

1

**County Formation Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jordan D. Teuscher**

Senate Sponsor:

2

**LONG TITLE**

3

**General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;  
9 ▶ establishes a process for the legislative body of a petitioning municipality to initiate a  
10 process to create a new county;11 ▶ imposes a threshold for petitioners and certain viability requirements on the formation of  
12 a new county, including the completion of a feasibility study;13 ▶ allows certain rural property to remain in a seceding county, in certain circumstances;  
14 ▶ provides for the continuation of property taxation between a seceding county and a new  
15 county to satisfy general obligation or revenue bond indebtedness;16 ▶ clarifies provisions regarding the division assets and liabilities between a seceding county  
17 and a new county; and

18 ▶ makes technical and conforming changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**24 **AMENDS:**25 **17-61-101**, as enacted by Laws of Utah 2025, First Special Session, Chapter 1326 **17-61-401**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
27 Chapter 1328 **17-61-402**, as renumbered and amended by Laws of Utah 2025, First Special Session,  
29 Chapter 1330 **17-61-405**, as renumbered and amended by Laws of Utah 2025, First Special Session,

31           Chapter 13

32           ENACTS:

33           **17-61-408**, Utah Code Annotated 1953

---

---

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

36           Section 1. Section **17-61-101** is amended to read:

37           **17-61-101 . Definitions.**

38           (1) "Annexing county" means the county to which a portion of territory of an adjoining  
39           county is annexed, or proposed to be annexed, as provided in Part 3, County Annexation.

40           (2) "Consolidating county" means the county to which another county is joined, or is  
41           proposed to be joined, by consolidation as provided in Part 2, Consolidation of Counties.

42           (3) "Divided county" means the county that existed before the creation of a new county  
43           through the process described in Part 4, Creating New Counties.

44           [~~(3)~~] (4) "Independent surveyor" means the surveyor whose position is established within  
45           the Utah Geospatial Resource Center under Section 63A-16-505.

46           [~~(4)~~] (5) "Initiating county" means the county from which a portion of territory is annexed,  
47           or is proposed to be annexed, to an adjoining county as provided in Part 3, County  
48           Annexation.

49           [~~(5)~~] (6) "New county" means the county that is created through the process described in  
50           Part 4, Creating New Counties.

51           [~~(6)~~] (7) "Originating county" means the county that is joined, or is proposed to be joined, to  
52           another county through consolidation as provided in Part 2, Consolidation of Counties.

53           (8) "Petitioning municipality" means a municipality located within a county with a  
54           population of more than 1,000,000.

55           [~~(7)~~] (9) "Seceding county" means the county that loses, or is proposed to lose, territory to a  
56           new county through the process described in Part 4, Creating New Counties.

57           (10) "Triggering resolution" means a legislative instrument indicating a desire to create a  
58           new county through the process described in Part 4, Creating New Counties.

59           Section 2. Section **17-61-401** is amended to read:

60           **17-61-401 . Creating a new county -- Petition -- Certification of petition  
61           signatures -- Removal of signature -- Election -- Ballots.**

62           (1)(a) Whenever a voter desires to have the territory within which the voter resides  
63           created into a new county, the voter may file a petition for the creation of a new  
64           county with the county legislative body of the seceding county in which the voter

65 resides as described in this section.

66 (b) A petitioning municipality may initiate an election for the creation of a new county  
67 as described in this section if:

68 (i) the petitioning municipality's legislative body adopts a triggering resolution; and  
69 (ii)(A) the petitioning municipality has a population of at least 333,000; or  
70 (B) one or more petitioning municipalities adopt substantially similar triggering  
71 resolutions and, collectively, the petitioning municipalities have a population  
72 of at least 333,000.

73 (2)(a) The petition described in Subsection [4] (1)(a) shall:

74 (i) propose the name and define the boundaries of the new county; and  
75 (ii) be signed:  
76 (A) by at least one-fourth of the voters residing in the portion of the seceding  
77 county proposed to be created into a new county; and  
78 (B) by no less than one-fourth of the voters residing in the remaining portion of  
79 the seceding county.

80 (b) If a petition proposes to take territory from more than one seceding county, the  
81 requirements of Subsection (2)(a)(ii) apply to each seceding county affected by the  
82 petition.

