)-~~
 1483 approves] approving the proposed boundary adjustment~~[-]~~.

1484 ~~[(ii) sets forth the legal description of the county boundary after the adjustment; and]~~

1485 ~~[(iii) provides an effective date for the boundary adjustment.]~~
1486 ~~[(3)(a) Within 15 days after the adoption of a joint resolution under Subsection (2)(c)~~
1487 ~~by both counties, the legislative bodies shall]~~
1488 (3) The legislative bodies of both counties adopting a joint resolution under Subsection
1489 (2)(c) shall:
1490 (a) within 15 days after adopting the joint resolution, jointly send [a notice] to the
1491 lieutenant governor[-]:
1492 ~~[(b) Each notice under Subsection (3)(a) shall include:]~~
1493 ~~[(i) a copy of the joint resolution under Subsection (2)(c);]~~
1494 ~~[(ii) a certification that all necessary legal requirements relating to the boundary~~
1495 ~~adjustment have been completed; and]~~
1496 ~~[(iii) a map or plat, verified by the county surveyor, and filed with the county surveyor~~
1497 ~~in accordance with Section 17-23-17, that delineates an accurate metes and bounds description~~
1498 ~~of the boundary adjustment.]~~
1499 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
1500 that meets the requirements of Subsection 67-1a-6.5(3); and
1501 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and
1502 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
1503 under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is
1504 located after the boundary adjustment:
1505 (i) the original notice of an impending boundary action;
1506 (ii) the original certificate of boundary adjustment; and
1507 (iii) the original certified final boundary plat.
1508 (4) (a) As used in this Subsection (4):
1509 (i) "Affected area" means an area that, as a result of a boundary adjustment under this
1510 section, is moved from within the boundary of one county to within the boundary of another
1511 county.
1512 (ii) "Receiving county" means a county whose boundary includes an affected area as a
1513 result of a boundary adjustment under this section.
1514 (b) A boundary adjustment under this section takes effect on the date the lieutenant
1515 governor issues a certificate of boundary adjustment under Section 67-1a-6.5.

1516 (c) (i) The effective date of a boundary adjustment for purposes of assessing property
 1517 within an affected area is governed by Section 59-2-305.5.

1518 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the
 1519 recorder of the county in which the property is located, a receiving county may not:

1520 (A) levy or collect a property tax on property within an affected area;

1521 (B) levy or collect an assessment on property within an affected area; or

1522 (C) charge or collect a fee for service provided to property within an affected area.

1523 ~~[(4)]~~ (5) Upon the effective date of [the joint resolution under Subsection (2)(c) or the
 1524 date the lieutenant governor issues the certificate of] a boundary [change] adjustment under
 1525 [Section 67-1a-6.5, whichever date is later,] this section:

1526 (a) all territory designated to be [annexed] adjusted into another county [shall become]
 1527 becomes the territory of the [annexing] other county; and

1528 (b) the provisions of Sections [17-2-11 and 17-2-12 shall] 17-2-207 and 17-2-208
 1529 apply in the same manner as with [any other annexations] an annexation under this [chapter]
 1530 part.

1531 Section 34. Section **17-3-3** is amended to read:

1532 **17-3-3. Certification of returns -- Governor's proclamation of creation of new**
 1533 **county -- Name -- Judicial district -- Notice to lieutenant governor.**

1534 ~~[(1) The certified abstract of returns under Section 17-3-2 shall be filed in the office of~~
 1535 ~~the lieutenant governor, who shall certify the result to the governor.]~~

1536 ~~[(2)]~~ (1) If it appears that any proposition submitted to the electors as provided in this
 1537 chapter has been carried in the affirmative by a majority vote of the qualified electors residing
 1538 in that portion of the county proposed as a new county, and also by a majority vote of the
 1539 qualified electors residing in the remaining portion of that county[;]:

1540 (a) the lieutenant governor, upon receiving the certified report under Section
 1541 20A-4-304, shall certify the result to the governor; and

1542 (b) upon receiving the results from the lieutenant governor under Subsection (1)(a), the
 1543 governor shall issue a proclamation, stating:

1544 ~~[(a)]~~ (i) the result of the vote in each division of the county;

1545 ~~[(b)]~~ (ii) the name and boundaries of the new county;

1546 ~~[(c)]~~ (iii) the boundaries of the original county as changed by the creation of the new

1547 county;

1548 ~~[(d)]~~ (iv) that the creation of the new county will take effect on the first Monday in

1549 January following the lieutenant governor's issuance of a certificate of creation under Section

1550 67-1a-6.5;

1551 ~~[(e)]~~ (v) the name proposed in the petition as the name of the new county; and

1552 ~~[(f)]~~ (vi) the judicial district to which the new county belongs.

1553 ~~[(3) (a) Within 30 days after the issuance of the governor's proclamation under~~

1554 ~~Subsection (2), the]~~

1555 (2) The legislative body of the county from which the greatest portion of the new

1556 county was taken shall:

1557 (a) within 30 days after the issuance of the governor's proclamation under Subsection

1558 (1), send [a notice] to the lieutenant governor[-];

1559 ~~[(b) Each notice under Subsection (3)(a) shall include:]~~

1560 ~~[(i) a copy of the governor's proclamation;]~~

1561 ~~[(ii) a certification that all necessary legal requirements relating to the creation of the~~

1562 ~~new county have been completed; and]~~

1563 ~~[(iii) a map or plat that delineates an accurate metes and bounds description of the new~~

1564 ~~county.]~~

1565 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,

1566 that meets the requirements of Subsection 67-1a-6.5(3); and

1567 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

1568 (b) upon the lieutenant governor's issuance of a certificate of creation under Section

1569 67-1a-6.5, submit to the recorder of the new county:

1570 (i) the original notice of an impending boundary action;

1571 (ii) the original certificate of creation; and

1572 (iii) the original certified final boundary plat.

1573 ~~[(4)]~~ (3) (a) The new county that is the subject of the ~~[governor's proclamation under~~

1574 ~~Subsection (2) shall be]~~ lieutenant governor's certificate of creation under Section 67-1a-6.5 is

1575 a county of the state from and after 12 noon of the first Monday in January following the

1576 issuance of the [governor's proclamation:] lieutenant governor's certificate of creation.

1577 (b) (i) The effective date of the creation of a new county for purposes of assessing

1578 property within the county is governed by Section 59-2-305.5.

1579 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the
1580 recorder of the new county, the new county may not:

1581 (A) levy or collect a property tax on property in the county;

1582 (B) levy or collect an assessment on property in the county; or

1583 (C) charge or collect a fee for service provided to property within the county.

1584 Section 35. Section **17-21-20** is amended to read:

1585 **17-21-20. Recording required -- Recorder may impose requirements on**
1586 **documents to be recorded -- Prerequisites -- Additional fee for noncomplying documents**
1587 **-- Recorder may require tax serial number -- Exceptions.**

1588 (1) Subject to Subsections (2), (3), and (4), each paper, notice, and instrument required
1589 by law to be filed in the office of the county recorder shall be recorded unless otherwise
1590 provided.

1591 (2) Each document executed on or after July 1, 2007 that is submitted for recording to
1592 a county recorder's office shall:

1593 (a) unless otherwise provided by law, be an original or certified copy of the document;

1594 (b) be in English or be accompanied by an accurate English translation of the
1595 document;

1596 (c) contain a brief title, heading, or caption on the first page stating the nature of the
1597 document;

1598 (d) contain the legal description of the property that is the subject of the document;

1599 (e) comply with the requirements of Section 17-21-25 and Subsections 57-3-105(1)
1600 and (2);

1601 (f) be notarized with the notary stamp with the seal legible; and

1602 (g) have original signatures.

1603 (3) (a) Beginning September 1, 2007, a county recorder may require that each paper,
1604 notice, and instrument submitted for recording in the county recorder's office:

1605 (i) be on white paper that is 8-1/2 inches by 11 inches in size;

1606 (ii) have a margin of one inch on the left and right sides and at the bottom of each
1607 page;

1608 (iii) have a space of 2-1/2 inches down and 4-1/2 inches across the upper right corner

1609 of the first page and a margin of one inch at the top of each succeeding page;

1610 (iv) not be on sheets of paper that are continuously bound together at the side, top, or
1611 bottom;

1612 (v) not contain printed material on more than one side of each page;

1613 (vi) be printed in black ink and not have text smaller than seven lines of text per
1614 vertical inch; and

1615 (vii) be sufficiently legible to make certified copies.

1616 (b) A county recorder who intends to establish requirements under Subsection (3)(a)
1617 shall first:

1618 (i) provide formal notice of the requirements; and

1619 (ii) establish and publish an effective date for the requirements that is at least three
1620 months after the formal notice under Subsection (3)(b)(i).

1621 (c) If a county recorder establishes requirements under this Subsection (3), the county
1622 recorder may charge and collect from persons who submit a document for recording that does
1623 not comply with the requirements, in addition to any other fee that the county recorder is
1624 authorized to charge and collect, a fee that:

1625 (i) is calculated to recover the additional cost of handling and recording noncomplying
1626 documents; and

1627 (ii) may not exceed \$2 per page.

1628 (4) (a) To facilitate the abstracting of an instrument, a county recorder may require that
1629 the applicable tax serial number of each parcel affected by the instrument appear on each
1630 instrument before it may be accepted for recording.

1631 (b) If a county recorder requires the applicable tax serial number to be on an instrument
1632 before it may be recorded:

1633 (i) the county recorder shall post a notice of that requirement in a conspicuous place at
1634 the recorder's office;

1635 (ii) the tax serial number may not be considered to be part of the legal description and
1636 may be indicated on the margin of the instrument; and

1637 (iii) an error in the tax serial number does not affect the validity of the instrument or
1638 effectiveness of the recording.

1639 (5) Subsections (2), (3), and (4) do not apply to:

- 1640 (a) a map;
- 1641 (b) a certificate or affidavit of death;
- 1642 (c) a military discharge;
- 1643 (d) a document regarding taxes that is issued by the Internal Revenue Service of the
- 1644 United States Department of the Treasury;
- 1645 (e) a document submitted for recording that has been filed with a court and conforms to
- 1646 the formatting requirements established by the court; or
- 1647 (f) a document submitted for recording that is in a form required by law.

1648 (6) (a) As used in this Subsection (6):

1649 (i) "Boundary action" has the same meaning as defined in Section 17-23-20.

1650 (ii) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

1651 (b) A person may not submit to a county recorder for recording a plat depicting the
1652 boundary of a local entity as the boundary exists as a result of a boundary action, unless:

1653 (i) the plat has been certified under Section 17-23-20 by the county surveyor as a final
1654 boundary plat, as defined in Section 17-23-20; and

1655 (ii) the person also submits for recording:

1656 (A) the original notice of an impending boundary action, as defined in Section
1657 67-1a-6.5, for the boundary action for which the plat is submitted for recording; and

1658 (B) the original applicable certificate, as defined in Section 67-1a-6.5, issued by the
1659 lieutenant governor under Section 67-1a-6.5 for the boundary action for which the plat is
1660 submitted for recording.

1661 Section 36. Section **17-23-20** is enacted to read:

1662 **17-23-20. Final plats of local entity boundary actions -- County surveyor**
1663 **certification of final plat.**

1664 (1) As used in this section:

1665 (a) "Approving authority" means the person or body required under applicable statute
1666 to submit to the lieutenant governor a notice of an impending boundary action, as defined in
1667 Section 67-1a-6.5.

1668 (b) (i) "Boundary action" means any action that establishes, modifies, or eliminates the
1669 boundary of a local entity, including incorporation or creation, annexation, withdrawal or
1670 disconnection, consolidation, division, boundary adjustment, and dissolution.

