

Representative Kory M. Holdaway proposes the following substitute bill:

LOCAL GOVERNMENT ENTITY CHANGES

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kory M. Holdaway

Senate Sponsor: _____

LONG TITLE

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



- 26 the boundary action;
- 27 ▶ imposes restrictions on a local entity's imposition of property taxes, assessments, or
- 28 fees until documents related to the boundary action are recorded;
- 29 ▶ modifies the event from which the effective date of a municipal annexation or
- 30 boundary adjustment is calculated;
- 31 ▶ clarifies and makes technical changes relating to the process of consolidating
- 32 counties and the process of annexing part of one county to another county;
- 33 ▶ limits a person from filing for recording a plat that depicts a local entity's boundary
- 34 as it exists as a result of a boundary action unless it complies with certain
- 35 requirements;
- 36 ▶ modifies the duties of the surveyor within the Automated Geographic Reference
- 37 Center;
- 38 ▶ makes a political subdivision's boundary in the State Geographic Information
- 39 Database the official boundary for purposes of US Census Bureau needs;
- 40 ▶ modifies the process for counties to resolve a dispute or uncertainty about the true
- 41 location of a county boundary and replaces the state engineer with the surveyor in
- 42 the Automated Geographic Reference Center in that process; and
- 43 ▶ makes technical changes.

44 **Monies Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 None

48 **Utah Code Sections Affected:**

49 AMENDS:

- 50 **10-1-118**, as enacted by Laws of Utah 2000, Chapter 318
- 51 **10-2-119**, as last amended by Laws of Utah 2005, Chapter 233
- 52 **10-2-120**, as last amended by Laws of Utah 2005, Chapter 233
- 53 **10-2-121**, as last amended by Laws of Utah 2005, First Special Session, Chapter 9
- 54 **10-2-125**, as last amended by Laws of Utah 2008, Chapters 16 and 19
- 55 **10-2-302**, as last amended by Laws of Utah 2001, Second Special Session, Chapter 4
- 56 **10-2-418**, as last amended by Laws of Utah 2007, Chapters 329 and 378

- 57 **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329
- 58 **10-2-425**, as last amended by Laws of Utah 2007, Chapters 329 and 378
- 59 **10-2-507**, as last amended by Laws of Utah 2005, Chapter 233
- 60 **10-2-610**, as last amended by Laws of Utah 1997, Chapter 389
- 61 **10-2-611**, as last amended by Laws of Utah 2005, Chapter 233
- 62 **10-2-705**, as enacted by Laws of Utah 1977, Chapter 48
- 63 **10-2-711**, as last amended by Laws of Utah 2000, Chapter 318
- 64 **10-2-712**, as last amended by Laws of Utah 2005, Chapter 233
- 65 **10-6-111**, as last amended by Laws of Utah 2005, Chapter 146
- 66 **11-13-203**, as last amended by Laws of Utah 2005, Chapter 233
- 67 **11-13-204**, as last amended by Laws of Utah 2005, Chapter 233
- 68 **11-13-205**, as last amended by Laws of Utah 2005, Chapters 105 and 233
- 69 **17-3-3**, as last amended by Laws of Utah 2005, Chapter 233
- 70 **17-21-20**, as last amended by Laws of Utah 2007, Chapter 147
- 71 **17-50-104**, as last amended by Laws of Utah 2005, Chapter 233
- 72 **17-50-105**, as last amended by Laws of Utah 2005, Chapter 233
- 73 **17B-1-105**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 74 **17B-1-215**, as last amended by Laws of Utah 2008, Chapter 360
- 75 **17B-1-216**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 76 **17B-1-414**, as last amended by Laws of Utah 2008, Chapter 118
- 77 **17B-1-415**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 78 **17B-1-416**, as last amended by Laws of Utah 2008, Chapter 118
- 79 **17B-1-417**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 80 **17B-1-512**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 81 **17B-1-1308**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 82 **17C-1-201**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 83 **17C-1-701**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 84 **17D-1-204**, as enacted by Laws of Utah 2008, Chapter 360
- 85 **17D-1-208**, as enacted by Laws of Utah 2008, Chapter 360
- 86 **17D-1-209**, as enacted by Laws of Utah 2008, Chapter 360
- 87 **17D-1-403**, as enacted by Laws of Utah 2008, Chapter 360

88 **17D-1-603**, as enacted by Laws of Utah 2008, Chapter 360
89 **17D-3-203**, as enacted by Laws of Utah 2008, Chapter 360
90 **53A-2-101.5**, as enacted by Laws of Utah 2005, Chapter 233
91 **53A-2-118**, as last amended by Laws of Utah 2008, Chapter 92
92 **53A-2-118.1**, as last amended by Laws of Utah 2008, Chapter 92
93 **63F-1-506**, as last amended by Laws of Utah 2005, Chapter 233 and renumbered and
94 amended by Laws of Utah 2005, Chapter 169
95 **63F-1-507**, as last amended by Laws of Utah 2007, Chapter 329
96 **63G-7-401**, as renumbered and amended by Laws of Utah 2008, Chapter 382
97 **67-1a-2**, as last amended by Laws of Utah 2007, Chapters 75 and 83

98 ENACTS:

99 **17-2-101**, Utah Code Annotated 1953
100 **17-2-102**, Utah Code Annotated 1953
101 **17-2-201**, Utah Code Annotated 1953
102 **17-2-202**, Utah Code Annotated 1953
103 **17-23-20**, Utah Code Annotated 1953
104 **59-2-305.5**, Utah Code Annotated 1953
105 **67-1a-6.7**, Utah Code Annotated 1953

106 REPEALS AND REENACTS:

107 **67-1a-6.5**, as last amended by Laws of Utah 2008, Chapter 360

108 RENUMBERS AND AMENDS:

109 **17-2-103**, (Renumbered from 17-2-1, as last amended by Laws of Utah 1993, Chapter
110 227)
111 **17-2-104**, (Renumbered from 17-2-3, as last amended by Laws of Utah 1984, Chapter
112 68)
113 **17-2-105**, (Renumbered from 17-2-4, as last amended by Laws of Utah 2005, Chapter
114 233)
115 **17-2-106**, (Renumbered from 17-2-5, Utah Code Annotated 1953)
116 **17-2-203**, (Renumbered from 17-2-6, as last amended by Laws of Utah 2003, Chapter
117 258)
118 **17-2-204**, (Renumbered from 17-2-8, as last amended by Laws of Utah 2003, Chapter

119 258)
 120 **17-2-205**, (Renumbered from 17-2-9, as last amended by Laws of Utah 2005, Chapter
 121 233)
 122 **17-2-206**, (Renumbered from 17-2-10, as last amended by Laws of Utah 2002, Sixth
 123 Special Session, Chapter 3)
 124 **17-2-207**, (Renumbered from 17-2-11, as last amended by Laws of Utah 1993, Chapter
 125 227)
 126 **17-2-208**, (Renumbered from 17-2-12, Utah Code Annotated 1953)
 127 **17-2-209**, (Renumbered from 17-2-13, as last amended by Laws of Utah 2005, Chapter
 128 233)

129 REPEALS:

130 **10-1-116**, as last amended by Laws of Utah 2005, Chapter 233
 131 **10-1-117**, as last amended by Laws of Utah 2007, Chapter 329
 132 **10-2-122**, as last amended by Laws of Utah 2000, Chapter 38
 133 **10-2-508**, as last amended by Laws of Utah 2003, Chapter 279
 134 **17-2-2**, as last amended by Laws of Utah 1984, Chapter 68
 135 **17-2-7**, as last amended by Laws of Utah 2003, Chapter 258
 136 **17-3-2**, as last amended by Laws of Utah 1984, Chapter 68

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

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

140 **10-1-118. Changing the name of a municipality.**

141 (1) A municipality may change its name ~~[by filing amended articles of incorporation as~~
 142 ~~provided in Section 10-1-117.]~~ as provided in this section.

143 (2) To initiate a name change, the legislative body of a municipality shall:

144 (a) adopt an ordinance or resolution approving a name change; and

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

147 (3) Upon the lieutenant governor's issuance of a certificate of name change under
 148 Section 67-1a-6.7, the municipal legislative body shall:

149 (a) if the municipality is located within the boundary of a single county, submit to the

150 recorder of that county:

151 (i) the original:

152 (A) notice of an impending name change; and

153 (B) certificate of name change; and

154 (ii) a certified copy of the ordinance or resolution approving the name change; or

155 (b) if the municipality is located within the boundaries of more than a single county:

156 (i) submit to the recorder of one of those counties:

157 (A) the original of the documents listed in Subsections (3)(a)(i)(A) and (B); and

158 (B) a certified copy of the ordinance or resolution approving the name change; and

159 (ii) submit to the recorder of each other county:

160 (A) a certified copy of the documents described in Subsections (3)(a)(i)(A) and (B);

161 and

162 (B) a certified copy of the ordinance or resolution approving the name change.

163 ~~[(2)]~~ (4) (a) The name change becomes effective upon the lieutenant governor's

164 ~~[certification of the amended articles as provided in Subsection 10-1-117(3).]~~ issuance of a

165 certificate of name change under Section 67-1a-6.7.

166 (b) Notwithstanding Subsection (4)(a), the municipality may not operate under the new
167 name until the documents listed in Subsection (3) are recorded in the office of the recorder of
168 each county in which the municipality is located.

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

170 **10-2-119. Filing of notice and certified final boundary plat with lieutenant**
171 **governor -- Effective date of incorporation -- Necessity of recording documents and effect**
172 **of not recording.**

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

176 (a) within 30 days after the canvass of the final election of city officers under Section
177 10-2-116, file with the lieutenant governor[-];

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

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

180 ~~[(b) contain an accurate map or plat, prepared by a licensed surveyor, approved by the~~

181 ~~legislative body, and filed with the county surveyor in accordance with Section 17-23-17,~~
182 ~~showing the boundaries of the city;]~~

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

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

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

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

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

191 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
192 Section 67-1a-6.5:

193 (i) if the city is located within the boundary of a single county, submit to the recorder
194 of that county the original:

195 (A) notice of an impending boundary action;

196 (B) certificate of incorporation; and

197 (C) certified final boundary plat; or

198 (ii) if the city is located within the boundaries of more than a single county, submit the
199 original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those
200 counties and a certified copy of those documents to each other county.

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

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

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

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

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

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

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

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

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

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

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

218 **10-2-120. Powers of officers-elect.**

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

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

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

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

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

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

229 ~~[(2)]~~ (1) Upon the ~~[lieutenant governor's certification of the notice]~~ canvass of the final
 230 election of city officers under Section ~~[67-1a-6.5]~~ 10-2-116 and until the future city becomes
 231 legally incorporated, the officers of the future city may:

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

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

235 (c) negotiate and make service contracts;

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

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

238 ~~[(f)]~~ (e) borrow funds from the county in which the future city is located under
 239 Subsection 10-2-121(3);

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

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

242 ~~[(3)]~~ (2) The city's legislative body shall review and ratify each contract made by the

243 officers-elect under Subsection [~~(2)~~] (1) within 30 days ~~[of]~~ after the effective date of
244 incorporation under Section [~~10-2-122~~] 10-2-119.

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

246 **10-2-121. Division of municipal-type services revenues -- County may provide**
247 **startup funds -- Filing of plat or map -- Notice requirements.**

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

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

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

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

261 (b) (i) The legislative body of a county in which a city incorporated after January 1,
262 2004, is located may share with the new city taxes and service charges or fees that were levied
263 and collected by the county under Section 17-34-3:

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

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

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

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

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

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

277 (ii) after incorporation, the new city.

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

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

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

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

287 **10-2-125. Incorporation of a town.**

288 (1) As used in this section:

289 (a) "Assessed value," with respect to agricultural land, means the value at which the
290 land would be assessed without regard to a valuation for agricultural use under Section
291 59-2-503.

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

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

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

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

299 (d) "Nonurban" means having a residential density of less than one unit per acre.

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

302 (ii) An area within a county of the first class is not contiguous for purposes of
303 Subsection (2)(a)(i) if:

304 (A) the area includes a strip of land that connects geographically separate areas; and

305 (B) the distance between the geographically separate areas is greater than the average
306 width of the strip of land connecting the geographically separate areas.

307 (b) The population figure under Subsection (2)(a) shall be determined:

308 (i) as of the date the incorporation petition is filed; and

309 (ii) by the Utah Population Estimates Committee within 20 days after the county clerk's
310 certification under Subsection (6) of a petition filed under Subsection (4).

311 (3) (a) The process to incorporate an area as a town is initiated by filing a request for a
312 public hearing with the clerk of the county in which the area is located.

313 (b) Each request for a public hearing under Subsection (3)(a) shall:

314 (i) be signed by the owners of at least five separate parcels of private real property,
315 each owned by a different owner, located within the area proposed to be incorporated; and

316 (ii) be accompanied by an accurate map or plat depicting the boundary of the proposed
317 town.

318 (c) Within ten days after a request for a public hearing is filed under Subsection (3)(a),
319 the county clerk shall, with the assistance of other county officers from whom the clerk
320 requests assistance, determine whether the petition complies with the requirements of
321 Subsection (3)(b).

322 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with
323 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written
324 notice of the rejection to the signers of the request.

325 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the
326 requirements of Subsection (3)(b), the clerk shall:

327 (A) schedule and arrange for a public hearing to be held:

328 (I) (Aa) at a public facility located within the boundary of the proposed town; or

329 (Bb) if there is no public facility within the boundary of the proposed town, at another
330 nearby public facility or at the county seat; and

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

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

335 (I) posting notice of the public hearing on the county's Internet website, if the county

336 has an Internet website; and

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

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

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

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

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

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

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

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

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

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

357 (i) be signed by:

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

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

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

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

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

365 (B) a majority of all registered voters within the area proposed to be incorporated as a
366 town, according to the official voter registration list maintained by the county on the date the

367 petition is filed;

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

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

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

374 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
375 town)

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

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

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

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

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

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

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

394 (i) at any time until the county clerk certifies the petition under Subsection (6); and

395 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

396 (5) (a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town
397 an area located within a county of the first class, the county clerk shall deliver written notice of

398 the proposed incorporation:

399 (i) to each owner of private real property owning more than 1% of the assessed value
400 of all private real property within the area proposed to be incorporated as a town; and

401 (ii) within seven calendar days after the date on which the petition is filed.

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

405 (i) with the county clerk; and

406 (ii) within ten calendar days after receiving the clerk's notice under Subsection (5)(a).

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

409 (i) the property:

410 (A) is nonurban; and

411 (B) does not and will not require a municipal service; and

412 (ii) exclusion will not leave an unincorporated island within the proposed town.

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

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

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

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

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

423 and

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

425 (I) the contact sponsor;

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

428 (III) the Utah Population Estimates Committee; or

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

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

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

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

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

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

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

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

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

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

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

454 (i) the county clerk has certified the petition under Subsection (6); and

455 (ii) (A) (I) the county legislative body has commissioned a financial feasibility study
456 under Subsection (8)(a); and

457 (II) the results of the financial feasibility study show that the average annual amount of
458 revenues described in Subsection (1)(b)(i) does not exceed the average annual amount of costs
459 described in Subsection (1)(b)(ii) by more than 10%; or

460 (B) the county legislative body chooses not to commission a financial feasibility study.

461 (c) (i) If the county legislative body commissions a financial feasibility study under
462 Subsection (8)(a) and the results of the financial feasibility study show that the average annual
463 amount of revenues described in Subsection (1)(b)(i) exceeds the average annual amount of
464 costs described in Subsection (1)(b)(ii) by more than 10%, the county legislative body may:

465 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial
466 feasibility study show that the average annual amount of revenues described in Subsection
467 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%
468 or more;

469 (B) approve the petition and hold an election for town officers, as provided in
470 Subsection (9); or

471 (C) (I) with the consent of the petition sponsors:

472 (Aa) impose conditions to mitigate the fiscal inequities identified in the financial
473 feasibility study; or

474 (Bb) alter the boundaries of the area proposed to be incorporated as a town to
475 approximate the boundaries necessary to prevent the average annual amount of revenues
476 described in Subsection (1)(b)(i) from exceeding the average annual amount of costs described
477 in Subsection (1)(b)(ii); and

478 (II) approve the incorporation petition and hold an election for town officers, as
479 provided in Subsection (9).

480 (ii) A county legislative body intending to deny a petition under Subsection (8)(c)(i)(A)
481 shall deny the petition within 20 days after the feasibility consultant submits the written results
482 of the financial feasibility study.

483 (d) Each town that incorporates pursuant to a petition approved after the county
484 legislative body imposes conditions under Subsection (8)(c)(i)(C)(I) shall comply with those
485 conditions.

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

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

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

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

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

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

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

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

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

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

505 ~~[(b) The articles of incorporation shall meet the requirements of Subsection~~
506 ~~10-2-119(2).]~~

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

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

510 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
511 Section 67-1a-6.5:

512 (i) if the town is located within the boundary of a single county, submit to the recorder
513 of that county the original:

514 (A) notice of an impending boundary action;

515 (B) certificate of incorporation; and

516 (C) certified final boundary plat; or

517 (ii) if the town is located within the boundaries of more than a single county, submit
518 the original of the documents listed in Subsections (11)(b)(i)(A), (B), and (C) to one of those
519 counties and a certified copy of those documents to each other county.

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

521 ~~[(a)]~~ (i) on December 31 of the year in which the lieutenant governor issues a

522 certificate of [~~entity creation for the town~~] incorporation under Section 67-1a-6.5, if the
523 election of town officers under Subsection (9) is held on a regular general or municipal general
524 election date; or

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

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

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

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

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

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

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

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

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

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

541 **10-2-302. Change of class of municipality.**

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

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

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

548 ~~[(b) if the population figure for a municipality is not available from the United States~~
549 ~~Bureau of the Census, the population estimate from the Utah Population Estimates~~
550 ~~Committee:]~~

551 ~~[(3) If the applicable population figure under Subsection (2) indicates that a~~
552 ~~municipality's population has increased beyond the limit for its current class, the lieutenant~~

553 ~~governor shall:]~~

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

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

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

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

566 ~~[(5)]~~ (3) A municipality's change in class is effective on the date of the lieutenant
567 governor's certificate under Subsection ~~[(3) or (4)]~~ 67-1a-2(3).

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

569 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**
570 **Hearing.**

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

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

575 (B) the majority of each island or peninsula consists of residential or commercial
576 development;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

614 (iv) except for an annexation that meets the property owner consent requirements of

615 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will
616 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written
617 protests to the annexation are filed by the owners of private real property that:

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

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

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

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

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

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

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

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

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

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

645 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal

646 legislative body may not adopt an ordinance [~~annexing~~] approving the annexation of the area
647 proposed for annexation, and the annexation proceedings under this section shall be considered
648 terminated.

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

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

654 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

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

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

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

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

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

675 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
676 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written

677 protests to the adjustment are filed by the owners of private real property that:

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

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

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

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

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

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

689 (II) in the creation of which an election was not required because of Subsection
690 17B-1-214(3)(c); and

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

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

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

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

699 (II) in the creation of which an election was not required because of Subsection
700 17B-1-214(3)(c); and

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

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

706 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal
707 legislative body may adopt an ordinance [~~adjusting~~] approving the adjustment of the common

708 boundary unless, at or before the hearing under Subsection (2)(a)(ii), written protests to the
709 adjustment have been filed with the city recorder or town clerk, as the case may be, by the
710 owners of private real property that:

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

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

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

716 (4) The municipal legislative body shall comply with the requirements of Section
717 10-2-425 as if the boundary [~~change~~] adjustment were an annexation.

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

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

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

725 **10-2-425. Filing of plat or map and amended articles -- Notice requirements.**

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

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

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

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

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

738 [~~(ii) (A) if the municipality has articles of incorporation, amended articles of~~

739 incorporation reflecting the annexation or boundary adjustment, as provided in Section
740 10-1-117; or]

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

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

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

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

748 (i) (A) if the annexed area or area subject to the boundary adjustment is located within
749 the boundary of a single county, submit to the recorder of that county:

750 (I) the original:

751 (Aa) notice of an impending boundary action;

752 (Bb) certificate of annexation or boundary adjustment; and

753 (Cc) certified final boundary plat; and

754 (II) a certified copy of the ordinance approving the annexation or boundary adjustment;

755 or

756 (B) if the annexed area or area subject to the boundary adjustment is located within the
757 boundaries of more than a single county:

758 (I) submit to the recorder of one of those counties:

759 (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and
760 (Cc); and

761 (Bb) a certified copy of the ordinance approving the annexation or boundary
762 adjustment; and

763 (II) submit to the recorder of each other county:

764 (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb),
765 and (Cc); and

766 (Bb) a certified copy of the ordinance approving the annexation or boundary
767 adjustment;

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

769 [(e)] (iii) in accordance with Section 26-8a-414, file [the documents described in

770 Subsection ~~(1)(b)(i)~~ with the Department of Health[-];

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

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

774 (2) If an annexation or boundary adjustment under this part also causes an automatic
775 annexation to a local district under Section 17B-1-416 or an automatic withdrawal from a local
776 district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as
777 practicable after ~~[enacting an ordinance annexing an unincorporated area or adjusting a~~
778 ~~boundary]~~ the lieutenant governor issues a certificate of annexation or boundary adjustment
779 under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the local
780 district to which the annexed area is automatically annexed or from which the annexed area is
781 automatically withdrawn.

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

784 ~~[(4)]~~ (3) Each notice required under ~~[Subsections (1) and (3)]~~ Subsection (1) relating to
785 an annexation or boundary adjustment shall state the effective date of the annexation or
786 boundary adjustment, as determined under Subsection ~~[(5)]~~ (4).

787 ~~[(5)]~~ (4) An annexation or boundary adjustment under this part is completed and takes
788 effect:

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

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

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

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

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

800 (A) the ~~[ordinance is adopted]~~ certificate is issued during the preceding May 1 through

801 October 31; and

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

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

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

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

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

812 (i) "Affected area" means:

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

814 (B) in the case of a boundary adjustment, any area that, as a result of the boundary
815 adjustment, is moved from within the boundary of one municipality to within the boundary of
816 another municipality.

817 (ii) "Annexing municipality" means:

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

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

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

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

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

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

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

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

830 **10-2-507. Disconnection decree -- Filing of documents -- Notice requirements.**

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

832 (1) As used in this section, "disconnection action" means:
833 (a) the municipal legislative body's adoption of an ordinance under Subsection
834 10-2-502.5(4)(b) approving disconnection; or
835 (b) the entry of a court order under Section 10-2-502.7 ordering disconnection.
836 (2) The municipal legislative body shall:
837 (a) within 30 days after the disconnection action, file with the lieutenant governor [a
838 certified copy of the order and a transparent reproducible copy of the map or plat.]:
839 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
840 that meets the requirements of Subsection 67-1a-6.5(3); and
841 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and
842 (b) upon the lieutenant governor's issuance of a certificate of disconnection under
843 Section 67-1a-6.5:
844 (i) if the disconnected area is located within the boundary of a single county, submit to
845 the recorder of that county:
846 (A) the original:
847 (I) notice of an impending boundary action;
848 (II) certificate of disconnection; and
849 (III) certified final boundary plat; and
850 (B) a certified copy of the ordinance approving the disconnection or court order
851 ordering disconnection; or
852 (ii) if the disconnected area is located within the boundaries of more than a single
853 county:
854 (A) submit to the recorder of one of those counties:
855 (I) the original of the documents listed in Subsections (2)(b)(i)(A)(I), (II), and (III); and
856 (II) a certified copy of the ordinance approving the disconnection or the court order
857 ordering disconnection; and
858 (B) submit to the recorder of each other county:
859 (I) a certified copy of the documents listed in Subsections (2)(b)(i)(A)(I), (II), and (III);
860 and
861 (II) a certified copy of the ordinance approving the disconnection or the court order
862 ordering disconnection.

