

**Senator R. Mont Evans** proposes to substitute the following bill:

**RECODIFICATION OF SPECIAL DISTRICTS**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: R. Mont Evans**

AN ACT RELATING TO LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES;  
REPEALING CREATION PROCEDURES FOR CERTAIN TYPES OF INDEPENDENT  
SPECIAL DISTRICTS; ENACTING CREATION PROCEDURES FOR LOCAL DISTRICTS  
AND APPLYING THOSE PROCEDURES TO CERTAIN TYPES OF INDEPENDENT  
SPECIAL DISTRICTS; MAKING CONFORMING CORRECTIONS; MAKING  
TECHNICAL CORRECTIONS; AND PROVIDING AN EFFECTIVE DATE.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**17A-2-202**, as last amended by Chapter 227, Laws of Utah 1993

**17A-2-301**, as last amended by Chapters 173, 316 and 342, Laws of Utah 1995

**17A-2-402**, as last amended by Chapter 21, Laws of Utah 1997

**17A-2-403**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-411**, as last amended by Chapter 21, Laws of Utah 1997

**17A-2-412**, as last amended by Chapter 227, Laws of Utah 1993

**17A-2-502**, as last amended by Chapter 273, Laws of Utah 1991

**17A-2-508**, as last amended by Chapter 227, Laws of Utah 1993

**17A-2-601**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-607**, as last amended by Chapter 227, Laws of Utah 1993

**17A-2-701**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**17A-2-702**, as last amended by Chapter 322, Laws of Utah 1997

**17A-2-803**, as renumbered and amended by Chapter 186, Laws of Utah 1990

**\*SB0080S1\***

1           **17A-2-906**, as last amended by Chapter 273, Laws of Utah 1991

2           **17A-2-1048**, as renumbered and amended by Chapter 186, Laws of Utah 1990

3   ENACTS:

4           **17A-2-101**, Utah Code Annotated 1953

5           **17B-2-101**, Utah Code Annotated 1953

6           **17B-2-201**, Utah Code Annotated 1953

7           **17B-2-202**, Utah Code Annotated 1953

8           **17B-2-203**, Utah Code Annotated 1953

9           **17B-2-204**, Utah Code Annotated 1953

10          **17B-2-205**, Utah Code Annotated 1953

11          **17B-2-206**, Utah Code Annotated 1953

12          **17B-2-207**, Utah Code Annotated 1953

13          **17B-2-208**, Utah Code Annotated 1953

14          **17B-2-209**, Utah Code Annotated 1953

15          **17B-2-210**, Utah Code Annotated 1953

16          **17B-2-211**, Utah Code Annotated 1953

17          **17B-2-212**, Utah Code Annotated 1953

18          **17B-2-213**, Utah Code Annotated 1953

19          **17B-2-214**, Utah Code Annotated 1953

20          **17B-2-215**, Utah Code Annotated 1953

21          **17B-2-216**, Utah Code Annotated 1953

22   REPEALS:

23          **17A-2-602**, as last amended by Chapter 146, Laws of Utah 1994

24          **17A-2-603**, as last amended by Chapter 146, Laws of Utah 1994

25          **17A-2-604**, as last amended by Chapter 146, Laws of Utah 1994

26          **17A-2-605**, as last amended by Chapter 146, Laws of Utah 1994

27          **17A-2-606**, as last amended by Chapter 227, Laws of Utah 1993

28          **17A-2-608**, as last amended by Chapters 12 and 146, Laws of Utah 1994

29          **17A-2-703**, as last amended by Chapter 146, Laws of Utah 1994

30          **17A-2-704**, as last amended by Chapter 146, Laws of Utah 1994

31          **17A-2-705**, as last amended by Chapter 146, Laws of Utah 1994

1       **17A-2-804**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
2       **17A-2-805**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
3       **17A-2-806**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
4       **17A-2-807**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
5       **17A-2-816**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
6       **17A-2-817**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
7       **17A-2-902**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
8       **17A-2-903**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
9       **17A-2-904**, as last amended by Chapter 146, Laws of Utah 1994  
10       **17A-2-905**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
11       **17A-2-1005**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
12       **17A-2-1006**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
13       **17A-2-1007**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
14       **17A-2-1008**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
15       **17A-2-1009**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
16       **17A-2-1010**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
17       **17A-2-1011**, as last amended by Chapter 5, Laws of Utah 1991  
18       **17A-2-1012**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
19       **17A-2-1013**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
20       **17A-2-1014**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
21       **17A-2-1015**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
22       **17A-2-1403**, as renumbered and amended by Chapter 186, Laws of Utah 1990  
23       **17A-2-1404**, as last amended by Chapter 10, Laws of Utah 1997

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

25       Section 1. Section **17A-2-101** is enacted to read:

26                               **Part 1. General Provisions**

27       **17A-2-101. Creation procedures for certain independent special districts.**

28       (1) (a) Beginning the effective date of this section, the creation of a special district under  
29       Part 2, Cemetery Maintenance Districts, Part 3, County Improvement Districts for Water,  
30       Sewerage, Flood Control, Electric and Gas, Part 4, County Service Area Act, Part 7, Irrigation  
31       Districts, Part 8, Metropolitan Water District Act, Part 9, Mosquito Abatement Districts, Part 10,

Utah Public Transit District Act, and Part 14, Water Conservancy Districts shall be governed by Title 17B, Chapter 2, Part 2, Creation of Local Districts.

(b) The provisions of Title 17B, Chapter 2, Part 2, Creation of Local Districts, except Section 17B-2-216, shall govern the creation of a special district under the parts of this chapter stated in Subsection (1)(a) to the same extent as if a local district under Title 17B, Chapter 2, Local Districts, were proposed to be created.

(2) The provisions of Title 17B, Chapter 2, Part 2, Creation of Local Districts, do not apply to an independent special district under this chapter created before the effective date of this section.

Section 2. Section 17A-2-202 is amended to read:

**17A-2-202. Creation and organization of district.**

(1) If the owners of at least 55% of the taxable value of lands and not less than 55% of the total land area aggregating not less than 3,000 acres of contiguous territory or consisting of contiguous territory of less extent but having a taxable value of at least \$500,000 at the last preceding county assessment, desire to provide for the organization of the territory as a cemetery maintenance district, none of their lands being included within the boundaries of an already created and organized cemetery maintenance district under the terms of this part, the district may be created and organized as provided in this part. For purposes of this section, the taxable value of the property within the proposed district shall be determined from the last assessment roll for ad valorem taxes completed prior to the submission of the petition to the county legislative body.

(2) All provisions of this part that establish, govern, or state the requirements and procedure for the creation of a cemetery maintenance district:

(a) are superseded by the provisions of Title 17B, Chapter 2, Part 2, Creation of Local Districts, with respect to the creation of a cemetery maintenance district; and

(b) remain valid to the extent they establish, govern, or state the requirements or procedure for annexation to an existing cemetery maintenance district.

Section 3. Section 17A-2-301 is amended to read:

**17A-2-301. Establishment -- Authority -- Area.**

(1) ~~[Improvement districts may be]~~ (a) An improvement district established ~~[in any county in this state as provided in]~~ under this part ~~[for the purposes hereinafter stated and]~~ may acquire through construction, purchase, gift, or condemnation, or any combination of these methods, and

may operate all or any part of ~~[the following]~~:

~~[(a) systems]~~ (i) a system for the supply, treatment, and distribution of water;

~~[(b) systems]~~ (ii) a system for the collection, treatment, and disposition of sewage;

~~[(c) systems]~~ (iii) a system for the collection, retention, and disposition of storm and flood waters;

~~[(d) systems]~~ (iv) a system for the generation, distribution, and sale of electricity; and

~~[(e) systems]~~ (v) a system for the transmission of natural or manufactured gas ~~[that are]~~ if the system is:

[(i)] (A) connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as defined in Section 54-2-1, regulated under Section 54-4-1; and

[(ii)] (B) to be used to facilitate gas utility service within the district if ~~[such]~~ the gas utility service is not available within the district prior to the acquisition or construction of ~~[such systems]~~ the system. [Such]

(b) The new gas utility service under Subsection (1)(a)(v)(B) shall be provided by a gas corporation regulated under Section 54-4-1 and not by the district.