- 1671 (ii) "Boundary action" does not include the determination of the true location of a
1672 county boundary under Section 17-50-105.
- 1673 (c) "Final boundary plat" means a plat that:
- 1674 (i) depicts the boundary of a local entity or, in the case of the proposed incorporation or
1675 creation of a local entity, a future local entity, as the boundary is proposed to exist as a result of
1676 a boundary action; and
- 1677 (ii) meets the requirements of Subsection (4).
- 1678 (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
- 1679 (2) Upon request and in consultation with the county recorder, the county surveyor of
1680 each county in which property depicted on a plat is located shall determine whether the plat is a
1681 final boundary plat.
- 1682 (3) (a) If a county surveyor determines that a plat meets the requirements of Subsection
1683 (4), the county surveyor shall certify the plat as a final boundary plat.
- 1684 (b) The county surveyor shall indicate the certification of a plat as a final boundary plat
1685 on the face of the final boundary plat.
- 1686 (4) A county surveyor may certify a plat as a final boundary plat if the plat:
- 1687 (a) contains a graphical illustration of the local entity boundary, as the boundary is
1688 proposed to exist as a result of a proposed boundary action;
- 1689 (b) is created on reproducible material that is:
- 1690 (i) permanent in nature; and
- 1691 (ii) the size and type specified by the county recorder;
- 1692 (c) is drawn to a scale so that all data are legible;
- 1693 (d) contains complete and accurate boundary information sufficient:
- 1694 (i) for retractment; and
- 1695 (ii) to enable:
- 1696 (A) the county surveyor to establish the boundary on the ground, in the event of a
1697 dispute about the accurate location of the boundary; and
- 1698 (B) the county recorder to identify, for tax purposes, each tract or parcel included
1699 within the boundary;
- 1700 (e) depicts a name for the plat, approved by the county recorder, that is sufficiently
1701 unique to distinguish the plat from all other recorded plats in the county;

- 1702 (f) contains:
- 1703 (i) a reference to two existing government monuments, including:
- 1704 (A) the type or construction of each monument;
- 1705 (B) the date stamped on the monument, if the date is stamped on the monument; and
- 1706 (C) if known or shown on the monument, the agency responsible for installing the
- 1707 monument;
- 1708 (ii) the name of the local entity whose boundary is depicted on the plat;
- 1709 (iii) the name of each county within which any property depicted on the plat is located;
- 1710 (iv) the date that the plat was prepared;
- 1711 (v) a north arrow and legend;
- 1712 (vi) a signature block for:
- 1713 (A) the signatures of:
- 1714 (I) the professional land surveyor who prepared the plat; and
- 1715 (II) the local entity's approving authority; and
- 1716 (B) the certification of the county surveyor; and
- 1717 (vii) a three inch by three inch block in the lower right hand corner for the county
- 1718 recorder's use when recording the plat;
- 1719 (g) has been certified and signed by a professional land surveyor licensed under Title
- 1720 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and
- 1721 (h) has been reviewed and signed by the approving authority of the local entity whose
- 1722 boundary is depicted on the plat.
- 1723 (5) The county surveyor may charge and collect a reasonable fee for the costs
- 1724 associated with:
- 1725 (a) the process of determining whether a plat is a final boundary plat; and
- 1726 (b) the certification of a plat as a final boundary plat.
- 1727 Section 37. Section **17-50-104** is amended to read:
- 1728 **17-50-104. Counties of the state -- County boundaries maintained by lieutenant**
- 1729 **governor -- Notice of county boundary changes.**
- 1730 (1) The counties of the state are those whose geographic boundaries are described in
- 1731 the official county boundary records maintained by the office of the lieutenant governor and
- 1732 may be changed only in accordance with the provisions of this title.

1733 (2) The office of the lieutenant governor shall maintain the official county boundaries
 1734 for the counties of the state and update those boundaries [~~when notified of a change in county~~
 1735 ~~boundaries in accordance with Subsection (3)] upon the lieutenant governor's issuance, under
 1736 Section 67-1a-6.5, of an applicable certificate, as defined in that section.~~

1737 [~~(3) Whenever any change is made to county boundaries under this title, the affected~~
 1738 ~~counties shall provide notice of the change, including an accurate map or plat of the changed~~
 1739 ~~county boundaries, to the lieutenant governor.]~~

1740 Section 38. Section **17B-1-215** is amended to read:

1741 **17B-1-215. Notice to lieutenant governor -- Certificate of incorporation -- Local**
 1742 **district incorporated as specialized local district or basic local district.**

1743 (1) [~~The~~] (a) Within the time specified in Subsection (1)(b), the responsible body shall
 1744 file [a notice] with the lieutenant governor:

1745 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 1746 that meets the requirements of Subsection 67-1a-6.5(3); and

1747 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5.

1748 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the
 1749 lieutenant governor within ten days after:

1750 [~~a~~] (i) the canvass of an election under Section 17B-1-214, if a majority of those
 1751 voting at the election within the proposed local district as a whole vote in favor of the creation
 1752 of a local district;

1753 [~~b~~] (ii) certification of a petition as to which the election requirement of Subsection
 1754 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a) or (b); or

1755 [~~c~~] (iii) adoption of a resolution under Subsection 17B-1-213(4) approving the
 1756 creation of a local district for which an election was not required under Subsection
 1757 17B-1-214(3)(c) or (d), by the legislative body of each county whose unincorporated area is
 1758 included within and the legislative body of each municipality whose area is included within the
 1759 proposed local district, or by the board of trustees of the initiating local district.

1760 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under
 1761 Section 67-1a-6.5, the responsible body shall submit to the recorder of each county in which
 1762 the local district is located:

1763 (a) the original notice of an impending boundary action;

1764 (b) the original certificate of incorporation; and

1765 (c) the original certified final boundary plat.

1766 ~~[(2)]~~ (3) The area of each local district ~~[shall consist]~~ consists of:

1767 (a) if an election was held under Section 17B-1-214, the area of the new local district
1768 as approved at the election;

1769 (b) if an election was not required because of Subsection 17B-1-214(3)(a) or (b), the
1770 area of the proposed local district as described in the petition; or

1771 (c) if an election was not required because of Subsection 17B-1-214(3)(c) or (d), the
1772 area of the new local district as described in the resolution adopted under Subsection
1773 17B-1-213(4).

1774 ~~[(3) In each notice under Subsection (1) the responsible body shall:]~~

1775 ~~[(a) if the notice follows an election under Section 17B-1-214, certify the results of the~~
1776 ~~election;]~~

1777 ~~[(b) describe the boundaries of the new local district with an accurate map or plat~~
1778 ~~showing the boundaries delineated in Subsection (2), prepared and certified by a licensed~~
1779 ~~surveyor and filed with the county surveyor in accordance with Section 17-23-17; and]~~

1780 ~~[(c) certify that all requirements for the creation of a local district have been complied~~
1781 ~~with.]~~

1782 (4) (a) Upon the lieutenant governor's issuance of the certificate of ~~[creation]~~
1783 incorporation under Section 67-1a-6.5, the local district is created and incorporated as:

1784 ~~[(a)]~~ (i) the type of specialized local district that was specified in the petition under
1785 Subsection 17B-1-203(1)(a) or (b) or resolution under Subsection 17B-1-203(1)(c) or (d), if the
1786 petition or resolution proposed the creation of a specialized local district; or

1787 ~~[(b)]~~ (ii) a basic local district, if the petition or resolution did not propose the creation
1788 of a specialized local district.

1789 (b) (i) The effective date of a local district's incorporation for purposes of assessing
1790 property within the local district is governed by Section 59-2-305.5.

1791 (ii) Until the documents listed in Subsection (2) are recorded in the office of the
1792 recorder of the county in which the property is located, a local district may not:

1793 (A) levy or collect a property tax on property within the annexed area;

1794 (B) levy or collect an assessment on property within the annexed area; or

1795 (C) charge or collect a fee for service provided to property within the annexed area.

1796 Section 39. Section **17B-1-216** is amended to read:

1797 **17B-1-216. Costs and expenses of creating a local district.**

1798 (1) Except as provided in Subsection (2), each county whose unincorporated area
1799 includes and each municipality whose boundaries include some or all of the proposed local
1800 district shall bear their respective costs and expenses associated with the procedure under this
1801 part for creating a local district.

1802 (2) Within a year after its creation, each local district shall reimburse the costs and
1803 expenses associated with the preparation, certification, and [~~filin~~] recording of the [~~map~~]
1804 certified final boundary plat of the local district under [~~Subsection 17B-1-215(3)(b)~~] Section
1805 17B-1-215.

1806 Section 40. Section **17B-1-414** is amended to read:

1807 **17B-1-414. Resolution approving an annexation -- Notice of annexation -- When**
1808 **annexation complete.**

1809 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution
1810 approving the annexation of the area proposed to be annexed or rejecting the proposed
1811 annexation within 30 days after:

1812 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests
1813 to require an election are not filed;

1814 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

1815 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is
1816 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

1817 (B) expiration of the time for submitting a request for public hearing under Subsection
1818 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
1819 hearing.

1820 (b) If the local district has entered into an agreement with the United States that
1821 requires the consent of the United States for an annexation of territory to the district, a
1822 resolution approving annexation under this part may not be adopted until the written consent of
1823 the United States is obtained and filed with the board of trustees.

1824 (2) (a) [~~The~~] (i) Within the time specified under Subsection (2)(a)(ii), the board shall
1825 file [a notice] with the lieutenant governor:

1826 (A) a copy of a notice of an impending boundary action, as defined in Section
1827 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable,
1828 Subsection (2)(b); and

1829 (B) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5.

1830 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant
1831 governor:

1832 [(i)] (A) within 30 days after adoption of a resolution under Subsection (1), Subsection
1833 17B-1-412(3)(c)(i), or Section 17B-1-415; and

1834 [(ii)] (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2)
1835 of a municipal annexation that causes an automatic annexation to a local district under Section
1836 17B-1-416.

1837 (b) [~~The notice~~] For an automatic annexation to a local district under Section
1838 17B-1-416, the notice of an impending boundary action required under Subsection (2)(a) shall[:
1839 (i) be accompanied by: (A) if applicable, a copy of the board resolution approving the
1840 annexation; and (B) an accurate map depicting the boundaries of the area to be annexed or a
1841 legal description of the area to be annexed, adequate for purposes of the county assessor and
1842 recorder; (ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i);
1843 include a certification by the local district board that all requirements for the annexation have
1844 been complied with; and (iii) for an automatic annexation to a local district under Section
1845 17B-1-416,] state that an area outside the boundaries of the local district is being automatically
1846 annexed to the local district under Section 17B-1-416 because of a municipal annexation under
1847 Title 10, Chapter 2, Part 4, Annexation.

1848 (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section
1849 67-1a-6.5, the board shall submit to the recorder of each county in which the annexed area is
1850 located:

1851 (i) the original notice of an impending boundary action;

1852 (ii) the original certificate of incorporation; and

1853 (iii) the original certified final boundary plat.

1854 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation
1855 under this part of an area located in a county of the first class to a local district:

1856 (i) created to provide fire protection, paramedic, and emergency services; and

1857 (ii) in the creation of which an election was not required because of Subsection
1858 17B-1-214(3)(c).

1859 (b) An annexation under this part is complete and becomes effective:

1860 ~~[(i) for an annexation pursuant to a resolution described in Subsection (2)(a)(i):]~~

1861 (i) (A) [(H)] on July 1 for a fire district annexation, if the lieutenant governor issues the
1862 certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or

1863 ~~[(H)] (B)~~ on January 1 for a fire district annexation, if the lieutenant governor issues
1864 the certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or

1865 ~~[(B)] (ii)~~ upon the lieutenant governor's issuance of the certificate of annexation under
1866 Section 67-1a-6.5, for ~~[an] any other~~ annexation ~~[other than an annexation described in~~
1867 ~~Subsection (3)(b)(i)(A); and]~~.

1868 ~~[(i) for an automatic annexation that is the subject of a notice under Subsection~~
1869 ~~(2)(a)(ii):]~~

1870 ~~[(A) (I) on July 1 for a fire district annexation, if the lieutenant governor issues the~~
1871 ~~certificate of annexation under Subsection 10-1-117(3)(b) from January 1 through June 30; or]~~

1872 ~~[(H) on January 1 for a fire district annexation, if the lieutenant governor issues the~~
1873 ~~certificate of annexation under Subsection 10-1-117(3)(b) from July 1 through December 31;~~
1874 ~~or]~~

1875 ~~[(B) upon the lieutenant governor's issuance of the certificate of annexation under~~
1876 ~~Subsection 10-1-117(3)(b), for an annexation other than an annexation described in Subsection~~
1877 ~~(3)(b)(ii)(A):]~~

1878 (c) (i) The effective date of a local district annexation for purposes of assessing
1879 property within the annexed area is governed by Section 59-2-305.5.

1880 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the
1881 recorder of the county in which the property is located, a newly incorporated local district may
1882 not:

1883 (A) levy or collect a property tax on property within the local district;

1884 (B) levy or collect an assessment on property within the local district; or

1885 (C) charge or collect a fee for service provided to property within the local district.

1886 Section 41. Section **17B-1-415** is amended to read:

1887 **17B-1-415. Annexation of wholesale district through expansion of retail provider.**

1888 (1) (a) A local district that provides a wholesale service may adopt a resolution
1889 approving the annexation of an area outside the local district's boundaries if:

1890 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,
1891 a municipality or another local district that:

1892 (A) acquires the wholesale service from the local district and provides it as a retail
1893 service;

1894 (B) is, before the annexation or other addition, located at least partly within the local
1895 district; and

1896 (C) after the annexation or other addition will provide to the annexed or added area the
1897 same retail service that the local district provides as a wholesale service to the municipality or
1898 other local district; and

1899 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of
1900 another local district that provides the same wholesale service as the proposed annexing local
1901 district.

1902 (b) For purposes of this section:

1903 (i) a local district providing public transportation service shall be considered to be
1904 providing a wholesale service; and

1905 (ii) a municipality included within the boundaries of the local district providing public
1906 transportation service shall be considered to be acquiring that wholesale service from the local
1907 district and providing it as a retail service and to be providing that retail service after the
1908 annexation or other addition to the annexed or added area, even though the municipality does
1909 not in fact provide that service.

1910 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local
1911 district providing a wholesale service and located partly or entirely within the boundaries of
1912 another local district that provides the same wholesale service may be annexed to the local
1913 district if:

1914 (a) the conditions under Subsection (1)(a)(i) are present; and

1915 (b) the proposed annexing local district and the other local district follow the same
1916 procedure as is required for a boundary adjustment under Section 17B-1-417, including both
1917 district boards adopting a resolution approving the annexation of the area to the proposed
1918 annexing local district and the withdrawal of that area from the other district.