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

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

868 ~~[(a) adoption of an ordinance approving disconnection under Subsection~~
869 ~~10-2-502.5(4)(b); or]~~

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

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

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

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

874 ~~[(4) The lieutenant governor shall comply with the requirements of Subsection~~
875 ~~10-1-117(3).]~~

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

878 (b) Until the documents listed in Subsection (2)(b) are recorded in the office of the
879 recorder of each county in which the property is located, a county in which the disconnected
880 territory is located may not:

881 (i) except as provided in Section 10-2-506, levy or collect a property tax on property
882 within the disconnected territory unless the county was levying and collecting the tax
883 immediately before disconnection;

884 (ii) levy or collect an assessment on property within the disconnected territory unless
885 the county was levying and collecting the assessment immediately before disconnection; or

886 (iii) charge or collect a fee for service provided to property within the disconnected
887 territory unless the county was charging and collecting the fee immediately before
888 disconnection.

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

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

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

894 **10-2-610. Favorable vote at election -- Notice of results -- Publication -- Filing.**

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

899 (2) If a majority of the ballots cast at the election on consolidation in each municipality
900 are for consolidation, the county clerk or clerks shall immediately, on receiving notice of the
901 results of the canvass [being filed in the proper office] under Subsection (1), give notice of the
902 result by publication in the same manner and for the same time as provided in Section 10-2-608
903 [and in the notice the county clerk or clerks shall indicate to which class the consolidated
904 municipality belongs. A copy of the notice with proper proof of its original publication shall
905 be filed with the papers, and a certified copy of all papers and record entries relating to the
906 matter on file in the county clerk's office shall be filed in the office of the county recorder. The
907 mayor of the consolidated municipality shall cause articles of consolidation to be filed in the
908 office of the lieutenant governor which shall contain the same information as is required in
909 Subsection 10-2-119(2) together with a provision stating that the municipality is a
910 consolidation of two or more municipalities and the names of the municipalities which
911 comprise the new municipality].

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

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

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

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

918 (b) upon the lieutenant governor's issuance of a certificate of consolidation under
919 Section 67-1a-6.5:

920 (i) if the consolidated municipality is located within the boundary of a single county,
921 submit to the recorder of that county the original:

922 (A) notice of an impending boundary action;

923 (B) certificate of consolidation; and

924 (C) certified final boundary plat; or

925 (ii) if the consolidated municipality is located within the boundaries of more than a
 926 single county, submit the original of the documents listed in Subsections (3)(b)(i)(A), (B), and
 927 (C) to the recorder of one of those counties and a certified copy of those documents to the
 928 recorder of each other county.

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

930 **10-2-611. When consolidation complete -- Disincorporation of original**
 931 **municipalities.**

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

935 (a) the consolidation is effective; and

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

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

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

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

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

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

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

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

950 **10-2-705. Judgment -- Determination of claims.**

951 The vote shall be taken and canvassed in the same manner as in other municipal
 952 elections, and return thereof made to the district court. If the district court finds that a majority
 953 of the votes cast favored dissolution, a judgment shall be entered [~~dissolving~~] approving the
 954 dissolution of the municipality and, upon dissolution, the corporate powers of such
 955 municipality shall cease, and the court shall cause notice to be given in a manner to be

956 prescribed by it, requiring all claims against the municipality to be filed in the court within a
957 time fixed in the notice, not exceeding six months, and all claims not so filed shall be forever
958 barred. At the expiration of the time so fixed the court shall adjudicate claims so filed, which
959 shall be treated as denied, and any citizen of the municipality at the time the vote was taken
960 may appear and defend against any claim so filed, or the court may in its discretion appoint
961 some person for that purpose.

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

963 **10-2-711. Dissolution by the county legislative body.**

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

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

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

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

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

979 (4) If the municipality is dissolved, the district court shall wind down the affairs and
980 dissolve the municipality as quickly as possible in the same manner as is provided in Sections
981 10-2-705 through 10-2-709.

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

983 **10-2-712. Power of court -- Articles of dissolution -- Notice to lieutenant**
984 **governor.**

985 (1) The district court may:

986 (a) enforce compliance with any order issued to give effect to this part by proceedings

987 for contempt; and

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

989 (2) (a) [The] Upon entering an order approving the dissolution of a municipality, the
990 district court shall file [articles of dissolution] with the lieutenant governor [on the dissolution
991 of the municipality-];

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

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

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

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

998 (ii) the court shall:

999 (A) if the dissolved municipality was located within the boundary of a single county,
1000 submit to the recorder of that county:

1001 (I) a certified copy of the court order approving dissolution of the municipality; and

1002 (II) the original certificate of dissolution; or

1003 (B) if the dissolved municipality was located within the boundaries of more than a
1004 single county:

1005 (I) submit to the recorder of one of those counties:

1006 (Aa) a certified copy of the court order approving dissolution of the municipality; and

1007 (Bb) the original certificate of dissolution; and

1008 (II) submit to the recorder of each other county:

1009 (Aa) a certified copy of the court order approving dissolution of the municipality; and

1010 (Bb) a certified copy of the certificate of dissolution.

1011 (3) (a) The effective date of a dissolution of a municipality for purposes of assessing
1012 property within the dissolved municipality is governed by Section 59-2-305.5.

1013 (b) Until the documents listed in Subsection (2)(b)(ii) are recorded in the office of the
1014 recorder of each county in which the property is located, a county in which a dissolved
1015 municipality is located may not:

1016 (i) levy or collect a property tax on property within the former boundary of the
1017 dissolved municipality unless the county was levying and collecting the tax immediately before

1018 dissolution;

1019 (ii) levy or collect an assessment on property within the former boundary of the
 1020 dissolved municipality unless the county was levying and collecting the assessment
 1021 immediately before dissolution; or

1022 (iii) charge or collect a fee for service provided to property within the former boundary
 1023 of the dissolved municipality unless the county was levying and collecting the fee immediately
 1024 before dissolution.

1025 Section 16. Section **10-6-111** is amended to read:

1026 **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of expenditures**
 1027 **-- Budget message -- Review by governing body.**

1028 (1) (a) On or before the first regularly scheduled meeting of the governing body in the
 1029 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on
 1030 forms provided by the state auditor, and file with the governing body, a tentative budget for
 1031 each fund for which a budget is required.

1032 (b) The tentative budget of each fund shall set forth in tabular form [~~the following~~]:

1033 [~~(a) Actual~~] (i) the actual revenues and expenditures in the last completed fiscal
 1034 period[-];

1035 [~~(b) Budget~~] (ii) the budget estimates for the current fiscal period[-];

1036 [~~(c) Actual~~] (iii) the actual revenues and expenditures for a period of 6 to 21 months,
 1037 as appropriate, of the current fiscal period[-];

1038 [~~(d) Estimated~~] (iv) the estimated total revenues and expenditures for the current fiscal
 1039 period[-];

1040 [~~(e) The~~] (v) the budget officer's estimates of revenues and expenditures for the budget
 1041 period, computed [~~in the following manner:~~] as provided in Subsection (1)(c); and

1042 [~~(i) The budget officer shall estimate, on the basis of demonstrated need, the~~
 1043 ~~expenditures for the budget period after a review of the budget requests and estimates of the~~
 1044 ~~department heads. Each department head shall be heard by the budget officer prior to making~~
 1045 ~~of the final estimates, but the officer may revise any department's estimate as the officer~~
 1046 ~~considers advisable for the purpose of presenting the budget to the governing body.]~~

1047 [(ii) ~~The budget officer shall estimate the amount of revenue available to serve the~~
 1048 ~~needs of each fund, estimate the portion to be derived from all sources other than general~~

1049 ~~property taxes, and estimate the portion that must be derived from general property taxes.~~
1050 ~~From the latter estimate the officer shall compute and disclose in the budget the lowest rate of~~
1051 ~~property tax levy that will raise the required amount of revenue, calculating the levy upon the~~
1052 ~~latest taxable value.]~~

1053 ~~[(f) If] (vi) if the governing body elects, the actual performance experience to the~~
1054 ~~extent established by Section 10-6-154 and available in work units, unit costs, man hours, or~~
1055 ~~man years for each budgeted fund on an actual basis for the last completed fiscal period, and~~
1056 ~~estimated for the current fiscal period and for the ensuing budget period.~~

1057 (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),
1058 the budget officer shall estimate:

1059 (A) on the basis of demonstrated need, the expenditures for the budget period, after:

1060 (I) hearing each department head; and

1061 (II) reviewing the budget requests and estimates of the department heads; and

1062 (B) (I) the amount of revenue available to serve the needs of each fund;

1063 (II) the portion of revenue to be derived from all sources other than general property
1064 taxes; and

1065 (III) the portion of revenue that must be derived from general property taxes.

1066 (ii) The budget officer may revise any department's estimate under Subsection
1067 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to
1068 the governing body.

1069 (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall
1070 compute and disclose in the budget the lowest rate of property tax levy that will raise the
1071 required amount of revenue, calculating the levy upon the latest taxable value.

1072 (2) (a) Each tentative budget, when filed by the budget officer with the governing body,
1073 shall contain the estimates of expenditures submitted by department heads, together with
1074 specific work programs and such other supporting data as this chapter requires or the governing
1075 body may request. Each city of the first or second class shall, and a city of the third, fourth, or
1076 fifth class may, submit a supplementary estimate of all capital projects which each department
1077 head believes should be undertaken within the next three succeeding years.

1078 (b) Each tentative budget submitted by the budget officer to the governing body shall
1079 be accompanied by a budget message, which shall explain the budget, contain an outline of the

1080 proposed financial policies of the city for the budget period, and shall describe the important
1081 features of the budgetary plan. It shall set forth the reasons for salient changes from the
1082 previous fiscal period in appropriation and revenue items and shall explain any major changes
1083 in financial policy.

1084 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the
1085 governing body in any regular meeting or special meeting called for the purpose and may be
1086 amended or revised in such manner as is considered advisable prior to public hearings, except
1087 that no appropriation required for debt retirement and interest or reduction of any existing
1088 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be
1089 reduced below the minimums so required.

1090 (4) (a) If the municipality is acting pursuant to Section 10-2-120, the tentative budget
1091 shall:

1092 (i) be submitted to the governing body-elect as soon as practicable [~~after the filing of~~
1093 ~~the notice under Section 10-2-120 indicating the proposed date for filing the articles of~~
1094 ~~incorporation~~]; and

1095 (ii) cover each fund for which a budget is required from the date of incorporation to the
1096 end of the fiscal year.

1097 (b) The governing body shall substantially comply with all other provisions of this [~~act~~]
1098 chapter, and the budget shall be passed upon incorporation.

1099 Section 17. Section **11-13-203** is amended to read:

1100 **11-13-203. Interlocal entities -- Agreement to create an interlocal entity -- Utah**
1101 **interlocal entity may become electric interlocal entity or energy services interlocal entity.**

1102 (1) An interlocal entity is:

1103 (a) separate from the public agencies that create it;

1104 (b) a body politic and corporate; and

1105 (c) a political subdivision of the state.

1106 (2) Any two or more Utah public agencies may enter into an agreement to [~~create~~]

1107 approve the creation of a Utah interlocal entity to accomplish the purpose of their joint or
1108 cooperative action, including undertaking and financing a facility or improvement to provide
1109 the service contemplated by that agreement.

1110 (3) (a) A Utah public agency and one or more public agencies may enter into an

1111 agreement to ~~create~~ approve the creation of an electric interlocal entity to accomplish the
1112 purpose of their joint or cooperative action if that purpose is to participate in the undertaking or
1113 financing of:

1114 (i) facilities to provide additional project capacity;

1115 (ii) common facilities under Title 54, Chapter 9, Electric Power Facilities Act; or

1116 (iii) electric generation or transmission facilities.

1117 (b) By agreement with one or more public agencies that are not parties to the

1118 agreement creating it, a Utah interlocal entity may be reorganized as an electric interlocal entity

1119 if:

1120 (i) the public agencies that are parties to the agreement creating the Utah interlocal

1121 entity authorize, in the same manner required to amend the agreement creating the Utah

1122 interlocal entity, the Utah interlocal entity to be reorganized as an electric interlocal entity; and

1123 (ii) the purpose of the joint or cooperative action to be accomplished by the electric
1124 interlocal entity meets the requirements of Subsection (3)(a).

1125 (4) (a) Two or more Utah public agencies may enter into an agreement with one

1126 another or with one or more public agencies to ~~create~~ approve the creation of an energy

1127 services interlocal entity to accomplish the purposes of their joint and cooperative action with

1128 respect to facilities, services, and improvements necessary or desirable with respect to the

1129 acquisition, generation, transmission, management, and distribution of electric energy for the

1130 use and benefit of the public agencies that enter into the agreement.

1131 (b) (i) A Utah interlocal entity that was created to facilitate the transmission or supply

1132 of electric power may, by resolution adopted by its governing body, elect to become an energy

1133 services interlocal entity.

1134 (ii) Notwithstanding Subsection (4)(b)(i), a Utah interlocal entity that is also a project

1135 entity may not elect to become an energy services interlocal entity.

1136 (iii) An election under Subsection (4)(b)(i) does not alter, limit, or affect the validity or

1137 enforceability of a previously executed contract, agreement, bond, or other obligation of the

1138 Utah interlocal entity making the election.

1139 Section 18. Section **11-13-204** is amended to read:

1140 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**

1141 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**

1142 **lieutenant governor.**

1143 (1) (a) An interlocal entity:

1144 (i) may:

1145 (A) adopt, amend, and repeal rules, bylaws, policies, and procedures for the regulation
1146 of its affairs and the conduct of its business;

1147 (B) sue and be sued;

1148 (C) have an official seal and alter that seal at will;

1149 (D) make and execute contracts and other instruments necessary or convenient for the
1150 performance of its duties and the exercise of its powers and functions;

1151 (E) acquire real or personal property, or an undivided, fractional, or other interest in
1152 real or personal property, necessary or convenient for the purposes contemplated in the
1153 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;

1154 (F) directly or by contract with another:

1155 (I) own and acquire facilities and improvements or an undivided, fractional, or other
1156 interest in facilities and improvements;

1157 (II) construct, operate, maintain, and repair facilities and improvements; and

1158 (III) provide the services contemplated in the agreement creating the interlocal entity;

1159 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
1160 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
1161 any part of the revenues and receipts from the facilities, improvements, or services that the
1162 interlocal entity provides;

1163 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
1164 other obligations issued by the interlocal entity; and

1165 (I) sell or contract for the sale of the services, output, product, or other benefits
1166 provided by the interlocal entity to:

1167 (I) public agencies inside or outside the state; and

1168 (II) with respect to any excess services, output, product, or benefits, any person on
1169 terms that the interlocal entity considers to be in the best interest of the public agencies that are
1170 parties to the agreement creating the interlocal entity; and

1171 (ii) may not levy, assess, or collect ad valorem property taxes.

1172 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(i)(G) may, to

1173 the extent provided by the documents under which the assignment, pledge, or other conveyance
1174 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes
1175 payable to the state or its political subdivisions.

1176 (2) An energy services interlocal entity:

1177 (a) except with respect to any ownership interest it has in facilities providing additional
1178 project capacity, is not subject to:

1179 (i) Part 3, Project Entity Provisions; or

1180 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
1181 Pay Corporate Franchise or Income Tax Act; and

1182 (b) may:

1183 (i) own, acquire, and, by itself or by contract with another, construct, operate, and
1184 maintain a facility or improvement for the generation, transmission, and transportation of
1185 electric energy or related fuel supplies;

1186 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
1187 services, transmission, and transportation services, and supplies of natural gas and fuels
1188 necessary for the operation of generation facilities;

1189 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,
1190 and others, whether located in or out of the state, for the sale of wholesale services provided by
1191 the energy services interlocal entity; and

1192 (iv) adopt and implement risk management policies and strategies and enter into
1193 transactions and agreements to manage the risks associated with the purchase and sale of
1194 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,
1195 and other instruments.

1196 (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or
1197 an amendment to that agreement may provide that the agreement may continue and the
1198 interlocal entity may remain in existence until the latest to occur of:

1199 (a) 50 years after the date of the agreement or amendment;

1200 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its
1201 indebtedness;

1202 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed
1203 or transferred all of its interest in its facilities and improvements; or

1204 (d) five years after the facilities and improvements of the interlocal entity are no longer
1205 useful in providing the service, output, product, or other benefit of the facilities and
1206 improvements, as determined under the agreement governing the sale of the service, output,
1207 product, or other benefit.

1208 (4) (a) The governing body of each party to the agreement to ~~[create]~~ approve the
1209 creation of an interlocal entity, including an electric interlocal entity and an energy services
1210 interlocal entity, under Section 11-13-203 shall~~[-];~~:

1211 (i) within 30 days ~~[of]~~ after the date of the agreement, jointly file ~~[a written notice of~~
1212 ~~the agreement]~~ with the lieutenant governor~~[-];~~

1213 ~~[(b) Each written notice required under Subsection (4)(a) shall:]~~

1214 ~~[(i) be accompanied by:]~~

1215 ~~[(A) a copy of the agreement to create the interlocal entity; and]~~

1216 (A) a copy of a notice of an impending boundary action, as defined in Section
1217 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1218 (B) if less than all of the territory of any Utah public agency that is a party to the
1219 agreement is included within the interlocal entity, a copy of a certified final boundary plat [that
1220 delineates a metes and bounds description of the area affected or a map of the area affected;
1221 and], as defined in Section 67-1a-6.5; and

1222 ~~[(ii) contain a certification by the governing body that all necessary legal requirements~~
1223 ~~relating to the creation have been completed:]~~

1224 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
1225 67-1a-6.5:

1226 (A) if the interlocal entity is located within the boundary of a single county, submit to
1227 the recorder of that county:

1228 (I) the original:

1229 (Aa) notice of an impending boundary action;

1230 (Bb) certificate of creation; and

1231 (Cc) certified final boundary plat, if a certified final boundary plat was required to be
1232 filed with the lieutenant governor under Subsection (4)(a)(i)(B); and

1233 (II) a certified copy of the agreement approving the creation of the interlocal entity; or

1234 (B) if the interlocal entity is located within the boundaries of more than a single

1235 county:

1236 (I) submit to the recorder of one of those counties:

1237 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and
 1238 (Cc); and

1239 (Bb) a certified copy of the agreement approving the creation of the interlocal entity;
 1240 and

1241 (II) submit to the recorder of each other county:

1242 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb),
 1243 and (Cc); and

1244 (Bb) a certified copy of the agreement approving the creation of the interlocal entity.

1245 ~~[(5)]~~ (b) Upon the lieutenant governor's issuance of a certificate of creation under
 1246 Section 67-1a-6.5, the interlocal entity is created.

1247 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the
 1248 recorder of each county in which the property is located, a newly created interlocal entity may
 1249 not charge or collect a fee for service provided to property within the interlocal entity.

1250 ~~[(6)]~~ (5) Nothing in this section may be construed as expanding the rights of any
 1251 municipality or interlocal entity to sell or provide retail service.

1252 Section 19. Section **11-13-205** is amended to read:

1253 **11-13-205. Agreement by public agencies to create a new entity to own sewage**
 1254 **and wastewater facilities -- Powers and duties of new entities -- Validation of previously**
 1255 **created entities -- Notice to lieutenant governor.**

1256 (1) It is declared that the policy of the state is to assure the health, safety, and welfare
 1257 of its citizens, that adequate sewage and wastewater treatment plants and facilities are essential
 1258 to the well-being of the citizens of the state and that the acquisition of adequate sewage and
 1259 wastewater treatment plants and facilities on a regional basis in accordance with federal law
 1260 and state and federal water quality standards and effluent standards in order to provide services
 1261 to public agencies is a matter of statewide concern and is in the public interest. It is found and
 1262 declared that there is a statewide need to provide for regional sewage and wastewater treatment
 1263 plants and facilities, and as a matter of express legislative determination it is declared that the
 1264 compelling need of the state for construction of regional sewage and wastewater treatment
 1265 plants and facilities requires the creation of entities under the Interlocal Cooperation Act to

1266 own, construct, operate, and finance sewage and wastewater treatment plants and facilities; and
1267 it is the purpose of this law to provide for the accomplishment thereof in the manner provided
1268 in this section.

1269 (2) Any two or more public agencies of the state may also agree to ~~create~~ approve the
1270 creation of a separate legal or administrative entity to accomplish and undertake the purpose of
1271 owning, acquiring, constructing, financing, operating, maintaining, and repairing regional
1272 sewage and wastewater treatment plants and facilities.

1273 (3) A separate legal or administrative entity created ~~[in the manner provided herein]~~
1274 under this section is considered to be a political subdivision and body politic and corporate of
1275 the state with power to carry out and effectuate its corporate powers, including~~[-but not limited~~
1276 ~~to,]~~ the power:

1277 (a) to adopt, amend, and repeal rules, bylaws, and regulations, policies, and procedures
1278 for the regulation of its affairs and the conduct of its business, to sue and be sued in its own
1279 name, to have an official seal and power to alter that seal at will, and to make and execute
1280 contracts and all other instruments necessary or convenient for the performance of its duties
1281 and the exercise of its powers and functions under the Interlocal Cooperation Act;

1282 (b) to own, acquire, construct, operate, maintain, repair, or cause to be constructed,
1283 operated, maintained, and repaired one or more regional sewage and wastewater treatment
1284 plants and facilities, all as shall be set forth in the agreement providing for its creation;

1285 (c) to borrow money, incur indebtedness and issue revenue bonds, notes or other
1286 obligations payable solely from the revenues and receipts derived from all or a portion of the
1287 regional sewage and wastewater treatment plants and facilities which it owns, operates, and
1288 maintains, such bonds, notes, or other obligations to be issued and sold in compliance with the
1289 provisions of Title 11, Chapter 14, Local Government Bonding Act;

1290 (d) to enter into agreements with public agencies and other parties and entities to
1291 provide sewage and wastewater treatment services on such terms and conditions as it considers
1292 to be in the best interests of its participants; and

1293 (e) to acquire by purchase or by exercise of the power of eminent domain, any real or
1294 personal property in connection with the acquisition and construction of any sewage and
1295 wastewater treatment plant and all related facilities and rights-of-way which it owns, operates,
1296 and maintains.

1297 (4) The provisions of Part 3, Project Entity Provisions, do not apply to a legal or
1298 administrative entity created for regional sewage and wastewater treatment purposes under this
1299 section.

1300 (5) All proceedings previously had in connection with the creation of any legal or
1301 administrative entity pursuant to this chapter, and all proceedings previously had by any such
1302 entity for the authorization and issuance of bonds of the entity are validated, ratified, and
1303 confirmed; and these entities are declared to be validly created interlocal cooperation entities
1304 under this chapter. These bonds, whether previously or subsequently issued pursuant to these
1305 proceedings, are validated, ratified, and confirmed and declared to constitute, if previously
1306 issued, or when issued, the valid and legally binding obligations of the entity in accordance
1307 with their terms. Nothing in this section shall be construed to affect or validate any bonds, or
1308 the organization of any entity, the legality of which is being contested at the time this act takes
1309 effect.