(2) (a) The area of any district ~~[created]~~ under this part may include all or part of any county or counties, including all or any part of any incorporated municipalities, other incorporated areas, and unincorporated areas, as the needs of the inhabitants of the proposed districts may appear.

(b) The boundaries of a district created under this part do not need to be contiguous.

~~[(c) Where a district created under this part is operating any facility or system mentioned in this part, no other district overlapping that district, in whole or in part, may be created in a manner as to have authority to own or operate a facility or system of like kind.]~~

(3) ~~[Where any]~~ If a district [is created] under this part was created solely for the purpose of acquiring a system for the collection, retention, or disposition of storm and flood waters, the county legislative body ~~[creating]~~ that created the district may, in its discretion and despite anything to the contrary in Section 17A-2-305, act as the board of trustees of the district for so long as it considers desirable.

(4) All provisions of this part that establish, govern, or state the requirements and procedure for the creation of an improvement district:

(a) are superseded by the provisions of Title 17B, Chapter 2, Part 2, Creation of Local

Districts, with respect to the creation of an improvement district; and

(b) remain valid to the extent they establish, govern, or state the requirements or procedure for annexation to an existing improvement district.

Section 4. Section **17A-2-402** is amended to read:

**17A-2-402. Purpose of part.**

~~[(1) The purpose of this part is to provide a method whereby county service areas may be created.]~~

~~[(2) County service areas shall be initially created in unincorporated geographical areas in the various counties to enable those areas to receive special types of service not common to the entire county and establish a system for the payment of the costs entailed.]~~

~~[(3)]~~ (1) The Legislature finds that the ~~[necessity]~~ need for ~~[establishing these]~~ county service areas is a result of the growth in unincorporated areas of some counties. As a result of the large population growth and intensive residential, commercial, and industrial development in unincorporated areas, extended governmental services are needed.

~~[(4)]~~ (2) The Legislature recognizes the duty of counties as instruments of state government to meet adequately the needs of unincorporated areas, and also recognizes that unincorporated areas should pay for the extended services provided.

~~[(5)]~~ (3) The Legislature recognizes that the services provided by a county service area may also be extended to incorporated areas of the county at the request of the municipality and pursuant to procedures set forth in this part.

Section 5. Section **17A-2-403** is amended to read:

**17A-2-403. Services which may be supplied by a county service area.**

(1) Whenever an unincorporated area in a county requires one or more of the following extended services which are not provided on a countywide basis: extended police protection; fire protection; culinary or irrigation water retail service; water conservation; local park, recreation or parkway facilities and services; cemeteries; public libraries; sewers, sewage and storm water treatment and disposal; flood control; garbage and refuse collection; street lighting; airports; planning and zoning; local streets and roads; curb, gutter and sidewalk construction and maintenance; mosquito abatement; health department services; hospital service, such services may be supplied by a county service area. If the provision of said services shall require the issuance of bonds or the creation of long-term obligations said services may be supplied by means available

1 at law as herein provided.

2 (2) All provisions of this part that establish, govern, or state the requirements and  
3 procedure for the creation of a county service area:

4 (a) are superseded by the provisions of Title 17B, Chapter 2, Part 2, Creation of Local  
5 Districts, with respect to the creation of a county service area; and

6 (b) remain valid to the extent they establish, govern, or state the requirements or procedure  
7 for annexation to an existing county service area.

8 Section 6. Section **17A-2-411** is amended to read:

9 **17A-2-411. Board of trustees -- Selection procedures -- Terms -- Surety bonds.**

10 (1) Each service area ~~[created by]~~ under this part shall be governed by a board of trustees  
11 consisting of three or more members created as provided in this section.

12 (2) (a) ~~[In the ordinance creating the]~~ Upon the creation of a county service area, the  
13 county legislative body may ~~[declare]~~ adopt an ordinance declaring that the county legislative body  
14 of the county shall act as the trustees of the service area.

15 (b) Upon passage of the ordinance, the county legislative body of the county shall act as  
16 trustees of the service area with all the powers, authority, and responsibility vested in the trustees  
17 under this part.

18 (c) (i) The county legislative body, when acting as trustees, may use any existing county  
19 offices, officers, or employees for the purposes of the service area.

20 (ii) The county legislative body shall charge costs of those services to the service area and  
21 require them to be paid to the county treasurer for the general fund of the county.

22 (3) At any time after the creation of a board of trustees as provided in Subsection (1), if  
23 no elected board has been established as provided in this section, the county legislative body of  
24 the ~~[initiating]~~ county in which the service area is located may:

25 (a) by ordinance, delegate its powers to an appointed or elected board of trustees as  
26 provided in ~~[Title 17A,]~~ Chapter 1, Part 3, Special District Board Selection Procedures; and

27 (b) provide for the appointment or election of the board by following the procedures and  
28 requirements of ~~[Title 17A,]~~ Chapter 1, Part 3, Special District Board Selection Procedures.

29 (4) At any time after the creation of a board of trustees as provided in Subsections (2) and  
30 (3), the county legislative body shall hold an election for trustees by following the procedures and  
31 requirements of ~~[Title 17A,]~~ Chapter 1, Part 3, Special District Board Selection Procedures, if:

1 (a) the county legislative body receives a petition requesting that an election for trustees  
2 be held that is:

3 (i) signed by at least 10% of persons eligible to vote in [any] an election in [any] a service  
4 area [~~created~~] under this part; and

5 (ii) filed with the county legislative body at least 30 days before the date set for a bond  
6 election or 90 days before the date set for any municipal election; or

7 (b) territory located within a municipality is annexed into the county service area under  
8 Section 17A-2-417.

9 (5) (a) If there is no elected board of trustees at the time of the first bond election, trustees  
10 shall be elected in conjunction with that bond election.

11 (b) Candidates for election to the board of trustees shall be taxpayers and qualified voters  
12 in the service area.

13 (c) At any time within 30 days after the county legislative body has called a bond election,  
14 but not less than 15 days before the day of election, any person who is qualified to vote in the  
15 service area may file a signed statement with the county clerk announcing that he is a candidate  
16 to be one of the first elected trustees of the service area.

17 (d) The board of trustees shall provide a ballot separate from the bond ballot that contains  
18 the names of the candidates and blanks in which the voters may write in additional names.

19 (e) [~~Each~~] A voter at the election may vote for the number of trustee positions to be filled.

20 (f) The persons receiving the highest number of votes at the election are members of the  
21 board of trustees.

22 (6) (a) Members of the first board of trustees shall serve for two and four year terms,  
23 beginning on the first Monday in January after the election.

24 (b) Initial terms shall be selected by lot and shall be apportioned so that, whenever  
25 possible, equal numbers of the board will serve for two years and four years.

26 (c) After the first election, except for appointments made to fill unexpired terms, the term  
27 of each member is four years.

28 (7) (a) Each member of the board of trustees may vote on all questions, orders, resolutions,  
29 and ordinances coming before the board.

30 (b) Each trustee shall receive compensation of not more than \$1,500 per year as  
31 determined by the board of trustees, except that when the county legislative body acts as the board



of trustees, no compensation may be paid to them as trustees.

(c) Each trustee who is also a member of the county legislative body shall take the oath of office and shall give the bond that is required by law for members of the county legislative body.

(d) All laws pertinent to the giving and filing of oaths and bonds for members of the county legislative body apply to the trustees.

(e) Trustees who are not members of the county legislative body shall take the oath of office and shall give a bond in the amount, and with the sureties, prescribed by the county legislative body.

(8) All qualified voters in the service area may vote in elections to select trustees and in elections to approve the issuance of bonds.

(9) (a) Following the election or appointment of the first trustees, ~~[any]~~ each elected trustee shall be elected according to the procedures and requirements of ~~[Title 17A,]~~ Chapter 1, Part 3, Special District Board Selection Procedures.

(b) Each trustee shall take office on the first Monday in January following ~~[his]~~ the trustee's election.