1919 (3) Upon the adoption of an annexation resolution under this section, the board of the
1920 annexing local district shall comply with the requirements of Subsection 17B-1-414(2), and the
1921 lieutenant governor shall issue a certificate of annexation and send a copy of notice as provided
1922 in Section 67-1a-6.5.

1923 (4) [~~Subsection~~] Subsections 17B-1-414(2) and (3) [~~applies~~] apply to an annexation
1924 under this section.

1925 Section 42. Section **17B-1-416** is amended to read:

1926 **17B-1-416. Automatic annexation to a district providing fire protection,**
1927 **paramedic, and emergency services.**

1928 (1) An area outside the boundaries of a local district that is annexed to a municipality
1929 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,
1930 Annexation, is automatically annexed to the local district if:

1931 (a) the local district provides fire protection, paramedic, and emergency services;

1932 (b) an election for the creation of the local district was not required because of
1933 Subsection 17B-1-214(3)(c); and

1934 (c) before the municipal annexation or boundary adjustment, the entire municipality
1935 that is annexing the area or adding the area by boundary adjustment was included within the
1936 local district.

1937 (2) The effective date of an annexation under this section is governed by Subsection
1938 17B-1-414(3)(b)[~~(ii)~~].

1939 Section 43. Section **17B-1-417** is amended to read:

1940 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
1941 **adjusting boundaries -- Notice of the adjustment -- Notice to lieutenant governor.**

1942 (1) As used in this section, "affected area" means the area located within the
1943 boundaries of one local district that will be removed from that local district and included within
1944 the boundaries of another local district because of a boundary adjustment under this section.

1945 (2) The boards of trustees of two or more local districts having a common boundary
1946 and providing the same service on the same wholesale or retail basis may adjust their common
1947 boundary as provided in this section.

1948 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
1949 common with another local district shall:

1950 (i) adopt a resolution indicating the board's intent to adjust a common boundary;
1951 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
1952 after the adoption of the resolution under Subsection (3)(a)(i); and
1953 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of
1954 general circulation within the local district; or
1955 (II) if there is no newspaper of general circulation within the local district, post notice
1956 in at least four conspicuous places within the local district; or
1957 (B) mail a notice to each owner of property located within the affected area and to each
1958 registered voter residing within the affected area.
1959 (b) The notice required under Subsection (3)(a)(iii) shall:
1960 (i) state that the board of trustees of the local district has adopted a resolution
1961 indicating the board's intent to adjust a boundary that the local district has in common with
1962 another local district that provides the same service as the local district;
1963 (ii) describe the affected area;
1964 (iii) state the date, time, and location of the public hearing required under Subsection
1965 (3)(a)(ii);
1966 (iv) provide a local district telephone number where additional information about the
1967 proposed boundary adjustment may be obtained;
1968 (v) explain the financial and service impacts of the boundary adjustment on property
1969 owners or residents within the affected area; and
1970 (vi) state in conspicuous and plain terms that the board of trustees may approve the
1971 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
1972 written protests to the adjustment are filed with the board by:
1973 (A) the owners of private real property that:
1974 (I) is located within the affected area;
1975 (II) covers at least 50% of the total private land area within the affected area; and
1976 (III) is equal in assessed value to at least 50% of the assessed value of all private real
1977 property within the affected area; or
1978 (B) registered voters residing within the affected area equal in number to at least 50%
1979 of the votes cast in the affected area for the office of governor at the last regular general
1980 election before the filing of the protests.

1981 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
 1982 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

1983 (d) The boards of trustees of the local districts whose boundaries are being adjusted
 1984 may jointly:

1985 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

1986 (ii) hold the public hearing required under Subsection (3)(a)(ii).

1987 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
 1988 may adopt a resolution approving the adjustment of the common boundary unless, at or before
 1989 the public hearing, written protests to the boundary adjustment have been filed with the board
 1990 by:

1991 (a) the owners of private real property that:

1992 (i) is located within the affected area;

1993 (ii) covers at least 50% of the total private land area within the affected area; and

1994 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
 1995 property within the affected area; or

1996 (b) registered voters residing within the affected area equal in number to at least 50%
 1997 of the votes cast in the affected area for the office of governor at the last regular general
 1998 election before the filing of the protests.

1999 (5) A resolution adopted under Subsection (4) does not take effect until the board of
 2000 each local district whose boundaries are being adjusted has adopted a resolution under
 2001 Subsection (4).

2002 (6) ~~[(a) Within 30 days after the resolutions take effect under Subsection (5), the]~~ The
 2003 board of the local district whose boundaries are being adjusted to include the affected area shall
 2004 ~~[file a notice]:~~

2005 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
 2006 lieutenant governor[-]:

2007 ~~[(b) The notice required under Subsection (6)(a) shall:]~~

2008 ~~[(i) be accompanied by:]~~

2009 ~~[(A) a copy of each of the board resolutions approving the boundary adjustment; and]~~

2010 ~~[(B) an accurate map depicting the affected area or a legal description of the affected~~
 2011 ~~area, adequate for purposes of the county assessor and recorder; and]~~

2012 ~~[(ii) include a certification by the board of the local district whose boundaries are being~~
 2013 ~~adjusted to include the affected area that all requirements for the boundary adjustment have~~
 2014 ~~been complied with.]~~

2015 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 2016 that meets the requirements of Subsection 67-1a-6.5(3); and

2017 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

2018 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
 2019 under Section 67-1a-6.5, the board shall submit to the recorder of each county in which the
 2020 affected area is located:

2021 (i) the original notice of an impending boundary action;

2022 (ii) the original certificate of boundary adjustment; and

2023 (iii) the original certified final boundary plat.

2024 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary [~~change~~]
 2025 adjustment under Section 67-1a-6.5, the affected area is annexed to the local district whose
 2026 boundaries are being adjusted to include the affected area, and the affected area is withdrawn
 2027 from the local district whose boundaries are being adjusted to exclude the affected area.

2028 (b) (i) The effective date of a boundary adjustment under this section for purposes of
 2029 assessing property within the affected area is governed by Section 59-2-305.5.

2030 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
 2031 recorder of the county in which the property is located, a local district in whose boundary an
 2032 affected area is included because of a boundary adjustment under this section may not:

2033 (A) levy or collect a property tax on property within the affected area;

2034 (B) levy or collect an assessment on property within the affected area; or

2035 (C) charge or collect a fee for service provided to property within the affected area.

2036 Section 44. Section **17B-1-512** is amended to read:

2037 **17B-1-512. Notice of withdrawal -- Contest period -- Judicial review.**

2038 (1) (a) [~~The~~] Within the time specified in Subsection (1)(b), the board of trustees shall
 2039 file [a written notice of withdrawal] with the lieutenant governor:

2040 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 2041 that meets the requirements of Subsection 67-1a-6.5(3); and

2042 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5.

2043 (b) The board of trustees shall file the documents listed in Subsection (1)(a):
 2044 (i) within ten days after adopting a resolution approving a withdrawal under Section
 2045 17B-1-510; and
 2046 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
 2047 automatic withdrawal under Subsection 17B-1-502(2), after receiving a copy of the municipal
 2048 legislative body's resolution approving an automatic withdrawal under Subsection
 2049 17B-1-502(3)(a), or after receiving notice of a withdrawal of a municipality from a local
 2050 district under Section 17B-2-505.

2051 ~~[(b) The notice required under Subsection (1)(a) shall:]~~
 2052 ~~[(i) be accompanied by:]~~
 2053 ~~[(A) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, a~~
 2054 ~~copy of the board resolution approving the withdrawal; and]~~
 2055 ~~[(B) an accurate map depicting the boundaries of the withdrawn area or a legal~~
 2056 ~~description of the withdrawn area, adequate for purposes of the county assessor and recorder;~~
 2057 ~~and]~~
 2058 ~~[(ii) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510;~~
 2059 ~~include a certification by the local district board that all requirements for the withdrawal have~~
 2060 ~~been complied with.]~~

2061 (b) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section
 2062 67-1a-6.5, the board shall submit to the recorder of each county in which the affected area is
 2063 located:

2064 (i) the original notice of an impending boundary action;
 2065 (ii) the original certificate of boundary adjustment; and
 2066 (iii) the original certified final boundary plat.

2067 (2) (a) Upon the lieutenant governor's issuance of the certificate of ~~[boundary change]~~
 2068 withdrawal under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an
 2069 automatic withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality
 2070 from a local district under Section 17B-2-505, the withdrawal shall be effective, subject to the
 2071 conditions of the withdrawal resolution, if applicable.

2072 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon
 2073 the lieutenant governor's issuance of a certificate of ~~[boundary change]~~ withdrawal under

2074 Section 67-1a-6.5.

2075 (3) The local district may provide for the publication of any resolution approving or
2076 denying the withdrawal of an area in a newspaper of general circulation in the area proposed
2077 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a
2078 notice of withdrawal or denial of withdrawal, containing:

2079 (a) the name of the local district;

2080 (b) a description of the area proposed for withdrawal;

2081 (c) a brief explanation of the grounds on which the board of trustees determined to
2082 approve or deny the withdrawal; and

2083 (d) the times and place where a copy of the resolution may be examined, which shall be
2084 at the place of business of the local district, identified in the notice, during regular business
2085 hours of the local district as described in the notice and for a period of at least 30 days after the
2086 publication of the notice.

2087 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
2088 deny a withdrawal of an area from the local district by submitting a request, within 60 days
2089 after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting
2090 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees
2091 based its decision to deny the withdrawal.

2092 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
2093 trustees, the board may consider the suggestions for mitigation and adopt a resolution
2094 approving or denying the request in the same manner as provided in Section 17B-1-510 with
2095 respect to the original resolution denying the withdrawal and file a notice of the action as
2096 provided in Subsection (1).

2097 (6) (a) Any person in interest may seek judicial review of:

2098 (i) the board of trustees' decision to withdraw an area from the local district;

2099 (ii) the terms and conditions of a withdrawal; or

2100 (iii) the board's decision to deny a withdrawal.

2101 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
2102 district court in the county in which a majority of the area proposed to be withdrawn is located:

2103 (i) if the resolution approving or denying the withdrawal is published under Subsection
2104 (3), within 60 days after the publication or after the board of trustees' denial of the request

2105 under Subsection (5);

2106 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
2107 the resolution approving or denying the withdrawal is adopted; or

2108 (iii) if a request is submitted to the board of trustees of a local district under Subsection
2109 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board
2110 adopts a resolution under Subsection (5) unless the resolution is published under Subsection
2111 (3), in which event the action must be filed within 60 days after the publication.

2112 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
2113 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

2114 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

2115 (ii) the court finds that the board materially failed to follow the procedures set forth in
2116 this part.

2117 (d) A court may award costs and expenses of an action under this section, including
2118 reasonable attorney fees, to the prevailing party.

2119 (7) After the applicable contest period under Subsection (4) or (6), no person may
2120 contest the board of trustees' approval or denial of withdrawal for any cause.

2121 Section 45. Section **17B-1-1308** is amended to read:

2122 **17B-1-1308. Dissolution resolution -- Limitations on dissolution -- Distribution of**
2123 **remaining assets -- Notice of dissolution to lieutenant governor.**

2124 (1) After the public hearing required under Section 17B-1-1306 and subject to
2125 Subsection (2), the administrative body may adopt a resolution approving dissolution of the
2126 local district.

2127 (2) A resolution under Subsection (1) may not be adopted unless:

2128 (a) any outstanding debt of the local district is:

2129 (i) satisfied and discharged in connection with the dissolution; or

2130 (ii) assumed by another governmental entity with the consent of all the holders of that
2131 debt and all the holders of other debts of the local district;

2132 (b) for a local district that has provided service during the preceding three years or
2133 undertaken planning or other activity preparatory to providing service:

2134 (i) another entity has committed to provide the same service to the area being served or
2135 proposed to be served by the local district; and

2136 (ii) all who are to receive the service have consented to the service being provided by
2137 the other entity; and

2138 (c) all outstanding contracts to which the local district is a party are resolved through
2139 mutual termination or the assignment of the district's rights, duties, privileges, and
2140 responsibilities to another entity with the consent of the other parties to the contract.

2141 (3) (a) (i) Any assets of the local district remaining after paying all debts and other
2142 obligations of the local district shall be used to pay costs associated with the dissolution
2143 process under this part.

2144 (ii) Any costs of the dissolution process remaining after exhausting the remaining
2145 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.

2146 (b) Any assets of the local district remaining after application of Subsection (3)(a) shall
2147 be distributed:

2148 (i) proportionately to the owners of real property within the dissolved local district if
2149 there is a readily identifiable connection between a financial burden borne by the real property
2150 owners in the district and the remaining assets; or

2151 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which
2152 the dissolved local district was located before dissolution in the same proportion that the land
2153 area of the local district located within the unincorporated area of the county or within the city
2154 or town bears to the total local district land area.

2155 (4) (a) ~~[Within 30 days after adopting a resolution approving dissolution of the local~~
2156 ~~district, the] The administrative body shall ~~[file a notice];~~~~

2157 (i) within 30 days after adopting a resolution approving dissolution, file with the
2158 lieutenant governor[:] a copy of a notice of an impending boundary action, as defined in
2159 Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2160 ~~[(b) The notice required under Subsection (4)(a) shall:]~~

2161 ~~[(i) be accompanied by a copy of the board resolution approving the dissolution; and]~~

2162 ~~[(ii) include a certification by the administrative body that all requirements for the~~
2163 ~~dissolution have been complied with.]~~

2164 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
2165 67-1a-6.5, submit to the recorder of each county in which the affected area is located:

2166 (A) the original notice of an impending boundary action; and

2167 (B) the original certificate of boundary adjustment.