1310 (6) (a) The governing body of each party to the agreement to ~~[create]~~ approve the
1311 creation of an entity under this section shall[-];

1312 (i) within 30 days ~~[of]~~ after the date of the agreement, jointly file ~~[a written notice of~~
1313 ~~the agreement]~~ with the lieutenant governor[-];

1314 ~~[(b) Each written notice required under Subsection (6)(a) shall:]~~

1315 ~~[(i) be accompanied by:]~~

1316 ~~[(A) a copy of the agreement to create the entity; and]~~

1317 ~~[(B) a map or plat that delineates a metes and bounds description of the area affected;~~
1318 ~~and]~~

1319 ~~[(ii) contain a certification by the governing body that all necessary legal requirements~~
1320 ~~relating to the creation have been completed.]~~

1321 (A) a copy of a notice of an impending boundary action, as defined in Section
1322 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1323 (B) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

1324 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
1325 67-1a-6.5:

1326 (A) if the entity is located within the boundary of a single county, submit to the
1327 recorder of that county:

- 1328 (I) the original:
- 1329 (Aa) notice of an impending boundary action;
- 1330 (Bb) certificate of creation; and
- 1331 (Cc) certified final boundary plat; and
- 1332 (II) a certified copy of the agreement approving the creation of the entity; or
- 1333 (B) if the entity is located within the boundaries of more than a single county:
- 1334 (I) submit to the recorder of one of those counties:
- 1335 (Aa) the original of the documents listed in Subsections (6)(a)(ii)(A)(I)(Aa), (Bb), and
- 1336 (Cc); and
- 1337 (Bb) a certified copy of the agreement approving the creation of the entity; and
- 1338 (II) submit to the recorder of each other county:
- 1339 (Aa) a certified copy of the documents listed in Subsections (6)(a)(ii)(A)(I)(Aa), (Bb),
- 1340 and (Cc); and
- 1341 (Bb) a certified copy of the agreement approving the creation of the entity.

1342 [~~7~~] (b) Upon the lieutenant governor's issuance of a certificate of entity creation under
 1343 Section 67-1a-6.5, the entity is created.

1344 (c) Until the documents listed in Subsection (6)(a)(ii) are recorded in the office of the
 1345 recorder of each county in which the property is located, a newly created entity under this
 1346 section may not charge or collect a fee for service provided to property within the entity.

1347 Section 20. Section **17-2-101** is enacted to read:

1348 **CHAPTER 2. COUNTY CONSOLIDATIONS AND ANNEXATIONS**

1349 **Part 1. Consolidation of Counties**

1350 **17-2-101. Title.**

1351 (1) This chapter is known as "County Consolidations and Annexations."

1352 (2) This part is known as "Consolidation of Counties."

1353 Section 21. Section **17-2-102** is enacted to read:

1354 **17-2-102. Definitions.**

1355 As used in this part:

1356 (1) "Consolidating county" means the county to which another county is joined or is
 1357 proposed to be joined by consolidation under this part.

1358 (2) "Originating county" means the county that is joined or proposed to be joined to

1359 another county by consolidation under this part.

1360 Section 22. Section **17-2-103**, which is renumbered from Section 17-2-1 is renumbered
1361 and amended to read:

1362 ~~[17-2-1].~~ **17-2-103. County to county -- Petition -- Election -- Ballots.**

1363 ~~[Whenever]~~ (1) If a majority of the legal voters of any county desire to have the
1364 ~~[territory included within the boundaries of such] county [annexed to] joined to and~~
1365 consolidated with an adjoining county, they may petition the county legislative body of the
1366 county in which they reside~~[-which is hereafter referred to as the county to be annexed, as well~~
1367 as] and the county legislative body of the adjoining county ~~[to which they desire to be annexed,~~
1368 ~~which shall hereafter be referred to as the annexing county. Such petition must].~~

1369 (2) Each petition under Subsection (1) shall be presented before the first Monday in
1370 June of any year~~[-and, if].~~

1371 (3) (a) If a petition under Subsection (1) is presented in a year during which a regular
1372 general election is held, the county legislative body [must cause said] of the originating county
1373 and the county legislative body of the consolidating county shall cause the proposition to be
1374 submitted to the legal voters of [each of said counties] their respective counties at the [ensuing]
1375 next regular general election~~[-If the petition].~~

1376 (b) If a petition under Subsection (1) is presented during a year in which there is no
1377 regular general election, the county legislative body [must] of the originating county and the
1378 county legislative body of the consolidating county shall:

1379 (i) call a special election to be held on the first Tuesday after the first Monday in
1380 November following the presentation of [such] the petition[;]; and [must]

1381 (ii) cause the proposition to be submitted to the legal voters of the respective counties
1382 on that day.

1383 (c) Except as otherwise provided[-such election] in this part, an election under this
1384 Subsection (3) shall be held, the results canvassed, and returns made under the provisions of
1385 the general election laws of the state.

1386 (d) The ballot to be used at an election under this Subsection (3) shall be:

1387 For ~~[annexing]~~ combining ____ county ~~[to]~~ with ____ county.

1388 Against ~~[annexing]~~ combining ____ county ~~[to]~~ with ____ county.

1389 Section 23. Section **17-2-104**, which is renumbered from Section 17-2-3 is renumbered

1390 and amended to read:

1391 ~~[17-2-3].~~ **17-2-104. Certification of election result to governor.**

1392 ~~[The certified abstract of such returns must be filed in the office of the lieutenant~~
1393 ~~governor, and, if]~~

1394 ~~If it appears [therefrom] from the certified report that the lieutenant governor receives~~
1395 ~~under Section 20A-4-304 that a majority of the voters in each of the counties have voted in~~
1396 ~~favor of [such annexation] consolidation, the lieutenant governor [must] shall certify the result~~
1397 ~~of [such] the vote to the governor.~~

1398 Section 24. Section **17-2-105**, which is renumbered from Section 17-2-4 is renumbered
1399 and amended to read:

1400 ~~[17-2-4].~~ **17-2-105. Governor's proclamation -- Notice to lieutenant governor**
1401 **-- Effective date.**

1402 (1) Upon receipt of the election result from the lieutenant governor under Section
1403 ~~[17-2-3] 17-2-104~~, the governor shall issue a proclamation, stating the result of the vote in each
1404 of the counties, and that the ~~[annexation] consolidation~~ of the one county ~~[to] with~~ the other
1405 will take effect as provided in Subsection (3).

1406 (2) ~~[(a) Within 30 days after the issuance of the governor's proclamation under~~
1407 ~~Subsection (1), the] The legislative body of the ~~[annexing] consolidating~~ county shall:~~

1408 (a) within 30 days after the issuance of the governor's proclamation under Subsection
1409 ~~(1), send [a notice] to the lieutenant governor[-:];~~

1410 ~~[(b) Each notice under Subsection (2)(a) shall include:]~~

1411 ~~[(i) a copy of the governor's proclamation;]~~

1412 ~~[(ii) a certification that all necessary legal requirements relating to the annexation have~~
1413 ~~been completed; and]~~

1414 ~~[(iii) a map or plat that delineates an accurate metes and bounds description of the~~
1415 ~~annexing county following annexation.]~~

1416 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
1417 that meets the requirements of Subsection 67-1a-6.5(3); and

1418 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

1419 (b) upon the lieutenant governor's issuance of a certificate of consolidation under
1420 Section 67-1a-6.5, submit to the recorder of the consolidating county:

1421 (i) the original notice of an impending boundary action;
 1422 (ii) the original certificate of consolidation;
 1423 (iii) the original certified final boundary plat; and
 1424 (iv) a certified copy of the governor's proclamation under Subsection (1).
 1425 (3) ~~[An annexation]~~ (a) A consolidation of counties approved at an election under
 1426 Section ~~[17-2-1]~~ 17-2-103 takes effect on January 1 of the year immediately following the
 1427 lieutenant governor's issuance of ~~[the: (a) governor's proclamation; and (b)]~~ a certificate of
 1428 consolidation ~~[by the lieutenant governor]~~ under Section 67-1a-6.5.

1429 (b) (i) The effective date of a consolidation of counties for purposes of assessing
 1430 property within the consolidating county is governed by Section 59-2-305.5.

1431 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the
 1432 recorder of the county in which the property is located, a consolidating county may not:

1433 (A) levy or collect a property tax on property in the consolidating county that used to
 1434 be in the originating county;

1435 (B) levy or collect an assessment on property in the consolidating county that used to
 1436 be in the originating county; or

1437 (C) charge or collect a fee for service provided to property within the consolidating
 1438 county that used to be in the originating county.

1439 Section 25. Section **17-2-106**, which is renumbered from Section 17-2-5 is renumbered
 1440 and amended to read:

1441 ~~[17-2-5].~~ **17-2-106. Conditions of consolidation.**

1442 ~~[Whenever a majority of the legal voters of each of the counties to which the~~
 1443 ~~proposition is submitted vote in favor of annexing one county to another in the manner~~
 1444 ~~provided in this chapter such annexation shall be made under the following conditions:]~~

1445 ~~[(1) Such annexation shall be complete and take effect on the first Monday of January~~
 1446 ~~following the day of the election at which such proposition was submitted.]~~

1447 ~~[(2)]~~ (1) All territory ~~[therefore]~~ included within the boundaries of the originating
 1448 county ~~[annexed shall become]~~ becomes, upon consolidation, the territory of the ~~[annexing]~~
 1449 consolidating county.

1450 ~~[(3)]~~ (2) The precincts and school districts existing in the originating county ~~[annexed~~
 1451 shall] continue and become precincts and school districts in the ~~[annexing]~~ consolidating

1452 county and ~~[shall]~~ remain as then organized until changed in the manner provided by law, and
1453 the officers of ~~[such]~~ those precincts and school districts ~~[shall]~~ hold their respective offices
1454 until the expiration of the applicable terms ~~[thereof]~~.

1455 ~~[(4) AH]~~ (3) The ownership of all property, both real and personal, held and owned by
1456 the originating county ~~[annexed shall be]~~ at the time of consolidation is vested in the
1457 ~~[annexing]~~ consolidating county.

1458 ~~[(5)]~~ (4) The terms of all county officers in the originating county ~~[annexed shall]~~
1459 terminate and cease on the day the ~~[annexation]~~ consolidation takes effect, and ~~[it is made the~~
1460 ~~duty of such]~~ those officers ~~[to]~~ shall immediately deliver to the corresponding officers of the
1461 ~~[annexing]~~ consolidating county all books, records, and papers of the ~~[annexed]~~ originating
1462 county.

1463 ~~[(6)]~~ (5) Any person who is confined under lawful commitment in the county jail of the
1464 originating county ~~[annexed]~~, or otherwise lawfully held to answer for alleged violation of any
1465 of the criminal laws of this state, shall be immediately delivered to the sheriff of the ~~[annexing]~~
1466 consolidating county, and such person shall be confined in its county jail for the unexpired
1467 term of the sentence or held as specified in the commitment.

1468 ~~[(7)]~~ (6) (a) All criminal proceedings pending in the originating county ~~[annexed]~~ shall
1469 be prosecuted to judgment and execution in the ~~[annexing]~~ consolidating county~~[-ath]~~.

1470 (b) All offenses ~~[theretofore]~~ committed in the originating county ~~[annexed which shall~~
1471 ~~not have]~~ before consolidation that have not been prosecuted shall be prosecuted in the
1472 ~~[annexing]~~ consolidating county.

1473 ~~[(8)]~~ (7) All actions, proceedings, and matters pending in the district court of the
1474 originating county ~~[annexed]~~ may be proceeded with in the district court of the ~~[annexing]~~
1475 consolidating county.

1476 ~~[(9)]~~ (8) All indebtedness of the originating county ~~[annexed shall be]~~ are transferred to
1477 and become the indebtedness of the ~~[annexing]~~ consolidating county with the same effect as if
1478 it had been incurred by ~~[such]~~ the consolidating county.

1479 Section 26. Section **17-2-201** is enacted to read:

1480 **Part 2. County Annexation**

1481 **17-2-201. Title.**

1482 This part is known as "County Annexation."

1483 Section 27. Section **17-2-202** is enacted to read:

1484 **17-2-202. Definitions.**

1485 As used in this part:

1486 (1) "Annexing county" means the county to which a portion of an adjoining county is
1487 annexed or proposed to be annexed as provided in this part.

1488 (2) "Initiating county" means the county, from which a portion is annexed or proposed
1489 to be annexed to an adjoining county.

1490 Section 28. Section **17-2-203**, which is renumbered from Section 17-2-6 is renumbered
1491 and amended to read:

1492 ~~[17-2-6].~~ **17-2-203. Annexation of portion of county to adjoining county --**
1493 **Petition -- Election -- Ballots.**

1494 (1) (a) Except as provided in Section ~~[17-2-13, whenever]~~ 17-2-209, if a majority of
1495 the legal voters of any portion of any county, in number equal to a majority of the votes cast at
1496 the preceding general election within that portion of the county, desire to have the territory
1497 within which they reside included within the boundaries of an adjoining county, they may
1498 petition the county legislative body of the county in which they reside~~[, which is hereafter~~
1499 ~~referred to as the county from which territory is to be taken, as well as]~~ and the county
1500 legislative body of the adjoining county ~~[to which they desire to be annexed, which is referred~~
1501 ~~to as the annexing county].~~

1502 (b) ~~[Such]~~ Each petition ~~[must]~~ under Subsection (1)(a) shall be presented before the
1503 first Monday in June of a year during which a general election is held~~[, and the county].~~

1504 (c) If a petition is presented under Subsection (1)(a), at the ensuing regular general
1505 election:

1506 (i) the legislative body ~~[must]~~ of the initiating county shall cause ~~[such]~~ the proposition
1507 to be submitted to the legal voters residing in the initiating county ~~[from which territory is to be~~
1508 ~~taken as well as]; and~~

1509 (ii) the legislative body of the annexing county shall cause the proposition to be
1510 submitted to the legal voters of the annexing county ~~[at the ensuing general election].~~

1511 (2) (a) Except as otherwise provided, the election provided in Subsection (1) shall be
1512 held, the results canvassed, and returns made under the provisions of the general election laws
1513 of the state.

1514 (b) The ballot to be used shall be:

1515 For annexing a portion of ____ county to ____ county.

1516 Against annexing a portion of ____ county to ____ county.

1517 Section 29. Section **17-2-204**, which is renumbered from Section 17-2-8 is renumbered
1518 and amended to read:

1519 ~~[17-2-8].~~ **17-2-204. Certification of election result to governor.**

1520 ~~[(1) The certified abstract under Section 17-2-7 shall be filed in the office of the~~
1521 ~~lieutenant governor.]~~

1522 ~~[(2)]~~ In an election held under Subsection ~~[17-2-6(1)]~~ 17-2-203(1), if it appears from
1523 the certified ~~[abstracts]~~ report that the lieutenant governor receives under Section 20A-4-304
1524 that a majority ~~[in each county]~~ of those voting in each county have voted in favor of ~~[such]~~ the
1525 annexation, the lieutenant governor shall certify the result of ~~[such]~~ the vote to the governor.

1526 Section 30. Section **17-2-205**, which is renumbered from Section 17-2-9 is renumbered
1527 and amended to read:

1528 ~~[17-2-9].~~ **17-2-205. Governor's proclamation -- Notice to lieutenant governor**
1529 **-- When annexation effective.**

1530 (1) Upon receipt of the lieutenant governor's certification under Section ~~[17-2-8]~~
1531 17-2-204, the governor shall issue a proclamation, stating the result of the vote in each county,
1532 and that the annexation of the territory to the annexing county will take effect as provided in
1533 Subsection (3).

1534 (2) ~~[(a) Within 30 days after the issuance of the governor's proclamation under~~
1535 ~~Subsection (1), the]~~ The legislative body of the annexing county shall:

1536 (a) within 30 days after the issuance of the governor's proclamation under Subsection
1537 (1), send [a notice] to the lieutenant governor[:];

1538 ~~[(b) Each notice under Subsection (2)(a) shall include:]~~

1539 ~~[(i) a copy of the governor's proclamation;]~~

1540 ~~[(ii) a certification that all necessary legal requirements relating to the annexation have~~
1541 ~~been completed, and]~~

1542 ~~[(iii) a map or plat that delineates an accurate metes and bounds description of the area~~
1543 ~~that was annexed.]~~

1544 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,

- 1545 that meets the requirements of Subsection 67-1a-6.5(3); and
- 1546 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and
- 1547 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section
- 1548 67-1a-6.5, submit to the recorder of the annexing county:
- 1549 (i) the original notice of an impending boundary action;
- 1550 (ii) the original certificate of consolidation;
- 1551 (iii) the original certified final boundary plat; and
- 1552 (iv) a certified copy of the governor's proclamation under Subsection (1).
- 1553 (3) (a) An annexation approved at an election under Section [17-2-6] 17-2-203 takes
- 1554 effect on January 1 of the year immediately following [issuance of the: (a) governor's
- 1555 proclamation; and (b)] the lieutenant governor's issuance of a certificate of [boundary change
- 1556 by the lieutenant governor] annexation under Section 67-1a-6.5.
- 1557 (b) (i) The effective date of a county annexation for purposes of assessing property
- 1558 within the annexing county is governed by Section 59-2-305.5.
- 1559 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the
- 1560 recorder of the county in which the property is located, an annexing county may not:
- 1561 (A) levy or collect a property tax on property in the annexing county that used to be in
- 1562 the initiating county;
- 1563 (B) levy or collect an assessment on property in the annexing county that used to be in
- 1564 the initiating county; or
- 1565 (C) charge or collect a fee for service provided to property within the annexing county
- 1566 that used to be in the initiating county.
- 1567 Section 31. Section **17-2-206**, which is renumbered from Section 17-2-10 is
- 1568 renumbered and amended to read:
- 1569 **[17-2-10]. 17-2-206. Territory becomes part of annexing county -- Division of**
- 1570 **revenues.**
- 1571 (1) Upon the effective date of the annexation, all the area proposed to be annexed shall
- 1572 become part of the annexing county.
- 1573 (2) (a) The legislative body of the initiating county [~~in which the area proposed to be~~
- 1574 ~~annexed is located before annexation]~~ shall:
- 1575 (i) until the date of annexation, continue:

1576 (A) to levy and collect ad valorem property tax and other revenues from or pertaining
1577 to the area; and

1578 (B) except as otherwise agreed with the annexing county, to provide the same services
1579 to the area proposed to be annexed as the initiating county provided before the commencement
1580 of the annexation proceedings; and

1581 (ii) after annexation, share pro rata with the annexing county the taxes and service
1582 charges or fees levied and collected by the initiating county during the year of the annexation if
1583 and to the extent that the annexing county provides, by itself or by contract, the same services
1584 for which the initiating county levied and collected the taxes and service charges or fees.

1585 (b) The pro rata allocation of taxes under Subsection (2)(a)(ii) shall be based on the
1586 date of annexation, and the pro rata allocation of service charges and fees shall be based on the
1587 proportion of services related to the service charges and fees that remain to be rendered after
1588 annexation.

1589 Section 32. Section **17-2-207**, which is renumbered from Section 17-2-11 is
1590 renumbered and amended to read:

1591 ~~[17-2-11].~~ **17-2-207. Effect on precincts and school districts -- Assumption of**
1592 **indebtedness.**

1593 (1) The precincts and school districts in the annexed territory ~~[shall]~~:

1594 (a) continue~~[-and shall]~~;

1595 (b) become precincts and school districts in the annexing county; and ~~[shall]~~

1596 (c) remain as then organized until changed in the manner provided by law~~[-and the]~~.

1597 (2) The officers of ~~[such]~~ those precincts and school districts ~~[shall]~~ hold their
1598 respective offices until the expiration of ~~[the]~~ their terms ~~[thereof; provided, that whenever~~
1599 ~~pursuant to the provisions of this chapter any]~~.

1600 (3) If a precinct or school district ~~[shall be]~~ is divided ~~[the same shall become]~~ because
1601 of a county annexation under this part:

1602 (a) the precinct or school district is disorganized, and the property and territory
1603 embraced ~~[therein shall be]~~ in the precinct or school district is subject to the action of the
1604 county legislative body of the respective counties~~[-; provided further, that]~~; and

1605 (b) any bonded or other indebtedness of ~~[any such]~~ a school district ~~[shall attach]~~
1606 attaches to~~[-]~~ and ~~[become]~~ becomes the obligation of~~[-]~~ the district that ~~[shall be]~~ is created

1607 out of the territory that ~~[shall retain]~~ retains the buildings and other property of the original
1608 district.

1609 Section 33. Section **17-2-208**, which is renumbered from Section 17-2-12 is
1610 renumbered and amended to read:

1611 ~~[17-2-12].~~ **17-2-208. Pending criminal proceedings.**

1612 All criminal proceedings and actions ~~[which shall be]~~ pending in the annexed territory
1613 at the time of annexation shall be prosecuted to judgment and execution in ~~[such]~~ the annexed
1614 territory as part of the annexing county. All offenses ~~[therefore]~~ committed in the annexed
1615 territory ~~[which shall not]~~ before annexation that have not been prosecuted may be prosecuted
1616 to judgment and execution in ~~[such]~~ the annexed territory or any part of the annexing county.

1617 Section 34. Section **17-2-209**, which is renumbered from Section 17-2-13 is
1618 renumbered and amended to read:

1619 ~~[17-2-13].~~ **17-2-209. Minor adjustments to county boundaries authorized --**
1620 **Public hearing -- Joint resolution of county legislative bodies -- Notice to lieutenant**
1621 **governor.**

1622 (1) Counties sharing a common boundary may, in accordance with the provisions of
1623 Subsection (2) and Article XI, Section 3, of the Utah Constitution, adjust all or part of the
1624 common boundary to move it up to 1,000 feet from its location before the adjustment.

1625 (2) The legislative bodies of both counties desiring to adjust a common boundary in
1626 accordance with Subsection (1) shall:

1627 (a) hold a joint public hearing on the proposed boundary adjustment;

1628 (b) in addition to the regular notice required for public meetings of the county
1629 legislative bodies, mail written notice to all real property owners of record whose property may
1630 change counties as the result of the proposed adjustment; and

1631 (c) adopt a joint resolution approved by both county legislative bodies ~~[which: (i)-~~
1632 ~~approves]~~ approving the proposed boundary adjustment~~;~~.

