

County Formation Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jordan D. Teuscher

Senate Sponsor:

LONG TITLE**General Description:**

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

Highlighted Provisions:

This bill:

- defines terms;
- establishes a process for the legislative body of a petitioning municipality to initiate a process to create a new county;
- imposes a threshold for petitioners and certain viability requirements on the formation of a new county, including the completion of a feasibility study;
- allows certain rural property to remain in a seceding county, in certain circumstances;
- provides for the continuation of property taxation between a seceding county and a new county to satisfy general obligation or revenue bond indebtedness;
- clarifies provisions regarding the division assets and liabilities between a seceding county and a new county; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

17-61-101, as enacted by Laws of Utah 2025, First Special Session, Chapter 13

17-61-401, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-61-402, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-61-405, as renumbered and amended by Laws of Utah 2025, First Special Session,

Chapter 13

ENACTS:

17-61-408, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **17-61-101** is amended to read:**17-61-101 . Definitions.**

- (1) "Annexing county" means the county to which a portion of territory of an adjoining county is annexed, or proposed to be annexed, as provided in Part 3, County Annexation.
- (2) "Consolidating county" means the county to which another county is joined, or is proposed to be joined, by consolidation as provided in Part 2, Consolidation of Counties.
- (3) "Divided county" means the county that existed before the creation of a new county through the process described in Part 4, Creating New Counties.
- ~~[(3)]~~ (4) "Independent surveyor" means the surveyor whose position is established within the Utah Geospatial Resource Center under Section 63A-16-505.
- ~~[(4)]~~ (5) "Initiating county" means the county from which a portion of territory is annexed, or is proposed to be annexed, to an adjoining county as provided in Part 3, County Annexation.
- ~~[(5)]~~ (6) "New county" means the county that is created through the process described in Part 4, Creating New Counties.
- ~~[(6)]~~ (7) "Originating county" means the county that is joined, or is proposed to be joined, to another county through consolidation as provided in Part 2, Consolidation of Counties.
- (8) "Petitioning municipality" means a municipality located within a county with a population of more than 1,000,000.
- ~~[(7)]~~ (9) "Seceding county" means the county that loses, or is proposed to lose, territory to a new county through the process described in Part 4, Creating New Counties.
- (10) "Triggering resolution" means a legislative instrument indicating a desire to create a new county through the process described in Part 4, Creating New Counties.

Section 2. Section **17-61-401** is amended to read:**17-61-401 . Creating a new county -- Petition -- Certification of petition signatures -- Removal of signature -- Election -- Ballots.**

- (1)(a) Whenever a voter desires to have the territory within which the voter resides created into a new county, the voter may file a petition for the creation of a new 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 [(†)] (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

- 99 (iii) may not leave the seceding county with an area within the seceding county's
100 boundaries for which the cost, requirements, or other burdens of providing
101 fundamental county services would materially increase over previous years.
- 102 (3)(a) A voter shall file a petition for the creation of a new county on or before the first
103 Monday in May of any year with the county legislative body of the seceding county.
- 104 (b)(i) A petitioning municipality shall, before the first Monday in May of any year,
105 file a copy of the triggering resolution with the county legislative body of the
106 seceding county.
- 107 (ii) If multiple petitioning municipalities adopt substantially similar triggering
108 resolutions, as described in Subsection (1)(b)(ii)(B):
- 109 (A) only one petitioning municipality is required to meet the requirements of
110 Subsection (3)(b)(i); and
- 111 (B) the petitioning municipality fulfilling the requirements of Subsection (3)(b)(i)
112 shall include a list of the other petitioning municipalities that adopted
113 substantially similar triggering resolutions.
- 114 (4)(a) Within three business days after the day on which a county legislative body
115 receives a petition under Subsection (3)(a) or a triggering resolution under Subsection
116 (3)(b), the county legislative body shall provide the petition or triggering resolution
117 to the county clerk.
- 118 (b) Within 14 days after the day on which a county clerk receives a petition or triggering
119 resolution from the county legislative body under Subsection (4)(a), the county clerk
120 shall:
- 121 (i) for a petition:
- 122 (A) use the procedures described in Section 20A-1-1002 to determine whether the
123 petition satisfies the requirements of [Subsection (2)] Subsections (2)(a) and (b);
124 [(ii)] (B) certify on the petition whether each name is that of a registered voter in
125 the seceding county; and
- 126 [(iii)] (C) deliver the certified petition to the county legislative body[:]; or
- 127 (ii) for a triggering resolution:
- 128 (A) determine whether the triggering resolution appears to satisfy the
129 requirements of Subsections (2)(c) and (d); and
- 130 (B) if the county clerk determines the triggering resolution appears to satisfy the
131 requirements of Subsections (2)(c) and (d), deliver the triggering resolution to
132 the county legislative body.

