

1 **County Formation Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to the creation of a new county.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ establishes a threshold for petitioners and creates an opportunity for municipal legislative
9 bodies to initiate a process to create a new county;

10 ▶ imposes certain viability requirements on the formation of a new county, including the
11 completion of a feasibility study;

12 ▶ allows certain rural property to remain in the original county, in certain circumstances;

13 ▶ provides for the continuation of property taxation between an existing county and new
14 county to satisfy general obligation or revenue bond indebtedness;

15 ▶ clarifies provisions regarding the division of taxes, assets, and liabilities between an
16 existing county and new county; and

17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **17-3-1**, as last amended by Laws of Utah 2023, Chapter 116

25 **17-3-3**, as last amended by Laws of Utah 2009, Chapter 350

26 **17-3-6**, as last amended by Laws of Utah 1993, Chapter 227

27 **17-3-9**, as last amended by Laws of Utah 2024, Chapter 365

28 ENACTS:

29 **17-3-10**, Utah Code Annotated 1953

30

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

32 Section 1. Section **17-3-1** is amended to read:

33 **17-3-1 . Creating a new county -- Petition -- Certification of petition signatures --**
 34 **Removal of signature -- Municipal Resolution -- Election -- Ballots.**

35 (1)(a) Whenever any number of the registered voters of any portion of any county desire
 36 to have the territory within which ~~[they]~~ the individuals reside created into a new
 37 county~~[they]~~ , the individuals may file a petition for the creation of a new county
 38 with the county legislative body of the county in which ~~[they]~~ the individuals reside.~~[-]~~

39 (b) Within a county with a population of more than 1,000,000, the legislative bodies of
 40 municipalities with a total combined population of at least 333,000 may, by each
 41 adopting a similar resolution that defines the same county boundaries, initiate an
 42 election for the creation of a new county under this section.

43 (2) ~~[The petition shall be signed by-]~~ A petition described in Subsection (1)(a) or a
 44 resolution described in Subsection (1)(b) is valid if:

45 (a) for a petition, at least one-fourth of the registered voters as shown by the registration
 46 list of the last preceding general election, residing in ~~[that]~~ the portion of the county to
 47 be created into a new county~~[-, and by not less than one-fourth of the registered voters~~
 48 ~~residing in the remaining portion of the county.]~~ sign the petition;

49 ~~[(3)]~~ (b) ~~[The petition shall be presented-]~~ the petitioners present the petition or the
 50 municipal legislative bodies pass the triggering resolution on or before the first
 51 Monday in May of any year[-, and shall propose] that proposes the name and [define]
 52 defines the boundaries of the new county[-:] ;

53 (c) based on the proposed division of the county described in the petition or resolution:

54 (i) the creation of the new county:

55 (A) does not divide an existing municipality;

56 (B) maintains any unincorporated areas in the same county as the municipality
 57 with the highest population of any municipality that shares a common border
 58 with the unincorporated area unless the most populated municipality and
 59 another municipality that shares a common border with the unincorporated area
 60 agree through a resolution that the unincorporated area should remain in the
 61 same county as the smaller municipality;

62 (C) will not leave the remaining county with an area within the county's
 63 boundaries for which the cost, requirements, or other burdens of providing
 64 fundamental county services would materially increase over previous years; and