1633 ~~[(ii) sets forth the legal description of the county boundary after the adjustment; and]~~

1634 ~~[(iii) provides an effective date for the boundary adjustment.]~~

1635 ~~[(3) (a) Within 15 days after the adoption of a joint resolution under Subsection (2)(c)~~
1636 ~~by both counties, the legislative bodies shall]~~

1637 (3) The legislative bodies of both counties adopting a joint resolution under Subsection

1638 (2)(c) shall:

1639 (a) within 15 days after adopting the joint resolution, jointly send [a notice] to the
1640 lieutenant governor[-];

1641 ~~[(b) Each notice under Subsection (3)(a) shall include:]~~

1642 ~~[(i) a copy of the joint resolution under Subsection (2)(c);]~~

1643 ~~[(ii) a certification that all necessary legal requirements relating to the boundary~~
1644 ~~adjustment have been completed; and]~~

1645 ~~[(iii) a map or plat, verified by the county surveyor, and filed with the county surveyor~~
1646 ~~in accordance with Section 17-23-17, that delineates an accurate metes and bounds description~~
1647 ~~of the boundary adjustment.]~~

1648 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
1649 that meets the requirements of Subsection 67-1a-6.5(3); and

1650 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

1651 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment
1652 under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is
1653 located after the boundary adjustment:

1654 (i) the original notice of an impending boundary action;

1655 (ii) the original certificate of boundary adjustment;

1656 (iii) the original certified final boundary plat; and

1657 (iv) a certified copy of the joint resolution approving the boundary adjustment.

1658 (4) (a) As used in this Subsection (4):

1659 (i) "Affected area" means an area that, as a result of a boundary adjustment under this
1660 section, is moved from within the boundary of one county to within the boundary of another
1661 county.

1662 (ii) "Receiving county" means a county whose boundary includes an affected area as a
1663 result of a boundary adjustment under this section.

1664 (b) A boundary adjustment under this section takes effect on the date the lieutenant
1665 governor issues a certificate of boundary adjustment under Section 67-1a-6.5.

1666 (c) (i) The effective date of a boundary adjustment for purposes of assessing property
1667 within an affected area is governed by Section 59-2-305.5.

1668 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the

1669 recorder of the county in which the property is located, a receiving county may not:

1670 (A) levy or collect a property tax on property within an affected area;

1671 (B) levy or collect an assessment on property within an affected area; or

1672 (C) charge or collect a fee for service provided to property within an affected area.

1673 ~~[(4)]~~ (5) Upon the effective date of ~~[the joint resolution under Subsection (2)(c) or the~~
1674 ~~date the lieutenant governor issues the certificate of]~~ a boundary [change] adjustment under
1675 ~~[Section 67-1a-6.5, whichever date is later,]~~ this section:

1676 (a) all territory designated to be [annexed] adjusted into another county [shall become]
1677 becomes the territory of the [annexing] other county; and

1678 (b) the provisions of Sections [17-2-11 and 17-2-12 shall] 17-2-207 and 17-2-208
1679 apply in the same manner as with [any other annexations] an annexation under this [chapter]
1680 part.

1681 Section 35. Section **17-3-3** is amended to read:

1682 **17-3-3. Certification of returns -- Governor's proclamation of creation of new**
1683 **county -- Name -- Judicial district -- Notice to lieutenant governor.**

1684 ~~[(1) The certified abstract of returns under Section 17-3-2 shall be filed in the office of~~
1685 ~~the lieutenant governor, who shall certify the result to the governor.]~~

1686 ~~[(2)]~~ (1) If it appears that any proposition submitted to the electors as provided in this
1687 chapter has been carried in the affirmative by a majority vote of the qualified electors residing
1688 in that portion of the county proposed as a new county, and also by a majority vote of the
1689 qualified electors residing in the remaining portion of that county[;]:

1690 (a) the lieutenant governor, upon receiving the certified report under Section
1691 20A-4-304, shall certify the result to the governor; and

1692 (b) upon receiving the results from the lieutenant governor under Subsection (1)(a), the
1693 governor shall issue a proclamation, stating:

1694 ~~[(a)]~~ (i) the result of the vote in each division of the county;

1695 ~~[(b)]~~ (ii) the name and boundaries of the new county;

1696 ~~[(c)]~~ (iii) the boundaries of the original county as changed by the creation of the new
1697 county;

1698 ~~[(d)]~~ (iv) that the creation of the new county will take effect on the first Monday in
1699 January following the lieutenant governor's issuance of a certificate of creation under Section

1700 67-1a-6.5;
1701 ~~[(e)]~~ (v) the name proposed in the petition as the name of the new county; and
1702 ~~[(f)]~~ (vi) the judicial district to which the new county belongs.
1703 ~~[(3) (a) Within 30 days after the issuance of the governor's proclamation under~~
1704 ~~Subsection (2), the]~~
1705 (2) The legislative body of the county from which the greatest portion of the new
1706 county was taken shall:
1707 (a) within 30 days after the issuance of the governor's proclamation under Subsection
1708 (1), send [a notice] to the lieutenant governor[:];
1709 ~~[(b) Each notice under Subsection (3)(a) shall include:]~~
1710 ~~[(i) a copy of the governor's proclamation;]~~
1711 ~~[(ii) a certification that all necessary legal requirements relating to the creation of the~~
1712 ~~new county have been completed; and]~~
1713 ~~[(iii) a map or plat that delineates an accurate metes and bounds description of the new~~
1714 ~~county:]~~
1715 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
1716 that meets the requirements of Subsection 67-1a-6.5(3); and
1717 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and
1718 (b) upon the lieutenant governor's issuance of a certificate of creation under Section
1719 67-1a-6.5, submit to the recorder of the new county:
1720 (i) the original notice of an impending boundary action;
1721 (ii) the original certificate of creation;
1722 (iii) the original certified final boundary plat; and
1723 (iv) a certified copy of the governor's proclamation under Subsection (1).
1724 ~~[(4)]~~ (3) (a) The new county that is the subject of the ~~[governor's proclamation under~~
1725 ~~Subsection (2) shall be]~~ lieutenant governor's certificate of creation under Section 67-1a-6.5 is
1726 a county of the state from and after 12 noon of the first Monday in January following the
1727 issuance of the [governor's proclamation:] lieutenant governor's certificate of creation.
1728 (b) (i) The effective date of the creation of a new county for purposes of assessing
1729 property within the county is governed by Section 59-2-305.5.
1730 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the

1731 recorder of the new county, the new county may not:

1732 (A) levy or collect a property tax on property in the county;

1733 (B) levy or collect an assessment on property in the county; or

1734 (C) charge or collect a fee for service provided to property within the county.

1735 Section 36. Section **17-21-20** is amended to read:

1736 **17-21-20. Recording required -- Recorder may impose requirements on**
1737 **documents to be recorded -- Prerequisites -- Additional fee for noncomplying documents**
1738 **-- Recorder may require tax serial number -- Exceptions.**

1739 (1) Subject to Subsections (2), (3), and (4), each paper, notice, and instrument required
1740 by law to be filed in the office of the county recorder shall be recorded unless otherwise
1741 provided.

1742 (2) Each document executed on or after July 1, 2007 that is submitted for recording to
1743 a county recorder's office shall:

1744 (a) unless otherwise provided by law, be an original or certified copy of the document;

1745 (b) be in English or be accompanied by an accurate English translation of the
1746 document;

1747 (c) contain a brief title, heading, or caption on the first page stating the nature of the
1748 document;

1749 (d) contain the legal description of the property that is the subject of the document;

1750 (e) comply with the requirements of Section 17-21-25 and Subsections 57-3-105(1)

1751 and (2);

1752 (f) be notarized with the notary stamp with the seal legible; and

1753 (g) have original signatures.

1754 (3) (a) Beginning September 1, 2007, a county recorder may require that each paper,
1755 notice, and instrument submitted for recording in the county recorder's office:

1756 (i) be on white paper that is 8-1/2 inches by 11 inches in size;

1757 (ii) have a margin of one inch on the left and right sides and at the bottom of each
1758 page;

1759 (iii) have a space of 2-1/2 inches down and 4-1/2 inches across the upper right corner
1760 of the first page and a margin of one inch at the top of each succeeding page;

1761 (iv) not be on sheets of paper that are continuously bound together at the side, top, or

1762 bottom;

1763 (v) not contain printed material on more than one side of each page;

1764 (vi) be printed in black ink and not have text smaller than seven lines of text per

1765 vertical inch; and

1766 (vii) be sufficiently legible to make certified copies.

1767 (b) A county recorder who intends to establish requirements under Subsection (3)(a)

1768 shall first:

1769 (i) provide formal notice of the requirements; and

1770 (ii) establish and publish an effective date for the requirements that is at least three

1771 months after the formal notice under Subsection (3)(b)(i).

1772 (c) If a county recorder establishes requirements under this Subsection (3), the county

1773 recorder may charge and collect from persons who submit a document for recording that does

1774 not comply with the requirements, in addition to any other fee that the county recorder is

1775 authorized to charge and collect, a fee that:

1776 (i) is calculated to recover the additional cost of handling and recording noncomplying

1777 documents; and

1778 (ii) may not exceed \$2 per page.

1779 (4) (a) To facilitate the abstracting of an instrument, a county recorder may require that

1780 the applicable tax serial number of each parcel affected by the instrument appear on each

1781 instrument before it may be accepted for recording.

1782 (b) If a county recorder requires the applicable tax serial number to be on an instrument

1783 before it may be recorded:

1784 (i) the county recorder shall post a notice of that requirement in a conspicuous place at

1785 the recorder's office;

1786 (ii) the tax serial number may not be considered to be part of the legal description and

1787 may be indicated on the margin of the instrument; and

1788 (iii) an error in the tax serial number does not affect the validity of the instrument or

1789 effectiveness of the recording.

1790 (5) Subsections (2), (3), and (4) do not apply to:

1791 (a) a map;

1792 (b) a certificate or affidavit of death;

- 1793 (c) a military discharge;
- 1794 (d) a document regarding taxes that is issued by the Internal Revenue Service of the
1795 United States Department of the Treasury;
- 1796 (e) a document submitted for recording that has been filed with a court and conforms to
1797 the formatting requirements established by the court; or
- 1798 (f) a document submitted for recording that is in a form required by law.
- 1799 (6) (a) As used in this Subsection (6):
- 1800 (i) "Boundary action" has the same meaning as defined in Section 17-23-20.
- 1801 (ii) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
- 1802 (b) A person may not submit to a county recorder for recording a plat depicting the
1803 boundary of a local entity as the boundary exists as a result of a boundary action, unless:
- 1804 (i) the plat has been certified under Section 17-23-20 by the county surveyor as a final
1805 boundary plat, as defined in Section 17-23-20; and
- 1806 (ii) the person also submits for recording:
- 1807 (A) the original notice of an impending boundary action, as defined in Section
1808 67-1a-6.5, for the boundary action for which the plat is submitted for recording; and
- 1809 (B) the original applicable certificate, as defined in Section 67-1a-6.5, issued by the
1810 lieutenant governor under Section 67-1a-6.5 for the boundary action for which the plat is
1811 submitted for recording; and
- 1812 (C) each other document required by statute to be submitted for recording with the
1813 notice of an impending boundary action and applicable certificate.
- 1814 (c) Promptly after recording the documents described in Subsection (6)(b) relating to a
1815 boundary action, but no later than ten days after recording, the county recorder shall send a
1816 copy of all those documents to the State Tax Commission.
- 1817 Section 37. Section **17-23-20** is enacted to read:
- 1818 **17-23-20. Final plats of local entity boundary actions -- County surveyor**
- 1819 **certification of final plat.**
- 1820 (1) As used in this section:
- 1821 (a) "Approving authority" means the person or body required under applicable statute
1822 to submit to the lieutenant governor a notice of an impending boundary action, as defined in
1823 Section 67-1a-6.5.

1824 (b) (i) "Boundary action" means any action that establishes, modifies, or eliminates the
1825 boundary of a local entity, including incorporation or creation, annexation, withdrawal or
1826 disconnection, consolidation, division, boundary adjustment, and dissolution.

1827 (ii) "Boundary action" does not include the determination of the true location of a
1828 county boundary under Section 17-50-105.

1829 (c) "Final boundary plat" means a plat that:

1830 (i) depicts the boundary of a local entity or, in the case of the proposed incorporation or
1831 creation of a local entity, a future local entity, as the boundary is proposed to exist as a result of
1832 a boundary action; and

1833 (ii) meets the requirements of Subsection (4).

1834 (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

1835 (2) Upon request and in consultation with the county recorder, the county surveyor of
1836 each county in which property depicted on a plat is located shall determine whether the plat is a
1837 final boundary plat.

1838 (3) (a) If a county surveyor determines that a plat meets the requirements of Subsection
1839 (4), the county surveyor shall certify the plat as a final boundary plat.

1840 (b) The county surveyor shall indicate the certification of a plat as a final boundary plat
1841 on the face of the final boundary plat.

1842 (4) A county surveyor may certify a plat as a final boundary plat if the plat:

1843 (a) contains a graphical illustration of the local entity boundary, as the boundary is
1844 proposed to exist as a result of a proposed boundary action;

1845 (b) is created on reproducible material that is:

1846 (i) permanent in nature; and

1847 (ii) the size and type specified by the county recorder;

1848 (c) is drawn to a scale so that all data are legible;

1849 (d) contains complete and accurate boundary information sufficient:

1850 (i) for retractment; and

1851 (ii) to enable:

1852 (A) the county surveyor to establish the boundary on the ground, in the event of a
1853 dispute about the accurate location of the boundary; and

1854 (B) the county recorder to identify, for tax purposes, each tract or parcel included

1855 within the boundary;
1856 (e) depicts a name for the plat, approved by the county recorder, that is sufficiently
1857 unique to distinguish the plat from all other recorded plats in the county;
1858 (f) contains:
1859 (i) a reference to two existing government monuments, including:
1860 (A) the type or construction of each monument;
1861 (B) the date stamped on the monument, if the date is stamped on the monument; and
1862 (C) if known or shown on the monument, the agency responsible for installing the
1863 monument;
1864 (ii) the name of the local entity whose boundary is depicted on the plat;
1865 (iii) the name of each county within which any property depicted on the plat is located;
1866 (iv) the date that the plat was prepared;
1867 (v) a north arrow and legend;
1868 (vi) a signature block for:
1869 (A) the signatures of:
1870 (I) the professional land surveyor who prepared the plat; and
1871 (II) the local entity's approving authority; and
1872 (B) the certification of the county surveyor; and
1873 (vii) a three inch by three inch block in the lower right hand corner for the county
1874 recorder's use when recording the plat;
1875 (g) has been certified and signed by a professional land surveyor licensed under Title
1876 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and
1877 (h) has been reviewed and signed by the approving authority of the local entity whose
1878 boundary is depicted on the plat.
1879 (5) The county surveyor may charge and collect a reasonable fee for the costs
1880 associated with:
1881 (a) the process of determining whether a plat is a final boundary plat; and
1882 (b) the certification of a plat as a final boundary plat.
1883 Section 38. Section **17-50-104** is amended to read:
1884 **17-50-104. Counties of the state -- County boundaries maintained by lieutenant**
1885 **governor -- Notice of county boundary changes.**

1886 (1) The counties of the state are those whose geographic boundaries are described in
1887 the official county boundary records maintained by the office of the lieutenant governor and
1888 may be changed only in accordance with the provisions of this title.

1889 (2) The office of the lieutenant governor shall maintain the official county boundaries
1890 for the counties of the state and update those boundaries [~~when notified of a change in county~~
1891 ~~boundaries in accordance with Subsection (3)] upon the lieutenant governor's issuance, under
1892 Section 67-1a-6.5, of an applicable certificate, as defined in that section.~~

1893 [~~(3) Whenever any change is made to county boundaries under this title, the affected~~
1894 ~~counties shall provide notice of the change, including an accurate map or plat of the changed~~
1895 ~~county boundaries, to the lieutenant governor.]~~

1896 Section 39. Section **17-50-105** is amended to read:

1897 **17-50-105. Disputed boundaries.**

1898 (1) As used in this section, "independent surveyor" means the surveyor whose position
1899 is established within the Automated Geographic Reference Center under Subsection
1900 63F-1-506(3).

1901 [(+) (2) (a) If a dispute or uncertainty arises as to the true location of a county
1902 boundary as described in the official records maintained by the office of the lieutenant
1903 governor, the surveyors of each county whose boundary is the subject of the dispute or
1904 uncertainty may determine the true location.

1905 (b) If agreement is reached under Subsection [(+) (2)(a), the county surveyors shall
1906 provide notice, accompanied by a map, to the lieutenant governor showing the true location of
1907 the county boundary.

1908 [(2) (3) (a) If the county surveyors fail to agree on or otherwise fail to establish the
1909 true location of the county boundary, the county executive of either or both of the affected
1910 counties shall engage the services of the [~~state engineer~~] independent surveyor.

1911 (b) After being engaged under Subsection [(2) (3)(a), the [~~state engineer~~] independent
1912 surveyor shall notify the surveyor of each county whose boundary is the subject of the dispute
1913 or uncertainty of the procedure the [~~state engineer~~] independent surveyor will use to determine
1914 the true location of the boundary.

1915 (c) With the assistance of each surveyor who chooses to participate, the [~~state engineer~~]
1916 independent surveyor shall determine permanently the true location of the boundary by

1917 marking surveys and erecting suitable monuments to designate the boundary.

1918 (d) Each boundary established under this Subsection [~~(2)~~] (3) shall be considered
1919 permanent until superseded by legislative enactment.

1920 (e) The [~~state engineer~~] independent surveyor shall provide notice, accompanied by a
1921 map, to the lieutenant governor showing the true location of the county boundary.

1922 [~~(3)~~] (4) Nothing in this section may be construed to give the county surveyors or [~~state~~
1923 ~~engineer~~] independent surveyor any authority other than to erect suitable monuments to
1924 designate county boundaries as they are described in the official records maintained by the
1925 office of the lieutenant governor.

1926 Section 40. Section **17B-1-105** is amended to read:

1927 **17B-1-105. Name of local district -- Name change.**

1928 (1) (a) The name of each local district created on or after May 1, 2000 shall comply
1929 with Subsection 17-50-103(2)(a).

1930 (b) The board of each local district affected by Subsection 17-50-103(2)(b) shall ensure
1931 that after January 1, 2005 the local district name complies with the requirements of that
1932 Subsection.

1933 (2) The name of a local district created after April 30, 2007 may not include the name
1934 of a county or municipality.

1935 (3) The name of a local district may include words descriptive of the type of service
1936 that the district provides.

1937 (4) (a) A local district board may change the name of that local district [~~by:~~] as
1938 provided in this Subsection (4).

1939 (b) To initiate a name change, the local district board shall:

1940 (i) [~~holding~~] hold a public hearing on the proposed name change;

1941 (ii) [~~adopting~~] adopt a resolution approving the name change; and

1942 [~~(iii) giving written notice of the name change to the lieutenant governor, the State Tax~~
1943 ~~Commission, the state auditor, and the clerk, recorder, and assessor of each county in which~~
1944 ~~any part of the local district is located.]~~

1945 (iii) file with the lieutenant governor a notice of an impending name change, as defined
1946 in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).

1947 (c) Upon the lieutenant governor's issuance of a certificate of name change under

1948 Section 67-1a-6.7, the local district board shall:

1949 (i) if the local district is located within the boundary of a single county, submit to the
 1950 recorder of that county:

1951 (A) the original:

1952 (I) notice of an impending name change; and

1953 (II) certificate of name change; and

1954 (B) a certified copy of the resolution approving the name change; or

1955 (ii) if the local district is located within the boundaries of more than a single county:

1956 (A) submit to the recorder of one of those counties:

1957 (I) the original of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and

1958 (II) a certified copy of the resolution approving the name change; and

1959 (B) submit to the recorder of each other county:

1960 (I) a certified copy of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and

1961 (II) a certified copy of the resolution approving the name change.

1962 ~~[(b)]~~ (d) (i) A name change under this Subsection (4)~~[(a)]~~ becomes effective upon the
 1963 ~~[board's giving the notice required under Subsection (4)(a)(iii).] lieutenant governor's issuance~~
 1964 of a certificate of name change under Section 67-1a-6.7.

1965 (ii) Notwithstanding Subsection (4)(d)(i), the local district may not operate under the
 1966 new name until the documents listed in Subsection (4)(c) are recorded in the office of the
 1967 recorder of each county in which the local district is located.

1968 Section 41. Section **17B-1-215** is amended to read:

1969 **17B-1-215. Notice to lieutenant governor -- Certificate of incorporation -- Local**
 1970 **district incorporated as specialized local district or basic local district.**

1971 (1) ~~[The]~~ (a) Within the time specified in Subsection (1)(b), the responsible body shall
 1972 file ~~[a notice]~~ with the lieutenant governor:

1973 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 1974 that meets the requirements of Subsection 67-1a-6.5(3); and

1975 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5.

1976 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the
 1977 lieutenant governor within ten days after:

1978 ~~[(a)]~~ (i) the canvass of an election under Section 17B-1-214, if a majority of those

1979 voting at the election within the proposed local district as a whole vote in favor of the creation
 1980 of a local district;

1981 ~~[(b)]~~ (ii) certification of a petition as to which the election requirement of Subsection
 1982 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a) or (b); or

1983 ~~[(c)]~~ (iii) adoption of a resolution under Subsection 17B-1-213(4) approving the
 1984 creation of a local district for which an election was not required under Subsection
 1985 17B-1-214(3)(c) or (d), by the legislative body of each county whose unincorporated area is
 1986 included within and the legislative body of each municipality whose area is included within the
 1987 proposed local district, or by the board of trustees of the initiating local district.

1988 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under
 1989 Section 67-1a-6.5, the responsible body shall:

1990 (a) if the local district is located within the boundary of a single county, submit to the
 1991 recorder of that county:

1992 (i) the original:

1993 (A) notice of an impending boundary action;

1994 (B) certificate of incorporation; and

1995 (C) certified final boundary plat; and

1996 (ii) if applicable, a certified copy of each resolution adopted under Subsection
 1997 17B-1-213(4); or

1998 (b) if the local district is located within the boundaries of more than a single county:

1999 (i) submit to the recorder of one of those counties:

2000 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and

2001 (B) if applicable, a certified copy of each resolution adopted under Subsection

2002 17B-1-213(4); and

2003 (ii) submit to the recorder of each other county:

2004 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);

2005 and

2006 (B) if applicable, a certified copy of each resolution adopted under Subsection

2007 17B-1-213(4).

2008 ~~[(2)]~~ (3) The area of each local district ~~[shall consist]~~ consists of:

2009 (a) if an election was held under Section 17B-1-214, the area of the new local district

2010 as approved at the election;

2011 (b) if an election was not required because of Subsection 17B-1-214(3)(a) or (b), the
2012 area of the proposed local district as described in the petition; or

2013 (c) if an election was not required because of Subsection 17B-1-214(3)(c) or (d), the
2014 area of the new local district as described in the resolution adopted under Subsection
2015 17B-1-213(4).

2016 [~~(3) In each notice under Subsection (1) the responsible body shall:~~]

2017 [~~(a) if the notice follows an election under Section 17B-1-214, certify the results of the
2018 election;~~]

2019 [~~(b) describe the boundaries of the new local district with an accurate map or plat
2020 showing the boundaries delineated in Subsection (2), prepared and certified by a licensed
2021 surveyor and filed with the county surveyor in accordance with Section 17-23-17; and]~~

2022 [~~(c) certify that all requirements for the creation of a local district have been complied
2023 with.~~]

2024 (4) (a) Upon the lieutenant governor's issuance of the certificate of [~~creation~~]
2025 incorporation under Section 67-1a-6.5, the local district is created and incorporated as:

2026 [~~(a)~~] (i) the type of specialized local district that was specified in the petition under
2027 Subsection 17B-1-203(1)(a) or (b) or resolution under Subsection 17B-1-203(1)(c) or (d), if the
2028 petition or resolution proposed the creation of a specialized local district; or

2029 [~~(b)~~] (ii) a basic local district, if the petition or resolution did not propose the creation
2030 of a specialized local district.