- (5)(a) An individual who signs a petition under this section may have the individual's signature removed from the petition by, no later than three business days after the day on which the county legislative body provides the petition to the county clerk, submitting to the county clerk a statement requesting that the individual's signature be removed.
- (b) A statement described in Subsection (5)(a) shall comply with the requirements described in Subsection 20A-1-1003(2).
- (c) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove an individual's signature from a petition after receiving a timely, valid statement requesting removal of the signature.
- (6) [The] After receiving a certified petition or a triggering resolution from the county clerk under Subsection (4), the seceding county legislative body shall[-eause-] :
- (a) obtain a feasibility study from a feasibility consultant that:
- (i) considers:
- (A) population and population density within the new and seceding counties;
- (B) current and five-year projections of demographics and economic base in the proposed new and seceding counties, including household size and income, commercial and industrial development, and public facilities;
- (C) projected population growth in the proposed new and seceding counties during the next five years;
- (D) the present and five-year projections of the cost, including overhead, of providing the same or a similar service in the proposed new and seceding counties as the existing seceding county provides;
- (E) a projection of any new taxes per household that may be levied within the proposed new and seceding counties for five years after the creation of the new county;
- (F) the physical and other assets that the new and seceding counties will require in order to provide, without interruption or diminution of service, county services to residents of both the new and seceding counties;
- (G) the physical and other assets that the new and seceding counties will no longer require in order to provide county services to residents of both the new and seceding counties; and
- (H) any other factor that the feasibility consultant considers relevant to the cost of 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.

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

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

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

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

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

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

(i) in the portion of the seceding county proposed as a new county; and

(ii) in the remaining portion of the seceding county.

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

(i) in each portion of each seceding county proposed to be part of a new county; and

(ii) in each remaining portion of each seceding county.

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

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

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

(i) the result of the vote in each division of the county;

(ii) the name and boundaries of the new county;

(iii) subject to Subsection (5), the boundaries of a seceding county as changed by the creation of the new county;

(iv) that the creation of the new county will take effect on the first Monday in January of the second year following the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5;

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

- (vi) the judicial district to which the new county belongs.
- (3) The legislative body of the county from which the greatest portion of the new county was taken shall:
- (a) within 30 days after the issuance of the governor's proclamation under Subsection~~[(1)]~~ (2), send to the lieutenant governor:
- (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
- (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and
- (b) upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, submit to the recorder of the new county:
- (i) the original notice of an impending boundary action;
- (ii) the original certificate of creation;
- (iii) the original approved final local entity plat; and
- (iv) a certified copy of the governor's proclamation under Subsection ~~[(1)]~~ (2).
- (4)(a) The new county that is the subject of the lieutenant governor's certificate of creation under Section 67-1a-6.5 is a county of the state from and after January 1 following the issuance of the lieutenant governor's certificate of creation.
- (b)(i) The effective date of the creation of a new county for purposes of assessing property within the county is governed by Section 59-2-305.5.
- (ii) Until the documents listed in Subsection~~[-(2)(b)]~~ (3)(b) are recorded in the office of the recorder of the new county, the new county may not:
- (A) levy or collect a property tax on property in the county;
- (B) levy or collect an assessment on property in the county; or
- (C) charge or collect a fee for service provided to property within the county.
- (5) Unless an owner of rural real property, as defined in Section 17B-2a-1107, gives written consent to inclusion in the potential new county before the day of the special election described in Section 17-61-401:
- (a) the rural real property remains in the original county if the rural real property:
- (i) consists of 1,500 or more contiguous acres of rural real property comprising one or more tax parcels;
- (ii) is not contiguous to but is used in connection with rural real property of 1,500 or more contiguous acres of rural real property consisting of one or more tax parcels;
- (iii) is owned, managed, or controlled by a person, company, or association, including a parent, subsidiary, or affiliate related to the person described in this

Subsection (5)(a)(iii), that owns 1,500 or more contiguous acres of rural real property comprising one or more tax parcels; or
(iv) is located in whole or in part in one of the following, as these terms are defined in Section 17-81-101:

(A) an agricultural protection area;

(B) a mining protection area; or

(C) an industrial protection area; and

(b) if a condition in Subsection (5)(a) applies, the lieutenant governor shall exclude the rural real property from a certificate of creation that the lieutenant governor issues for the new county in accordance with Section 67-1a-6.5.

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

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

- (1) All precincts, school districts, road districts, and election districts entirely in the new county that existed before the creation of the new county:
 - (a) continue; and
 - (b) become precincts, school districts, road districts, and election districts of the new county.
- (2) The respective officers of the precincts, school districts, road districts, and election districts described in Subsection (1) shall hold office until the expiration of the terms for which the officers were elected or appointed.
- (3) If a precinct, school district, road district, or election district is divided as a result of the creation of a new county:
 - (a) the precinct, school district, road district, or election district shall be disorganized; and
 - (b) the property and territory of the precinct, school district, road district, or election district shall be subject to the action of the county legislative body of the respective counties in which the property or territory is located as to reorganization thereof or adding the same to other like subdivisions already organized.
- (4) Any bonded or other indebtedness of any school district described in Subsection (3) attaches and becomes the obligation of the district that shall be created out of the territory that shall retain the buildings and other property of the original district or to the district to which the [same] buildings and other property may be added.
- (5) Notwithstanding the creation of a new county, the seceding county may continue to levy 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.