(10) Within a reasonable time after their appointment, the trustees shall meet and elect one of their members as chairman and shall appoint a clerk and a treasurer, or a clerk-treasurer.

(11) ~~[All vacancies of]~~ Each vacancy of an elected ~~[trustees]~~ trustee in office shall be filled according to the procedures and requirements of ~~[Title 17A,]~~ Chapter 1, Part 3, Special District Board Selection Procedures.

Section 7. Section **17A-2-412** is amended to read:

**17A-2-412. Service area deemed body corporate -- Powers.**

~~[On and after the effective date of the ordinance creating]~~ (1) Upon its creation, a county service area ~~[the service area shall be deemed]~~ is a body corporate and politic and a quasi-municipal public corporation ~~[and the]~~.

(2) A county service area~~[-, acting through its board of trustees, shall have the following powers and authority provided by the County Service Area Act]~~ may:

~~[(1) The power to]~~ (a) exercise all powers of eminent domain possessed by counties in Utah in the manner provided by law for the exercise of eminent domain power by counties~~[-];~~

~~[(2) The right to]~~ (b) sue and be sued~~[-];~~

1       ~~[(3) The power to]~~ (c) enter into contracts considered desirable by the board of trustees  
2 of the service area to carry out the functions of the service area including~~[- but without limitation;~~  
3 ~~the power to enter into]~~ contracts with municipal corporations, counties or other public  
4 corporations, county service areas or districts~~[-];~~

5       ~~[(4) The power to]~~ (d) impose and collect charges or fees for any commodities, services,  
6 or facilities afforded by the service area to its consumers and ~~[to]~~ pledge all or any part of the  
7 revenues so derived to the payment of any bonds of the service area, whether the bonds are issued  
8 as revenue bonds or as general obligations of the service area~~[- Where revenue bonds are issued~~  
9 ~~payable solely from the revenue of commodities, services and facilities, the fees and charges~~  
10 ~~imposed shall always be sufficient to carry out the provisions of the resolution authorizing the~~  
11 ~~bonds. The board of trustees may do such things and adopt such regulations necessary to assure~~  
12 ~~the collection and enforcement of all fees and charges imposed. Where more than one commodity,~~  
13 ~~service or facility is furnished to a consumer by the service area, the fees and charges for all~~  
14 ~~commodities, services and facilities may be billed to the consumer in a single bill. All or any of~~  
15 ~~the commodities, services and facilities furnished to a consumer by the service area may be~~  
16 ~~suspended if any fees and charges due the service area are not paid in full when due.];~~

17       ~~[(5) The power to]~~ (e) sell, lease, mortgage, encumber or otherwise dispose of any  
18 properties, including water and water rights, owned by the service area upon such terms and  
19 conditions as the board of trustees may determine~~[-];~~

20       ~~[(6) The power to]~~ (f) own any and all property or interests in property, including water  
21 and water rights, ~~[deemed]~~ that the board of trustees considers necessary or appropriate ~~[by the~~  
22 ~~board of trustees in carrying]~~ to carry out the purposes of the service area and ~~[the power to]~~  
23 acquire ~~[the same]~~ property or interests in property by purchase, lease, gift, devise or bequest~~[-];~~

24       ~~[(7) The right to]~~ (g) request the county executive to utilize any existing county offices,  
25 officers, or employees for purposes of the service area when in the opinion of the board of trustees  
26 it is advisable to do so; ~~[but in any event, the county executive may charge the service area a~~  
27 ~~reasonable amount for the services rendered, other than for services rendered by the county~~  
28 ~~executive.];~~

29       ~~[(8) The right to]~~ (h) employ officers, employees, and agents ~~[of the service area,]~~  
30 including attorneys, accountants, engineers, and fiscal agents, and ~~[to]~~ fix their compensation~~[- The~~  
31 ~~board of trustees may];~~

1       (i) (A) require officers and employees charged with the handling of funds to furnish good  
2 and sufficient surety bonds; or ~~[the board may]~~

3       (B) purchase a blanket surety bond for all officers and employees~~[-];~~

4       ~~[(9) The right to]~~ (j) fix the times for holding regular meetings~~[-];~~

5       ~~[(10) The right to]~~ (k) adopt an official seal~~[-]; and~~

6       ~~[(11) The right to]~~ (l) adopt bylaws and regulations for the conduct of its business and  
7 affairs.

8       (3) (a) If the county service area issues revenue bonds payable solely from the revenue of  
9 commodities, services, and facilities, the fees and charges imposed shall always be sufficient to  
10 carry out the provisions of the resolution authorizing the bonds.

11       (b) The board of trustees may take necessary action to assure the collection and  
12 enforcement of all fees and charges imposed.

13       (c) If the county service area furnishes more than one commodity, service, or facility, the  
14 board of trustees may bill for the fees and charges for all commodities, services, and facilities in  
15 a single bill.

16       (d) The board of trustees may suspend furnishing commodities, services, or facilities to  
17 a consumer if the consumer fails to pay all fees and charges when due.

18       (4) Except for services rendered by the county executive, a county executive may charge  
19 the county service area a reasonable amount for services rendered pursuant to a request under  
20 Subsection (2)(g).

21       Section 8. Section **17A-2-502** is amended to read:

22       **17A-2-502. Formation -- Time limit.**

23       No drainage district under this part may be formed ~~[under the provisions of this title]~~ after  
24 June 30, 1975, but a special [districts] service district for ~~[this purpose]~~ drainage services may be  
25 formed under ~~[the provisions of Title 17A, Chapter 2,]~~ Part 13, Utah Special Service District Act.

26       Section 9. Section **17A-2-508** is amended to read:

27       **17A-2-508. Bonds of supervisors.**

28       ~~[After said district has been established by proclamation, and after the members of said~~  
29 ~~board of supervisors have been duly appointed, and before]~~ (1) Before entering upon the duties  
30 of ~~[their]~~ office, each ~~[of the members]~~ member of ~~[such]~~ a board of supervisors shall take and  
31 subscribe to the constitutional oath of office~~[-, which oath shall be filed]~~ and file it with the county

1 clerk.

2       (2) Each supervisor shall execute an official bond to the district in such sum as may be  
3 fixed and with sureties approved by the county legislative body.

4       (3) Bonds [herein] provided for in this section shall be in the form prescribed by law for  
5 the official bonds of county officers.

6       Section 10. Section **17A-2-601** is amended to read:

7       **17A-2-601. Establishment -- Time limit -- Exceptions.**

8       ~~[Fire protection districts for the protection of life and property against fire and the~~  
9 ~~elimination of fire hazards in this state are hereby authorized to be established as in this part~~  
10 ~~provided; but no]~~ A fire protection district [shall] under this part may not be established after June  
11 30, 1975, except that fire protection services may be rendered as provided under [the provisions  
12 of the] Part 13, Utah Special Service District Act, [the provisions of] Title 17, Chapter 34,  
13 Municipal-Type Services to Unincorporated Areas, or [the provisions of Chapter 2,] Part 4, County  
14 Service Area Act.

15       Section 11. Section **17A-2-607** is amended to read:

16       **17A-2-607. Force and effect of order of the county legislative body -- Legal existence**  
17 **of district -- Status of district.**

18       ~~[If no appeal is taken to a district court within 30 days from the determination of the county~~  
19 ~~legislative body declaring a fire protection district organized, the creation of the district shall be~~  
20 ~~complete and its legal existence cannot thereafter be questioned by any person by reason of any~~  
21 ~~defect in the proceedings had for the organization thereof.] A fire protection district [thus~~  
22 ~~organized] is [and shall be held and construed to be] a public corporation [within the provisions~~  
23 ~~of the laws of the state of Utah] with all the usual powers that [may now or hereafter be] are~~  
24 ~~specifically conferred by law upon such corporation.~~

25       Section 12. Section **17A-2-701** is amended to read:

26       **17A-2-701. Organization.**

27       ~~[In the interest of conserving and putting to beneficial use the public waters of the state,~~  
28 ~~and preventing undue waste of such waters, the governor of the state of Utah, upon the~~  
29 ~~recommendation of the executive director of natural resources and the state engineer, or 50 or a~~  
30 ~~majority of owners of lands or holders of title or evidence of title to lands requiring water in any~~  
31 ~~district, may propose the organization of any irrigation district under the provisions of this part,~~

1 and when so organized such district shall have the powers conferred or that may hereafter be  
2 conferred by law upon irrigation districts; provided, that where]

3 (1) If ditches, canals, or reservoirs have been constructed before 1919, [such] those  
4 ditches, canals, reservoirs and franchises, and the lands fully watered [thereby] by them shall be  
5 exempt from the operation of this [law] part, unless [such] the district [shall be] is formed to  
6 purchase, acquire, lease or rent [such] those ditches, canals, reservoirs and their franchises, or  
7 unless [such] the district [shall be] is formed to make contract with the United States under any  
8 federal law[; provided, further, that resident].