2031 (b) (i) The effective date of a local district's incorporation for purposes of assessing
2032 property within the local district is governed by Section 59-2-305.5.

2033 (ii) Until the documents listed in Subsection (2) are recorded in the office of the
2034 recorder of each county in which the property is located, a newly incorporated local district
2035 may not:

2036 (A) levy or collect a property tax on property within the local district;

2037 (B) levy or collect an assessment on property within the local district; or

2038 (C) charge or collect a fee for service provided to property within the local district.

2039 Section 42. Section **17B-1-216** is amended to read:

2040 **17B-1-216. Costs and expenses of creating a local district.**

2041 (1) Except as provided in Subsection (2), each county whose unincorporated area
 2042 includes and each municipality whose boundaries include some or all of the proposed local
 2043 district shall bear their respective costs and expenses associated with the procedure under this
 2044 part for creating a local district.

2045 (2) Within a year after its creation, each local district shall reimburse the costs and
 2046 expenses associated with the preparation, certification, and ~~[filing]~~ recording of the ~~[map]~~
 2047 certified final boundary plat of the local district and accompanying documents under
 2048 ~~[Subsection 17B-1-215(3)(b)]~~ Section 17B-1-215.

2049 Section 43. Section **17B-1-414** is amended to read:

2050 **17B-1-414. Resolution approving an annexation -- Notice of annexation -- When**
 2051 **annexation complete.**

2052 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution
 2053 approving the annexation of the area proposed to be annexed or rejecting the proposed
 2054 annexation within 30 days after:

2055 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient protests
 2056 to require an election are not filed;

2057 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

2058 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is
 2059 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

2060 (B) expiration of the time for submitting a request for public hearing under Subsection
 2061 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
 2062 hearing.

2063 (b) If the local district has entered into an agreement with the United States that
 2064 requires the consent of the United States for an annexation of territory to the district, a
 2065 resolution approving annexation under this part may not be adopted until the written consent of
 2066 the United States is obtained and filed with the board of trustees.

2067 (2) (a) ~~[The]~~ (i) Within the time specified under Subsection (2)(a)(ii), the board shall
 2068 file [a notice] with the lieutenant governor:

2069 (A) a copy of a notice of an impending boundary action, as defined in Section
 2070 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable,
 2071 Subsection (2)(b); and

2072 (B) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5.
2073 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant
2074 governor:
2075 ~~[(i)]~~ (A) within 30 days after adoption of a resolution under Subsection (1), Subsection
2076 17B-1-412(3)(c)(i), or Section 17B-1-415; and
2077 ~~[(ii)]~~ (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2)
2078 of a municipal annexation that causes an automatic annexation to a local district under Section
2079 17B-1-416.
2080 (b) ~~[The notice]~~ For an automatic annexation to a local district under Section
2081 17B-1-416, the notice of an impending boundary action required under Subsection (2)(a) shall[
2082 ~~(i) be accompanied by: (A) if applicable, a copy of the board resolution approving the~~
2083 ~~annexation; and (B) an accurate map depicting the boundaries of the area to be annexed or a~~
2084 ~~legal description of the area to be annexed, adequate for purposes of the county assessor and~~
2085 ~~recorder; (ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i);~~
2086 ~~include a certification by the local district board that all requirements for the annexation have~~
2087 ~~been complied with; and (iii) for an automatic annexation to a local district under Section~~
2088 ~~17B-1-416;]~~ state that an area outside the boundaries of the local district is being automatically
2089 annexed to the local district under Section 17B-1-416 because of a municipal annexation under
2090 Title 10, Chapter 2, Part 4, Annexation.
2091 (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section
2092 67-1a-6.5, the board shall:
2093 (i) if the annexed area is located within the boundary of a single county, submit to the
2094 recorder of that county:
2095 (A) the original:
2096 (I) notice of an impending boundary action;
2097 (II) certificate of annexation; and
2098 (III) certified final boundary plat; and
2099 (B) a certified copy of the annexation resolution; or
2100 (ii) if the annexed area is located within the boundaries of more than a single county:
2101 (A) submit to the recorder of one of those counties:
2102 (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and

2103 (II) a certified copy of the annexation resolution; and
 2104 (B) submit to the recorder of each other county:
 2105 (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III);
 2106 and
 2107 (II) a certified copy of the annexation resolution.
 2108 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation
 2109 under this part of an area located in a county of the first class to a local district:
 2110 (i) created to provide fire protection, paramedic, and emergency services; and
 2111 (ii) in the creation of which an election was not required because of Subsection
 2112 17B-1-214(3)(c).
 2113 (b) An annexation under this part is complete and becomes effective:
 2114 [~~(i) for an annexation pursuant to a resolution described in Subsection (2)(a)(i):~~]
 2115 (i) (A) [(H)] on July 1 for a fire district annexation, if the lieutenant governor issues the
 2116 certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or
 2117 [(H)] (B) on January 1 for a fire district annexation, if the lieutenant governor issues
 2118 the certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or
 2119 [(B)] (ii) upon the lieutenant governor's issuance of the certificate of annexation under
 2120 Section 67-1a-6.5, for [an] any other annexation [~~other than an annexation described in~~
 2121 Subsection (3)(b)(i)(A), and].
 2122 [~~(ii) for an automatic annexation that is the subject of a notice under Subsection~~
 2123 ~~(2)(a)(ii):~~]
 2124 [~~(A) (I) on July 1 for a fire district annexation, if the lieutenant governor issues the~~
 2125 ~~certificate of annexation under Subsection 10-1-117(3)(b) from January 1 through June 30; or]~~
 2126 [~~(H) on January 1 for a fire district annexation, if the lieutenant governor issues the~~
 2127 ~~certificate of annexation under Subsection 10-1-117(3)(b) from July 1 through December 31;~~
 2128 ~~or]~~
 2129 [~~(B) upon the lieutenant governor's issuance of the certificate of annexation under~~
 2130 ~~Subsection 10-1-117(3)(b), for an annexation other than an annexation described in Subsection~~
 2131 ~~(3)(b)(ii)(A):~~]
 2132 (c) (i) The effective date of a local district annexation for purposes of assessing
 2133 property within the annexed area is governed by Section 59-2-305.5.

2134 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the
2135 recorder of each county in which the property is located, a local district may not:

2136 (A) levy or collect a property tax on property within the annexed area;

2137 (B) levy or collect an assessment on property within the annexed area; or

2138 (C) charge or collect a fee for service provided to property within the annexed area.

2139 Section 44. Section **17B-1-415** is amended to read:

2140 **17B-1-415. Annexation of wholesale district through expansion of retail provider.**

2141 (1) (a) A local district that provides a wholesale service may adopt a resolution

2142 approving the annexation of an area outside the local district's boundaries if:

2143 (i) the area is annexed by or otherwise added to, or is added to the retail service area of,
2144 a municipality or another local district that:

2145 (A) acquires the wholesale service from the local district and provides it as a retail
2146 service;

2147 (B) is, before the annexation or other addition, located at least partly within the local
2148 district; and

2149 (C) after the annexation or other addition will provide to the annexed or added area the
2150 same retail service that the local district provides as a wholesale service to the municipality or
2151 other local district; and

2152 (ii) except as provided in Subsection (2), no part of the area is within the boundaries of
2153 another local district that provides the same wholesale service as the proposed annexing local
2154 district.

2155 (b) For purposes of this section:

2156 (i) a local district providing public transportation service shall be considered to be
2157 providing a wholesale service; and

2158 (ii) a municipality included within the boundaries of the local district providing public
2159 transportation service shall be considered to be acquiring that wholesale service from the local
2160 district and providing it as a retail service and to be providing that retail service after the
2161 annexation or other addition to the annexed or added area, even though the municipality does
2162 not in fact provide that service.

2163 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local
2164 district providing a wholesale service and located partly or entirely within the boundaries of

2165 another local district that provides the same wholesale service may be annexed to the local
2166 district if:

2167 (a) the conditions under Subsection (1)(a)(i) are present; and

2168 (b) the proposed annexing local district and the other local district follow the same
2169 procedure as is required for a boundary adjustment under Section 17B-1-417, including both
2170 district boards adopting a resolution approving the annexation of the area to the proposed
2171 annexing local district and the withdrawal of that area from the other district.

2172 (3) Upon the adoption of an annexation resolution under this section, the board of the
2173 annexing local district shall comply with the requirements of Subsection 17B-1-414(2), and the
2174 lieutenant governor shall issue a certificate of annexation and send a copy of notice as provided
2175 in Section 67-1a-6.5.

2176 (4) [~~Subsection~~] Subsections 17B-1-414(2) and (3) [~~applies~~] apply to an annexation
2177 under this section.

2178 Section 45. Section **17B-1-416** is amended to read:

2179 **17B-1-416. Automatic annexation to a district providing fire protection,**
2180 **paramedic, and emergency services.**

2181 (1) An area outside the boundaries of a local district that is annexed to a municipality
2182 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,
2183 Annexation, is automatically annexed to the local district if:

2184 (a) the local district provides fire protection, paramedic, and emergency services;

2185 (b) an election for the creation of the local district was not required because of
2186 Subsection 17B-1-214(3)(c); and

2187 (c) before the municipal annexation or boundary adjustment, the entire municipality
2188 that is annexing the area or adding the area by boundary adjustment was included within the
2189 local district.

2190 (2) The effective date of an annexation under this section is governed by Subsection
2191 17B-1-414(3)(b)[~~(ii)~~].

2192 Section 46. Section **17B-1-417** is amended to read:

2193 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
2194 **adjusting boundaries -- Notice of the adjustment -- Notice to lieutenant governor.**

2195 (1) As used in this section, "affected area" means the area located within the

2196 boundaries of one local district that will be removed from that local district and included within
2197 the boundaries of another local district because of a boundary adjustment under this section.

2198 (2) The boards of trustees of two or more local districts having a common boundary
2199 and providing the same service on the same wholesale or retail basis may adjust their common
2200 boundary as provided in this section.

2201 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
2202 common with another local district shall:

2203 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

2204 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
2205 after the adoption of the resolution under Subsection (3)(a)(i); and

2206 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of
2207 general circulation within the local district; or

2208 (II) if there is no newspaper of general circulation within the local district, post notice
2209 in at least four conspicuous places within the local district; or

2210 (B) mail a notice to each owner of property located within the affected area and to each
2211 registered voter residing within the affected area.

2212 (b) The notice required under Subsection (3)(a)(iii) shall:

2213 (i) state that the board of trustees of the local district has adopted a resolution
2214 indicating the board's intent to adjust a boundary that the local district has in common with
2215 another local district that provides the same service as the local district;

2216 (ii) describe the affected area;

2217 (iii) state the date, time, and location of the public hearing required under Subsection
2218 (3)(a)(ii);

2219 (iv) provide a local district telephone number where additional information about the
2220 proposed boundary adjustment may be obtained;

2221 (v) explain the financial and service impacts of the boundary adjustment on property
2222 owners or residents within the affected area; and

2223 (vi) state in conspicuous and plain terms that the board of trustees may approve the
2224 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
2225 written protests to the adjustment are filed with the board by:

2226 (A) the owners of private real property that:

2227 (I) is located within the affected area;

2228 (II) covers at least 50% of the total private land area within the affected area; and

2229 (III) is equal in assessed value to at least 50% of the assessed value of all private real

2230 property within the affected area; or

2231 (B) registered voters residing within the affected area equal in number to at least 50%

2232 of the votes cast in the affected area for the office of governor at the last regular general

2233 election before the filing of the protests.

2234 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be

2235 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

2236 (d) The boards of trustees of the local districts whose boundaries are being adjusted

2237 may jointly:

2238 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

2239 (ii) hold the public hearing required under Subsection (3)(a)(ii).

2240 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees

2241 may adopt a resolution approving the adjustment of the common boundary unless, at or before

2242 the public hearing, written protests to the boundary adjustment have been filed with the board

2243 by:

2244 (a) the owners of private real property that:

2245 (i) is located within the affected area;

2246 (ii) covers at least 50% of the total private land area within the affected area; and

2247 (iii) is equal in assessed value to at least 50% of the assessed value of all private real

2248 property within the affected area; or

2249 (b) registered voters residing within the affected area equal in number to at least 50%

2250 of the votes cast in the affected area for the office of governor at the last regular general

2251 election before the filing of the protests.

2252 (5) A resolution adopted under Subsection (4) does not take effect until the board of

2253 each local district whose boundaries are being adjusted has adopted a resolution under

2254 Subsection (4).

2255 (6) [~~(a) Within 30 days after the resolutions take effect under Subsection (5), the~~] The

2256 board of the local district whose boundaries are being adjusted to include the affected area shall

2257 [~~file a notice~~];

2258 (a) within 30 days after the resolutions take effect under Subsection (5), file with the
2259 lieutenant governor[-];

2260 [~~(b) The notice required under Subsection (6)(a) shall:~~]

2261 [~~(i) be accompanied by:~~]

2262 [~~(A) a copy of each of the board resolutions approving the boundary adjustment; and]~~

2263 [~~(B) an accurate map depicting the affected area or a legal description of the affected~~

2264 ~~area, adequate for purposes of the county assessor and recorder; and]~~

2265 [~~(ii) include a certification by the board of the local district whose boundaries are being~~

2266 ~~adjusted to include the affected area that all requirements for the boundary adjustment have~~

2267 ~~been complied with.]~~

2268 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,

2269 that meets the requirements of Subsection 67-1a-6.5(3); and

2270 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

2271 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment

2272 under Section 67-1a-6.5:

2273 (i) if the affected area is located within the boundary of a single county, submit to the

2274 recorder of that county:

2275 (A) the original:

2276 (I) notice of an impending boundary action;

2277 (II) certificate of boundary adjustment; and

2278 (III) certified final boundary plat; and

2279 (B) a certified copy of each resolution adopted under Subsection (4); or

2280 (ii) if the affected area is located within the boundaries of more than a single county:

2281 (A) submit to the recorder of one of those counties:

2282 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III); and

2283 (II) a certified copy of each resolution adopted under Subsection (4); and

2284 (B) submit to the recorder of each other county:

2285 (I) a certified copy of the documents listed in Subsection (6)(b)(i)(A)(I), (II), and (III);

2286 and

2287 (II) a certified copy of each resolution adopted under Subsection (4).

2288 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary [change]

2289 adjustment under Section 67-1a-6.5, the affected area is annexed to the local district whose
 2290 boundaries are being adjusted to include the affected area, and the affected area is withdrawn
 2291 from the local district whose boundaries are being adjusted to exclude the affected area.

2292 (b) (i) The effective date of a boundary adjustment under this section for purposes of
 2293 assessing property within the affected area is governed by Section 59-2-305.5.

2294 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the
 2295 recorder of the county in which the property is located, a local district in whose boundary an
 2296 affected area is included because of a boundary adjustment under this section may not:

2297 (A) levy or collect a property tax on property within the affected area;

2298 (B) levy or collect an assessment on property within the affected area; or

2299 (C) charge or collect a fee for service provided to property within the affected area.

2300 Section 47. Section **17B-1-512** is amended to read:

2301 **17B-1-512. Notice of withdrawal -- Contest period -- Judicial review.**

2302 (1) (a) [The] Within the time specified in Subsection (1)(b), the board of trustees shall
 2303 file [a written notice of withdrawal] with the lieutenant governor:

2304 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 2305 that meets the requirements of Subsection 67-1a-6.5(3); and

2306 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5.

2307 (b) The board of trustees shall file the documents listed in Subsection (1)(a):

2308 (i) within ten days after adopting a resolution approving a withdrawal under Section
 2309 17B-1-510; and

2310 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
 2311 automatic withdrawal under Subsection 17B-1-502(2), after receiving a copy of the municipal
 2312 legislative body's resolution approving an automatic withdrawal under Subsection
 2313 17B-1-502(3)(a), or after receiving notice of a withdrawal of a municipality from a local
 2314 district under Section 17B-2-505.

2315 [~~(b) The notice required under Subsection (1)(a) shall:~~]

2316 [~~(i) be accompanied by:~~]

2317 [~~(A) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, a~~
 2318 ~~copy of the board resolution approving the withdrawal; and]~~

2319 [~~(B) an accurate map depicting the boundaries of the withdrawn area or a legal~~

2320 description of the withdrawn area, adequate for purposes of the county assessor and recorder;
2321 and]

2322 [~~(ii) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510;~~
2323 ~~include a certification by the local district board that all requirements for the withdrawal have~~
2324 ~~been complied with.~~]

2325 (c) Upon the lieutenant governor's issuance of a certificate of withdrawal under Section
2326 67-1a-6.5, the board shall:

2327 (i) if the withdrawn area is located within the boundary of a single county, submit to
2328 the recorder of that county:

2329 (A) the original:

2330 (I) notice of an impending boundary action;

2331 (II) certificate of withdrawal; and

2332 (III) certified final boundary plat; and

2333 (B) if applicable, a certified copy of the resolution or notice referred to in Subsection
2334 (1)(b); or

2335 (ii) if the withdrawn area is located within the boundaries of more than a single county,
2336 submit:

2337 (A) the original of the documents listed in Subsections (1)(c)(i)(A)(I), (II), and (III)
2338 and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to
2339 one of those counties; and

2340 (B) a certified copy of the documents listed in Subsection (1)(c)(i)(A)(I), (II), and (III)
2341 and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other
2342 county.

2343 (2) (a) Upon the lieutenant governor's issuance of the certificate of [~~boundary change~~]
2344 withdrawal under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an
2345 automatic withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality
2346 from a local district under Section 17B-2-505, the withdrawal shall be effective, subject to the
2347 conditions of the withdrawal resolution, if applicable.

2348 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon
2349 the lieutenant governor's issuance of a certificate of [~~boundary change~~] withdrawal under
2350 Section 67-1a-6.5.

2351 (3) The local district may provide for the publication of any resolution approving or
2352 denying the withdrawal of an area in a newspaper of general circulation in the area proposed
2353 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a
2354 notice of withdrawal or denial of withdrawal, containing:

2355 (a) the name of the local district;

2356 (b) a description of the area proposed for withdrawal;

2357 (c) a brief explanation of the grounds on which the board of trustees determined to
2358 approve or deny the withdrawal; and

2359 (d) the times and place where a copy of the resolution may be examined, which shall be
2360 at the place of business of the local district, identified in the notice, during regular business
2361 hours of the local district as described in the notice and for a period of at least 30 days after the
2362 publication of the notice.

2363 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
2364 deny a withdrawal of an area from the local district by submitting a request, within 60 days
2365 after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting
2366 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees
2367 based its decision to deny the withdrawal.

2368 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
2369 trustees, the board may consider the suggestions for mitigation and adopt a resolution
2370 approving or denying the request in the same manner as provided in Section 17B-1-510 with
2371 respect to the original resolution denying the withdrawal and file a notice of the action as
2372 provided in Subsection (1).

2373 (6) (a) Any person in interest may seek judicial review of:

2374 (i) the board of trustees' decision to withdraw an area from the local district;

2375 (ii) the terms and conditions of a withdrawal; or

2376 (iii) the board's decision to deny a withdrawal.

2377 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
2378 district court in the county in which a majority of the area proposed to be withdrawn is located:

2379 (i) if the resolution approving or denying the withdrawal is published under Subsection
2380 (3), within 60 days after the publication or after the board of trustees' denial of the request
2381 under Subsection (5);

2382 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
2383 the resolution approving or denying the withdrawal is adopted; or

2384 (iii) if a request is submitted to the board of trustees of a local district under Subsection
2385 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board
2386 adopts a resolution under Subsection (5) unless the resolution is published under Subsection
2387 (3), in which event the action must be filed within 60 days after the publication.

2388 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
2389 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

2390 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

2391 (ii) the court finds that the board materially failed to follow the procedures set forth in
2392 this part.

2393 (d) A court may award costs and expenses of an action under this section, including
2394 reasonable attorney fees, to the prevailing party.

2395 (7) After the applicable contest period under Subsection (4) or (6), no person may
2396 contest the board of trustees' approval or denial of withdrawal for any cause.

2397 Section 48. Section **17B-1-1308** is amended to read:

2398 **17B-1-1308. Dissolution resolution -- Limitations on dissolution -- Distribution of**
2399 **remaining assets -- Notice of dissolution to lieutenant governor.**

2400 (1) After the public hearing required under Section 17B-1-1306 and subject to
2401 Subsection (2), the administrative body may adopt a resolution approving dissolution of the
2402 local district.

2403 (2) A resolution under Subsection (1) may not be adopted unless:

2404 (a) any outstanding debt of the local district is:

2405 (i) satisfied and discharged in connection with the dissolution; or

2406 (ii) assumed by another governmental entity with the consent of all the holders of that
2407 debt and all the holders of other debts of the local district;

2408 (b) for a local district that has provided service during the preceding three years or
2409 undertaken planning or other activity preparatory to providing service:

2410 (i) another entity has committed to provide the same service to the area being served or
2411 proposed to be served by the local district; and

2412 (ii) all who are to receive the service have consented to the service being provided by

2413 the other entity; and

2414 (c) all outstanding contracts to which the local district is a party are resolved through
2415 mutual termination or the assignment of the district's rights, duties, privileges, and
2416 responsibilities to another entity with the consent of the other parties to the contract.

2417 (3) (a) (i) Any assets of the local district remaining after paying all debts and other
2418 obligations of the local district shall be used to pay costs associated with the dissolution
2419 process under this part.

2420 (ii) Any costs of the dissolution process remaining after exhausting the remaining
2421 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.

2422 (b) Any assets of the local district remaining after application of Subsection (3)(a) shall
2423 be distributed:

2424 (i) proportionately to the owners of real property within the dissolved local district if
2425 there is a readily identifiable connection between a financial burden borne by the real property
2426 owners in the district and the remaining assets; or

2427 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which
2428 the dissolved local district was located before dissolution in the same proportion that the land
2429 area of the local district located within the unincorporated area of the county or within the city
2430 or town bears to the total local district land area.