83 (c) A triggering resolution described in Subsection (1)(b) shall:

84 (i) propose the name and define the boundaries of the new county;  
85 (ii) describe how the proposed new county will be capable, in a cost-effective  
86 manner, of providing fundamental county services in the new county; and  
87 (iii) describe how the creation of the proposed new county will not result in the  
88 seceding county being unable to function as a county, economically or practically.

89 (d) The proposed boundaries in a triggering resolution:

90 (i) may not propose that an existing municipality be divided by a new county  
91 boundary;  
92 (ii) shall ensure that any unincorporated areas in the seceding county or new county  
93 will be located in the same county as the municipality with the greatest population  
94 of any municipality that shares a common boundary with the unincorporated area  
95 unless the most populated municipality and another municipality sharing a  
96 common boundary with the unincorporated area agree, through mutually adopted  
97 resolutions, that the unincorporated area should be in the same county as the less  
98 populated municipality; and

(iii) may not leave the seceding county with an area within the seceding county's boundaries for which the cost, requirements, or other burdens of providing fundamental county services would materially increase over previous years.

(3)(a) A voter shall file a petition for the creation of a new county on or before the first Monday in May of any year with the county legislative body of the seceding county.

(b)(i) A petitioning municipality shall, before the first Monday in May of any year, file a copy of the triggering resolution with the county legislative body of the seceding county.

(ii) If multiple petitioning municipalities adopt substantially similar triggering resolutions, as described in Subsection (1)(b)(ii)(B):

(A) only one petitioning municipality is required to meet the requirements of Subsection (3)(b)(i); and

(B) the petitioning municipality fulfilling the requirements of Subsection (3)(b)(i)  
shall include a list of the other petitioning municipalities that adopted  
substantially similar triggering resolutions.

(4)(a) Within three business days after the day on which a county legislative body receives a petition under Subsection (3)(a) or a triggering resolution under Subsection (3)(b), the county legislative body shall provide the petition or triggering resolution to the county clerk.

(b) Within 14 days after the day on which a county clerk receives a petition or triggering resolution from the county legislative body under Subsection (4)(a), the county clerk shall:

(i) for a petition:

(A) use the procedures described in Section 20A-1-1002 to determine whether the petition satisfies the requirements of [Subsection (2)] Subsections (2)(a) and (b);

[(ii)] (B) certify on the petition whether each name is that of a registered voter in the seceding county; and

[**(iii)**] (C) deliver the certified petition to the county legislative body[-] ; or

(ii) for a triggering resolution:

(A) determine whether the triggering resolution appears to satisfy the requirements of Subsections (2)(c) and (d); and

(B) if the county clerk determines the triggering resolution appears to satisfy the requirements of Subsections (2)(c) and (d), deliver the triggering resolution to the county legislative body.

133 (5)(a) An individual who signs a petition under this section may have the individual's  
134 signature removed from the petition by, no later than three business days after the day  
135 on which the county legislative body provides the petition to the county clerk,  
136 submitting to the county clerk a statement requesting that the individual's signature  
137 be removed.

138 (b) A statement described in Subsection (5)(a) shall comply with the requirements  
139 described in Subsection 20A-1-1003(2).

140 (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to  
141 determine whether to remove an individual's signature from a petition after receiving  
142 a timely, valid statement requesting removal of the signature.

143 (6) [The ] After receiving a certified petition or a triggering resolution from the county clerk  
144 under Subsection (4), the seceding county legislative body shall[-cause-] :  
145 (a) obtain a feasibility study from a feasibility consultant that:  
146 (i) considers:  
147 (A) population and population density within the new and seceding counties;  
148 (B) current and five-year projections of demographics and economic base in the  
149 proposed new and seceding counties, including household size and income,  
150 commercial and industrial development, and public facilities;  
151 (C) projected population growth in the proposed new and seceding counties  
152 during the next five years;  
153 (D) the present and five-year projections of the cost, including overhead, of  
154 providing the same or a similar service in the proposed new and seceding  
155 counties as the existing seceding county provides;  
156 (E) a projection of any new taxes per household that may be levied within the  
157 proposed new and seceding counties for five years after the creation of the new  
158 county;  
159 (F) the physical and other assets that the new and seceding counties will require in  
160 order to provide, without interruption or diminution of service, county services  
161 to residents of both the new and seceding counties;  
162 (G) the physical and other assets that the new and seceding counties will no longer  
163 require in order to provide county services to residents of both the new and  
164 seceding counties; and  
165 (H) any other factor that the feasibility consultant considers relevant to the cost of  
166 the creation of the new county to both the new and seceding counties;