- 65 (D) will not make it economically or practically unfeasible for the county to
 66 continue to function as a county; and
- 67 (ii) the proposed new county is capable, in a cost-effective manner, of providing
 68 fundamental county services.
- 69 ~~[(4)]~~ (3)(a) Within three business days after the day on which a county legislative body
 70 receives a petition or municipal resolutions under Subsection (1), the county
 71 legislative body shall provide the petition or resolutions to the county clerk.
- 72 (b) Within 14 days after the day on which a county clerk receives a petition or
 73 resolutions from the county legislative body under Subsection ~~[(4)(a)]~~ (3)(a), the
 74 county clerk shall:
- 75 (i) use the procedures described in Section 20A-1-1002 to determine whether the
 76 petition or resolutions satisfies the requirements of Subsection (2);
- 77 (ii) for a petition, certify on the petition whether[-] :
- 78 (A) the petition satisfies the requirements of Subsection (2); and
 79 (B) each name is that of a registered voter in the county;[-and]
- 80 (iii) for municipal resolutions, certify on the body of resolutions whether the
 81 resolutions satisfy the requirements of Subsection (2); and
- 82 ~~[(iii)]~~ (iv) deliver the certified petition or resolutions to the county legislative body.
- 83 ~~[(5)]~~ (4)(a) A voter who signs a petition under this section may have the voter's signature
 84 removed from the petition by, no later than three business days after the day on
 85 which the county legislative body provides the petition to the county clerk,
 86 submitting to the county clerk a statement requesting that the voter's signature be
 87 removed.
- 88 (b) A statement described in Subsection ~~[(5)(a)]~~ (4)(a) shall comply with the
 89 requirements described in Subsection 20A-1-1003(2).
- 90 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to
 91 determine whether to remove an individual's signature from a petition after receiving
 92 a timely, valid statement requesting removal of the signature.
- 93 ~~[(6)]~~ (5) [The] After receipt of a certified petition or body of resolutions under Subsection (3)
 94 or a modified petition or resolution under Subsection (5)(c), the county legislative body
 95 shall[-cause] :
- 96 (a) obtain a feasibility study from a feasibility consultant that:
- 97 (i) considers:
- 98 (A) population and population density within the proposed new and remaining

- 99 counties;
- 100 (B) current and five-year projections of demographics and economic base in the
- 101 proposed new and remaining counties, including household size and income,
- 102 commercial and industrial development, and public facilities;
- 103 (C) projected population growth in the proposed new and remaining counties
- 104 during the next five years;
- 105 (D) the present and five-year projections of the cost, including overhead, of
- 106 providing the same or a similar service in the proposed new and remaining
- 107 counties as the existing county provides;
- 108 (E) a projection of any new taxes per household that may be levied within the
- 109 proposed new and remaining counties within five years after the creation of the
- 110 new county;
- 111 (F) the physical and other assets that the new and remaining counties will require
- 112 to provide, without interruption or diminution of service, the same or a similar
- 113 service to the existing county provides;
- 114 (G) the physical and other assets that the new and remaining counties will no
- 115 longer require to continue to provide the current level of service the existing
- 116 county provides; and
- 117 (H) any other factor that the feasibility consultant considers relevant to the cost of
- 118 the creation of the new county to both the new and remaining counties;
- 119 (ii) includes a written report of the results of the feasibility study that contains:
- 120 (A) a recommendation as to whether the proposed creation of the new and
- 121 remaining counties is functionally and financially feasible;
- 122 (B) any conditions the feasibility consultant determines necessary to satisfy to
- 123 make the incorporation functionally and financially feasible; and
- 124 (C) a comparison of the costs of the new and remaining counties;
- 125 (b) provide municipalities within the county an opportunity to:
- 126 (i) request modifications from the feasibility consultant regarding a draft of the
- 127 feasibility study; and
- 128 (ii) submit written objections to the county regarding the final feasibility study;
- 129 (c) if the feasibility study recommends that creation of the proposed new and remaining
- 130 counties is not functionally and financially feasible, provide an opportunity to the
- 131 municipal legislative bodies within the proposed new county to:
- 132 (i) modify the petition or resolutions to trigger a revised or new feasibility study;