9 (2) Resident entrymen upon public lands of the United States, and purchasers of state  
10 lands, within the [proposed] district [shall be deemed to be the owners of lands or holders of title  
11 or evidence of title to lands within the district for the purpose of becoming petitioners for the  
12 organization of such irrigation district, and] shall share all the privileges and obligations of private  
13 landowners within the district, entrymen upon the public lands of the United States to be subject  
14 to the terms of the act of Congress approved August 11, 1916, entitled "An Act to Promote  
15 Reclamation of Arid Lands."

16 Section 13. Section **17A-2-702** is amended to read:

17 **17A-2-702. Petition for irrigation district -- Duty of the county legislative body and**  
18 **state engineer.**

19 (1) For the purpose of establishing an irrigation district as provided by this part, a petition  
20 shall be filed with the county legislative body of the county which embraces the largest acreage  
21 of the proposed district; said petition shall state that it is the purpose of the petitions to organize  
22 an irrigation district under the provisions of this part, and shall state the proposed means of water  
23 supply, the name proposed for such district and shall be accompanied by an ownership plat as  
24 shown by the county records of the lands to be included in the proposed district; the petition shall  
25 pray the county legislative body to request that a water survey and allotment of water for the lands  
26 within the proposed district be made, that the land to be included in the proposed district be  
27 determined, listed with water allotment and platted, and that the question of final organization of  
28 the same be submitted to the vote of landowners within the proposed district; the petition shall be  
29 signed by the governor, or if proposed by landowners, by 50 or a majority of such landowners or  
30 holders of title or evidence of title to land within the proposed district. If the petition is presented  
31 by landowners it must be accompanied by a good and sufficient bond to be approved by the county

1 legislative body in double the amount of the probable cost of organizing such district inclusive of  
2 the cost of water survey and conditioned for the payment of all such costs incurred in said  
3 proceeding including the cost of water survey in case said organization shall not be effected; no  
4 bond need accompany the petition by the governor. The cost of the water survey, and all other  
5 costs incurred upon petition filed by the governor, shall, if organization of the district be not  
6 effected, be borne 1/2 by the county or counties in which the proposed district is situated, in  
7 proportion to the acreage, and 1/2 by the state of Utah. In case organization of the district is  
8 effected, all organizing costs and expenses, including the cost of the water survey, shall be repaid  
9 by said district. Upon the filing of such petition with the county legislative body they shall send  
10 a certified copy of same to the state engineer of the state of Utah, with a request that the water  
11 survey and allotment be made. Thereupon it shall be the duty of the state engineer to cause to be  
12 made a water survey of all lands within the district for the purpose of determining and allotting the  
13 maximum amounts of water which could be beneficially used on such land; each 40-acre tract or  
14 smaller tracts in separate ownership within each such legal subdivision shall be separately  
15 surveyed and the allotment made therefor. On completion of said survey and allotment, the state  
16 engineer shall file with the county legislative body with which the petition for the said district is  
17 filed, his return of survey and report of allotment. Upon receipt of the report and return from the  
18 state engineer, the county legislative body shall cause to be published, notice that petition for  
19 formation of an irrigation district has been filed, water survey and allotment made, and a date set  
20 for the hearing of applications for exclusion and inclusion of lands and revision of allotments.  
21 Such notice shall be published once a week for three consecutive weeks, the last publication of  
22 which shall be at least one week prior to the date set for hearing, in some newspaper of general  
23 circulation published in the county, or if the district embraces lands in more than one county, then  
24 in a newspaper of general circulation published in each such county, or if there be no such paper  
25 published in any such county or counties, then in some newspaper having general circulation in  
26 such county or counties.

27 (2) All provisions of this part that establish, govern, or state the requirements and  
28 procedure for the creation of an irrigation district:

29 (a) are superseded by the provisions of Title 17B, Chapter 2, Part 2, Creation of Local  
30 Districts, with respect to the creation of an irrigation district; and

31 (b) remain valid to the extent they establish, govern, or state the requirements or procedure

1 for annexation to an existing irrigation district.

2 Section 14. Section **17A-2-803** is amended to read:

3 **17A-2-803. Purpose and corporate existence of districts.**

4 (1) Metropolitan water districts may be organized hereunder for the purpose of acquiring,  
5 appropriating, developing, storing, selling, leasing and distributing water for, and devoting water  
6 to, municipal and domestic purposes, irrigation, power, milling, manufacturing, mining,  
7 metallurgical and any and all other beneficial uses, and such district may be formed of the territory  
8 included within the corporate boundaries of any one or more municipalities, which need not be  
9 contiguous, and may be organized and incorporated and thereafter governed, maintained and  
10 operated as herein provided, and when so incorporated shall have and exercise such powers as are  
11 herein expressly granted, together with such powers as are reasonably implied herefrom and  
12 necessary and proper to carry out the objects and purposes of such incorporated districts. Each  
13 such district when so incorporated shall be a separate and independent political corporate entity.

14 (2) All provisions of this part that establish, govern, or state the requirements and  
15 procedure for the creation of a metropolitan water district:

16 (a) are superseded by the provisions of Title 17B, Chapter 2, Part 2, Creation of Local  
17 Districts, with respect to the creation of a metropolitan water district; and

18 (b) remain valid to the extent they establish, govern, or state the requirements or procedure  
19 for annexation to an existing metropolitan water district.

20 Section 15. Section **17A-2-906** is amended to read:

21 **17A-2-906. Board of trustees -- Appointment -- Number.**

22 (1) (a) Within 30 days after the [~~certificate of incorporation is filed with the lieutenant~~  
23 ~~governor~~] creation of the mosquito abatement district, the county and municipal legislative bodies  
24 shall appoint a board of trustees by following the procedures and requirements of [~~Title 17A,~~]  
25 Chapter 1, Part 3, Special District Board Selection Procedures.

26 (b) The board shall consist of one trustee appointed from the district at large by the county  
27 legislative body and [of] one trustee appointed by each municipal legislative body within the  
28 district.

29 (c) If the board of trustees consists of less than five members, the county legislative body  
30 shall appoint enough additional at large members from a district to make a board of five trustees.

31 (d) If 75% or more of the lands in the district are wholly within the boundaries of a

1 municipality, that municipal legislative body shall appoint all five members of the board of  
2 trustees.

3 (2) Each trustee appointed by a municipal legislative body shall be a registered voter of  
4 the municipality and each trustee appointed by the county legislative body shall be an elector of  
5 the district.

6 Section 16. Section **17A-2-1048** is amended to read:

7 **17A-2-1048. Annexations to or consolidations with municipalities already within**  
8 **district.**

9 Additional municipalities and county areas may be included within or become part of a  
10 district by either of the following methods:

11 (1) If any area is annexed to or consolidated with any municipality which is a part of a  
12 district organized under these provisions, the annexed or consolidated area shall by virtue of its  
13 annexation or consolidation become part of the district and be taxable in accordance with the  
14 provisions of this part to pay the indebtedness of the district outstanding at the time of annexation  
15 or consolidation.