2168 [~~(e)~~] (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
2169 Section 67-1a-6.5, the local district is dissolved.

2170 Section 46. Section **17C-1-201** is amended to read:

2171 **17C-1-201. Creation of agency -- Notice to lieutenant governor.**

2172 (1) Subject to Subsection (2), a community may, by ordinance adopted by its
2173 legislative body, create a community development and renewal agency.

2174 (2) (a) [~~Within ten days after adopting an ordinance under Subsection (1), the~~] The
2175 community legislative body shall:

2176 (i) within ten days after adopting an ordinance under Subsection (1), file with the
2177 lieutenant governor [a notice of the adoption of the ordinance, with a copy of the ordinance.]:

2178 (A) a copy of a notice of an impending boundary action, as defined in Section
2179 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2180 (B) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

2181 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
2182 67-1a-6.5, submit to the recorder of each county in which the agency is located:

2183 (A) the original notice of an impending boundary action;

2184 (B) the original certificate of creation; and

2185 (C) the original certified final boundary plat.

2186 (b) Upon the lieutenant governor's issuance of the certificate of creation under Section
2187 67-1a-6.5, the agency is created and incorporated.

2188 (c) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the
2189 recorder of the county in which the property is located, an agency may not receive or spend tax
2190 increment funds.

2191 (3) (a) An agency may change its name, whether to indicate it is a community
2192 development and renewal agency or otherwise, by:

2193 (i) adopting a resolution [setting forth its] approving a new name; and

2194 (ii) filing [the resolution] with the lieutenant governor[, the State Tax Commission, the
2195 State Board of Education, and the assessor of the county in which the agency is located.] a copy
2196 of a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the
2197 requirements of Subsection 67-1a-6.7(3).

2198 (b) (i) Upon the lieutenant governor's issuance of a certificate of name change under
2199 Section 67-1a-6.7, the agency shall file with the recorder of each county in which the agency is
2200 located:

2201 (A) the original notice of an impending name change; and

2202 (B) the original certificate of name change.

2203 (ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the
2204 county recorder, the agency may not operate under the new name.

2205 Section 47. Section **17C-1-701** is amended to read:

2206 **17C-1-701. Dissolution by ordinance -- Restrictions -- Filing copy of ordinance --**
2207 **Agency records -- Dissolution expenses.**

2208 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
2209 an agency may, by ordinance, [~~deactivate and dissolve~~] approve the deactivation and
2210 dissolution of the agency.

2211 (b) An ordinance [~~dissolving~~] under Subsection (1)(a) approving the deactivation and
2212 dissolution of an agency may not be adopted unless the agency has no outstanding bonded
2213 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual
2214 obligations with persons or entities other than the community.

2215 (2) (a) [~~Within ten days after adopting an ordinance under Subsection (1), the~~] The
2216 community legislative body shall [file a certified copy of the ordinance]:

2217 (i) within ten days after adopting an ordinance under Subsection (1), file with the
2218 lieutenant governor[-] a copy of a notice of an impending boundary action, as defined in
2219 Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2220 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
2221 67-1a-6.5, submit to the recorder of each county in which the agency is located:

2222 (A) the original notice of an impending boundary action; and

2223 (B) the original certificate of dissolution.

2224 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
2225 Section 67-1a-6.5, the agency is dissolved.

2226 (c) Within ten days after receiving the certificate of dissolution from the lieutenant
2227 governor under Section 67-1a-6.5, the community legislative body shall send a copy of the
2228 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of

2229 Education, and each taxing entity.

2230 (d) The community legislative body shall publish a notice of dissolution in a
2231 newspaper of general circulation in the county in which the dissolved agency is located.

2232 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
2233 deposited for safekeeping and reference with the recorder of the community that dissolved the
2234 agency.

2235 (4) The agency shall pay all expenses of the deactivation and dissolution.

2236 Section 48. Section **17D-1-204** is amended to read:

2237 **17D-1-204. Prerequisites for adopting a resolution or ordinance creating a special**
2238 **service district.**

2239 Before the legislative body of a county or municipality may adopt a resolution or
2240 ordinance under Section 17D-1-208 [~~creating~~] approving the creation of a special service
2241 district:

2242 (1) the clerk or recorder, as the case may be, of the county or municipality shall give
2243 written notice as provided in Section 17D-1-205;

2244 (2) the legislative body shall hold a public hearing, as provided in Section 17D-1-207;
2245 and

2246 (3) the period for filing protests under Section 17D-1-206 shall have passed without
2247 adequate protests having been filed.

2248 Section 49. Section **17D-1-208** is amended to read:

2249 **17D-1-208. Adoption of a resolution or ordinance creating a special service**
2250 **district.**

2251 (1) Subject to the provisions of and as provided in this part, the legislative body of a
2252 county or municipality may adopt a resolution or ordinance [~~creating~~] approving the creation of
2253 a special service district.

2254 (2) (a) Subject to Subsection (2)(b), a resolution or ordinance adopted by a legislative
2255 body under Subsection (1) may contain changes from the proposal as set forth in a resolution
2256 under Subsection 17D-1-203(1)(a) or a petition under Subsection 17D-1-203(1)(b), including
2257 changes in:

2258 (i) the boundary of the special service district; and

2259 (ii) the services to be provided by the special service district.

2260 (b) The legislative body of a county or municipality may not adopt a resolution or
2261 ordinance under Subsection (1) that ~~[creates]~~ approves the creation of a special service district
2262 with a boundary that includes more area than is included in, or that authorizes the special
2263 service district to provide a service not proposed in, a resolution under Subsection
2264 17D-1-203(1)(a) or a petition under Subsection 17D-1-203(1)(b), unless the requirements of
2265 Sections 17D-1-205, 17D-1-206, and 17D-1-207 are met with respect to the additional area or
2266 service, as the case may be.

2267 Section 50. Section **17D-1-209** is amended to read:

2268 **17D-1-209. Notice to lieutenant governor.**

2269 (1) ~~[Within 30 days after adopting a resolution or ordinance under Subsection~~
2270 ~~17D-1-208(1) creating a special service district, the]~~ The legislative body adopting ~~[the]~~ a
2271 resolution or ordinance ~~[shall file a notice]~~ approving the creation of a special service district
2272 shall:

2273 (a) within 30 days after adopting the resolution or ordinance, file with the lieutenant
2274 governor~~[-];~~

2275 ~~[(2) Each notice under Subsection (1) shall:]~~

2276 ~~[(a) be accompanied by:]~~

2277 ~~[(i) a copy of the resolution or ordinance creating the special service district; and]~~

2278 ~~[(ii) a map showing the boundaries of the special service district, prepared and certified~~
2279 ~~by a licensed surveyor and filed with the county surveyor in accordance with Section 17-23-17;~~
2280 ~~and]~~

2281 ~~[(b) include the legislative body's certification that all requirements for the creation of~~
2282 ~~the special service district have been met.]~~

2283 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
2284 that meets the requirements of Subsection 67-1a-6.5(3); and

2285 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

2286 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
2287 Section 67-1a-6.5, submit to the recorder of the county in which the special service district is
2288 located:

2289 (i) the original notice of an impending boundary action;

2290 (ii) the original certificate of incorporation; and

2291 (iii) the original certified final boundary plat.

2292 ~~[(3)]~~ (2) (a) Upon the lieutenant governor's issuance of a certificate of creation under
 2293 Section 67-1a-6.5, the special service district is created and incorporated.

2294 (b) (i) The effective date of a special service district's incorporation for purposes of
 2295 assessing property within the special service district is governed by Section 59-2-305.5.

2296 (ii) Until the documents listed in Subsection (1)(b) are recorded in the office of the
 2297 recorder of the county in which the property is located:

2298 (A) the county, city, or town that created the special service district may not levy or
 2299 collect a property tax for special service district purposes on property within the special service
 2300 district; and

2301 (B) the special service district may not:

2302 (I) levy or collect an assessment on property within the special service district; or

2303 (II) charge or collect a fee for service provided to property within the special service
 2304 district.

2305 Section 51. Section **17D-1-403** is amended to read:

2306 **17D-1-403. Notice of annexation to lieutenant governor -- Lieutenant governor**
 2307 **certification.**

2308 (1) If a county or municipal legislative body adopts a resolution approving the
 2309 annexation of an area to an existing special service district, the legislative body shall[;];

2310 (a) within 30 days after adopting the resolution, file [a notice] with the lieutenant
 2311 governor[;];

2312 ~~[(2) Each notice under Subsection (1) shall:]~~

2313 ~~[(a) be accompanied by:]~~

2314 ~~[(i) a copy of the resolution adopted by the legislative body approving the annexation;~~
 2315 ~~and]~~

2316 ~~[(ii) a map showing the additional area to be annexed to the special service district,~~
 2317 ~~prepared and certified by a licensed surveyor and filed with the county surveyor in accordance~~
 2318 ~~with Section 17-23-17; and]~~

2319 ~~[(b) include the legislative body's certification that all requirements for the annexation~~
 2320 ~~of the additional area have been met.]~~

2321 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,

2322 that meets the requirements of Subsection 67-1a-6.5(3); and

2323 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

2324 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section
2325 67-1a-6.5, submit to the recorder of the county in which the special service district is located:

2326 (i) the original notice of an impending boundary action;

2327 (ii) the original certificate of incorporation; and

2328 (iii) the original certified final boundary plat.

2329 (3) (a) Upon the lieutenant governor's issuance of the certificate of [~~boundary change~~]
2330 annexation under Section 67-1a-6.5, the additional area that is the subject of the legislative
2331 body's resolution is annexed to the special service district.

2332 (b) (i) The effective date of an annexation under this section for purposes of assessing
2333 property within the annexed area is governed by Section 59-2-305.5.

2334 (ii) Until the documents listed in Subsection (1)(b) are recorded in the office of the
2335 recorder of the county in which the property is located:

2336 (A) the county, city, or town that created the special service district may not levy or
2337 collect a property tax for special service district purposes on property within the annexed area;
2338 and

2339 (B) the special service district may not:

2340 (I) levy or collect an assessment on property within the annexed area; or

2341 (II) charge or collect a fee for service provided to property within the annexed area.

2342 Section 52. Section **17D-1-603** is amended to read:

2343 **17D-1-603. Notice of adoption of resolution approving a withdrawal or**
2344 **dissolution -- Lieutenant governor certificate -- Effective date of withdrawal or**
2345 **dissolution.**

2346 (1) [~~Within 30 days after adopting~~] If a county or municipal legislative body adopts a
2347 resolution approving the withdrawal of an area from a special service district or the dissolution
2348 of a special service district, the county or municipal legislative body, as the case may be, shall
2349 [file a notice]:

2350 (a) within 30 days after adopting the resolution, file with the lieutenant governor[-]:

2351 [~~(2) Each notice under Subsection (1) shall:~~]

2352 [~~(a) be accompanied by:~~]

2353 ~~[(i) a copy of the resolution approving the withdrawal or dissolution; and]~~
 2354 ~~[(ii) in the case of a withdrawal, a map showing the area to be withdrawn, prepared and~~
 2355 ~~certified by a licensed surveyor and filed with the county surveyor in accordance with Section~~
 2356 ~~17-23-17; and]~~
 2357 ~~[(b) include the legislative body's certification that all requirements for the withdrawal~~
 2358 ~~or dissolution have been met.]~~
 2359 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 2360 that meets the requirements of Subsection 67-1a-6.5(3); and
 2361 (ii) in the case of a withdrawal, a copy of a certified final boundary plat, as defined in
 2362 Section 67-1a-6.5; and
 2363 (b) upon the lieutenant governor's issuance of a certificate of withdrawal or dissolution,
 2364 as the case may be, under Section 67-1a-6.5, submit to the recorder of the county in which the
 2365 special service district is located:
 2366 (i) the original notice of an impending boundary action;
 2367 (ii) the original certificate of withdrawal or dissolution, as the case may be; and
 2368 (iii) in the case of a withdrawal, the original certified final boundary plat.
 2369 ~~[(3)]~~ (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal
 2370 under Section 67-1a-6.5, the area to be withdrawn that is the subject of the legislative body's
 2371 resolution is withdrawn from the special service district.
 2372 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
 2373 Section 67-1a-6.5, the special service district is dissolved.
 2374 Section 53. Section **17D-3-203** is amended to read:
 2375 **17D-3-203. Considerations in determining whether to approve conservation**
 2376 **district creation, consolidation, division, or dissolution -- Denial or approval --**
 2377 **Certification to lieutenant governor -- Prohibition against considering similar creation,**
 2378 **consolidation, division, or dissolution if previously denied.**
 2379 (1) In determining whether to approve the creation of a conservation district, the
 2380 consolidation of existing conservation districts, or the division or dissolution of an existing
 2381 conservation district, the commission shall consider:
 2382 (a) the demonstrated necessity and administrative practicality of the creation,
 2383 consolidation, division, or dissolution;

2384 (b) the topography of and soil compositions and prevailing land use practices within
2385 the area of the proposed or existing conservation district or districts;

2386 (c) the hydrologic unit code of the watershed in which the area of the proposed or
2387 existing conservation district or districts is located;

2388 (d) the relationship of the area of the proposed or existing conservation district or
2389 districts to existing watersheds and agricultural regions; and

2390 (e) the sentiment expressed by persons within the area of the proposed or existing
2391 conservation district or districts with respect to the proposed creation, consolidation, division,
2392 or dissolution.