- 133 (ii) opt to abandon the petition or resolutions; or
- 134 (iii) opt to proceed with the proposal despite the adverse recommendation; and
- 135 (d) if the feasibility study recommends that creation of the proposed new and remaining
- 136 counties is functionally and financially feasible or if the municipal legislative bodies
- 137 opt to proceed with a proposal described in Subsection (5)(c):
- 138 (i) provide notice of the special election described in Subsection (5)(d)(ii) in
- 139 accordance with Section 20A-5-101 at least 30 days before the special election;
- 140 and
- 141 (ii) in accordance with Utah Constitution, Article XI, Section 3, submit the
- 142 proposition[~~to be submitted~~] to the legal voters residing in the county at a special
- 143 election to be held according to the dates established in Section 20A-1-204[~~, first~~
- 144 causing 30 days' notice of the election to be given in the manner provided by law
- 145 for giving notice of general elections].
- 146 [(7)] (6) The election[~~shall be held, the result canvassed, and returns made under~~] , canvass,
- 147 and returns are subject to the provisions of the general election laws.[~~-~~]
- 148 [(8)] (7) The form of ballot to be used at such election shall be:
- 149 "For the creation of (supplying the name proposed) county.
- 150 Against the creation of (supplying the name proposed) county."
- 151 Section 2. Section **17-3-3** is amended to read:
- 152 **17-3-3 . Certification of returns -- Governor's proclamation of creation of new**
- 153 **county -- Notice and plat to lieutenant governor -- Recording requirements -- Effective**
- 154 **date.**
- 155 (1) If it appears that any proposition submitted to the electors as provided in this chapter
- 156 has been carried in the affirmative by a majority vote of the qualified electors residing in
- 157 that portion of the county proposed as a new county, and also by a majority vote of the
- 158 qualified electors residing in the remaining portion of that county:
- 159 (a) the lieutenant governor, upon receiving the certified report under Section 20A-4-304,
- 160 shall certify the result to the governor; and
- 161 (b) upon receiving the results from the lieutenant governor under Subsection (1)(a), the
- 162 governor shall issue a proclamation, stating:
- 163 (i) the result of the vote in each division of the county;
- 164 (ii) the name and boundaries of the new county;
- 165 (iii) subject to Subsection (4), the boundaries of the original county as changed by the
- 166 creation of the new county;

- 167 (iv) that the creation of the new county will take effect on the first Monday in
 168 January of the second year following the lieutenant governor's issuance of a
 169 certificate of creation under Section 67-1a-6.5;
- 170 (v) the name proposed in the petition as the name of the new county; and
 171 (vi) the judicial district to which the new county belongs.
- 172 (2) The legislative body of the county from which the greatest portion of the new county
 173 was taken shall:
- 174 (a) within 30 days after the issuance of the governor's proclamation under Subsection (1),
 175 send to the lieutenant governor:
- 176 (i) a copy of a notice of an impending boundary action, as defined in Section
 177 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
 178 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- 179 (b) upon the lieutenant governor's issuance of a certificate of creation under Section
 180 67-1a-6.5, submit to the recorder of the new county:
- 181 (i) the original notice of an impending boundary action;
 182 (ii) the original certificate of creation;
 183 (iii) the original approved final local entity plat; and
 184 (iv) a certified copy of the governor's proclamation under Subsection (1).
- 185 (3)(a) The new county that is the subject of the lieutenant governor's certificate of
 186 creation under Section 67-1a-6.5 is a county of the state from and after 12 noon of the
 187 first Monday in January following the issuance of the lieutenant governor's certificate
 188 of creation.
- 189 (b)(i) The effective date of the creation of a new county for purposes of assessing
 190 property within the county is governed by Section 59-2-305.5.
- 191 (ii) Until the documents listed in Subsection [~~(3)(b)~~] (2)(b) are recorded in the office
 192 of the recorder of the new county, the new county may not:
- 193 (A) levy or collect a property tax on property in the county;
 194 (B) levy or collect an assessment on property in the county; or
 195 (C) charge or collect a fee for service provided to property within the county.
- 196 (4) Unless an owner of rural real property, as defined in Section 17B-2a-1107, gives written
 197 consent to inclusion in the potential new county before the day of the special election
 198 described in Section 17-3-1:
- 199 (a) the rural real property remains in the original county if the rural real property:
 200 (i) consists of 1,500 or more contiguous acres of rural real property comprising one

- 201 or more tax parcels;
- 202 (ii) is not contiguous to but is used in connection with rural real property of 1,500
- 203 acres or more contiguous acres of rural real property consisting of one or more tax
- 204 parcels;
- 205 (iii) is owned, managed, or controlled by a person, company, or association,
- 206 including a parent, subsidiary, or affiliate related to the person described in this
- 207 Subsection (4)(a)(iii) that owns 1,500 or more contiguous acres of rural real
- 208 property comprising one or more tax parcels; or
- 209 (iv) is located in whole or in part in one of the following, as defined in Section
- 210 17-41-101:
- 211 (A) an agricultural protection area;
- 212 (B) a mining protection area; and
- 213 (C) an industrial protection area; and
- 214 (b) the lieutenant governor shall exclude the rural real property from a certificate of
- 215 creation that the lieutenant governor issues for the new county in accordance with
- 216 Section 67-1a-6.5.

