

**17-3-3 Certification of returns -- Governor's proclamation of creation of new county -- Notice and plat to lieutenant governor -- Recording requirements -- Effective date.**

- (1) If it appears that any proposition submitted to the electors as provided in this chapter has been carried in the affirmative by a majority vote of the qualified electors residing in that portion of the county proposed as a new county, and also by a majority vote of the qualified electors residing in the remaining portion of that county:
  - (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) the boundaries of the original 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 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.
- (2) 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), 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).
- (3)
  - (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 12 noon of the first Monday in January 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 (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.

Amended by Chapter 350, 2009 General Session