167 (ii) includes a written report of the results of the feasibility study that contains:  
168 (A) a recommendation as to whether the proposed creation of the new and  
169 seceding counties is functionally and financially feasible;  
170 (B) any conditions the feasibility consultant determines necessary to make the  
171 creation of the new county functionally and financially feasible; and  
172 (C) a comparison of the costs of the new and seceding counties;  
173 (b) provide all municipalities within the county an opportunity to:  
174 (i) request modifications from the feasibility consultant regarding a draft of the  
175 feasibility study; and  
176 (ii) submit written objections to the county regarding the final feasibility study;  
177 (c) if the feasibility study recommends that creation of the proposed new county is not  
178 functionally and financially feasible, for either the new county or seceding county,  
179 provide an opportunity to the voter who filed the petition under Subsection (3)(a) or  
180 the petitioning municipality to:  
181 (i) modify and refile the triggering resolution, requesting a revised or new feasibility  
182 study;  
183 (ii) withdraw the triggering resolution; or  
184 (iii) opt to proceed to an election on the creation of a new county, despite the adverse  
185 recommendation; and  
186 (d) if the feasibility study recommends that the creation of the new county and seceding  
187 county is functionally and financially feasible, or if the voter or petitioning  
188 municipality opt to proceed under Subsection (6)(c)(iii):  
189 (i) provide notice of the special election described in Subsection (6)(d)(ii) in  
190 accordance with Section 20A-5-101 at least 30 days before the special election;  
191 and  
192 (ii) in accordance with Utah Constitution, Article XI, Section 3, submit the  
193 proposition [to be submitted] to the voters residing in the seceding county at a  
194 special election to be held according to the dates established in Section 20A-1-204[;  
195 first causing 30 days' notice of the election to be given in the manner provided by  
196 law for giving notice of general elections].  
197 (7) The county clerk shall ensure that the special election is held, the result canvassed, and  
198 returns made under the provisions of the general election laws.  
199 (8) The form of ballot to be used at the special election shall be:  
200 [For] "For the creation of (supplying the name proposed) county.

201           Against the creation of (supplying the name proposed) [eounty.] county."

202       (9)(a) Subject to Subsection (9)(b), the expenses of any special election described in this  
203           section shall be paid out of the general fund of the seceding county.

204       (b) If the voters approve the creation of the new county, the new county shall reimburse  
205           the seceding county for half of the cost of the special election within one year of the  
206           effective date of the new county from the general fund of the new county.

207           Section 3. Section **17-61-402** is amended to read:

208       **17-61-402 . Certification of returns -- Governor's proclamation of creation of  
209           new county -- Notice and plat to lieutenant governor -- Recording requirements --  
210           Effective date.**

211       (1)(a) If a petition for the creation of a new county impacts only one seceding county,  
212           the proposition submitted to voters under Section 17-61-401 shall be approved by a  
213           majority vote of those voters who reside:

214           (i) in the portion of the seceding county proposed as a new county; and  
215           (ii) in the remaining portion of the seceding county.

216       (b) If a petition for the creation of a new county impacts more than one seceding county,  
217           the proposition submitted to voters under Section 17-61-401 shall be approved by a  
218           majority of those voters who reside:

219           (i) in each portion of each seceding county proposed to be part of a new county; and  
220           (ii) in each remaining portion of each seceding county.

221       (2) If it appears that any proposition submitted to the voters as provided in Section  
222           17-61-401 has been approved as described in Subsection (1):

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

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

227           (i) the result of the vote in each division of the county;  
228           (ii) the name and boundaries of the new county;  
229           (iii) subject to Subsection (5), the boundaries of a seceding county as changed by the  
230           creation of the new county;  
231           (iv) that the creation of the new county will take effect on the first Monday in January  
232           of the second year following the lieutenant governor's issuance of a certificate of  
233           creation under Section 67-1a-6.5;  
234           (v) the name proposed in the petition as the name of the new county; and

235 (vi) the judicial district to which the new county belongs.

236 (3) The legislative body of the county from which the greatest portion of the new county  
237 was taken shall:

238 (a) within 30 days after the issuance of the governor's proclamation under Subsection[-(1)]  
239 (2), send to the lieutenant governor:

240 (i) a copy of a notice of an impending boundary action, as defined in Section  
241 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

242 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

243 (b) upon the lieutenant governor's issuance of a certificate of creation under Section  
244 67-1a-6.5, submit to the recorder of the new county:

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

246 (ii) the original certificate of creation;

247 (iii) the original approved final local entity plat; and

248 (iv) a certified copy of the governor's proclamation under Subsection [+(1)] (2).