2393 (2) After holding a public hearing as required under Subsection 17D-3-201(2)(b) and
2394 considering the factors listed in Subsection (1), the commission shall:

2395 (a) (i) ~~[deny]~~ disapprove the creation of a conservation district, the consolidation of
2396 existing conservation districts, or the division or dissolution of an existing conservation
2397 district, as the case may be, if the commission determines that creation, consolidation, division,
2398 or dissolution is not necessary or administratively practical; or

2399 (ii) approve the creation of a conservation district, the consolidation of existing
2400 conservation districts, or the division or dissolution of an existing conservation district, as the
2401 case may be, if the commission determines that creation, consolidation, division, or dissolution
2402 is necessary and administratively practical; and

2403 (b) set forth in writing the reasons for the commission's action.

2404 (3) (a) (i) If the commission approves the creation, consolidation, division, or
2405 dissolution, the commission shall ~~[certify its action and]~~:

2406 (A) deliver ~~[a copy of the certification]~~ to the lieutenant governor[-];

2407 ~~[(ii) Each certification under Subsection (3)(a)(i) of a creation, consolidation, or
2408 division shall include an accurate legal description of the conservation district or districts as it
2409 or they are proposed to exist as a result of the creation, consolidation, or division.]~~

2410 (I) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
2411 that meets the requirements of Subsection 67-1a-6.5(3); and

2412 (II) except in the case of a dissolution, a copy of a certified final boundary plat, as
2413 defined in Section 67-1a-6.5; and

2414 (B) upon the lieutenant governor's issuance of a certificate of boundary action under

2415 Section 67-1a-6.5, submit to the recorder of each county in which the conservation district is
 2416 or, in the case of a dissolution, was located:

2417 (I) the original notice of an impending boundary action;

2418 (II) the original certificate of boundary action; and

2419 (III) except in the case of a dissolution, the original certified final boundary plat.

2420 (b) Upon the lieutenant governor's issuance of the certificate of creation, consolidation,
 2421 division, or dissolution under Section 67-1a-6.5, as the case may be, the conservation district is
 2422 created and incorporated, consolidated, divided, or dissolved, respectively.

2423 (4) If the commission [~~denies~~] disapproves a creation, consolidation, division, or
 2424 dissolution under Subsection (2)(a)(i), the commission may not, for six months following the
 2425 denial, consider a similar proposal to create, divide, or dissolve the conservation district or to
 2426 consolidate the conservation districts, as the case may be.

2427 Section 54. Section **53A-2-101.5** is amended to read:

2428 **53A-2-101.5. Notice of school district boundary changes including creation,**
 2429 **consolidation, division, or dissolution.**

2430 (1) [~~Within 30 days after the creation, consolidation, division, or dissolution of a~~
 2431 ~~school district, or any other change affecting the boundary of a new or existing school district,~~
 2432 ~~the] The county legislative body shall [file a written notice of the action]:~~

2433 (a) within 30 days after the creation, consolidation, division, or dissolution of a school
 2434 district, file with the lieutenant governor[.];

2435 [~~(2) The notice under Subsection (1) shall be accompanied by an accurate map or plat~~
 2436 ~~showing the boundaries of the affected school districts, prepared and certified by a local~~
 2437 ~~surveyor and filed with the county surveyor in accordance with Section 17-23-17.]~~

2438 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 2439 that meets the requirements of Subsection 67-1a-6.5(3); and

2440 (ii) except in the case of a dissolution, a copy of a certified final boundary plat, as
 2441 defined in Section 67-1a-6.5; and

2442 (b) upon the lieutenant governor's issuance of a certificate of boundary action under
 2443 Section 67-1a-6.5, submit to the recorder of each county in which the school district is or, in
 2444 the case of a dissolution, was located:

2445 (i) the original notice of an impending boundary action;

- 2446 (ii) the original certificate of boundary action; and
2447 (iii) except in the case of a dissolution, the original certified final boundary plat.
2448 [(3)] (2) (a) Upon the lieutenant governor's issuance of the certificate under Section
2449 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the
2450 boundary of a new or existing school district that was the subject of the action has legal effect.
2451 (b) (i) As used in this Subsection (2)(b), "affected area" means:
2452 (A) in the case of the creation of a school district, the area within the school district's
2453 boundary;
2454 (B) in the case of the consolidation of multiple school districts, the area within the
2455 boundary of each school district that is consolidated into another school district;
2456 (C) in the case of the division of a school district, the area within the boundary of the
2457 school district created by the division; and
2458 (D) in the case of an addition to an existing school district, the area added to the school
2459 district.
2460 (ii) The effective date of a boundary action, as defined in Section 17-23-20, for
2461 purposes of assessing property within the school district is governed by Section 59-2-305.5.
2462 (iii) Until the documents listed in Subsection (1)(b) are recorded in the office of the
2463 recorder of the county in which the property is located, a school district may not levy or collect
2464 a property tax on property within the affected area.
2465 Section 55. Section **53A-2-118** is amended to read:
2466 **53A-2-118. Creation of new school district -- Initiation of process -- Procedures**
2467 **to be followed.**
2468 (1) A new school district may be created from one or more existing school districts, as
2469 provided in this section.
2470 (2) (a) The process to create a new school district may be initiated:
2471 (i) through a citizens' initiative petition;
2472 (ii) at the request of the board of the existing district or districts to be affected by the
2473 creation of the new district; or
2474 (iii) at the request of a city within the boundaries of the school district or at the request
2475 of interlocal agreement participants, pursuant to Section 53A-2-118.1.
2476 (b) (i) Each petition submitted under Subsection (2)(a)(i) shall be signed by qualified

2477 electors residing within the geographical boundaries of the proposed new school district equal
2478 in number to at least 15% of the number of electors in the area who voted for the office of
2479 governor at the last regular general election.

2480 (ii) Each request or petition submitted under Subsection (2)(a) shall:

2481 (A) be filed with the clerk of each county in which any part of the proposed new school
2482 district is located;

2483 (B) indicate the typed or printed name and current residence address of each governing
2484 board member making a request, or registered voter signing a petition, as the case may be;

2485 (C) describe the proposed new school district boundaries; and

2486 (D) designate up to five signers of the petition or request as sponsors, one of whom
2487 shall be designated as the contact sponsor, with the mailing address and telephone number of
2488 each.

2489 (c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,
2490 reinstate the signer's signature at any time before the filing of the petition by filing a written
2491 withdrawal or reinstatement with the county clerk.

2492 (d) The process under Subsection (2)(a)(i) may only be initiated once during any
2493 four-year period.

2494 (e) A new district may not be formed pursuant to Subsection (2)(a) if the student
2495 population of the proposed new district is less than 3,000 or the existing district's student
2496 population would be less than 3,000 because of the creation of the new school district.

2497 (f) Within 45 days after the filing of a petition under Subsection (2)(a)(i) or five
2498 business days after the filing of a request under Subsection (2)(a)(ii) or (iii), the clerk of each
2499 county with which a request or petition is filed shall:

2500 (i) determine whether the request or petition complies with Subsections (2)(a), (b), (d),
2501 and (e), as applicable; and

2502 (ii) (A) if the county clerk determines that the request or petition complies with the
2503 applicable requirements:

2504 (I) certify the request or petition and deliver the certified request or petition to the
2505 county legislative body; and

2506 (II) mail or deliver written notification of the certification to the contact sponsor; or

2507 (B) if the county clerk determines that the request or petition fails to comply with any

2508 of the applicable requirements, reject the request or petition and notify the contact sponsor in
2509 writing of the rejection and reasons for the rejection.

2510 (g) If the county clerk fails to certify or reject a request or petition within the time
2511 specified in Subsection (2)(f), the request or petition shall be considered to be certified.

2512 (h) (i) If the county clerk rejects a request or petition, the request or petition may be
2513 amended to correct the deficiencies for which it was rejected and then refiled.

2514 (ii) Subsection (2)(d) does not apply to a request or petition that is amended and refiled
2515 after having been rejected by a county clerk.

2516 (i) If a county legislative body receives a request from a school board under Subsection
2517 (2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county clerk on or
2518 before December 1:

2519 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
2520 by Subsection (3), on or before January 1;

2521 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
2522 county legislative body, as provided by Subsection (3), on or before July 1; and

2523 (iii) if the legislative body of each county with which a request or petition is filed
2524 approves a proposal to create a new district, the proposal shall be submitted to the respective
2525 county clerk to be voted on by the electors of each existing district at the regular general or
2526 municipal general election held in November.

2527 (3) (a) The legislative body of each county with which a request or petition is filed
2528 shall appoint an ad hoc advisory committee to review and make recommendations on a request
2529 for the creation of a new school district submitted under Subsection (2)(a)(i) or (ii).

2530 (b) The advisory committee shall:

2531 (i) seek input from:

2532 (A) those requesting the creation of the new school district;

2533 (B) the school board and school personnel of each existing school district;

2534 (C) those citizens residing within the geographical boundaries of each existing school
2535 district;

2536 (D) the State Board of Education; and

2537 (E) other interested parties;

2538 (ii) review data and gather information on at least:

- 2539 (A) the financial viability of the proposed new school district;
- 2540 (B) the proposal's financial impact on each existing school district;
- 2541 (C) the exact placement of school district boundaries; and
- 2542 (D) the positive and negative effects of creating a new school district and whether the
- 2543 positive effects outweigh the negative if a new school district were to be created; and
- 2544 (iii) make a report to the county legislative body in a public meeting on the committee's
- 2545 activities, together with a recommendation on whether to create a new school district.
- 2546 (4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):
- 2547 (a) The county legislative body shall provide for a 45-day public comment period on
- 2548 the report and recommendation to begin on the day the report is given under Subsection
- 2549 (3)(b)(iii).
- 2550 (b) Within 14 days after the end of the comment period, the legislative body of each
- 2551 county with which a request or petition is filed shall vote on the creation of the proposed new
- 2552 school district.
- 2553 (c) The proposal is approved if a majority of the members of the legislative body of
- 2554 each county with which a request or petition is filed votes in favor of the proposal.
- 2555 (d) If the proposal is approved, the legislative body of each county with which a
- 2556 request or petition is filed shall submit the proposal to the county clerk to be voted on:
- 2557 (i) by the legal voters of each existing school district;
- 2558 (ii) in accordance with the procedures and requirements applicable to a regular general
- 2559 election under Title 20A, Election Code; and
- 2560 (iii) at the next regular general election or municipal general election, whichever is
- 2561 first.
- 2562 (e) Creation of the new school district shall occur if a majority of the electors within
- 2563 both the proposed school district and each remaining school district voting on the proposal vote
- 2564 in favor of the creation of the new district.
- 2565 (f) Each county legislative body shall ~~[provide notice of the action as required in]~~
- 2566 comply with the requirements of Section 53A-2-101.5.
- 2567 (g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a new district is
- 2568 approved by the electors, the existing district's documented costs to study and implement the
- 2569 proposal shall be reimbursed by the new district.

2570 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection
2571 (2)(f) or (g), the legislative body of each county in which part of the proposed new school
2572 district is located shall submit the proposal to the respective clerk of each county to be voted
2573 on:

- 2574 (i) by the legal voters residing within the proposed new school district boundaries;
- 2575 (ii) in accordance with the procedures and requirements applicable to a regular general
2576 election under Title 20A, Election Code; and
- 2577 (iii) at the next regular general election or municipal general election, whichever is
2578 first.

2579 (b) (i) If a majority of the legal voters within the proposed new school district
2580 boundaries voting on the proposal at an election under Subsection (5)(a) vote in favor of the
2581 creation of the new district:

2582 (A) each county legislative body shall ~~[- within 60 days after the canvass date, file with~~
2583 ~~the lieutenant governor the written notice, with the accompanying map or plat, required under]~~
2584 comply with the requirements of Section 53A-2-101.5; and

2585 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
2586 the new district is created.

2587 (ii) Notwithstanding the creation of a new district as provided in Subsection
2588 (5)(b)(i)(B):

2589 (A) a new school district may not begin to provide educational services to the area
2590 within the new district until July 1 of the second calendar year following the creation election
2591 date;

2592 (B) a remaining district may not begin to provide educational services to the area
2593 within the remaining district until the time specified in Subsection (5)(b)(ii)(A); and

2594 (C) each existing district shall continue, until the time specified in Subsection
2595 (5)(b)(ii)(A), to provide educational services within the entire area covered by the existing
2596 district.

2597 Section 56. Section **53A-2-118.1** is amended to read:

2598 **53A-2-118.1. Option for school district creation.**

2599 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,
2600 as determined by the lieutenant governor using the process described in Subsection

2601 [~~10-2-302(2)~~] 67-1a-2(3), may by majority vote of the legislative body, submit for voter
2602 approval a measure to create a new school district with boundaries contiguous with that city's
2603 boundaries, in accordance with Section 53A-2-118.