217 Section 3. Section **17-3-6** is amended to read:

218 **17-3-6 . Effect on precincts and school and other districts -- Indebtedness.**

- 219 (1)(a) All precincts, school districts, road districts, and election districts, as [they
- 220 existed prior to] the precincts and districts existed before the creation of [such] a new
- 221 county, shall continue and become precincts, school districts, road districts, and
- 222 election districts of [such] the new county[; and] .
- 223 (b) Except as provided in Subsection (1)(c), the respective officers [thereof] of the
- 224 entities described in Subsection (1)(a) shall hold office until the expiration of the
- 225 several terms for which [they] the officers were elected or appointed[; provided, that
- 226 wherever pursuant to] .
- 227 (c) If, in accordance with the provisions of this chapter, any precinct, school district,
- 228 road district, or election district [shall be] is divided [the same shall be by reason
- 229 thereof] :
- 230 (i) the precinct or district is disorganized[;] ; and
- 231 (ii) the property and territory [embraced therein shall be] of the precinct or district is
- 232 subject to the action of the county legislative body of the respective counties [as to
- 233 reorganization thereof or adding the same] regarding reorganization of the precinct
- 234 or district or adding the precinct or district to other like subdivisions already

235 organized[; provided further, that any] .

236 (d) Any bonded or other indebtedness of any [such] school district [so] divided in
 237 accordance with Subsection (1)(c) shall attach to and become the obligation of:

238 (i) the district that [shall be] is created out of the territory that [shall retain] retains the
 239 buildings and other property of the original district; or

240 (ii) [to] the district to which the [same may be added; and all bonded or other
 241 indebtedness of the county] buildings and other property of the district is added.

242 (2) Notwithstanding the creation of a new county, the existing county from which territory
 243 is taken [shall attach to and become the obligation of such county:] to create a new
 244 county may continue to levy a tax on the property within the portion of the new county
 245 that was taken from the existing county for the purpose of paying the just proportion of
 246 the existing county's general obligation or revenue bond until the satisfaction of the
 247 bonded indebtedness.

248 Section 4. Section **17-3-9** is amended to read:

249 **17-3-9 . Division of taxes.**

250 Whenever a new county [shall be] is created under the provisions of this chapter and the
 251 officers [thereof shall] of the new county have duly qualified, the county treasurer of the
 252 existing county from which territory has been taken to create [such] the new county shall
 253 furnish to the county treasurer of [such] the new county:

254 (1) a certified list of all taxes that the county treasurer of the existing county has collected[
 255 by the county treasurer of the county from which territory has been taken] for the
 256 preceding year upon the property located within [such] the portion of [that] the existing
 257 county [as] that has become a part of [such] the new county[;] ; and

258 (2) [together with] the entire amount of [such] the existing county, district school, or other
 259 special taxes collected by the county treasurer of the existing county [from which
 260 territory has been taken for such preceding year, less] has collected for the preceding
 261 year upon the property described in Subsection (1), less:

262 (a) the pro rata cost of assessing and collecting the [same] taxes; and

263 (b) the entire cost of making [said] the certified lists.

264 Section 5. Section **17-3-10** is enacted to read:

265 **17-3-10 . Division of assets -- Division of liabilities.**

266 Each new and remaining county following the creation of a new county under this
 267 chapter:

268 (1) are a continuation of the divided county;

269 (2) shall own the assets, property, records, seals, and equipment, of the divided county
270 owned within or related to the area within the boundaries of the respective new or
271 remaining county; and

272 (3) are jointly responsible for the liabilities the divided county until the new and remaining
273 county discharges liabilities through an interlocal agreement or otherwise resolves
274 outstanding liabilities.

275 Section 6. **Effective Date.**

276 This bill takes effect on May 7, 2025.