249 (4)(a) The new county that is the subject of the lieutenant governor's certificate of  
250 creation under Section 67-1a-6.5 is a county of the state from and after January 1  
251 following the issuance of the lieutenant governor's certificate of creation.

252 (b)(i) The effective date of the creation of a new county for purposes of assessing  
253 property within the county is governed by Section 59-2-305.5.

254 (ii) Until the documents listed in Subsection[-(2)(b)] (3)(b) are recorded in the office  
255 of the recorder of the new county, the new county may not:

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

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

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

259 (5) Unless an owner of rural real property, as defined in Section 17B-2a-1107, gives written  
260 consent to inclusion in the potential new county before the day of the special election  
261 described in Section 17-61-401:

262 (a) the rural real property remains in the original county if the rural real property:

263 (i) consists of 1,500 or more contiguous acres of rural real property comprising one  
264 or more tax parcels;

265 (ii) is not contiguous to but is used in connection with rural real property of 1,500 or  
266 more contiguous acres of rural real property consisting of one or more tax parcels;

267 (iii) is owned, managed, or controlled by a person, company, or association,  
268 including a parent, subsidiary, or affiliate related to the person described in this

269                   Subsection (5)(a)(iii), that owns 1,500 or more contiguous acres of rural real  
270                   property comprising one or more tax parcels; or  
271                   (iv) is located in whole or in part in one of the following, as these terms are defined  
272                   in Section 17-81-101:  
273                    (A) an agricultural protection area;  
274                    (B) a mining protection area; or  
275                    (C) an industrial protection area; and  
276                   (b) if a condition in Subsection (5)(a) applies, the lieutenant governor shall exclude the  
277                   rural real property from a certificate of creation that the lieutenant governor issues for  
278                   the new county in accordance with Section 67-1a-6.5.

279                   Section 4. Section **17-61-405** is amended to read:

280                   **17-61-405 . Effect on precincts and school and other districts -- Indebtedness.**

- 281                   (1) All precincts, school districts, road districts, and election districts entirely in the new  
282                   county that existed before the creation of the new county:
  - 283                   (a) continue; and
  - 284                   (b) become precincts, school districts, road districts, and election districts of the new  
285                   county.
- 286                   (2) The respective officers of the precincts, school districts, road districts, and election  
287                   districts described in Subsection (1) shall hold office until the expiration of the terms for  
288                   which the officers were elected or appointed.
- 289                   (3) If a precinct, school district, road district, or election district is divided as a result of the  
290                   creation of a new county:
  - 291                   (a) the precinct, school district, road district, or election district shall be disorganized;  
292                   and
  - 293                   (b) the property and territory of the precinct, school district, road district, or election  
294                   district shall be subject to the action of the county legislative body of the respective  
295                   counties in which the property or territory is located as to reorganization thereof or  
296                   adding the same to other like subdivisions already organized.
- 297                   (4) Any bonded or other indebtedness of any school district described in Subsection (3)  
298                   attaches and becomes the obligation of the district that shall be created out of the  
299                   territory that shall retain the buildings and other property of the original district or to the  
300                   district to which the [same] buildings and other property may be added.
- 301                   (5) Notwithstanding the creation of a new county, the seceding county may continue to levy  
302                   a tax on the property within the new county for the purpose of paying the seceding

303       county's proportion of a general obligation or revenue bond until the satisfaction of the  
304       bonded indebtedness.

305       [(5) All bonded or other indebtedness of a seceding county shall attach to and become the  
306       obligation of the new county.]

307       Section 5. Section **17-61-408** is enacted to read:

308       **17-61-408 . Division of assets -- Division of liabilities.**

309       Following the creation of a new county under this part, each new and seceding county:

310       (1) is a continuation of the divided county;

311       (2) shall own the assets, property, records, seals, and equipment of the divided county  
312       owned within or related to the area within the boundaries of the respective new or  
313       seceding county; and

314       (3) is jointly responsible for the liabilities of the divided county until the new and seceding  
315       county discharges liabilities through an interlocal agreement or otherwise resolves  
316       outstanding liabilities.

317       Section 6. **Effective Date.**

318       This bill takes effect on May 6, 2026.