16 (2) The governing body of any municipality or of any county may apply to and obtain  
17 from the comptroller of the district a financial statement showing the financial condition of the  
18 district, its assets and liabilities, taxable value of taxable property according to the last assessment,  
19 and the names of the municipalities and a description of other areas included in the district. After  
20 consideration of the statement, the governing body of the municipality or county may apply to the  
21 board of directors of the district for consent to annex the municipality or described county area.  
22 The board of directors after reasonable notice and public hearing may grant or deny the application  
23 and in granting it may fix the terms and conditions upon which the area may be annexed. The  
24 action of the board of directors evidenced by order made on motion shall be promptly transmitted  
25 to the governing body or bodies of the entities applying for annexation, which shall promptly  
26 submit the proposition of annexation to the qualified electors of the area. Notice of election shall  
27 be given by posting or publication. When notice is given by posting, notice shall be posted for at  
28 least ten days in three public places in each area to be annexed. When notice is given by  
29 publication, notice shall be published at least once ten days before the date fixed for election in a  
30 newspaper of general circulation in the municipality and county area. Publication may be made  
31 in one newspaper having general circulation in each of the areas sought to be annexed. Notice



shall contain the substance of the terms and conditions fixed by the board of directors as provided[, and in other respects be in form similar to the notice published to create the district]. Elections shall be conducted and returns canvassed by the governing bodies of the areas seeking annexation. If the annexation proposition receives the affirmative vote of a majority of the electors, the governing body of the municipality or county shall certify the election results to the board of directors of the district and a certificate of proceedings shall be made by the secretary of the district and filed with the lieutenant governor. Upon filing the certificate in the office of the lieutenant governor, the municipality or county area shall become an integral part of the district and the taxable property in the municipality or area subject to taxation for the purposes of the district, including the payment of bonds and other obligations of the district at the time authorized or outstanding.

(3) No action to contest the validity of annexation proceedings may be commenced more than three months after the certificate of proceedings is filed with the lieutenant governor.

(4) Upon annexation the annexed area shall have a representative on the board of directors on the same basis as it would have had had it been included in the district as originally organized.

## **TITLE 17B. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES**

### **CHAPTER 1. RESERVED**

### **CHAPTER 2. LOCAL DISTRICTS**

#### **Part 1. General Provisions**

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

#### **17B-2-101. Definitions.**

As used in this chapter, "local district" means a local government entity, created according to the provisions of Part 2, Creation of Local Districts, that is not a general purpose government entity but is a separate legal and corporate entity and a political subdivision of the state, authorized to provide limited services in a defined geographic area, as provided in Part 2, Creation of Local Districts.

Section 18. Section **17B-2-201** is enacted to read:

#### **Part 2. Creation of Local Districts**

#### **17B-2-201. Definitions and general provisions.**

(1) As used in this part:

(a) "Municipal" means of or relating to a municipality.

1 (b) "Municipality" means a city or town.

2 (c) "Petition" means a petition under Subsection 17B-2-203(1) or (2).

3 (d) "Political subdivision" means a county, city, town, local district under this chapter,  
4 independent special district under Title 17A, Chapter 2, Independent Special Districts, or an entity  
5 created by interlocal cooperation agreement under Title 11, Chapter 13, Interlocal Cooperation  
6 Act.

7 (e) "Private," with respect to real property, means not owned by the United States or any  
8 agency of the federal government, the state, a county, a municipality, a school district, an  
9 independent special district under Title 17A, Chapter 2, Independent Special Districts, a local  
10 district, or any other political subdivision of the state.

11 (f) "Property owner petition" means a petition under Subsection 17B-2-203(1).

12 (g) "Property owner request" means a request under Section 17B-2-204 that is signed by  
13 owners of real property as provided in Subsection 17B-2-204(2)(b)(i).

14 (h) "Registered voter petition" means a petition under Subsection 17B-2-203(2).

15 (i) "Registered owner request" means a request under Section 17B-2-204 that is signed by  
16 registered voters as provided in Subsection 17B-2-204(2)(b)(ii).

17 (j) "Request" means a request as described in Section 17B-2-204.

18 (k) "Responsible body" means the legislative body of:

19 (i) the municipality in which the proposed local district is located, if the petition proposes  
20 the creation of a local district located entirely within a single municipality;

21 (ii) the county in which the proposed local district is located, if the petition proposes the  
22 creation of a local district located entirely within a single county and all or part of the proposed  
23 local district is located within:

24 (A) the unincorporated part of the county; or

25 (B) more than one municipality within the county; or

26 (iii) if the petition proposes the creation of a local district located within more than one  
27 county, the county whose boundaries include more of the area of the proposed local district than  
28 is included within the boundaries of any other county.

29 (l) "Responsible clerk" means the clerk of the county or the clerk or recorder of the  
30 municipality whose legislative body is the responsible body.

31 (m) "Unincorporated" means not included within a municipality.

1       (2) For purposes of this part:

2       (a) the owner of real property shall be the record title owner according to the records of  
3 the county recorder on the date of the filing of the request or petition; and

4       (b) the value of private real property shall be determined according to the last assessment  
5 before the filing of the request or petition, as determined by:

6       (i) the county under Title 59, Chapter 2, Part 3, County Assessment, for property subject  
7 to assessment by the county;

8       (ii) the State Tax Commission under Title 59, Chapter 2, Part 2, Assessment of Property,  
9 for property subject to assessment by the State Tax Commission; or

10       (iii) the county, for all other property.

11       (3) For purposes of each provision of this part that requires the owners of private real  
12 property covering a percentage of the total private land area within the proposed local district to  
13 sign a request, petition, or protest:

14       (a) a parcel of real property may not be included in the calculation of the required  
15 percentage unless the request or petition is signed by:

16       (i) except as provided in Subsection (3)(a)(ii), owners representing a majority ownership  
17 interest in that parcel; or

18       (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
19 of owners of that parcel;

20       (b) the signature of a person signing a request or petition in a representative capacity on  
21 behalf of an owner is invalid unless:

22       (i) the person's representative capacity and the name of the owner the person represents  
23 are indicated on the request or petition with the person's signature; and

24       (ii) the person provides documentation accompanying the request or petition that  
25 reasonably substantiates the person's representative capacity; and

26       (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
27 request or petition on behalf of a deceased owner.

28       (4) For purposes of each provision of this part that requires a percentage of the total private  
29 land area within the proposed local district, a percentage of the value of all private real property  
30 within the proposed local district, or a percentage of the number of votes cast in the proposed local  
31 district, the percentage requirement applies to:

1       (a) for a petition or a protest under Section 17B-2-213, the proposed local district as a  
2 whole;

3       (b) for each county that has an unincorporated area included within the proposed local  
4 district, the unincorporated area of that county that is included within the proposed local district;  
5 and

6       (c) for each municipality that has an area included within the proposed local district, the  
7 area of that municipality that is included within the proposed local district.

8       Section 19. Section **17B-2-202** is enacted to read:

9       **17B-2-202. Local district may be created -- Services that may be provided --**  
10 **Limitations.**

11       (1) A local district may be created as provided in this part to provide within its boundaries  
12 a service consisting of:

13       (a) the operation of an airport;

14       (b) the operation of a cemetery;

15       (c) the operation of a system for the generation or distribution of electricity;

16       (d) the operation of a system for the transmission of natural or manufactured gas that is:

17       (i) connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as defined  
18 in Section 54-2-1, that is regulated under Section 54-4-1; and

19       (ii) to be used to facilitate gas utility service within the district if such gas utility service  
20 is not available within the district prior to the acquisition or construction of such a system;

21       (e) fire protection;

22       (f) garbage collection and disposal;

23       (g) health care;

24       (h) the operation of a library;

25       (i) abatement or control of mosquitos and other insects;

26       (j) the operation of parks or recreation facilities;

27       (k) the operation of a sewage system;

28       (l) street lighting;

29       (m) the construction and maintenance of curb, gutter, and sidewalk;

30       (n) transportation;

31       (o) the operation of a system for the control of storm or flood waters;

1 (p) the operation of an irrigation water system; or

2 (q) the operation of a culinary water system.