2604 (b) (i) The determination of all matters relating to the scope, adequacy, and other
2605 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the
2606 city's legislative body.

2607 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of
2608 a legal action or other challenge to:

- 2609 (A) an election for voter approval of the creation of a new school district; or
- 2610 (B) the creation of the new school district.

2611 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,
2612 may, together with one or more other cities, towns, or the county enter into an interlocal
2613 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
2614 of submitting for voter approval a measure to create a new school district.

2615 (b) (i) In accordance with Section 53A-2-118, interlocal agreement participants under
2616 Subsection (2)(a) may submit a proposal for voter approval if:

2617 (A) the interlocal agreement participants conduct a feasibility study prior to submitting
2618 the proposal to the county;

2619 (B) the combined population within the proposed new school district boundaries is at
2620 least 50,000;

2621 (C) the new school district boundaries:

2622 (I) are contiguous;

2623 (II) do not completely surround or otherwise completely geographically isolate a
2624 portion of an existing school district that is not part of the proposed new school district from
2625 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

2626 (III) include the entire boundaries of each participant city or town, except as provided
2627 in Subsection (2)(d)(ii); and

2628 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

2629 (D) the combined population within the proposed new school district of interlocal
2630 agreement participants that have entered into an interlocal agreement proposing to create a new
2631 school district is at least 80% of the total population of the proposed new school district.

2632 (ii) The determination of all matters relating to the scope, adequacy, and other aspects
2633 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new
2634 feasibility study or revise a previous feasibility study due to a change in the proposed new
2635 school district boundaries, is within the exclusive discretion of the legislative bodies of the
2636 interlocal agreement participants that enter into an interlocal agreement to submit for voter
2637 approval a measure to create a new school district.

2638 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the
2639 basis of a legal action or other challenge to:

- 2640 (A) an election for voter approval of the creation of a new school district; or
- 2641 (B) the creation of the new school district.

2642 (iv) For purposes of determining whether the boundaries of a proposed new school
2643 district cross county lines under Subsection (2)(b)(i)(C)(IV):

2644 (A) a municipality located in more than one county and entirely within the boundaries
2645 of a single school district is considered to be entirely within the same county as other
2646 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's
2647 land area and population is located in that same county than outside the county; and

2648 (B) a municipality located in more than one county that participates in an interlocal
2649 agreement under Subsection (2)(a) with respect to some but not all of the area within the
2650 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may
2651 not be considered to cross county lines.

2652 (c) (i) A county may only participate in an interlocal agreement under this Subsection
2653 (2) for the unincorporated areas of the county.

2654 (ii) Boundaries of a new school district created under this section may include:

- 2655 (A) a portion of one or more existing school districts; and
- 2656 (B) a portion of the unincorporated area of a county, including a portion of a township.

2657 (d) (i) As used in this Subsection (2)(d):

2658 (A) "Isolated area" means an area that:

2659 (I) is entirely within the boundaries of a municipality that, except for that area, is
2660 entirely within a school district different than the school district in which the area is located;
2661 and

2662 (II) would, because of the creation of a new school district from the existing district in

2663 which the area is located, become completely geographically isolated.

2664 (B) "Municipality's school district" means the school district that includes all of the
2665 municipality in which the isolated area is located except the isolated area.

2666 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
2667 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
2668 within the municipality's boundaries if:

2669 (A) the portion of the municipality proposed to be included in the new school district
2670 would, if not included, become an isolated area upon the creation of the new school district; or

2671 (B) (I) the portion of the municipality proposed to be included in the new school
2672 district is within the boundaries of the same school district that includes the other interlocal
2673 agreement participants; and

2674 (II) the portion of the municipality proposed to be excluded from the new school
2675 district is within the boundaries of a school district other than the school district that includes
2676 the other interlocal agreement participants.

2677 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
2678 district may be submitted for voter approval pursuant to an interlocal agreement under
2679 Subsection (2)(a), even though the new school district boundaries would create an isolated
2680 area, if:

2681 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
2682 participants;

2683 (II) the interlocal participants submit a written request to the municipality in which the
2684 potential isolated area is located, requesting the municipality to enter into an interlocal
2685 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
2686 create a new school district that includes the potential isolated area; and

2687 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
2688 municipality has not entered into an interlocal agreement as requested in the request.

2689 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold
2690 one or more public hearings to allow input from the public and affected school districts
2691 regarding whether or not the municipality should enter into an interlocal agreement with
2692 respect to the potential isolated area.

2693 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

2694 (Aa) a new school district is created under this section after a measure is submitted to
2695 voters based on the authority of Subsection (2)(d)(iii)(A); and

2696 (Bb) the creation of the new school district results in an isolated area.

2697 (II) The isolated area shall, on July 1 of the second calendar year following the creation
2698 election date, become part of the municipality's school district.

2699 (III) Unless the isolated area is the only remaining part of the existing district, the
2700 process described in Subsection (4) shall be modified to:

2701 (Aa) include a third transition team, appointed by the school district board of the
2702 municipality's school district, to represent that school district;

2703 (Bb) require allocation of the existing district's property among the new district, the
2704 remaining district, and the municipality's school district;

2705 (Cc) require each of the three transition teams to appoint one member to the
2706 three-member arbitration panel, if an arbitration panel is established; and

2707 (Dd) require the municipality's school district to bear 1/3 of the costs of arbitration.

2708 (IV) The existing district shall continue to provide educational services to the isolated
2709 area until July 1 of the second calendar year following the creation election date.

2710 (3) (a) If a proposal under this section is approved by voters:

2711 (i) (A) subject to Subsection (3)(e):

2712 (I) each member of the board of the existing district who resides within the boundary of
2713 the new school district shall serve as an initial member of the new district board; and

2714 (II) each member of the board of the existing district who resides within the boundary
2715 of the remaining school district shall serve as an initial member of the remaining district board;
2716 and

2717 (B) an election shall be held on the June special election date, as provided in Section
2718 20A-1-204, in the year following the creation election date, to elect:

2719 (I) all other members to the board of the new school district; and

2720 (II) all other members to the board of the remaining district;

2721 (ii) school district property shall be divided between the existing school district and the
2722 new school district as provided in Subsection (4);

2723 (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and
2724 53A-2-122;

2725 (iv) (A) an individual residing within the boundaries of a new school district at the
2726 time the new school district is created may, for six school years after the creation of the new
2727 school district, elect to enroll in a secondary school located outside the boundaries of the new
2728 school district if:

2729 (I) the individual resides within the boundaries of that secondary school as of the day
2730 before the new school district is created; and

2731 (II) the individual would have been eligible to enroll in that secondary school had the
2732 new school district not been created; and

2733 (B) the school district in which the secondary school is located shall provide
2734 educational services, including, if provided before the creation of the new school district,
2735 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school
2736 year for which the individual makes the election; and

2737 (v) within one year after the new district begins providing educational services, the
2738 superintendent of each remaining district affected and the superintendent of the new district
2739 shall meet, together with the Superintendent of Public Instruction, to determine if further
2740 boundary changes should be proposed in accordance with Section 53A-2-104.

2741 (b) Each member of a school district board of a new district and remaining district
2742 under Subsection (3)(a)(i) shall take office on July 15 immediately following the election under
2743 Subsection (3)(a)(i)(B).

2744 (c) (i) Subject to Subsection (3)(c)(ii), the terms of the initial members of the school
2745 district board of the new district and remaining district shall be staggered and adjusted by the
2746 county legislative body so that:

2747 (A) the school district board members' successors are elected at a future regular general
2748 election; and

2749 (B) the terms of their successors coincide with the schedule of terms for school district
2750 board members established in Section 20A-14-202.

2751 (ii) (A) The term of a member under Subsection (3)(a)(i) may not be less than 17
2752 months.

2753 (B) In order to comply with the requirements of Subsection (3)(c)(i), the term of a
2754 member elected to a school district board at an election under Subsection (3)(a)(i)(B) held in an
2755 even-numbered year may exceed four years but may not exceed five years.

2756 (d) (i) The term of each member of the school district board of the existing district
2757 terminates on July 1 of the second year after the creation election date, regardless of when the
2758 term would otherwise have terminated.

2759 (ii) Notwithstanding the existence of a board for the new district and a board for the
2760 remaining district under Subsection (3)(a)(i), the board of the existing district shall continue,
2761 until the time specified in Subsection 53A-2-118(5)(b)(ii)(A), to function and exercise
2762 authority as a board to the extent necessary to continue to provide educational services to the
2763 entire existing district.

2764 (iii) A person may simultaneously serve as a member of the board of an existing
2765 district and a member of the board of:

2766 (A) a new district; or

2767 (B) a remaining district.

2768 (e) If two or more members of an existing school district board reside within the same
2769 local school board district, as established by the county legislative body under Section
2770 20A-14-201, of the new district or remaining district:

2771 (i) those board members shall stand for election at the same election at which the other
2772 board members are elected under Subsection (3)(a)(i)(B); and

2773 (ii) the board member receiving the highest number of votes is elected to the board of
2774 the new district or remaining district, as the case may be, for the local school board district in
2775 which the board member resides.

2776 (4) (a) Within 45 days after the canvass date:

2777 (i) a transition team to represent the remaining district shall be appointed by the
2778 members of the existing district board who reside within the area of the remaining district, in
2779 consultation with:

2780 (A) the legislative bodies of all municipalities in the area of the remaining district; and

2781 (B) the legislative body of the county in which the remaining district is located, if the
2782 remaining district includes one or more unincorporated areas of the county; and

2783 (ii) another transition team to represent the new district shall be appointed by:

2784 (A) for a new district located entirely within the boundaries of a single city, the
2785 legislative body of that city; or

2786 (B) for each other new district, the legislative bodies of all interlocal agreement

2787 participants.

2788 (b) The school district board of the existing school district shall, within 60 days after
2789 the canvass date:

2790 (i) prepare an inventory of the existing district's:

2791 (A) property, both tangible and intangible, real and personal; and

2792 (B) liabilities; and

2793 (ii) deliver a copy of the inventory to each of the transition teams.

2794 (c) (i) (A) The transition teams appointed under Subsection (4)(a) shall, subject to
2795 Subsection (4)(c)(iii):

2796 (I) determine the allocation of the existing district's property and, except for
2797 indebtedness under Section 53A-2-121, liabilities between the remaining district and the new
2798 district in accordance with Subsection (4)(c)(ii);

2799 (II) prepare a written report detailing how the existing district's property and, except for
2800 indebtedness under Section 53A-2-121, liabilities are to be allocated, including:

2801 (Aa) a designation of the property that should be transferred to the new district;

2802 (Bb) a designation of any property that should be shared between the remaining district
2803 and the new district; and

2804 (Cc) a designation of any property that will need to be allocated by arbitration under
2805 Subsection (4)(d); and

2806 (III) deliver a copy of the written report to:

2807 (Aa) the school district board of the existing district;

2808 (Bb) the school district board of the remaining district; and

2809 (Cc) the school district board of the new district.

2810 (B) The transition teams shall determine the allocation under Subsection (4)(c)(i)(A)(I)
2811 and deliver the report required under Subsection (4)(c)(i)(A)(II) before August 1 of the year
2812 following the election at which voters approve the creation of a new district, unless that
2813 deadline is extended by the mutual agreement of:

2814 (I) if the agreement is made before July 15 of the year following the creation election
2815 date:

2816 (Aa) the school district board of the existing district; and

2817 (Bb) [~~(aa)~~] (Ii) the legislative body of the city in which the new district is located, for a

2818 new district located entirely within a single city; or
2819 ~~[(bb)]~~ (IIIi) the legislative bodies of all interlocal agreement participants, for each other
2820 new district; or
2821 (II) if the agreement is made on or after July 15 of the year following the creation
2822 election date:
2823 (Aa) the school district board of the remaining district; and
2824 (Bb) the school district board of the new district.
2825 (ii) Subject to Subsection (4)(c)(iii), all property, assets, and liabilities that the existing
2826 district owns on the allocation date, both tangible and intangible, real and personal, shall be
2827 allocated between the remaining district and the new district in a way that is fair and equitable
2828 to both the remaining district and the new district, taking into account:
2829 (A) the relative student populations between the remaining district and new district;
2830 (B) the relative assessed value of taxable property between the remaining district and
2831 the new district;
2832 (C) the historical amount of property used to deliver educational services to students in
2833 the remaining district and the new district;
2834 (D) any money made available for the use of the new district under Subsection (5);
2835 ~~[and]~~
2836 (E) the agreed value of school buildings and associated property allocated to the
2837 remaining district and the new district under Subsection (4)(c)(iii)(A); and
2838 (F) any other factors that the transition teams consider relevant in dividing the property
2839 in a fair and equitable manner.
2840 (iii) (A) The transition teams shall allocate each school building and associated
2841 property used primarily to provide educational services to local residents and not serving
2842 district-wide purposes to the school district that would best serve the existing student
2843 population of that school building and associated property.
2844 (B) Except as provided in Subsection (4)(c)(iii)(A), nothing in this Subsection (4)(c)
2845 may be construed to limit the ability of the transition teams to:
2846 (I) provide that an existing district's property be shared by a remaining district and new
2847 district;
2848 (II) determine, by mutual agreement, that the value of the school buildings and

2849 associated property described in Subsection (4)(c)(iii)(A) may be excluded from consideration
2850 in the property allocation process under this Subsection (4)(c); or

2851 (III) provide for any other arrangement with respect to existing district property that is
2852 beneficial to and in the best interests of the remaining district and new district.