2431 (4) (a) ~~[Within 30 days after adopting a resolution approving dissolution of the local~~
2432 ~~district, the] The administrative body shall [file a notice]:~~

2433 (i) within 30 days after adopting a resolution approving dissolution, file with the
2434 lieutenant governor[-] a copy of a notice of an impending boundary action, as defined in
2435 Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2436 ~~[(b) The notice required under Subsection (4)(a) shall:]~~

2437 ~~[(i) be accompanied by a copy of the board resolution approving the dissolution; and]~~

2438 ~~[(ii) include a certification by the administrative body that all requirements for the~~
2439 ~~dissolution have been complied with.]~~

2440 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
2441 67-1a-6.5:

2442 (A) if the local district was located within the boundary of a single county, submit to
2443 the recorder of that county:

2444 (I) the original:
 2445 (Aa) notice of an impending boundary action; and
 2446 (Bb) certificate of dissolution; and
 2447 (II) a certified copy of the resolution adopted under Subsection (1); or
 2448 (B) if the local district was located within the boundaries of more than a single county:
 2449 (I) submit to the recorder of one of those counties:
 2450 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa) and (Bb);
 2451 and
 2452 (Bb) a certified copy of the resolution adopted under Subsection (1); and
 2453 (II) submit to the recorder of each other county:
 2454 (Aa) a certified copy of the documents listed in Subsection (4)(a)(ii)(A)(I)(Aa) and
 2455 (Bb); and
 2456 (Bb) a certified copy of the resolution adopted under Subsection (1).
 2457 ~~[(c)]~~ (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
 2458 Section 67-1a-6.5, the local district is dissolved.
 2459 Section 49. Section **17C-1-201** is amended to read:
 2460 **17C-1-201. Creation of agency -- Notice to lieutenant governor.**
 2461 (1) ~~[Subject to Subsection (2), a]~~ A community may, by ordinance adopted by its
 2462 legislative body, ~~[create]~~ approve the creation of a community development and renewal
 2463 agency.
 2464 (2) (a) ~~[Within ten days after adopting an ordinance under Subsection (1), the]~~ The
 2465 community legislative body shall:
 2466 (i) within ten days after adopting an ordinance under Subsection (1), file with the
 2467 lieutenant governor ~~[a notice of the adoption of the ordinance, with a copy of the ordinance.];~~
 2468 (A) a copy of a notice of an impending boundary action, as defined in Section
 2469 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 2470 (B) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and
 2471 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section
 2472 67-1a-6.5, submit to the recorder of the county in which the agency is located:
 2473 (A) the original notice of an impending boundary action;
 2474 (B) the original certificate of creation;

2475 (C) the original certified final boundary plat; and

2476 (D) a certified copy of the ordinance approving the creation of the community

2477 development and renewal agency.

2478 (b) Upon the lieutenant governor's issuance of the certificate of creation under Section
2479 67-1a-6.5, the agency is created and incorporated.

2480 (c) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the
2481 recorder of the county in which the property is located, an agency may not receive or spend tax
2482 increment funds.

2483 (3) (a) An agency may approve a change in its name, whether to indicate it is a
2484 community development and renewal agency or otherwise, by:

2485 (i) adopting a resolution [setting forth its new] approving a name change; and

2486 (ii) filing [the resolution] with the lieutenant governor[, the State Tax Commission, the
2487 State Board of Education, and the assessor of the county in which the agency is located.] a copy
2488 of a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the
2489 requirements of Subsection 67-1a-6.7(3).

2490 (b) (i) Upon the lieutenant governor's issuance of a certificate of name change under
2491 Section 67-1a-6.7, the agency shall file with the recorder of the county in which the agency is
2492 located:

2493 (A) the original notice of an impending name change;

2494 (B) the original certificate of name change; and

2495 (c) a certified copy of the resolution approving a name change.

2496 (ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the
2497 county recorder, the agency may not operate under the new name.

2498 Section 50. Section **17C-1-701** is amended to read:

2499 **17C-1-701. Dissolution by ordinance -- Restrictions -- Filing copy of ordinance --**
2500 **Agency records -- Dissolution expenses.**

2501 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
2502 an agency may, by ordinance, [~~deactivate and dissolve~~] approve the deactivation and
2503 dissolution of the agency.

2504 (b) An ordinance [~~dissolving~~] under Subsection (1)(a) approving the deactivation and
2505 dissolution of an agency may not be adopted unless the agency has no outstanding bonded

2506 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding contractual
2507 obligations with persons or entities other than the community.

2508 (2) (a) [~~Within ten days after adopting an ordinance under Subsection (1), the~~] The
2509 community legislative body shall [~~file a certified copy of the ordinance~~];

2510 (i) within ten days after adopting an ordinance under Subsection (1), file with the
2511 lieutenant governor[~~;~~] a copy of a notice of an impending boundary action, as defined in
2512 Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2513 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
2514 67-1a-6.5, submit to the recorder of the county in which the agency is located:

2515 (A) the original notice of an impending boundary action;

2516 (B) the original certificate of dissolution; and

2517 (C) a certified copy of the ordinance approving the deactivation and dissolution of the
2518 agency.

2519 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
2520 Section 67-1a-6.5, the agency is dissolved.

2521 (c) Within ten days after receiving the certificate of dissolution from the lieutenant
2522 governor under Section 67-1a-6.5, the community legislative body shall send a copy of the
2523 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
2524 Education, and each taxing entity.

2525 (d) The community legislative body shall publish a notice of dissolution in a
2526 newspaper of general circulation in the county in which the dissolved agency is located.

2527 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
2528 deposited for safekeeping and reference with the recorder of the community that dissolved the
2529 agency.

2530 (4) The agency shall pay all expenses of the deactivation and dissolution.

2531 Section 51. Section **17D-1-204** is amended to read:

2532 **17D-1-204. Prerequisites for adopting a resolution or ordinance creating a special**
2533 **service district.**

2534 Before the legislative body of a county or municipality may adopt a resolution or
2535 ordinance under Section 17D-1-208 [~~creating~~] approving the creation of a special service
2536 district:

2537 (1) the clerk or recorder, as the case may be, of the county or municipality shall give
2538 written notice as provided in Section 17D-1-205;

2539 (2) the legislative body shall hold a public hearing, as provided in Section 17D-1-207;
2540 and

2541 (3) the period for filing protests under Section 17D-1-206 shall have passed without
2542 adequate protests having been filed.

2543 Section 52. Section **17D-1-208** is amended to read:

2544 **17D-1-208. Adoption of a resolution or ordinance creating a special service**
2545 **district.**

2546 (1) Subject to the provisions of and as provided in this part, the legislative body of a
2547 county or municipality may adopt a resolution or ordinance [~~creating~~] approving the creation of
2548 a special service district.

2549 (2) (a) Subject to Subsection (2)(b), a resolution or ordinance adopted by a legislative
2550 body under Subsection (1) may contain changes from the proposal as set forth in a resolution
2551 under Subsection 17D-1-203(1)(a) or a petition under Subsection 17D-1-203(1)(b), including
2552 changes in:

2553 (i) the boundary of the special service district; and

2554 (ii) the services to be provided by the special service district.

2555 (b) The legislative body of a county or municipality may not adopt a resolution or
2556 ordinance under Subsection (1) that [~~creates~~] approves the creation of a special service district
2557 with a boundary that includes more area than is included in, or that authorizes the special
2558 service district to provide a service not proposed in, a resolution under Subsection
2559 17D-1-203(1)(a) or a petition under Subsection 17D-1-203(1)(b), unless the requirements of
2560 Sections 17D-1-205, 17D-1-206, and 17D-1-207 are met with respect to the additional area or
2561 service, as the case may be.

2562 Section 53. Section **17D-1-209** is amended to read:

2563 **17D-1-209. Notice to lieutenant governor.**

2564 (1) [~~Within 30 days after adopting a resolution or ordinance under Subsection~~
2565 ~~17D-1-208(1) creating a special service district, the] The legislative body adopting [~~the~~] a
2566 resolution or ordinance [~~shall file a notice~~] approving the creation of a special service district
2567 shall:~~

2568 (a) within 30 days after adopting the resolution or ordinance, file with the lieutenant
2569 governor[-];

2570 ~~[(2) Each notice under Subsection (1) shall:]~~

2571 ~~[(a) be accompanied by:]~~

2572 ~~[(i) a copy of the resolution or ordinance creating the special service district; and]~~

2573 ~~[(ii) a map showing the boundaries of the special service district, prepared and certified~~
2574 ~~by a licensed surveyor and filed with the county surveyor in accordance with Section 17-23-17;~~
2575 ~~and]~~

2576 ~~[(b) include the legislative body's certification that all requirements for the creation of~~
2577 ~~the special service district have been met.]~~

2578 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
2579 that meets the requirements of Subsection 67-1a-6.5(3); and

2580 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

2581 (b) upon the lieutenant governor's issuance of a certificate of incorporation under
2582 Section 67-1a-6.5, submit to the recorder of the county in which the special service district is
2583 located:

2584 (i) the original notice of an impending boundary action;

2585 (ii) the original certificate of incorporation;

2586 (iii) the original certified final boundary plat; and

2587 (iv) a certified copy of the resolution or ordinance approving the creation of the special
2588 service district.

2589 ~~[(3)]~~ (2) (a) Upon the lieutenant governor's issuance of a certificate of creation under
2590 Section 67-1a-6.5, the special service district is created and incorporated.

2591 (b) (i) The effective date of a special service district's incorporation for purposes of
2592 assessing property within the special service district is governed by Section 59-2-305.5.

2593 (ii) Until the documents listed in Subsection (1)(b) are recorded in the office of the
2594 recorder of the county in which the property is located:

2595 (A) the county, city, or town that created the special service district may not levy or
2596 collect a property tax for special service district purposes on property within the special service
2597 district; and

2598 (B) the special service district may not:

2599 (I) levy or collect an assessment on property within the special service district; or
 2600 (II) charge or collect a fee for service provided to property within the special service
 2601 district.

2602 Section 54. Section **17D-1-403** is amended to read:

2603 **17D-1-403. Notice of annexation to lieutenant governor -- Lieutenant governor**
 2604 **certification.**

2605 (1) If a county or municipal legislative body adopts a resolution approving the
 2606 annexation of an area to an existing special service district, the legislative body shall[;]:

2607 (a) within 30 days after adopting the resolution, file [a notice] with the lieutenant
 2608 governor[;]:

2609 ~~[(2) Each notice under Subsection (1) shall:]~~

2610 ~~[(a) be accompanied by:]~~

2611 ~~[(i) a copy of the resolution adopted by the legislative body approving the annexation;~~
 2612 ~~and]~~

2613 ~~[(ii) a map showing the additional area to be annexed to the special service district;~~
 2614 ~~prepared and certified by a licensed surveyor and filed with the county surveyor in accordance~~
 2615 ~~with Section 17-23-17; and]~~

2616 ~~[(b) include the legislative body's certification that all requirements for the annexation~~
 2617 ~~of the additional area have been met.]]~~

2618 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
 2619 that meets the requirements of Subsection 67-1a-6.5(3); and

2620 (ii) a copy of a certified final boundary plat, as defined in Section 67-1a-6.5; and

2621 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section
 2622 67-1a-6.5, submit to the recorder of the county in which the special service district is located:

2623 (i) the original notice of an impending boundary action;

2624 (ii) the original certificate of annexation;

2625 (iii) the original certified final boundary plat; and

2626 (iv) a certified copy of the resolution approving the annexation.

2627 (3) (a) Upon the lieutenant governor's issuance of the certificate of [boundary change]
 2628 annexation under Section 67-1a-6.5, the additional area that is the subject of the legislative
 2629 body's resolution is annexed to the special service district.

2630 (b) (i) The effective date of an annexation under this section for purposes of assessing
2631 property within the annexed area is governed by Section 59-2-305.5.

2632 (ii) Until the documents listed in Subsection (1)(b) are recorded in the office of the
2633 recorder of the county in which the property is located:

2634 (A) the county, city, or town that created the special service district may not levy or
2635 collect a property tax for special service district purposes on property within the annexed area;
2636 and

2637 (B) the special service district may not:

2638 (I) levy or collect an assessment on property within the annexed area; or

2639 (II) charge or collect a fee for service provided to property within the annexed area.

2640 Section 55. Section **17D-1-603** is amended to read:

2641 **17D-1-603. Notice of adoption of resolution approving a withdrawal or**
2642 **dissolution -- Lieutenant governor certificate -- Effective date of withdrawal or**
2643 **dissolution.**

2644 (1) [~~Within 30 days after adopting~~] If a county or municipal legislative body adopts a
2645 resolution approving the withdrawal of an area from a special service district or the dissolution
2646 of a special service district, the county or municipal legislative body, as the case may be, shall
2647 [file a notice]:

2648 (a) within 30 days after adopting the resolution, file with the lieutenant governor[-]:

2649 [~~(2) Each notice under Subsection (1) shall:~~]

2650 [~~(a) be accompanied by:~~]

2651 [~~(i) a copy of the resolution approving the withdrawal or dissolution; and]~~

2652 [~~(ii) in the case of a withdrawal, a map showing the area to be withdrawn, prepared and~~
2653 ~~certified by a licensed surveyor and filed with the county surveyor in accordance with Section~~
2654 ~~17-23-17; and]~~

2655 [~~(b) include the legislative body's certification that all requirements for the withdrawal~~
2656 ~~or dissolution have been met.]~~

2657 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,
2658 that meets the requirements of Subsection 67-1a-6.5(3); and

2659 (ii) in the case of a withdrawal, a copy of a certified final boundary plat, as defined in
2660 Section 67-1a-6.5; and

2661 (b) upon the lieutenant governor's issuance of a certificate of withdrawal or dissolution,
 2662 as the case may be, under Section 67-1a-6.5, submit to the recorder of the county in which the
 2663 special service district is located:

2664 (i) the original notice of an impending boundary action;

2665 (ii) the original certificate of withdrawal or dissolution, as the case may be;

2666 (iii) in the case of a withdrawal, the original certified final boundary plat; and

2667 (iv) a certified copy of the resolution approving the withdrawal or dissolution.

2668 [~~(3)~~] (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal
 2669 under Section 67-1a-6.5, the area to be withdrawn that is the subject of the legislative body's
 2670 resolution is withdrawn from the special service district.

2671 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
 2672 Section 67-1a-6.5, the special service district is dissolved.

2673 Section 56. Section **17D-3-203** is amended to read:

2674 **17D-3-203. Considerations in determining whether to approve conservation**
 2675 **district creation, consolidation, division, or dissolution -- Denial or approval --**
 2676 **Certification to lieutenant governor -- Prohibition against considering similar creation,**
 2677 **consolidation, division, or dissolution if previously denied.**

2678 (1) In determining whether to approve the creation of a conservation district, the
 2679 consolidation of existing conservation districts, or the division or dissolution of an existing
 2680 conservation district, the commission shall consider:

2681 (a) the demonstrated necessity and administrative practicality of the creation,
 2682 consolidation, division, or dissolution;

2683 (b) the topography of and soil compositions and prevailing land use practices within
 2684 the area of the proposed or existing conservation district or districts;

2685 (c) the hydrologic unit code of the watershed in which the area of the proposed or
 2686 existing conservation district or districts is located;

2687 (d) the relationship of the area of the proposed or existing conservation district or
 2688 districts to existing watersheds and agricultural regions; and

2689 (e) the sentiment expressed by persons within the area of the proposed or existing
 2690 conservation district or districts with respect to the proposed creation, consolidation, division,
 2691 or dissolution.

2692 (2) After holding a public hearing as required under Subsection 17D-3-201(2)(b) and
2693 considering the factors listed in Subsection (1), the commission shall:

2694 (a) (i) ~~[deny]~~ disapprove the creation of a conservation district, the consolidation of
2695 existing conservation districts, or the division or dissolution of an existing conservation
2696 district, as the case may be, if the commission determines that creation, consolidation, division,
2697 or dissolution is not necessary or administratively practical; or

2698 (ii) approve the creation of a conservation district, the consolidation of existing
2699 conservation districts, or the division or dissolution of an existing conservation district, as the
2700 case may be, if the commission determines that creation, consolidation, division, or dissolution
2701 is necessary and administratively practical; and

2702 (b) set forth in writing the reasons for the commission's action.

2703 (3) (a) ~~[(+)]~~ If the commission approves the creation, consolidation, division, or
2704 dissolution, the commission shall ~~[certify its action and]~~:

2705 (i) deliver ~~[a copy of the certification]~~ to the lieutenant governor[:];

2706 ~~[(ii) Each certification under Subsection (3)(a)(i) of a creation, consolidation, or
2707 division shall include an accurate legal description of the conservation district or districts as it
2708 or they are proposed to exist as a result of the creation, consolidation, or division.]~~

2709 (A) a copy of a notice of an impending boundary action, as defined in Section
2710 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2711 (B) except in the case of a dissolution, a copy of a certified final boundary plat, as
2712 defined in Section 67-1a-6.5; and

2713 (ii) upon the lieutenant governor's issuance of a certificate of boundary action under
2714 Section 67-1a-6.5:

2715 (A) if the conservation district is or, in the case of dissolution, was located within the
2716 boundary of a single county, submit to the recorder of that county:

2717 (I) the original:

2718 (Aa) notice of an impending boundary action;

2719 (Bb) certificate of boundary action; and

2720 (Cc) except in the case of dissolution, certified final boundary plat; and

2721 (II) a certified copy of the document that the commission adopted approving the
2722 boundary action; or

2723 (B) if the conservation district is or, in the case of a dissolution, was located within the
 2724 boundaries of more than a single county:

2725 (I) submit to the recorder of one of those counties:

2726 (Aa) the original of the documents listed in Subsections (3)(a)(ii)(A)(I)(Aa), (Bb), and
 2727 (Cc); and

2728 (Bb) a certified copy of the document that the commission adopted approving the
 2729 boundary action; and

2730 (II) submit to the recorder of each other county:

2731 (Aa) a certified copy of the documents listed in Subsection (3)(a)(ii)(A)(I)(Aa), (Bb),
 2732 and (Cc); and

2733 (Bb) a certified copy of the document that the commission adopted approving the
 2734 boundary action.

2735 (b) Upon the lieutenant governor's issuance of the certificate of creation, consolidation,
 2736 division, or dissolution under Section 67-1a-6.5, as the case may be, the conservation district is
 2737 created and incorporated, consolidated, divided, or dissolved, respectively.

2738 (4) If the commission [~~denies~~] disapproves a creation, consolidation, division, or
 2739 dissolution under Subsection (2)(a)(i), the commission may not, for six months following the
 2740 denial, consider a similar proposal to create, divide, or dissolve the conservation district or to
 2741 consolidate the conservation districts, as the case may be.

2742 Section 57. Section **53A-2-101.5** is amended to read:

2743 **53A-2-101.5. Notice of school district boundary changes including creation,**
 2744 **consolidation, division, or dissolution.**

2745 (1) [~~Within 30 days after the creation, consolidation, division, or dissolution of a~~
 2746 ~~school district, or any other change affecting the boundary of a new or existing school district,~~
 2747 ~~the] The county legislative body shall [file a written notice of the action]:~~

2748 (a) within 30 days after the creation, consolidation, division, or dissolution of a school
 2749 district, file with the lieutenant governor[:];

2750 [~~(2) The notice under Subsection (1) shall be accompanied by an accurate map or plat~~
 2751 ~~showing the boundaries of the affected school districts, prepared and certified by a local~~
 2752 ~~surveyor and filed with the county surveyor in accordance with Section 17-23-17:]~~

2753 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,

2754 that meets the requirements of Subsection 67-1a-6.5(3); and
2755 (ii) except in the case of a dissolution, a copy of a certified final boundary plat, as
2756 defined in Section 67-1a-6.5; and
2757 (b) upon the lieutenant governor's issuance of a certificate of boundary action under
2758 Section 67-1a-6.5:
2759 (i) if the school district is or, in the case of dissolution, was located within the
2760 boundary of a single county, submit to the recorder of that county:
2761 (A) the original;
2762 (I) notice of an impending boundary action;
2763 (II) certificate of boundary action; and
2764 (III) except in the case of dissolution, certified final boundary plat; and
2765 (B) if applicable, a certified copy of the resolution approving the boundary action; or
2766 (ii) if the school district is or, in the case of a dissolution, was located within the
2767 boundaries of more than a single county:
2768 (A) submit to the recorder of one of those counties:
2769 (I) the original of the documents listed in Subsections (1)(b)(i)(A)(I), (II), and (III); and
2770 (II) if applicable, a certified copy of the resolution approving the boundary action; and
2771 (B) submit to the recorder of each other county:
2772 (I) a certified copy of the documents listed in Subsection (1)(b)(i)(A)(I), (II), and (III);
2773 and
2774 (II) if applicable, a certified copy of the resolution approving the boundary action.
2775 ~~[(3)]~~ (2) (a) Upon the lieutenant governor's issuance of the certificate under Section
2776 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the
2777 boundary of a new or existing school district that was the subject of the action has legal effect.
2778 (b) (i) As used in this Subsection (2)(b), "affected area" means:
2779 (A) in the case of the creation of a school district, the area within the school district's
2780 boundary;
2781 (B) in the case of the consolidation of multiple school districts, the area within the
2782 boundary of each school district that is consolidated into another school district;
2783 (C) in the case of the division of a school district, the area within the boundary of the
2784 school district created by the division; and

2785 (D) in the case of an addition to an existing school district, the area added to the school
2786 district.

2787 (ii) The effective date of a boundary action, as defined in Section 17-23-20, for
2788 purposes of assessing property within the school district is governed by Section 59-2-305.5.

2789 (iii) Until the documents listed in Subsection (1)(b) are recorded in the office of the
2790 recorder of each county in which the property is located, a school district may not levy or
2791 collect a property tax on property within the affected area.

2792 Section 58. Section **53A-2-118** is amended to read:

2793 **53A-2-118. Creation of new school district -- Initiation of process -- Procedures**
2794 **to be followed.**

2795 (1) A new school district may be created from one or more existing school districts, as
2796 provided in this section.

2797 (2) (a) The process to create a new school district may be initiated:

2798 (i) through a citizens' initiative petition;

2799 (ii) at the request of the board of the existing district or districts to be affected by the
2800 creation of the new district; or

2801 (iii) at the request of a city within the boundaries of the school district or at the request
2802 of interlocal agreement participants, pursuant to Section 53A-2-118.1.

2803 (b) (i) Each petition submitted under Subsection (2)(a)(i) shall be signed by qualified
2804 electors residing within the geographical boundaries of the proposed new school district equal
2805 in number to at least 15% of the number of electors in the area who voted for the office of
2806 governor at the last regular general election.

2807 (ii) Each request or petition submitted under Subsection (2)(a) shall:

2808 (A) be filed with the clerk of each county in which any part of the proposed new school
2809 district is located;

2810 (B) indicate the typed or printed name and current residence address of each governing
2811 board member making a request, or registered voter signing a petition, as the case may be;

2812 (C) describe the proposed new school district boundaries; and

2813 (D) designate up to five signers of the petition or request as sponsors, one of whom
2814 shall be designated as the contact sponsor, with the mailing address and telephone number of
2815 each.

2816 (c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,
2817 reinstate the signer's signature at any time before the filing of the petition by filing a written
2818 withdrawal or reinstatement with the county clerk.

2819 (d) The process under Subsection (2)(a)(i) may only be initiated once during any
2820 four-year period.

2821 (e) A new district may not be formed pursuant to Subsection (2)(a) if the student
2822 population of the proposed new district is less than 3,000 or the existing district's student
2823 population would be less than 3,000 because of the creation of the new school district.

2824 (f) Within 45 days after the filing of a petition under Subsection (2)(a)(i) or five
2825 business days after the filing of a request under Subsection (2)(a)(ii) or (iii), the clerk of each
2826 county with which a request or petition is filed shall:

2827 (i) determine whether the request or petition complies with Subsections (2)(a), (b), (d),
2828 and (e), as applicable; and

2829 (ii) (A) if the county clerk determines that the request or petition complies with the
2830 applicable requirements:

2831 (I) certify the request or petition and deliver the certified request or petition to the
2832 county legislative body; and

2833 (II) mail or deliver written notification of the certification to the contact sponsor; or

2834 (B) if the county clerk determines that the request or petition fails to comply with any
2835 of the applicable requirements, reject the request or petition and notify the contact sponsor in
2836 writing of the rejection and reasons for the rejection.