3 (2) For purposes of this section:

4 (a) "Operation" means all aspects of providing the indicated service including acquisition  
5 and ownership of property reasonably necessary to provide the indicated service and acquisition,  
6 construction, and maintenance of facilities and equipment reasonably necessary to provide the  
7 indicated service.

8 (b) "System" means the aggregate of interrelated functions that combine together to  
9 provide the indicated service including:

10 (i) for a sewage system, collection and treatment;

11 (ii) for an irrigation or culinary water system, collection, retention, treatment, and  
12 distribution to either the end user or to another that in turn distributes to the end user.

13 (3) (a) Except as provided in Subsection (3)(b), a local district may be created to provide  
14 and may after its creation provide no more than two of the services listed in Subsections (1)(a)  
15 through (q).

16 (b) Notwithstanding Subsection (3)(a), a single local district may be created to provide and  
17 may after its creation provide services consisting of:

18 (i) the operation of a sewage system;

19 (ii) the operation of an irrigation water system; and

20 (iii) the operation of a culinary water system.

21 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to  
22 provide and may not after its creation provide to an area the same service already being provided  
23 to that area by a political subdivision.

24 (b) For purposes of Subsection (4)(a), a local district does not provide the same service  
25 as a political subdivision if it:

26 (i) performs a function different from that performed by a political subdivision but within  
27 the same:

28 (A) sewage system;

29 (B) irrigation water system; or

30 (C) culinary water system; or

31 (ii) for an irrigation or culinary water system, distributes water:

1 (A) to a political subdivision that in turn distributes to the end user; or  
 2 (B) to the end user in an area where a political subdivision distributes to the local district.  
 3 (5) The area of a local district may include all or part of the unincorporated area of one or  
 4 more counties and all or part of one or more municipalities.

5 Section 20. Section **17B-2-203** is enacted to read:

6 **17B-2-203. Process to initiate the creation of a local district -- Petition or resolution.**

7 The process to create a local district may be initiated by:

8 (1) subject to Section 17B-2-204, a petition signed by the owners of private real property  
 9 that:

10 (a) is located within the proposed local district;  
 11 (b) covers at least 33% of the total private land area within the proposed local district;  
 12 (c) is equal in value to at least 25% of the value of all private real property within the  
 13 proposed local district; and

14 (d) complies with the requirements of Subsection 17B-2-205(1) and Section 17B-2-208;

15 (2) subject to Section 17B-2-204, a petition that:

16 (a) is signed by registered voters residing within the proposed local district equal in  
 17 number to at least 33% of the number of votes cast in the proposed local district for the office of  
 18 governor at the last regular general election prior to the filing of the petition; and

19 (b) complies with the requirements of Subsection 17B-2-205(1) and Section 17B-2-208;

20 or

21 (3) a resolution proposing the creation of a local district, adopted by the legislative body  
 22 of each county whose unincorporated area includes and each municipality whose boundaries  
 23 include any of the proposed local district, as provided in Section 17B-2-210.

24 Section 21. Section **17B-2-204** is enacted to read:

25 **17B-2-204. Request for service required before filing of petition -- Request**  
 26 **requirements.**

27 (1) A petition may not be filed until after:

28 (a) a request has been filed with:

29 (i) the clerk of each county in whose unincorporated area any part of the proposed local  
 30 district is located; and

31 (ii) the clerk or recorder of each municipality in which any part of the proposed local

1 district is located; and

2 (b) each county and municipality with which a request under Subsection (1)(a) was filed:

3 (i) has adopted a resolution under Subsection 17B-2-212(1) indicating whether it will  
4 provide the requested service; or

5 (ii) is considered to have declined to provide the requested service under Subsection  
6 17B-2-212(2).

7 (2) Each request under Subsection (1)(a) shall:

8 (a) request the county or municipality to provide the service proposed to be provided by  
9 the proposed local district within:

10 (i) in the case of a county, that part of the proposed local district that is in the  
11 unincorporated area of the county; or

12 (ii) in the case of a municipality, that part of the proposed local district that is in the  
13 municipality; and

14 (b) be signed by:

15 (i) the owners of private real property that:

16 (A) is located within the proposed local district;

17 (B) covers at least 10% of the total private land area within the proposed local district; and

18 (C) is equal in value to at least 7% of the value of all private real property within the  
19 proposed local district; or

20 (ii) registered voters residing within the proposed local district equal in number to at least  
21 10% of the number of votes cast in the proposed local district for the office of governor at the last  
22 general election prior to the filing of the request.

23 (3) For purposes of Subsections (1) and (2), an area proposed to be annexed to a  
24 municipality in a petition under Section 10-2-403 filed before and still pending at the time of filing  
25 of a petition shall be considered to be part of that municipality.

26 Section 22. Section **17B-2-205** is enacted to read:

27 **17B-2-205. Petition and request requirements -- Withdrawal of signature.**

28 (1) Each petition and request shall:

29 (a) indicate the typed or printed name and current residence address of each property  
30 owner or registered voter signing the petition;

31 (b) describe the entire area of the proposed local district;

1 (c) be accompanied by a map showing the boundaries of the entire proposed local district;  
 2 (d) specify the service proposed to be provided by the proposed local district; and  
 3 (e) designate up to five signers of the petition or request as sponsors, one of whom shall  
 4 be designated as the contact sponsor, with the mailing address and telephone number of each.

5 (2) A signer of a request or petition may withdraw or, once withdrawn, reinstate the  
 6 signer's signature at any time before the filing of the request or petition by filing a written  
 7 withdrawal or reinstatement with:

8 (a) in the case of a request:

9 (i) the clerk of the county in whose unincorporated area the signer's property is located or  
 10 the clerk or recorder of the municipality in which the signer's property is located, if the request is  
 11 a property owner request; or

12 (ii) the clerk of the county in whose unincorporated area the signer resides or the clerk or  
 13 recorder of the municipality in which the signer resides, if the request is a registered voter request;  
 14 or

15 (b) in the case of a petition, the responsible clerk.

16 Section 23. Section **17B-2-206** is enacted to read:

17 **17B-2-206. Request certification -- Amended request.**

18 (1) Within 30 days after the filing of a request, the clerk of each county and the clerk or  
 19 recorder of each municipality with which a request was filed shall:

20 (a) with the assistance of other county or municipal officers from whom the clerk or  
 21 recorder requests assistance, determine, for the clerk or recorder's respective county or  
 22 municipality, whether the request complies with the requirements of Subsections 17B-2-204(2)  
 23 and 17B-2-205(1); and

24 (b) (i) if the clerk or recorder determines that the request complies with the requirements:

25 (A) certify the request and deliver it to the legislative body of the county or municipality,  
 26 as the case may be; and

27 (B) mail or deliver written notification of the certification to the contact sponsor; or

28 (ii) if the clerk or recorder determines that the request fails to comply with any of the  
 29 applicable requirements, reject the request and notify the contact sponsor in writing of the rejection  
 30 and the reasons for the rejection.

31 (2) Each county clerk or municipal clerk or recorder shall certify or reject requests in the



1 order in which they are filed.

2 (3) (a) If the county clerk or municipal clerk or recorder rejects a request under Subsection  
3 (1)(b)(ii), the request may be amended to correct the deficiencies for which it was rejected and then  
4 refiled.

5 (b) A valid signature on a request that was rejected under Subsection (1)(b)(ii) may be  
6 used toward fulfilling the applicable signature requirement of the request as amended under  
7 Subsection (3)(a).

8 (4) Each county clerk and municipal clerk or recorder shall act in good faith in making the  
9 determinations under this section.

10 Section 24. Section **17B-2-207** is enacted to read:

11 **17B-2-207. Signature on request may be used on petition.**

12 A signature on a request may be used toward fulfilling the signature requirement of a  
13 petition:

14 (1) if the request notifies the signer in conspicuous language that the signature, unless  
15 withdrawn, would also be used for purposes of a petition to create a local district; and

16 (2) unless the signer files a written withdrawal of the signature before the petition is filed.