2853 (d) (i) Each disagreement between the transition teams about the proper allocation of
2854 property between the districts shall be resolved by binding arbitration to a three-member
2855 arbitration panel.

2856 (ii) Each transition team shall, no later than September 1 of the year after the creation
2857 election date, appoint one qualified, independent arbitrator to an arbitration panel under this
2858 Subsection (4)(d), and those two arbitrators shall, within 15 days after their appointment,
2859 appoint a third qualified, independent arbitrator.

2860 (iii) In the process of resolving a dispute between the transition teams, the arbitration
2861 panel may engage the services of one or more professionals to provide technical advice to the
2862 panel.

2863 (iv) The costs of arbitration shall initially be borne entirely by the existing district, but
2864 the new district shall reimburse the existing district half of those costs within one year after the
2865 new district begins providing educational services.

2866 (e) Each decision of the transition teams and of the arbitration panel resolving a
2867 disagreement between the transition teams is final and binding on the boards of the existing
2868 district, remaining district, and new district.

2869 (f) (i) All costs and expenses of the transition team that represents a remaining district
2870 shall be borne by the remaining district.

2871 (ii) All costs and expenses of the transition team that represents a new district shall
2872 initially be borne by:

2873 (A) the city whose legislative body appoints the transition team, if the transition team
2874 is appointed by the legislative body of a single city; or

2875 (B) the interlocal agreement participants, if the transition team is appointed by the
2876 legislative bodies of interlocal agreement participants.

2877 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
2878 agreement participants for:

2879 (A) transition team costs and expenses; and

2880 (B) startup costs and expenses incurred by the city or interlocal agreement participants
2881 on behalf of the new district.

2882 (5) (a) As used in this Subsection (5):

2883 (i) "New district startup costs" means:

2884 (A) costs and expenses incurred by a new district in order to prepare to begin providing
2885 educational services on July 1 of the second calendar year following the creation election date;
2886 and

2887 (B) the costs and expenses of the transition team that represents the new district.

2888 (ii) "Remaining district startup costs" means:

2889 (A) costs and expenses incurred by a remaining district in order to:

2890 (I) make necessary adjustments to deal with the impacts resulting from the creation of
2891 the new district; and

2892 (II) prepare to provide educational services within the remaining district once the new
2893 district begins providing educational services within the new district; and

2894 (B) the costs and expenses of the transition team that represents the remaining district.

2895 (b) (i) By July 25 of the year following the creation election date, the existing district
2896 shall make half of the undistributed reserve from its General Fund, to a maximum of
2897 \$9,000,000, available for the use of the remaining district and the new district, as provided in
2898 this Subsection (5).

2899 (ii) The existing district may make additional funds available for the use of the
2900 remaining district and the new district beyond the amount specified in Subsection (5)(b)(i)
2901 through an interlocal agreement.

2902 (c) The existing district shall make the money under Subsection (5)(b) available to the
2903 remaining district and the new district proportionately based on student population.

2904 (d) The money made available under Subsection (5)(b) may be accessed and spent by:

2905 (i) for the remaining district, the school district board of the remaining district; and

2906 (ii) for the new district, the school district board of the new district.

2907 (e) (i) The remaining district may use its portion of the money made available under
2908 Subsection (5)(b) to pay for remaining district startup costs.

2909 (ii) The new district may use its portion of the money made available under Subsection
2910 (5)(b) to pay for new district startup costs.

2911 (6) (a) The existing district shall transfer title or, if applicable, partial title of property
2912 to the new school district in accordance with the allocation of property by:

- 2913 (i) the transition teams, as stated in the report under Subsection (4)(c)(i)(A)(II); and
- 2914 (ii) the arbitration panel, if applicable.

2915 (b) The existing district shall complete each transfer of title or, if applicable, partial
2916 title to real property and vehicles by July 1 of the second calendar year following the creation
2917 election date, except as that date is changed by the mutual agreement of:

- 2918 (i) the school district board of the existing district;
- 2919 (ii) the school district board of the remaining district; and
- 2920 (iii) the school district board of the new district.

2921 (c) The existing district shall complete the transfer of all property not included in
2922 Subsection (6)(b) by November 1 of the second calendar year after the creation election date.

2923 (7) Except as provided in Subsections (5) and (6), after the creation election date an
2924 existing school district may not transfer or agree to transfer title to district property without the
2925 prior consent of:

2926 (a) if the transfer or agreement to transfer is before July 15 of the year following the
2927 creation election date:

- 2928 (i) the legislative body of the city in which the new district is located, for a new district
2929 located entirely within a single city; or
- 2930 (ii) the legislative bodies of all interlocal agreement participants, for each other new
2931 district; or

2932 (b) if the transfer or agreement to transfer is on or after July 15 of the year following
2933 the creation election date but before July 15 of the second calendar year following the creation
2934 election date:

- 2935 (i) the school district board of the remaining district; and
- 2936 (ii) the school district board of the new district.

2937 (8) This section applies to and governs all actions and proceedings relating to and
2938 following the creation of a new district, whether the election under Subsection 53A-2-118(5)
2939 on the proposal to create a new school district occurs before or after May 5, 2008, including:

- 2940 (a) the election of school district board members; and
- 2941 (b) transition team duties and responsibilities, whether the transition team is appointed

2942 before or after May 5, 2008.

2943 Section 57. Section **59-2-305.5** is enacted to read:

2944 **59-2-305.5. Boundary actions not effective for purposes of assessment until**
2945 **required documents are recorded.**

2946 (1) As used in this section:

2947 (a) "Applicable certificate" has the same meaning as defined in Section 67-1a-6.5.

2948 (b) "Boundary action" has the same meaning as defined in Section 17-23-20.

2949 (c) "Effective date" means the effective date, under applicable statute, of the boundary
2950 action that is the subject of an applicable certificate.

2951 (d) "Required documents" means the documents relating to a boundary action that are
2952 required under applicable statute to be submitted to the county recorder for recording following
2953 the lieutenant governor's issuance of an applicable certificate.

2954 (2) Notwithstanding the effective date, a boundary action is not effective for purposes
2955 of assessing under this part the property located within the boundary of a taxing entity until the
2956 required documents are recorded in the office of the recorder of the county in which the
2957 property affected by the boundary action is located.

2958 Section 58. Section **63F-1-506** is amended to read:

2959 **63F-1-506. Automated Geographic Reference Center.**

2960 (1) There is created the Automated Geographic Reference Center as part of the
2961 division.

2962 (2) The center shall:

2963 (a) provide geographic information system services to state agencies under rules
2964 adopted in accordance with Section 63F-1-504 and policies established by the division;

2965 (b) provide geographic information system services to federal government, local
2966 political subdivisions, and private persons under rules and policies established by the division;

2967 (c) manage the State Geographic Information Database; and

2968 (d) establish standard format, lineage, and other requirements for the database.

2969 (3) (a) There is created a position of surveyor within the center [~~which surveyor shall~~].

2970 (b) The surveyor under this Subsection (3) shall:

2971 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional
2972 Engineers and Land Surveyors Licensing Act~~[, and shall have the following duties:]~~;

2973 ~~[(a)]~~ (ii) provide technical support to the office of lieutenant governor in ~~[evaluating~~
 2974 ~~boundary creation or boundary changes prior to certification by the lieutenant governor under~~
 2975 ~~Section 67-1a-6.5;]~~ the lieutenant governor's evaluation under Section 67-1a-6.5 of a proposed
 2976 boundary action, as defined in Section 17-23-20;

2977 (iii) as requested by a county surveyor, provide technical assistance to the county
 2978 surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;

2979 ~~[(b)]~~ (iv) assist the State Tax Commission in processing and quality assurance of
 2980 boundary descriptions or maps into digital format for inclusion in the State Geographic
 2981 Information Database;

2982 ~~[(c)]~~ (v) coordinate with county recorders and surveyors to create a statewide parcel
 2983 layer in the State Geographic Information Database containing parcel boundary, parcel
 2984 identifier, parcel address, owner type, and county recorder contact information; and

2985 ~~[(d)]~~ (vi) facilitate and integrate the collection efforts of local government and federal
 2986 agencies for data collection to densify and enhance the statewide Public Land Survey System
 2987 reference network in the State Geographic Information Database.

2988 (4) The division may:

2989 (a) make rules and establish policies to govern the center and its operations; and
 2990 (b) set fees for the services provided by the center.

2991 (5) The state may not sell information obtained from counties under Subsection
 2992 (3)~~[(c)]~~(b)(v).

2993 Section 59. Section **63F-1-507** is amended to read:

2994 **63F-1-507. State Geographic Information Database.**

2995 (1) There is created a State Geographic Information Database to be managed by the
 2996 center.

2997 (2) The database shall:

2998 (a) serve as the central reference for all information contained in any GIS database by
 2999 any state agency;

3000 (b) serve as a clearing house and repository for all data layers required by multiple
 3001 users;

3002 (c) serve as a standard format for geographic information acquired, purchased, or
 3003 produced by any state agency; and

3004 (d) include an accurate representation of all civil subdivision boundaries of the state.

3005 (3) Each state agency that acquires, purchases, or produces digital geographic

3006 information data shall:

3007 (a) inform the center of the existence of the data layers and their geographic extent;

3008 (b) allow the center access to all data classified public; and

3009 (c) comply with any database requirements established by the center.

3010 (4) At least annually, the State Tax Commission shall deliver to the center information

3011 the State Tax Commission receives under [~~Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,~~

3012 ~~17-2-9, 17-3-3, 17B-1-215, and 17C-1-201~~] Section 67-1a-6.5 relating to the creation or

3013 modification of the boundaries of [~~the~~] political subdivisions [~~that are the subject of those~~

3014 ~~sections~~].

3015 Section 60. Section **63G-7-401** is amended to read:

3016 **63G-7-401. Claim for injury -- Notice -- Contents -- Service -- Legal disability --**
3017 **Appointment of guardian ad litem.**

3018 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of
3019 limitations that would apply if the claim were against a private person begins to run.

3020 (b) The statute of limitations does not begin to run until a claimant knew, or with the
3021 exercise of reasonable diligence should have known:

3022 (i) that the claimant had a claim against the governmental entity or its employee; and

3023 (ii) the identity of the governmental entity or the name of the employee.

3024 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

3025 (2) Any person having a claim against a governmental entity, or against its employee

3026 for an act or omission occurring during the performance of the employee's duties, within the

3027 scope of employment, or under color of authority shall file a written notice of claim with the

3028 entity before maintaining an action, regardless of whether or not the function giving rise to the

3029 claim is characterized as governmental.

3030 (3) (a) The notice of claim shall set forth:

3031 (i) a brief statement of the facts;

3032 (ii) the nature of the claim asserted;

3033 (iii) the damages incurred by the claimant so far as they are known; and

3034 (iv) if the claim is being pursued against a governmental employee individually as

3035 provided in Subsection 63G-7-202(3)(c), the name of the employee.

3036 (b) The notice of claim shall be:

3037 (i) signed by the person making the claim or that person's agent, attorney, parent, or
3038 legal guardian; and

3039 (ii) directed and delivered by hand or by mail according to the requirements of Section
3040 68-3-8.5 to the office of:

3041 (A) the city or town clerk, when the claim is against an incorporated city or town;

3042 (B) the county clerk, when the claim is against a county;

3043 (C) the superintendent or business administrator of the board, when the claim is against
3044 a school district or board of education;

3045 (D) the presiding officer or secretary/clerk of the board, when the claim is against a
3046 local district or special service district;

3047 (E) the attorney general, when the claim is against the state [~~of Utah~~];

3048 (F) a member of the governing board, the executive director, or executive secretary,
3049 when the claim is against any other public board, commission, or body; or

3050 (G) the agent authorized by a governmental entity to receive the notice of claim by the
3051 governmental entity under Subsection (5)(e).

3052 (4) (a) If an injury that may reasonably be expected to result in a claim against a
3053 governmental entity is sustained by a claimant who is under the age of majority or mentally
3054 incompetent, that governmental entity may file a request with the court for the appointment of a
3055 guardian ad litem for the potential claimant.

3056 (b) If a guardian ad litem is appointed, the time for filing a claim under Section
3057 63G-7-402 begins when the order appointing the guardian is issued.

3058 (5) (a) Each governmental entity subject to suit under this chapter shall file a statement
3059 with the Division of Corporations and Commercial Code within the Department of Commerce
3060 containing:

3061 (i) the name and address of the governmental entity;

3062 (ii) the office or agent designated to receive a notice of claim; and

3063 (iii) the address at which it is to be directed and delivered.

3064 (b) Each governmental entity shall update its statement as necessary to ensure that the
3065 information is accurate.

3066 (c) The Division of Corporations and Commercial Code shall develop a form for
3067 governmental entities to complete that provides the information required by Subsection (5)(a).

3068 (d) (i) [~~Newly~~] A newly incorporated [~~municipalities~~] municipality shall file the
3069 statement required by Subsection (5)(a) [~~at the time that the statement of incorporation and~~
3070 ~~boundaries is filed with~~] promptly after the lieutenant governor issues a certificate of
3071 incorporation under Section [~~10-1-106~~] 67-1a-6.5.