2837 (g) If the county clerk fails to certify or reject a request or petition within the time
2838 specified in Subsection (2)(f), the request or petition shall be considered to be certified.

2839 (h) (i) If the county clerk rejects a request or petition, the request or petition may be
2840 amended to correct the deficiencies for which it was rejected and then refiled.

2841 (ii) Subsection (2)(d) does not apply to a request or petition that is amended and refiled
2842 after having been rejected by a county clerk.

2843 (i) If a county legislative body receives a request from a school board under Subsection
2844 (2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county clerk on or
2845 before December 1:

2846 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided

2847 by Subsection (3), on or before January 1;

2848 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
2849 county legislative body, as provided by Subsection (3), on or before July 1; and

2850 (iii) if the legislative body of each county with which a request or petition is filed
2851 approves a proposal to create a new district, the proposal shall be submitted to the respective
2852 county clerk to be voted on by the electors of each existing district at the regular general or
2853 municipal general election held in November.

2854 (3) (a) The legislative body of each county with which a request or petition is filed
2855 shall appoint an ad hoc advisory committee to review and make recommendations on a request
2856 for the creation of a new school district submitted under Subsection (2)(a)(i) or (ii).

2857 (b) The advisory committee shall:

2858 (i) seek input from:

2859 (A) those requesting the creation of the new school district;

2860 (B) the school board and school personnel of each existing school district;

2861 (C) those citizens residing within the geographical boundaries of each existing school
2862 district;

2863 (D) the State Board of Education; and

2864 (E) other interested parties;

2865 (ii) review data and gather information on at least:

2866 (A) the financial viability of the proposed new school district;

2867 (B) the proposal's financial impact on each existing school district;

2868 (C) the exact placement of school district boundaries; and

2869 (D) the positive and negative effects of creating a new school district and whether the
2870 positive effects outweigh the negative if a new school district were to be created; and

2871 (iii) make a report to the county legislative body in a public meeting on the committee's
2872 activities, together with a recommendation on whether to create a new school district.

2873 (4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):

2874 (a) The county legislative body shall provide for a 45-day public comment period on
2875 the report and recommendation to begin on the day the report is given under Subsection
2876 (3)(b)(iii).

2877 (b) Within 14 days after the end of the comment period, the legislative body of each

2878 county with which a request or petition is filed shall vote on the creation of the proposed new
2879 school district.

2880 (c) The proposal is approved if a majority of the members of the legislative body of
2881 each county with which a request or petition is filed votes in favor of the proposal.

2882 (d) If the proposal is approved, the legislative body of each county with which a
2883 request or petition is filed shall submit the proposal to the county clerk to be voted on:

2884 (i) by the legal voters of each existing school district;

2885 (ii) in accordance with the procedures and requirements applicable to a regular general
2886 election under Title 20A, Election Code; and

2887 (iii) at the next regular general election or municipal general election, whichever is
2888 first.

2889 (e) Creation of the new school district shall occur if a majority of the electors within
2890 both the proposed school district and each remaining school district voting on the proposal vote
2891 in favor of the creation of the new district.

2892 (f) Each county legislative body shall [~~provide notice of the action as required in~~
2893 comply with the requirements of Section 53A-2-101.5.

2894 (g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a new district is
2895 approved by the electors, the existing district's documented costs to study and implement the
2896 proposal shall be reimbursed by the new district.

2897 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection
2898 (2)(f) or (g), the legislative body of each county in which part of the proposed new school
2899 district is located shall submit the proposal to the respective clerk of each county to be voted
2900 on:

2901 (i) by the legal voters residing within the proposed new school district boundaries;

2902 (ii) in accordance with the procedures and requirements applicable to a regular general
2903 election under Title 20A, Election Code; and

2904 (iii) at the next regular general election or municipal general election, whichever is
2905 first.

2906 (b) (i) If a majority of the legal voters within the proposed new school district
2907 boundaries voting on the proposal at an election under Subsection (5)(a) vote in favor of the
2908 creation of the new district:

2909 (A) each county legislative body shall~~], within 60 days after the canvass date, file with~~
2910 ~~the lieutenant governor the written notice, with the accompanying map or plat, required under]~~
2911 comply with the requirements of Section 53A-2-101.5; and

2912 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
2913 the new district is created.

2914 (ii) Notwithstanding the creation of a new district as provided in Subsection

2915 (5)(b)(i)(B):

2916 (A) a new school district may not begin to provide educational services to the area
2917 within the new district until July 1 of the second calendar year following the creation election
2918 date;

2919 (B) a remaining district may not begin to provide educational services to the area
2920 within the remaining district until the time specified in Subsection (5)(b)(ii)(A); and

2921 (C) each existing district shall continue, until the time specified in Subsection
2922 (5)(b)(ii)(A), to provide educational services within the entire area covered by the existing
2923 district.

2924 Section 59. Section **53A-2-118.1** is amended to read:

2925 **53A-2-118.1. Option for school district creation.**

2926 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,
2927 as determined by the lieutenant governor using the process described in Subsection
2928 ~~[10-2-302(2)]~~ 67-1a-2(3), may by majority vote of the legislative body, submit for voter
2929 approval a measure to create a new school district with boundaries contiguous with that city's
2930 boundaries, in accordance with Section 53A-2-118.

2931 (b) (i) The determination of all matters relating to the scope, adequacy, and other
2932 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the
2933 city's legislative body.

2934 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of
2935 a legal action or other challenge to:

2936 (A) an election for voter approval of the creation of a new school district; or

2937 (B) the creation of the new school district.

2938 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,
2939 may, together with one or more other cities, towns, or the county enter into an interlocal

2940 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose
2941 of submitting for voter approval a measure to create a new school district.

2942 (b) (i) In accordance with Section 53A-2-118, interlocal agreement participants under
2943 Subsection (2)(a) may submit a proposal for voter approval if:

2944 (A) the interlocal agreement participants conduct a feasibility study prior to submitting
2945 the proposal to the county;

2946 (B) the combined population within the proposed new school district boundaries is at
2947 least 50,000;

2948 (C) the new school district boundaries:

2949 (I) are contiguous;

2950 (II) do not completely surround or otherwise completely geographically isolate a
2951 portion of an existing school district that is not part of the proposed new school district from
2952 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

2953 (III) include the entire boundaries of each participant city or town, except as provided
2954 in Subsection (2)(d)(ii); and

2955 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

2956 (D) the combined population within the proposed new school district of interlocal
2957 agreement participants that have entered into an interlocal agreement proposing to create a new
2958 school district is at least 80% of the total population of the proposed new school district.

2959 (ii) The determination of all matters relating to the scope, adequacy, and other aspects
2960 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new
2961 feasibility study or revise a previous feasibility study due to a change in the proposed new
2962 school district boundaries, is within the exclusive discretion of the legislative bodies of the
2963 interlocal agreement participants that enter into an interlocal agreement to submit for voter
2964 approval a measure to create a new school district.

2965 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the
2966 basis of a legal action or other challenge to:

2967 (A) an election for voter approval of the creation of a new school district; or

2968 (B) the creation of the new school district.

2969 (iv) For purposes of determining whether the boundaries of a proposed new school
2970 district cross county lines under Subsection (2)(b)(i)(C)(IV):

2971 (A) a municipality located in more than one county and entirely within the boundaries
2972 of a single school district is considered to be entirely within the same county as other
2973 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's
2974 land area and population is located in that same county than outside the county; and

2975 (B) a municipality located in more than one county that participates in an interlocal
2976 agreement under Subsection (2)(a) with respect to some but not all of the area within the
2977 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may
2978 not be considered to cross county lines.

2979 (c) (i) A county may only participate in an interlocal agreement under this Subsection
2980 (2) for the unincorporated areas of the county.

2981 (ii) Boundaries of a new school district created under this section may include:

2982 (A) a portion of one or more existing school districts; and

2983 (B) a portion of the unincorporated area of a county, including a portion of a township.

2984 (d) (i) As used in this Subsection (2)(d):

2985 (A) "Isolated area" means an area that:

2986 (I) is entirely within the boundaries of a municipality that, except for that area, is
2987 entirely within a school district different than the school district in which the area is located;
2988 and

2989 (II) would, because of the creation of a new school district from the existing district in
2990 which the area is located, become completely geographically isolated.

2991 (B) "Municipality's school district" means the school district that includes all of the
2992 municipality in which the isolated area is located except the isolated area.

2993 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
2994 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
2995 within the municipality's boundaries if:

2996 (A) the portion of the municipality proposed to be included in the new school district
2997 would, if not included, become an isolated area upon the creation of the new school district; or

2998 (B) (I) the portion of the municipality proposed to be included in the new school
2999 district is within the boundaries of the same school district that includes the other interlocal
3000 agreement participants; and

3001 (II) the portion of the municipality proposed to be excluded from the new school

3002 district is within the boundaries of a school district other than the school district that includes
3003 the other interlocal agreement participants.

3004 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
3005 district may be submitted for voter approval pursuant to an interlocal agreement under
3006 Subsection (2)(a), even though the new school district boundaries would create an isolated
3007 area, if:

3008 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
3009 participants;

3010 (II) the interlocal participants submit a written request to the municipality in which the
3011 potential isolated area is located, requesting the municipality to enter into an interlocal
3012 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to
3013 create a new school district that includes the potential isolated area; and

3014 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the
3015 municipality has not entered into an interlocal agreement as requested in the request.

3016 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold
3017 one or more public hearings to allow input from the public and affected school districts
3018 regarding whether or not the municipality should enter into an interlocal agreement with
3019 respect to the potential isolated area.

3020 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

3021 (Aa) a new school district is created under this section after a measure is submitted to
3022 voters based on the authority of Subsection (2)(d)(iii)(A); and

3023 (Bb) the creation of the new school district results in an isolated area.

3024 (II) The isolated area shall, on July 1 of the second calendar year following the creation
3025 election date, become part of the municipality's school district.

3026 (III) Unless the isolated area is the only remaining part of the existing district, the
3027 process described in Subsection (4) shall be modified to:

3028 (Aa) include a third transition team, appointed by the school district board of the
3029 municipality's school district, to represent that school district;

3030 (Bb) require allocation of the existing district's property among the new district, the
3031 remaining district, and the municipality's school district;

3032 (Cc) require each of the three transition teams to appoint one member to the

3033 three-member arbitration panel, if an arbitration panel is established; and
3034 (Dd) require the municipality's school district to bear 1/3 of the costs of arbitration.
3035 (IV) The existing district shall continue to provide educational services to the isolated
3036 area until July 1 of the second calendar year following the creation election date.
3037 (3) (a) If a proposal under this section is approved by voters:
3038 (i) (A) subject to Subsection (3)(e):
3039 (I) each member of the board of the existing district who resides within the boundary of
3040 the new school district shall serve as an initial member of the new district board; and
3041 (II) each member of the board of the existing district who resides within the boundary
3042 of the remaining school district shall serve as an initial member of the remaining district board;
3043 and
3044 (B) an election shall be held on the June special election date, as provided in Section
3045 20A-1-204, in the year following the creation election date, to elect:
3046 (I) all other members to the board of the new school district; and
3047 (II) all other members to the board of the remaining district;
3048 (ii) school district property shall be divided between the existing school district and the
3049 new school district as provided in Subsection (4);
3050 (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and
3051 53A-2-122;
3052 (iv) (A) an individual residing within the boundaries of a new school district at the
3053 time the new school district is created may, for six school years after the creation of the new
3054 school district, elect to enroll in a secondary school located outside the boundaries of the new
3055 school district if:
3056 (I) the individual resides within the boundaries of that secondary school as of the day
3057 before the new school district is created; and
3058 (II) the individual would have been eligible to enroll in that secondary school had the
3059 new school district not been created; and
3060 (B) the school district in which the secondary school is located shall provide
3061 educational services, including, if provided before the creation of the new school district,
3062 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school
3063 year for which the individual makes the election; and

3064 (v) within one year after the new district begins providing educational services, the
3065 superintendent of each remaining district affected and the superintendent of the new district
3066 shall meet, together with the Superintendent of Public Instruction, to determine if further
3067 boundary changes should be proposed in accordance with Section 53A-2-104.

3068 (b) Each member of a school district board of a new district and remaining district
3069 under Subsection (3)(a)(i) shall take office on July 15 immediately following the election under
3070 Subsection (3)(a)(i)(B).

3071 (c) (i) Subject to Subsection (3)(c)(ii), the terms of the initial members of the school
3072 district board of the new district and remaining district shall be staggered and adjusted by the
3073 county legislative body so that:

3074 (A) the school district board members' successors are elected at a future regular general
3075 election; and

3076 (B) the terms of their successors coincide with the schedule of terms for school district
3077 board members established in Section 20A-14-202.

3078 (ii) (A) The term of a member under Subsection (3)(a)(i) may not be less than 17
3079 months.

3080 (B) In order to comply with the requirements of Subsection (3)(c)(i), the term of a
3081 member elected to a school district board at an election under Subsection (3)(a)(i)(B) held in an
3082 even-numbered year may exceed four years but may not exceed five years.

3083 (d) (i) The term of each member of the school district board of the existing district
3084 terminates on July 1 of the second year after the creation election date, regardless of when the
3085 term would otherwise have terminated.

3086 (ii) Notwithstanding the existence of a board for the new district and a board for the
3087 remaining district under Subsection (3)(a)(i), the board of the existing district shall continue,
3088 until the time specified in Subsection 53A-2-118(5)(b)(ii)(A), to function and exercise
3089 authority as a board to the extent necessary to continue to provide educational services to the
3090 entire existing district.

3091 (iii) A person may simultaneously serve as a member of the board of an existing
3092 district and a member of the board of:

3093 (A) a new district; or

3094 (B) a remaining district.

3095 (e) If two or more members of an existing school district board reside within the same
3096 local school board district, as established by the county legislative body under Section
3097 20A-14-201, of the new district or remaining district:

3098 (i) those board members shall stand for election at the same election at which the other
3099 board members are elected under Subsection (3)(a)(i)(B); and

3100 (ii) the board member receiving the highest number of votes is elected to the board of
3101 the new district or remaining district, as the case may be, for the local school board district in
3102 which the board member resides.

3103 (4) (a) Within 45 days after the canvass date:

3104 (i) a transition team to represent the remaining district shall be appointed by the
3105 members of the existing district board who reside within the area of the remaining district, in
3106 consultation with:

3107 (A) the legislative bodies of all municipalities in the area of the remaining district; and

3108 (B) the legislative body of the county in which the remaining district is located, if the
3109 remaining district includes one or more unincorporated areas of the county; and

3110 (ii) another transition team to represent the new district shall be appointed by:

3111 (A) for a new district located entirely within the boundaries of a single city, the
3112 legislative body of that city; or

3113 (B) for each other new district, the legislative bodies of all interlocal agreement
3114 participants.

3115 (b) The school district board of the existing school district shall, within 60 days after
3116 the canvass date:

3117 (i) prepare an inventory of the existing district's:

3118 (A) property, both tangible and intangible, real and personal; and

3119 (B) liabilities; and

3120 (ii) deliver a copy of the inventory to each of the transition teams.

3121 (c) (i) (A) The transition teams appointed under Subsection (4)(a) shall, subject to
3122 Subsection (4)(c)(iii):

3123 (I) determine the allocation of the existing district's property and, except for
3124 indebtedness under Section 53A-2-121, liabilities between the remaining district and the new
3125 district in accordance with Subsection (4)(c)(ii);

3126 (II) prepare a written report detailing how the existing district's property and, except for
3127 indebtedness under Section 53A-2-121, liabilities are to be allocated, including:

3128 (Aa) a designation of the property that should be transferred to the new district;

3129 (Bb) a designation of any property that should be shared between the remaining district
3130 and the new district; and

3131 (Cc) a designation of any property that will need to be allocated by arbitration under
3132 Subsection (4)(d); and

3133 (III) deliver a copy of the written report to:

3134 (Aa) the school district board of the existing district;

3135 (Bb) the school district board of the remaining district; and

3136 (Cc) the school district board of the new district.

3137 (B) The transition teams shall determine the allocation under Subsection (4)(c)(i)(A)(I)
3138 and deliver the report required under Subsection (4)(c)(i)(A)(II) before August 1 of the year
3139 following the election at which voters approve the creation of a new district, unless that
3140 deadline is extended by the mutual agreement of:

3141 (I) if the agreement is made before July 15 of the year following the creation election
3142 date:

3143 (Aa) the school district board of the existing district; and

3144 (Bb) [~~aa~~] (Ii) the legislative body of the city in which the new district is located, for a
3145 new district located entirely within a single city; or

3146 [~~bb~~] (IIIi) the legislative bodies of all interlocal agreement participants, for each other
3147 new district; or

3148 (II) if the agreement is made on or after July 15 of the year following the creation
3149 election date:

3150 (Aa) the school district board of the remaining district; and

3151 (Bb) the school district board of the new district.

3152 (ii) Subject to Subsection (4)(c)(iii), all property, assets, and liabilities that the existing
3153 district owns on the allocation date, both tangible and intangible, real and personal, shall be
3154 allocated between the remaining district and the new district in a way that is fair and equitable
3155 to both the remaining district and the new district, taking into account:

3156 (A) the relative student populations between the remaining district and new district;

3157 (B) the relative assessed value of taxable property between the remaining district and
3158 the new district;

3159 (C) the historical amount of property used to deliver educational services to students in
3160 the remaining district and the new district;

3161 (D) any money made available for the use of the new district under Subsection (5);
3162 [~~and~~]

3163 (E) the agreed value of school buildings and associated property allocated to the
3164 remaining district and the new district under Subsection (4)(c)(iii)(A); and

3165 (F) any other factors that the transition teams consider relevant in dividing the property
3166 in a fair and equitable manner.

3167 (iii) (A) The transition teams shall allocate each school building and associated
3168 property used primarily to provide educational services to local residents and not serving
3169 district-wide purposes to the school district that would best serve the existing student
3170 population of that school building and associated property.

3171 (B) Except as provided in Subsection (4)(c)(iii)(A), nothing in this Subsection (4)(c)
3172 may be construed to limit the ability of the transition teams to:

3173 (I) provide that an existing district's property be shared by a remaining district and new
3174 district;

3175 (II) determine, by mutual agreement, that the value of the school buildings and
3176 associated property described in Subsection (4)(c)(iii)(A) may be excluded from consideration
3177 in the property allocation process under this Subsection (4)(c); or

3178 (III) provide for any other arrangement with respect to existing district property that is
3179 beneficial to and in the best interests of the remaining district and new district.

3180 (d) (i) Each disagreement between the transition teams about the proper allocation of
3181 property between the districts shall be resolved by binding arbitration to a three-member
3182 arbitration panel.

3183 (ii) Each transition team shall, no later than September 1 of the year after the creation
3184 election date, appoint one qualified, independent arbitrator to an arbitration panel under this
3185 Subsection (4)(d), and those two arbitrators shall, within 15 days after their appointment,
3186 appoint a third qualified, independent arbitrator.

3187 (iii) In the process of resolving a dispute between the transition teams, the arbitration

3188 panel may engage the services of one or more professionals to provide technical advice to the
3189 panel.

3190 (iv) The costs of arbitration shall initially be borne entirely by the existing district, but
3191 the new district shall reimburse the existing district half of those costs within one year after the
3192 new district begins providing educational services.

3193 (e) Each decision of the transition teams and of the arbitration panel resolving a
3194 disagreement between the transition teams is final and binding on the boards of the existing
3195 district, remaining district, and new district.

3196 (f) (i) All costs and expenses of the transition team that represents a remaining district
3197 shall be borne by the remaining district.

3198 (ii) All costs and expenses of the transition team that represents a new district shall
3199 initially be borne by:

3200 (A) the city whose legislative body appoints the transition team, if the transition team
3201 is appointed by the legislative body of a single city; or

3202 (B) the interlocal agreement participants, if the transition team is appointed by the
3203 legislative bodies of interlocal agreement participants.

3204 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
3205 agreement participants for:

3206 (A) transition team costs and expenses; and

3207 (B) startup costs and expenses incurred by the city or interlocal agreement participants
3208 on behalf of the new district.

3209 (5) (a) As used in this Subsection (5):

3210 (i) "New district startup costs" means:

3211 (A) costs and expenses incurred by a new district in order to prepare to begin providing
3212 educational services on July 1 of the second calendar year following the creation election date;
3213 and

3214 (B) the costs and expenses of the transition team that represents the new district.

3215 (ii) "Remaining district startup costs" means:

3216 (A) costs and expenses incurred by a remaining district in order to:

3217 (I) make necessary adjustments to deal with the impacts resulting from the creation of
3218 the new district; and

3219 (II) prepare to provide educational services within the remaining district once the new
3220 district begins providing educational services within the new district; and

3221 (B) the costs and expenses of the transition team that represents the remaining district.

3222 (b) (i) By July 25 of the year following the creation election date, the existing district
3223 shall make half of the undistributed reserve from its General Fund, to a maximum of
3224 \$9,000,000, available for the use of the remaining district and the new district, as provided in
3225 this Subsection (5).

3226 (ii) The existing district may make additional funds available for the use of the
3227 remaining district and the new district beyond the amount specified in Subsection (5)(b)(i)
3228 through an interlocal agreement.

3229 (c) The existing district shall make the money under Subsection (5)(b) available to the
3230 remaining district and the new district proportionately based on student population.

3231 (d) The money made available under Subsection (5)(b) may be accessed and spent by:

3232 (i) for the remaining district, the school district board of the remaining district; and

3233 (ii) for the new district, the school district board of the new district.

3234 (e) (i) The remaining district may use its portion of the money made available under
3235 Subsection (5)(b) to pay for remaining district startup costs.

3236 (ii) The new district may use its portion of the money made available under Subsection
3237 (5)(b) to pay for new district startup costs.

3238 (6) (a) The existing district shall transfer title or, if applicable, partial title of property
3239 to the new school district in accordance with the allocation of property by:

3240 (i) the transition teams, as stated in the report under Subsection (4)(c)(i)(A)(II); and

3241 (ii) the arbitration panel, if applicable.

3242 (b) The existing district shall complete each transfer of title or, if applicable, partial
3243 title to real property and vehicles by July 1 of the second calendar year following the creation
3244 election date, except as that date is changed by the mutual agreement of:

3245 (i) the school district board of the existing district;

3246 (ii) the school district board of the remaining district; and

3247 (iii) the school district board of the new district.

3248 (c) The existing district shall complete the transfer of all property not included in
3249 Subsection (6)(b) by November 1 of the second calendar year after the creation election date.

3250 (7) Except as provided in Subsections (5) and (6), after the creation election date an
3251 existing school district may not transfer or agree to transfer title to district property without the
3252 prior consent of:

3253 (a) if the transfer or agreement to transfer is before July 15 of the year following the
3254 creation election date:

3255 (i) the legislative body of the city in which the new district is located, for a new district
3256 located entirely within a single city; or

3257 (ii) the legislative bodies of all interlocal agreement participants, for each other new
3258 district; or

3259 (b) if the transfer or agreement to transfer is on or after July 15 of the year following
3260 the creation election date but before July 15 of the second calendar year following the creation
3261 election date:

3262 (i) the school district board of the remaining district; and

3263 (ii) the school district board of the new district.