17 Section 25. Section **17B-2-208** is enacted to read:

18 **17B-2-208. Additional petition requirements and limitations.**

19 (1) Each petition shall:

20 (a) be filed with the responsible clerk; and

21 (b) separately group signatures by county and municipality, so that all signatures of the  
22 owners of real property located within or of registered voters residing within each county whose  
23 unincorporated area includes part of the proposed local district and each municipality whose  
24 boundaries include part of the proposed local district are grouped separately.

25 (2) (a) A petition may not propose the creation of a local district that includes an area  
26 located within the unincorporated part of a county or within a municipality if the legislative body  
27 of that county or municipality has adopted a resolution under Subsection 17B-2-212(1) indicating  
28 that the county or municipality will provide to that area the service proposed to be provided by the  
29 proposed local district.

30 (b) Subsection (2)(a) does not apply if the county or municipal legislative body is  
31 considered to have declined to provide the requested service under Subsection 17B-2-212(3).

1        (c) Subsection (2)(a) shall not be construed to prevent the filing of a petition that proposes  
2 the creation of a local district whose area excludes that part of the unincorporated area of a county  
3 or that part of a municipality to which the county or municipality has indicated, in a resolution  
4 adopted under Section 17B-2-212, it will provide the requested service.

5        (3) A petition may not propose the creation of a local district whose area includes:

6        (a) some or all of an area described in a previously filed petition that:

7        (i) proposes the creation of a local district to provide the same service as proposed by the  
8 later filed petition; and

9        (ii) is still pending at the time the later petition is filed; or

10       (b) some or all of an area within a political subdivision that, subject to Subsection  
11 17B-2-202(4)(b), provides in that area the same service proposed to be provided by the proposed  
12 local district.

13       (4) A petition may not be filed more than 12 months after a county or municipal legislative  
14 body declines to provide the requested service under Subsection 17B-2-212(1) or is considered to  
15 have declined to provide the requested service under Subsection 17B-2-212(2).

16       Section 26. Section **17B-2-209** is enacted to read:

17       **17B-2-209. Petition certification -- Amended petition.**

18       (1) Within five days after the filing of a petition, the responsible clerk shall mail a copy  
19 of the petition to the clerk of each other county and the clerk or recorder of each municipality in  
20 which any part of the proposed local district is located.

21       (2) (a) Within 40 days after the filing of a petition, the clerk of each county whose  
22 unincorporated area includes and the clerk or recorder of each municipality whose boundaries  
23 include part of the proposed local district shall:

24       (i) with the assistance of other county or municipal officers from whom the county clerk  
25 or municipal clerk or recorder requests assistance, determine, for the clerk or recorder's respective  
26 county or municipality, whether the petition complies with the requirements of Subsection  
27 17B-2-203(1) or (2), as the case may be, and Subsections 17B-2-208(2), (3), and (4); and

28       (ii) notify the responsible clerk in writing of the clerk or recorder's determination under  
29 Subsection (2)(a)(i) within 40 days of the filing of a petition.

30       (b) The responsible clerk may rely on the determinations of other county clerks or  
31 municipal clerks or recorders under Subsection (2)(a)(i) in making the responsible clerk's

1 determinations and certification or rejection under Subsection (3).

2 (3) Within 45 days after the filing of a petition, the responsible clerk shall:

3 (a) determine whether the petition complies with Subsection 17B-2-203(1) or (2), as the  
4 case may be, Subsection 17B-2-205(1), and Section 17B-2-208; and

5 (b) (i) if the responsible clerk determines that the petition complies with the applicable  
6 requirements:

7 (A) certify the petition and deliver the certified petition to the responsible body;

8 (B) mail or deliver written notification of the certification to the contact sponsor; or

9 (ii) if the responsible clerk determines that the petition fails to comply with any of the  
10 applicable requirements, reject the petition and notify the contact sponsor in writing of the  
11 rejection and the reasons for the rejection.

12 (4) The responsible clerk shall certify or reject petitions in the order in which they are  
13 filed.

14 (5) (a) If the responsible clerk rejects a petition under Subsection (3)(b)(ii), the petition  
15 may be amended to correct the deficiencies for which it was rejected and then refiled.

16 (b) A valid signature on a petition that was rejected under Subsection (3)(b)(ii) may be  
17 used toward fulfilling the applicable signature requirement of the petition as amended under  
18 Subsection (5)(a).

19 (c) If a petition is amended and refiled under Subsection (5)(a) after having been rejected  
20 by the responsible clerk under Subsection (3)(b)(ii), the amended petition shall be considered as  
21 newly filed, and its processing priority shall be determined by the date on which it is refiled.

22 (6) The responsible clerk and each county clerk and municipal clerk or recorder shall act  
23 in good faith in making the determinations under this section.

24 Section 27. Section **17B-2-210** is enacted to read:

25 **17B-2-210. County or municipal legislative body resolution for the creation of a local**  
26 **district -- Notice of hearing and publication of resolution.**

27 (1) Each resolution under Subsection 17B-2-203(3) shall:

28 (a) describe the area proposed to be included in the proposed local district;

29 (b) be accompanied by a map that shows the boundaries of the proposed local district;

30 (c) describe the service proposed to be provided by the proposed local district;

31 (d) explain the anticipated method of paying the costs of providing the proposed service;

1 and

2 (e) state the estimated average financial impact on a household within the proposed local  
3 district.

4 (2) The legislative body of each county and municipality that adopts a resolution under  
5 Subsection 17B-2-203(3) shall, within 30 days of adopting the resolution:

6 (a) (i) (A) if there is a newspaper of general circulation within the proposed local district,  
7 publish notice of the hearing required under Section 17B-2-211 and a copy of the resolution in its  
8 entirety in a newspaper of general circulation within the proposed local district at least once a week  
9 for three consecutive weeks; or

10 (B) if there is no newspaper of general circulation within the proposed local district, post  
11 notice of the hearing and a copy of the resolution within the proposed local district in at least three  
12 public places within the unincorporated part of each county whose unincorporated area includes  
13 any of the proposed local district and at least three public places within each municipality whose  
14 boundaries include any of the proposed local district;

15 (b) if the county or municipality has an Internet home page, post an electronic notice on  
16 the Internet for at least seven consecutive days; and

17 (c) mail or deliver a copy of the resolution to the responsible clerk.

18 (3) (a) Each publication under Subsection (2)(a)(i) shall be at least 1/8 of a page and shall  
19 be located in a section of the newspaper apart from legal notices.

20 (b) County and municipal legislative bodies may jointly publish the notice required under  
21 Subsection (2)(a)(i) if:

22 (i) each county and municipality that adopted a resolution is clearly identified; and

23 (ii) the resolution adopted by each county and municipality is substantially identical.

24 Section 28. Section **17B-2-211** is enacted to read:

25 **17B-2-211. Public hearing.**

26 (1) Within 45 days after certification of a request under Subsection 17B-2-206(1)(b)(i) or  
27 adoption of a resolution under Subsection 17B-2-203(3), the legislative body of each county and  
28 municipality with which a request was filed or that adopted a resolution under Subsection  
29 17B-2-203(2) shall hold a public hearing.

30 (2) (a) Each hearing under Subsection (1) shall be held within:

31 (i) the proposed local district; and

1       (ii) (A) for a hearing held by a county legislative body and except as provided in  
2 Subsection (2)(b), the unincorporated part of each county whose unincorporated area includes  
3 some or all of the proposed local district; or

4       (ii) for a hearing held by a municipality and except as provided in Subsection (2)(b), each  
5 municipality whose boundaries include some or all of the proposed local district.

6       (b) A county or municipal legislative body may jointly hold the hearing required under  
7 Subsection (2)(a) with another county or municipal legislative body if the unincorporated area of  
8 the county or area of the municipality within the proposed local district:

9       (i) is substantially unpopulated and undeveloped; and

10       (ii) shares a common border with the area of the county or municipality with whose  
11 legislative body the county or municipal legislative body jointly holds a hearing.