3072 (ii) [~~Newly~~] A newly incorporated local [~~districts~~] district shall file the statement
3073 required by Subsection (5)(a) at the time that the written notice is filed with the lieutenant
3074 governor under Section 17B-1-215.

3075 (e) A governmental entity may, in its statement, identify an agent authorized by the
3076 entity to accept notices of claim on its behalf.

3077 (6) The Division of Corporations and Commercial Code shall:

3078 (a) maintain an index of the statements required by this section arranged both
3079 alphabetically by entity and by county of operation; and

3080 (b) make the indices available to the public both electronically and via hard copy.

3081 (7) A governmental entity may not challenge the validity of a notice of claim on the
3082 grounds that it was not directed and delivered to the proper office or agent if the error is caused
3083 by the governmental entity's failure to file or update the statement required by Subsection (5).

3084 Section 61. Section **67-1a-2** is amended to read:

3085 **67-1a-2. Duties enumerated.**

3086 (1) The lieutenant governor shall:

3087 (a) perform duties delegated by the governor, including assignments to serve in any of
3088 the following capacities:

3089 (i) as the head of any one department, if so qualified, with the consent of the Senate,
3090 and, upon appointment at the pleasure of the governor and without additional compensation;

3091 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
3092 law for the purpose of advising the governor or coordinating intergovernmental or
3093 interdepartmental policies or programs;

3094 (iii) as liaison between the governor and the state Legislature to coordinate and
3095 facilitate the governor's programs and budget requests;

3096 (iv) as liaison between the governor and other officials of local, state, federal, and

3097 international governments or any other political entities to coordinate, facilitate, and protect the
3098 interests of the state;

3099 (v) as personal advisor to the governor, including advice on policies, programs,
3100 administrative and personnel matters, and fiscal or budgetary matters; and

3101 (vi) as chairperson or member of any temporary or permanent boards, councils,
3102 commissions, committees, task forces, or other group appointed by the governor;

3103 (b) serve on all boards and commissions in lieu of the governor, whenever so
3104 designated by the governor;

3105 (c) serve as the chief election officer of the state as required by Subsection (2);

3106 (d) keep custody of the Great Seal of Utah;

3107 (e) keep a register of, and attest, the official acts of the governor;

3108 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
3109 which the official signature of the governor is required; and

3110 (g) furnish a certified copy of all or any part of any law, record, or other instrument
3111 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
3112 it and pays the fee.

3113 (2) (a) As the chief election officer, the lieutenant governor shall:

3114 (i) exercise general supervisory authority over all elections;

3115 (ii) exercise direct authority over the conduct of elections for federal, state, and
3116 multicounty officers and statewide or multicounty ballot propositions and any recounts
3117 involving those races;

3118 (iii) assist county clerks in unifying the election ballot;

3119 (iv) (A) prepare election information for the public as required by statute and as
3120 determined appropriate by the lieutenant governor;

3121 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to
3122 news media on the Internet and in other forms as required by statute or as determined
3123 appropriate by the lieutenant governor;

3124 (v) receive and answer election questions and maintain an election file on opinions
3125 received from the attorney general;

3126 (vi) maintain a current list of registered political parties as defined in Section
3127 20A-8-101;

3128 (vii) maintain election returns and statistics;
3129 (viii) certify to the governor the names of those persons who have received the highest
3130 number of votes for any office;

3131 (ix) ensure that all voting equipment purchased by the state complies with the
3132 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7; and

3133 (x) perform other election duties as provided in Title 20A, Election Code.

3134 (b) As chief election officer, the lieutenant governor may not assume the
3135 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election
3136 officials by Title 20A, Election Code.

3137 (3) (a) The lieutenant governor shall:

3138 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's
3139 incorporation under Title 10, Chapter 2, Part 1, Incorporation, based on the city's population
3140 using the population estimate from the Utah Population Estimates Committee; and

3141 (B) (I) prepare a certificate indicating the class in which the new city belongs based on
3142 the city's population; and

3143 (II) within ten days after preparing the certificate, deliver a copy of the certificate to the
3144 city's legislative body;

3145 (ii) (A) determine the classification under Section 10-2-301 of a consolidated
3146 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part
3147 6, Consolidation of Municipalities, using population information from:

3148 (I) each official census or census estimate of the United States Bureau of the Census;
3149 or

3150 (II) the population estimate from the Utah Population Estimates Committee, if the
3151 population of a municipality is not available from the United States Bureau of the Census; and

3152 (B) (I) prepare a certificate indicating the class in which the consolidated municipality
3153 belongs based on the municipality's population; and

3154 (II) within ten days after preparing the certificate, deliver a copy of the certificate to the
3155 consolidated municipality's legislative body; and

3156 (iii) monitor the population of each municipality using population information from:

3157 (A) each official census or census estimate of the United States Bureau of the Census;
3158 or

3159 (B) the population estimate from the Utah Population Estimates Committee, if the
3160 population of a municipality is not available from the United States Bureau of the Census.

3161 (b) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates that
3162 a municipality's population has increased beyond the population for its current class, the
3163 lieutenant governor shall:

3164 (i) prepare a certificate indicating the class in which the municipality belongs based on
3165 the increased population figure; and

3166 (ii) within ten days after preparing the certificate, deliver a copy of the certificate to the
3167 legislative body of the municipality whose class has changed.

3168 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates
3169 that a municipality's population has decreased below the population for its current class, the
3170 lieutenant governor shall send written notification of that fact to the municipality's legislative
3171 body.

3172 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
3173 population has decreased below the population for its current class, the lieutenant governor
3174 shall:

3175 (A) prepare a certificate indicating the class in which the municipality belongs based
3176 on the decreased population figure; and

3177 (B) within ten days after preparing the certificate, deliver a copy of the certificate to the
3178 legislative body of the municipality whose class has changed.

3179 Section 62. Section **67-1a-6.5** is repealed and reenacted to read:

3180 **67-1a-6.5. Certification of local entity boundary actions.**

3181 (1) As used in this section:

3182 (a) "Applicable certificate" means:

3183 (i) for the impending incorporation of a city, town, local district, or conservation
3184 district, a certificate of incorporation;

3185 (ii) for the impending creation of a county, school district, special service district,
3186 community development and renewal agency, or interlocal entity, a certificate of creation;

3187 (iii) for the impending annexation of territory to an existing local entity, a certificate of
3188 annexation;

3189 (iv) for the impending withdrawal or disconnection of territory from an existing local

3190 entity, a certificate of withdrawal or disconnection, respectively;
3191 (v) for the impending consolidation of multiple local entities, a certificate of
3192 consolidation;
3193 (vi) for the impending division of a local entity into multiple local entities, a certificate
3194 of division;
3195 (vii) for the impending adjustment of a common boundary between local entities, a
3196 certificate of boundary adjustment; and
3197 (viii) for the impending dissolution of a local entity, a certificate of dissolution.
3198 (b) "Approving authority" has the same meaning as defined in Section 17-23-20.
3199 (c) "Boundary action" has the same meaning as defined in Section 17-23-20.
3200 (d) "Center" means the Automated Geographic Reference Center created under Section
3201 63F-1-506.
3202 (e) "Certified final boundary plat" means a final boundary plat, as defined in Section
3203 17-23-20, that has been certified under Section 17-23-20 as a final boundary plat by the county
3204 surveyor.
3205 (f) "Community development and renewal agency" has the same meaning as defined in
3206 Section 17C-1-102.
3207 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.
3208 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.
3209 (i) "Local district" has the same meaning as defined in Section 17B-1-102.
3210 (j) "Local entity" means a county, city, town, school district, local district, community
3211 development and renewal agency, special service district, conservation district, or interlocal
3212 entity.
3213 (k) "Notice of an impending boundary action" means a written notice, as described in
3214 Subsection (3), that provides notice of an impending boundary action.
3215 (l) "Special service district" has the same meaning as defined in Section 17D-1-102.
3216 (2) Within ten days after receiving a notice of an impending boundary action, the
3217 lieutenant governor shall:
3218 (a) (i) issue the applicable certificate, if:
3219 (A) the lieutenant governor determines that the notice of an impending boundary action
3220 meets the requirements of Subsection (3); and

3221 (B) except in the case of an impending local entity dissolution, the notice of an
3222 impending boundary action is accompanied by a certified final boundary plat;
3223 (ii) send the applicable certificate to the local entity's approving authority;
3224 (iii) return the original of the certified final plat to the local entity's approving
3225 authority;
3226 (iv) send a copy of the applicable certificate and certified final boundary plat to:
3227 (A) the State Tax Commission;
3228 (B) the center; and
3229 (C) the county recorder, county surveyor, county auditor, and county attorney of each
3230 county in which the property depicted on the certified final boundary plat is located; and
3231 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
3232 that is the subject of the applicable certificate is:
3233 (A) the incorporation or creation of a new local entity;
3234 (B) the consolidation of multiple local entities;
3235 (C) the division of a local entity into multiple local entities; or
3236 (D) the dissolution of a local entity; or
3237 (b) (i) send written notification to the approving authority that the lieutenant governor
3238 is unable to issue the applicable certificate, if:
3239 (A) the lieutenant governor determines that the notice of an impending boundary action
3240 does not meet the requirements of Subsection (3); or
3241 (B) the notice of an impending boundary action is:
3242 (I) not accompanied by a certified final boundary plat; or
3243 (II) accompanied by a plat or final boundary plat that has not been certified as a final
3244 boundary plat by the county surveyor under Section 17-23-20; and
3245 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
3246 unable to issue the applicable certificate.
3247 (3) Each notice of an impending boundary action shall:
3248 (a) be directed to the lieutenant governor;
3249 (b) contain the name of the local entity or, in the case of an incorporation or creation,
3250 future local entity, whose boundary is affected or established by the boundary action;
3251 (c) describe the type of boundary action for which an applicable certificate is sought;

3252 and

3253 (d) (i) contain a statement, signed and verified by the approving authority, certifying
3254 that all requirements applicable to the boundary action have been met; or

3255 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy
3256 of the court order approving the dissolution of the municipality.

3257 (4) The lieutenant governor may require the approving authority to submit a paper or
3258 electronic copy of a notice of an impending boundary action and certified final boundary plat in
3259 conjunction with the filing of the original of those documents.

3260 (5) (a) The lieutenant governor shall:

3261 (i) keep, index, maintain, and make available to the public, both at the office of the
3262 lieutenant governor and on the Internet, each notice of an impending boundary action, certified
3263 final boundary plat, applicable certificate, and other document that the lieutenant governor
3264 receives or generates under this section;

3265 (ii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
3266 person who requests a paper copy; and

3267 (iii) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
3268 any person who requests a certified copy.

3269 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
3270 copy of a document that the lieutenant governor provides under this Subsection (5).

3271 Section 63. Section **67-1a-6.7** is enacted to read:

3272 **67-1a-6.7. Certification of local entity name change.**

3273 (1) As used in this section:

3274 (a) "Approving authority" means the person or body authorized under statute to
3275 approve the local entity's name change.

3276 (b) "Center" has the same meaning as defined in Section 67-1a-6.5.

3277 (c) "Certificate of name change" means a certificate issued by the lieutenant governor
3278 certifying a local entity's change of name.

3279 (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

3280 (e) "Notice of an impending name change" means a notice, as described in Subsection
3281 (3), that provides notice of a local entity's impending name change.

3282 (2) Within ten days after receiving a notice of an impending name change, the

3283 lieutenant governor shall:
3284 (a) issue a certificate of name change;
3285 (b) send the certificate of name change to the approving authority of the local entity
3286 whose name is being changed; and
3287 (c) send a copy of the certificate of name change to:
3288 (i) the State Tax Commission;
3289 (ii) the state auditor;
3290 (iii) the center; and
3291 (iv) the county recorder, county surveyor, county auditor, and county attorney of each
3292 county in which any part of the local entity is located.
3293 (3) Each notice of an impending name change shall:
3294 (a) be directed to the lieutenant governor;
3295 (b) contain the current name of the local entity;
3296 (c) state the name to which the local entity intends to change;
3297 (d) identify each county in which any part of the local entity is located; and
3298 (e) contain a statement, signed and verified by the approving authority, certifying that
3299 all requirements applicable to the name change have been met.
3300 **Section 64. Repealer.**
3301 This bill repeals:
3302 **Section 10-1-116, Notice to lieutenant governor of incorporation, dissolution, or**
3303 **boundary change -- Tax rate on new property included in municipality.**
3304 **Section 10-1-117, Amending articles of incorporation -- Lieutenant governor**
3305 **certification -- Effective date.**
3306 **Section 10-2-122, When incorporation complete -- Incorporation presumed**
3307 **conclusive.**
3308 **Section 10-2-508, Disconnection completed.**
3309 **Section 17-2-2, Election returns transmitted to lieutenant governor.**
3310 **Section 17-2-7, Election returns transmitted to lieutenant governor.**
3311 **Section 17-3-2, Election returns transmitted to lieutenant governor.**

Legislative Review Note
as of 1-5-09 10:31 AM

Office of Legislative Research and General Counsel

H.B. 61 - Local Government Entity Changes

Fiscal Note

2009 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, businesses, or local governments.