3264 (8) This section applies to and governs all actions and proceedings relating to and
3265 following the creation of a new district, whether the election under Subsection 53A-2-118(5)
3266 on the proposal to create a new school district occurs before or after May 5, 2008, including:

3267 (a) the election of school district board members; and

3268 (b) transition team duties and responsibilities, whether the transition team is appointed
3269 before or after May 5, 2008.

3270 Section 60. Section **59-2-305.5** is enacted to read:

3271 **59-2-305.5. Boundary actions not effective for purposes of assessment until**
3272 **required documents are recorded.**

3273 (1) As used in this section:

3274 (a) "Affected area" means:

3275 (i) in the case of the creation or incorporation of a local entity, the area within the
3276 newly created local entity's boundary;

3277 (ii) in the case of an annexation of an area into an existing local entity, the annexed
3278 area;

3279 (iii) in the case of an adjustment of a boundary between local entities, the area that
3280 before the boundary adjustment was in the boundary of one local entity but becomes, because

- 3281 of the boundary adjustment, included within the boundary of another local entity;
3282 (iv) in the case of the withdrawal or disconnection of an area from a local entity, the
3283 area that is withdrawn or disconnected;
3284 (v) in the case of the consolidation of multiple local entities, the area within the
3285 boundary of the consolidated local entity;
3286 (vi) in the case of the division of a local entity into multiple local entities, the area
3287 within the boundary of each new local entity created by the division; and
3288 (vii) in the case of the dissolution of a local entity, the area that used to be within the
3289 former boundary of the dissolved local entity.
3290 (b) "Applicable certificate" has the same meaning as defined in Section 67-1a-6.5.
3291 (c) "Boundary action" has the same meaning as defined in Section 17-23-20.
3292 (d) "Effective date" means the effective date, under applicable statute, of the boundary
3293 action that is the subject of an applicable certificate.
3294 (e) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
3295 (f) "Required documents" means the documents relating to a boundary action that are
3296 required under applicable statute to be submitted to the county recorder for recording following
3297 the lieutenant governor's issuance of an applicable certificate.
3298 (2) Notwithstanding the effective date, a boundary action is not effective for purposes
3299 of assessing under this part the property located within the affected area until the required
3300 documents are recorded in the office of the recorder of each county in which the affected area
3301 is located.
3302 Section 61. Section **63F-1-506** is amended to read:
3303 **63F-1-506. Automated Geographic Reference Center.**
3304 (1) There is created the Automated Geographic Reference Center as part of the
3305 division.
3306 (2) The center shall:
3307 (a) provide geographic information system services to state agencies under rules
3308 adopted in accordance with Section 63F-1-504 and policies established by the division;
3309 (b) provide geographic information system services to federal government, local
3310 political subdivisions, and private persons under rules and policies established by the division;
3311 (c) manage the State Geographic Information Database; and

3312 (d) establish standard format, lineage, and other requirements for the database.

3313 (3) (a) There is created a position of surveyor within the center [~~which surveyor shall~~].

3314 (b) The surveyor under this Subsection (3) shall:

3315 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional

3316 Engineers and Land Surveyors Licensing Act[~~, and shall have the following duties:~~];

3317 [~~(a)~~] (ii) provide technical support to the office of lieutenant governor in [evaluating

3318 boundary creation or boundary changes prior to certification by the lieutenant governor under

3319 Section 67-1a-6.5;] the lieutenant governor's evaluation under Section 67-1a-6.5 of a proposed

3320 boundary action, as defined in Section 17-23-20;

3321 (iii) as requested by a county surveyor, provide technical assistance to the county

3322 surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;

3323 (iv) fulfill the duties described in Section 17-50-105, if engaged to do so as provided in

3324 that section;

3325 [~~(b)~~] (v) assist the State Tax Commission in processing and quality assurance of

3326 boundary descriptions or maps into digital format for inclusion in the State Geographic

3327 Information Database;

3328 [~~(c)~~] (vi) coordinate with county recorders and surveyors to create a statewide parcel

3329 layer in the State Geographic Information Database containing parcel boundary, parcel

3330 identifier, parcel address, owner type, and county recorder contact information; and

3331 [~~(d)~~] (vii) facilitate and integrate the collection efforts of local government and federal

3332 agencies for data collection to densify and enhance the statewide Public Land Survey System

3333 reference network in the State Geographic Information Database.

3334 (4) The division may:

3335 (a) make rules and establish policies to govern the center and its operations; and

3336 (b) set fees for the services provided by the center.

3337 (5) The state may not sell information obtained from counties under Subsection

3338 (3)[~~(c)~~](b)(v).

3339 Section 62. Section **63F-1-507** is amended to read:

3340 **63F-1-507. State Geographic Information Database.**

3341 (1) There is created a State Geographic Information Database to be managed by the

3342 center.

3343 (2) The database shall:

3344 (a) serve as the central reference for all information contained in any GIS database by
3345 any state agency;

3346 (b) serve as a clearing house and repository for all data layers required by multiple
3347 users;

3348 (c) serve as a standard format for geographic information acquired, purchased, or
3349 produced by any state agency; and

3350 (d) include an accurate representation of all civil subdivision boundaries of the state.

3351 (3) Each state agency that acquires, purchases, or produces digital geographic
3352 information data shall:

3353 (a) inform the center of the existence of the data layers and their geographic extent;

3354 (b) allow the center access to all data classified public; and

3355 (c) comply with any database requirements established by the center.

3356 (4) At least annually, the State Tax Commission shall deliver to the center information
3357 the State Tax Commission receives under [~~Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,~~
3358 ~~17-2-9, 17-3-3, 17B-1-215, and 17C-1-201~~] Section 67-1a-6.5 relating to the creation or
3359 modification of the boundaries of [~~the~~] political subdivisions [~~that are the subject of those~~
3360 ~~sections~~].

3361 (5) The boundary of a political subdivision within the State Geographic Information
3362 Database is the official boundary of the political subdivision for purposes of meeting the needs
3363 of the United States Bureau of the Census in identifying the boundary of the political
3364 subdivision.

3365 Section 63. Section **63G-7-401** is amended to read:

3366 **63G-7-401. Claim for injury -- Notice -- Contents -- Service -- Legal disability --**
3367 **Appointment of guardian ad litem.**

3368 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of
3369 limitations that would apply if the claim were against a private person begins to run.

3370 (b) The statute of limitations does not begin to run until a claimant knew, or with the
3371 exercise of reasonable diligence should have known:

3372 (i) that the claimant had a claim against the governmental entity or its employee; and

3373 (ii) the identity of the governmental entity or the name of the employee.

3374 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

3375 (2) Any person having a claim against a governmental entity, or against its employee
3376 for an act or omission occurring during the performance of the employee's duties, within the
3377 scope of employment, or under color of authority shall file a written notice of claim with the
3378 entity before maintaining an action, regardless of whether or not the function giving rise to the
3379 claim is characterized as governmental.

3380 (3) (a) The notice of claim shall set forth:

3381 (i) a brief statement of the facts;

3382 (ii) the nature of the claim asserted;

3383 (iii) the damages incurred by the claimant so far as they are known; and

3384 (iv) if the claim is being pursued against a governmental employee individually as
3385 provided in Subsection 63G-7-202(3)(c), the name of the employee.

3386 (b) The notice of claim shall be:

3387 (i) signed by the person making the claim or that person's agent, attorney, parent, or
3388 legal guardian; and

3389 (ii) directed and delivered by hand or by mail according to the requirements of Section
3390 68-3-8.5 to the office of:

3391 (A) the city or town clerk, when the claim is against an incorporated city or town;

3392 (B) the county clerk, when the claim is against a county;

3393 (C) the superintendent or business administrator of the board, when the claim is against
3394 a school district or board of education;

3395 (D) the presiding officer or secretary/clerk of the board, when the claim is against a
3396 local district or special service district;

3397 (E) the attorney general, when the claim is against the state [~~of Utah~~];

3398 (F) a member of the governing board, the executive director, or executive secretary,
3399 when the claim is against any other public board, commission, or body; or

3400 (G) the agent authorized by a governmental entity to receive the notice of claim by the
3401 governmental entity under Subsection (5)(e).

3402 (4) (a) If an injury that may reasonably be expected to result in a claim against a
3403 governmental entity is sustained by a claimant who is under the age of majority or mentally
3404 incompetent, that governmental entity may file a request with the court for the appointment of a

3405 guardian ad litem for the potential claimant.

3406 (b) If a guardian ad litem is appointed, the time for filing a claim under Section
3407 63G-7-402 begins when the order appointing the guardian is issued.

3408 (5) (a) Each governmental entity subject to suit under this chapter shall file a statement
3409 with the Division of Corporations and Commercial Code within the Department of Commerce
3410 containing:

3411 (i) the name and address of the governmental entity;

3412 (ii) the office or agent designated to receive a notice of claim; and

3413 (iii) the address at which it is to be directed and delivered.

3414 (b) Each governmental entity shall update its statement as necessary to ensure that the
3415 information is accurate.

3416 (c) The Division of Corporations and Commercial Code shall develop a form for
3417 governmental entities to complete that provides the information required by Subsection (5)(a).

3418 (d) (i) [~~Newly~~] A newly incorporated [~~municipalities~~] municipality shall file the
3419 statement required by Subsection (5)(a) [~~at the time that the statement of incorporation and~~
3420 ~~boundaries is filed with~~] promptly after the lieutenant governor issues a certificate of
3421 incorporation under Section [~~10-1-106~~] 67-1a-6.5.

3422 (ii) [~~Newly~~] A newly incorporated local [~~districts~~] district shall file the statement
3423 required by Subsection (5)(a) at the time that the written notice is filed with the lieutenant
3424 governor under Section 17B-1-215.

3425 (e) A governmental entity may, in its statement, identify an agent authorized by the
3426 entity to accept notices of claim on its behalf.

3427 (6) The Division of Corporations and Commercial Code shall:

3428 (a) maintain an index of the statements required by this section arranged both
3429 alphabetically by entity and by county of operation; and

3430 (b) make the indices available to the public both electronically and via hard copy.

3431 (7) A governmental entity may not challenge the validity of a notice of claim on the
3432 grounds that it was not directed and delivered to the proper office or agent if the error is caused
3433 by the governmental entity's failure to file or update the statement required by Subsection (5).

3434 Section 64. Section **67-1a-2** is amended to read:

3435 **67-1a-2. Duties enumerated.**

- 3436 (1) The lieutenant governor shall:
- 3437 (a) perform duties delegated by the governor, including assignments to serve in any of
- 3438 the following capacities:
- 3439 (i) as the head of any one department, if so qualified, with the consent of the Senate,
- 3440 and, upon appointment at the pleasure of the governor and without additional compensation;
- 3441 (ii) as the chairperson of any cabinet group organized by the governor or authorized by
- 3442 law for the purpose of advising the governor or coordinating intergovernmental or
- 3443 interdepartmental policies or programs;
- 3444 (iii) as liaison between the governor and the state Legislature to coordinate and
- 3445 facilitate the governor's programs and budget requests;
- 3446 (iv) as liaison between the governor and other officials of local, state, federal, and
- 3447 international governments or any other political entities to coordinate, facilitate, and protect the
- 3448 interests of the state;
- 3449 (v) as personal advisor to the governor, including advice on policies, programs,
- 3450 administrative and personnel matters, and fiscal or budgetary matters; and
- 3451 (vi) as chairperson or member of any temporary or permanent boards, councils,
- 3452 commissions, committees, task forces, or other group appointed by the governor;
- 3453 (b) serve on all boards and commissions in lieu of the governor, whenever so
- 3454 designated by the governor;
- 3455 (c) serve as the chief election officer of the state as required by Subsection (2);
- 3456 (d) keep custody of the Great Seal of Utah;
- 3457 (e) keep a register of, and attest, the official acts of the governor;
- 3458 (f) affix the Great Seal, with an attestation, to all official documents and instruments to
- 3459 which the official signature of the governor is required; and
- 3460 (g) furnish a certified copy of all or any part of any law, record, or other instrument
- 3461 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests
- 3462 it and pays the fee.
- 3463 (2) (a) As the chief election officer, the lieutenant governor shall:
- 3464 (i) exercise general supervisory authority over all elections;
- 3465 (ii) exercise direct authority over the conduct of elections for federal, state, and
- 3466 multicounty officers and statewide or multicounty ballot propositions and any recounts

3467 involving those races;

3468 (iii) assist county clerks in unifying the election ballot;

3469 (iv) (A) prepare election information for the public as required by statute and as

3470 determined appropriate by the lieutenant governor;

3471 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to

3472 news media on the Internet and in other forms as required by statute or as determined

3473 appropriate by the lieutenant governor;

3474 (v) receive and answer election questions and maintain an election file on opinions

3475 received from the attorney general;

3476 (vi) maintain a current list of registered political parties as defined in Section

3477 20A-8-101;

3478 (vii) maintain election returns and statistics;

3479 (viii) certify to the governor the names of those persons who have received the highest

3480 number of votes for any office;

3481 (ix) ensure that all voting equipment purchased by the state complies with the

3482 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7; and

3483 (x) perform other election duties as provided in Title 20A, Election Code.

3484 (b) As chief election officer, the lieutenant governor may not assume the

3485 responsibilities assigned to the county clerks, city recorders, town clerks, or other local election

3486 officials by Title 20A, Election Code.

3487 (3) (a) The lieutenant governor shall:

3488 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's

3489 incorporation under Title 10, Chapter 2, Part 1, Incorporation, based on the city's population

3490 using the population estimate from the Utah Population Estimates Committee; and

3491 (B) (I) prepare a certificate indicating the class in which the new city belongs based on

3492 the city's population; and

3493 (II) within ten days after preparing the certificate, deliver a copy of the certificate to the

3494 city's legislative body;

3495 (ii) (A) determine the classification under Section 10-2-301 of a consolidated

3496 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part

3497 6, Consolidation of Municipalities, using population information from:

3498 (I) each official census or census estimate of the United States Bureau of the Census;

3499 or

3500 (II) the population estimate from the Utah Population Estimates Committee, if the
3501 population of a municipality is not available from the United States Bureau of the Census; and

3502 (B) (I) prepare a certificate indicating the class in which the consolidated municipality
3503 belongs based on the municipality's population; and

3504 (II) within ten days after preparing the certificate, deliver a copy of the certificate to the
3505 consolidated municipality's legislative body; and

3506 (iii) monitor the population of each municipality using population information from:

3507 (A) each official census or census estimate of the United States Bureau of the Census;

3508 or

3509 (B) the population estimate from the Utah Population Estimates Committee, if the
3510 population of a municipality is not available from the United States Bureau of the Census.

3511 (b) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates that
3512 a municipality's population has increased beyond the population for its current class, the
3513 lieutenant governor shall:

3514 (i) prepare a certificate indicating the class in which the municipality belongs based on
3515 the increased population figure; and

3516 (ii) within ten days after preparing the certificate, deliver a copy of the certificate to the
3517 legislative body of the municipality whose class has changed.

3518 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates
3519 that a municipality's population has decreased below the population for its current class, the
3520 lieutenant governor shall send written notification of that fact to the municipality's legislative
3521 body.

3522 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose
3523 population has decreased below the population for its current class, the lieutenant governor
3524 shall:

3525 (A) prepare a certificate indicating the class in which the municipality belongs based
3526 on the decreased population figure; and

3527 (B) within ten days after preparing the certificate, deliver a copy of the certificate to the
3528 legislative body of the municipality whose class has changed.

3529 Section 65. Section **67-1a-6.5** is repealed and reenacted to read:

3530 **67-1a-6.5. Certification of local entity boundary actions.**

3531 (1) As used in this section:

3532 (a) "Applicable certificate" means:

3533 (i) for the impending incorporation of a city, town, local district, or conservation
3534 district, a certificate of incorporation;

3535 (ii) for the impending creation of a county, school district, special service district,
3536 community development and renewal agency, or interlocal entity, a certificate of creation;

3537 (iii) for the impending annexation of territory to an existing local entity, a certificate of
3538 annexation;

3539 (iv) for the impending withdrawal or disconnection of territory from an existing local
3540 entity, a certificate of withdrawal or disconnection, respectively;

3541 (v) for the impending consolidation of multiple local entities, a certificate of
3542 consolidation;

3543 (vi) for the impending division of a local entity into multiple local entities, a certificate
3544 of division;

3545 (vii) for the impending adjustment of a common boundary between local entities, a
3546 certificate of boundary adjustment; and

3547 (viii) for the impending dissolution of a local entity, a certificate of dissolution.

3548 (b) "Approving authority" has the same meaning as defined in Section 17-23-20.

3549 (c) "Boundary action" has the same meaning as defined in Section 17-23-20.

3550 (d) "Center" means the Automated Geographic Reference Center created under Section
3551 63F-1-506.

3552 (e) "Certified final boundary plat" means a final boundary plat, as defined in Section
3553 17-23-20, that has been certified under Section 17-23-20 as a final boundary plat by the county
3554 surveyor.

3555 (f) "Community development and renewal agency" has the same meaning as defined in
3556 Section 17C-1-102.

3557 (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.

3558 (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.

3559 (i) "Local district" has the same meaning as defined in Section 17B-1-102.

3560 (j) "Local entity" means a county, city, town, school district, local district, community
3561 development and renewal agency, special service district, conservation district, or interlocal
3562 entity.

3563 (k) "Notice of an impending boundary action" means a written notice, as described in
3564 Subsection (3), that provides notice of an impending boundary action.

3565 (l) "Special service district" has the same meaning as defined in Section 17D-1-102.

3566 (2) Within ten days after receiving a notice of an impending boundary action, the
3567 lieutenant governor shall:

3568 (a) (i) issue the applicable certificate, if:

3569 (A) the lieutenant governor determines that the notice of an impending boundary action
3570 meets the requirements of Subsection (3); and

3571 (B) except in the case of an impending local entity dissolution, the notice of an
3572 impending boundary action is accompanied by a certified final boundary plat;

3573 (ii) send the applicable certificate to the local entity's approving authority;

3574 (iii) return the original of the certified final plat to the local entity's approving
3575 authority;

3576 (iv) send a copy of the applicable certificate and certified final boundary plat to:

3577 (A) the State Tax Commission;

3578 (B) the center; and

3579 (C) the county assessor, county surveyor, county auditor, and county attorney of each
3580 county in which the property depicted on the certified final boundary plat is located; and

3581 (v) send a copy of the applicable certificate to the state auditor, if the boundary action
3582 that is the subject of the applicable certificate is:

3583 (A) the incorporation or creation of a new local entity;

3584 (B) the consolidation of multiple local entities;

3585 (C) the division of a local entity into multiple local entities; or

3586 (D) the dissolution of a local entity; or

3587 (b) (i) send written notification to the approving authority that the lieutenant governor
3588 is unable to issue the applicable certificate, if:

3589 (A) the lieutenant governor determines that the notice of an impending boundary action
3590 does not meet the requirements of Subsection (3); or

3591 (B) the notice of an impending boundary action is:
3592 (I) not accompanied by a certified final boundary plat; or
3593 (II) accompanied by a plat or final boundary plat that has not been certified as a final
3594 boundary plat by the county surveyor under Section 17-23-20; and
3595 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor is
3596 unable to issue the applicable certificate.
3597 (3) Each notice of an impending boundary action shall:
3598 (a) be directed to the lieutenant governor;
3599 (b) contain the name of the local entity or, in the case of an incorporation or creation,
3600 future local entity, whose boundary is affected or established by the boundary action;
3601 (c) describe the type of boundary action for which an applicable certificate is sought;
3602 and
3603 (d) (i) contain a statement, signed and verified by the approving authority, certifying
3604 that all requirements applicable to the boundary action have been met; or
3605 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy
3606 of the court order approving the dissolution of the municipality.
3607 (4) The lieutenant governor may require the approving authority to submit a paper or
3608 electronic copy of a notice of an impending boundary action and certified final boundary plat in
3609 conjunction with the filing of the original of those documents.
3610 (5) (a) The lieutenant governor shall:
3611 (i) keep, index, maintain, and make available to the public each notice of an impending
3612 boundary action, certified final boundary plat, applicable certificate, and other document that
3613 the lieutenant governor receives or generates under this section;
3614 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the
3615 Internet for 12 months after the lieutenant governor receives or generates the document;
3616 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any
3617 person who requests a paper copy; and
3618 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to
3619 any person who requests a certified copy.
3620 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
3621 copy of a document that the lieutenant governor provides under this Subsection (5).

3622 Section 66. Section **67-1a-6.7** is enacted to read:

3623 **67-1a-6.7. Certification of local entity name change.**

3624 (1) As used in this section:

3625 (a) "Approving authority" means the person or body authorized under statute to
3626 approve the local entity's name change.

3627 (b) "Center" has the same meaning as defined in Section 67-1a-6.5.

3628 (c) "Certificate of name change" means a certificate issued by the lieutenant governor
3629 certifying a local entity's change of name.

3630 (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

3631 (e) "Notice of an impending name change" means a notice, as described in Subsection
3632 (3), that provides notice of a local entity's impending name change.

3633 (2) Within ten days after receiving a notice of an impending name change, the
3634 lieutenant governor shall:

3635 (a) issue a certificate of name change;

3636 (b) send the certificate of name change to the approving authority of the local entity
3637 whose name is being changed; and

3638 (c) send a copy of the certificate of name change to:

3639 (i) the State Tax Commission;

3640 (ii) the state auditor;

3641 (iii) the center; and

3642 (iv) the county assessor, county surveyor, county auditor, and county attorney of each
3643 county in which any part of the local entity is located.

3644 (3) Each notice of an impending name change shall:

3645 (a) be directed to the lieutenant governor;

3646 (b) contain the current name of the local entity;

3647 (c) state the name to which the local entity intends to change;

3648 (d) identify each county in which any part of the local entity is located; and

3649 (e) contain a statement, signed and verified by the approving authority, certifying that
3650 all requirements applicable to the name change have been met.

3651 (4) (a) The lieutenant governor shall:

3652 (i) keep, index, maintain, and make available to the public each notice of an impending

3653 name change, certificate of a name change, and other document that the lieutenant governor
3654 receives or generates under this section;

3655 (ii) make a copy of each document listed in Subsection (4)(a)(i) available on the
3656 Internet for 12 months after the lieutenant governor receives or generates the document;

3657 (iii) furnish a paper copy of any of the documents listed in Subsection (4)(a)(i) to any
3658 person who requests a paper copy; and

3659 (iv) furnish a certified copy of any of the documents listed in Subsection (4)(a)(i) to
3660 any person who requests a certified copy.

3661 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified
3662 copy of a document that the lieutenant governor provides under this Subsection (4).

3663 **Section 67. Repealer.**

3664 This bill repeals:

3665 Section **10-1-116, Notice to lieutenant governor of incorporation, dissolution, or**
3666 **boundary change -- Tax rate on new property included in municipality.**

3667 Section **10-1-117, Amending articles of incorporation -- Lieutenant governor**
3668 **certification -- Effective date.**

3669 Section **10-2-122, When incorporation complete -- Incorporation presumed**
3670 **conclusive.**

3671 Section **10-2-508, Disconnection completed.**

3672 Section **17-2-2, Election returns transmitted to lieutenant governor.**

3673 Section **17-2-7, Election returns transmitted to lieutenant governor.**

3674 Section **17-3-2, Election returns transmitted to lieutenant governor.**