12       Section 29. Section **17B-2-212** is enacted to read:

13       **17B-2-212. Resolution indicating whether the requested service will be provided.**

14       (1) Within 60 days after the last hearing required under Subsection 17B-2-211(1) for a  
15 request, the legislative body of each county whose unincorporated area includes and the legislative  
16 body of each municipality whose boundaries include any part of the proposed local district shall  
17 adopt a resolution indicating whether the county or municipality will provide to some or all of the  
18 area of the proposed local district within its boundaries the service proposed to be provided by the  
19 proposed local district.

20       (2) If the legislative body of a county or municipality fails to adopt a resolution within the  
21 time provided under Subsection (1), the county or municipal legislative body shall be considered  
22 to have declined to provide the service requested.

23       (3) If the county or municipality adopts a resolution under Subsection (1) indicating that  
24 it will provide the requested service but has not, within 120 days after the adoption of that  
25 resolution, taken substantial measures to provide the requested service, the county or municipal  
26 legislative body shall be considered to have declined to provide the requested service.

27       Section 30. Section **17B-2-213** is enacted to read:

28       **17B-2-213. Protest after adoption of resolution.**

29       (1) A county or municipal legislative body that adopts a resolution under Subsection  
30 17B-2-203(3) may not hold an election under Subsection 17B-2-214(1) or pursue any further  
31 efforts to create a local district providing the same service as proposed to be provided by the

proposed local district if, within 120 days of the adoption of the resolution, written protests are filed with the county clerk or municipal clerk or recorder, as the case may be, signed by:

(a) the owners of private real property that:

(i) is located within the proposed local district;

(ii) covers at least 25% of the total private land area within the proposed local district; and

(iii) is equal in value to at least 15% of the value of all private real property within the proposed local district; or

(b) registered voters residing within the proposed local district equal in number to at least 25% of the number of votes cast in the proposed local district for the office of governor at the last general election prior to the adoption of the resolution.

(2) If a county or municipality is prevented from creating a local district by written protests under Subsection (1), the county or municipality may not, for a period of two years, adopt a resolution under Subsection 17B-2-203(3), proposing the creation of a local district covering substantially the same area and providing the same service as the proposed local district in the protested resolution.

Section 31. Section **17B-2-214** is enacted to read:

**17B-2-214. Election.**

(1) Except as provided under Subsection 17B-2-213(1), each responsible body shall hold an election, on the question of whether the local district should be created, at the next special or regular general election date that is:

(a) for an election pursuant to a property owner petition or registered voter petition, more than 45 days after the last hearing required under Section 17B-2-211; or

(b) for an election pursuant to a resolution, more than 120 days after adoption of the resolution.

(2) The election requirement of Subsection (1) does not apply:

(a) to a petition filed under Subsection 17B-2-203(1) if it contains the signatures of the owners of private real property that:

(i) is located within the proposed local district;

(ii) covers at least 67% of the total private land area within the proposed local district; and

(iii) is equal in value to at least 50% of the value of all private real property within the proposed local district; or

1 (b) to a petition filed under Subsection 17B-2-203(2) if it contains the signatures of  
2 registered voters residing within the proposed local district equal in number to at least 67% of the  
3 number of votes cast in the proposed local district for the office of governor at the last general  
4 election prior to the filing of the petition.

5 (3) (a) In conducting the election under Subsection (1), the responsible body shall, if  
6 applicable, coordinate with the legislative body of each other county in which part of the proposed  
7 local district is located.

8 (b) If applicable, the legislative body of each other county in which part of the proposed  
9 local district is located shall cooperate with and work under the direction of the responsible body  
10 in conducting the election under Subsection (1).

11 (c) Except as otherwise provided in this part, each election under Subsection (1) shall be  
12 governed by Title 20A, Elections.

13 Section 32. Section **17B-2-215** is enacted to read:

14 **17B-2-215. Certification to lieutenant governor -- Certificate of incorporation --**  
15 **Notice to State Tax Commission -- Local district incorporated.**

16 (1) If a majority of those voting at an election under Section 17B-2-214 vote in favor of  
17 the creation of a local district, the responsible body shall, within ten days after the canvass of the  
18 election:

19 (a) file with the lieutenant governor a notice certifying:

20 (i) the results of the election; and

21 (ii) that all requirements for the creation of a local district have been complied with; and

22 (b) cause a map showing the boundaries of the new local district to be prepared and  
23 certified by a licensed surveyor.

24 (2) Within ten days of receiving the notice under Subsection (1), the lieutenant governor  
25 shall issue a certificate of incorporation for the new local district and send a copy of the certificate  
26 to the responsible body.

27 (3) (a) Within 30 days of receiving a certificate of incorporation under Subsection (2), the  
28 responsible body shall file a written notice of the creation of the local district with the State Tax  
29 Commission.

30 (b) The notice under Subsection (3)(a) shall be accompanied by:

31 (i) a copy of the lieutenant governor's certificate of incorporation; and

1       (ii) a map showing the boundaries of the local district, prepared and certified by a licensed  
2 surveyor.

3       (4) Upon the lieutenant governor's issuance of the certificate of incorporation, the local  
4 district is created and incorporated.

5       Section 33. Section **17B-2-216** is enacted to read:

6       **17B-2-216. Limitation on initiating process to create local district.**

7       Notwithstanding any other provision of this part and except as provided in Section  
8 17A-2-101, the process to create a local district under this part may not be initiated before May  
9 3, 1999.

10      Section 34. **Repealer.**

11      This act repeals:

12      Section **17A-2-602, Proposal of district by petition -- Petition -- Form, contents and**  
13 **requisites of petition.**

14      Section **17A-2-603, Hearing for establishment of district.**

15      Section **17A-2-604, Procedure at hearing upon petition.**

16      Section **17A-2-605, Organization of proposed district -- Adoption of ordinance --**  
17 **Election -- Qualification of voters.**

18      Section **17A-2-606, Conduct of election -- Challenges -- Judges of election.**

19      Section **17A-2-608, Canvass of votes -- Order of the county legislative body.**

20      Section **17A-2-703, Land and water allotments -- Revision and alteration --**  
21 **Proceedings to list lands -- Writ of mandamus -- Hearing and determination on writ --**  
22 **Calling election --Conduct of election.**

23      Section **17A-2-704, Notice of election -- Directors.**

24      Section **17A-2-705, Canvass of returns -- Organization of district.**

25      Section **17A-2-804, Organization -- Ordinance.**

26      Section **17A-2-805, Copies to be mailed.**

27      Section **17A-2-806, Approval or rejection.**

28      Section **17A-2-807, Resolution forwarded -- Preliminary expenses.**

29      Section **17A-2-816, Incorporation -- Certificate -- Date effective.**

30      Section **17A-2-817, Validity.**

31      Section **17A-2-902, Creation of district -- Minimum population.**



1 Section 17A-2-903, Petition -- Signers -- Contents -- Publication.

2 Section 17A-2-904, Petition -- Hearing -- Notice.

3 Section 17A-2-905, Findings -- When incorporation complete.

4 Section 17A-2-1005, Organization and incorporation -- Contents of ordinance.

5 Section 17A-2-1006, Certified copy of ordinance -- Duty to mail.

6 Section 17A-2-1007, Approval or rejection of ordinance.

7 Section 17A-2-1008, Area-wide election to be held.

8 Section 17A-2-1009, Ordinances calling for election -- Contents.

9 Section 17A-2-1010, Ordinances calling for election -- Publication.

10 Section 17A-2-1011, Ballot -- Contents.

11 Section 17A-2-1012, Results of election -- Taxable value of approving areas to be  
12 considered -- Public interest must be served.

13 Section 17A-2-1013, Certification to lieutenant governor.

14 Section 17A-2-1014, Certificate of incorporation -- Copies to municipalities and  
15 counties.

16 Section 17A-2-1015, Validity of incorporation of district.

17 Section 17A-2-1403, District courts vested with jurisdiction to establish districts --  
18 Limitation of powers.

19 Section 17A-2-1404, Establishment of district -- Petition -- Effect of defects.

20 Section 35. Effective date.

21 If approved by two-thirds of all the members elected to each house, this act takes effect  
22 upon approval by the governor, or the day following the constitutional time limit of Utah  
23 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the  
24 date of veto override.