

COUNTY BOUNDARY CHANGES

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Bradley T. Johnson

AN ACT RELATING TO COUNTIES; MODIFYING THE PROCEDURE FOR ANNEXING PART OF A COUNTY TO AN ADJOINING COUNTY; PROVIDING AN ALTERNATE PROCEDURE FOR ANNEXING PART OF A COUNTY TO AN ADJOINING COUNTY;

h CLARIFYING THE VOTE REQUIRED TO APPROVE ANNEXATION; h

MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.

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

AMENDS:

17-2-6, as last amended by Chapter 263, Laws of Utah 1996

h 17-2-8, as last amended by Chapter 263, Laws of Utah 1996 h

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

Section 1. Section **17-2-6** is amended to read:

17-2-6. Annexation of portion of county to adjoining county -- Petition -- Alternate annexation procedure -- Election -- Ballots.

(1) (a) Except as provided in Subsection (2), whenever a majority of the legal voters of any portion of any county, in number equal to a majority of the votes cast at the preceding general election within that portion of the county, desire to have the territory within which they reside included within the boundaries of an adjoining county they may petition the county legislative body of the county in which they reside, which is hereafter referred to as the county from which territory is to be taken, as well as the county legislative body of the county to which they desire to be annexed, which is referred to as the annexing county.

(b) Such petition must be presented before the first Monday in June of a year during which a general election is held, and the county legislative body must cause such proposition to be submitted to the legal voters residing in the county from which territory is to be taken as well as to the legal voters of the annexing county at the ensuing general election.

~~[(2) (a) Notwithstanding Subsection (1), Subsection (2) applies to each petition seeking~~

28 annexation of a contiguous portion of one county to an adjoining county if the area proposed for
 29 annexation is:]

30 ~~[(i) located within an incorporated municipality that:]~~

31 ~~[(A) extends into the annexing county; and]~~

32 ~~[(B) is divided by a county line that was originally defined by a stream, river, or body of
 33 water; and]~~

34 ~~[(ii) contiguous to the portion of the municipality located within the annexing county.]~~

35 ~~[(b) A petition seeking annexation as provided in Subsection (2)(a) shall:]~~

36 ~~[(i) contain the legal signatures of registered voters within the area proposed for
 37 annexation equal in number to over 50% of the votes cast at the preceding general election within
 38 that area; and]~~

39 ~~[(ii) be filed with the legislative body of the annexing county before the first Monday in
 40 June of a year during which a regular general election is held.]~~

41 ~~[(c) At the time of filing the petition, petitioners shall deliver a copy of it to the legislative
 42 body of the county in which the area proposed for annexation is located.]~~

43 (2) (a) As an alternative to the procedure under Subsection (1), a portion of a county may
 44 be annexed to an adjoining county with which the area proposed to be annexed shares a common
 45 boundary if:

46 (i) the Legislature passes ~~h~~ **[a joint] AND THE GOVERNOR SIGNS A CONCURRENT ~~h~~**
 46a resolution:

47 (A) describing the area proposed to be annexed;

48 (B) identifying the county to which the area is proposed to be annexed; and

49 (C) approving the annexation; and

50 (ii) the annexation is approved by:

51 (A) ~~h~~ **A MAJORITY OF ~~h~~ [THE ~~h~~ voters of] THOSE VOTING ON THE PROPOSED**
 51a **ANNEXATION IN ~~h~~ the area proposed to be annexed; and**

52 (B) ~~h~~ **A MAJORITY OF ~~h~~ [THE ~~h~~ voters of] THOSE VOTING ON THE PROPOSED**
 52a **ANNEXATION IN ~~h~~ the proposed annexing county.**

53 ~~[(d) The] (b) If the Legislature adopts ~~h~~ **[a joint] AND THE GOVERNOR SIGNS A**~~

53a **CONCURRENT ~~h~~ resolution under Subsection (2)(a)(i), the**

54 legislative body of the county in which the area proposed for annexation is located and the

55 legislative body of the annexing county shall submit the question of annexation to the voters of the

56 area proposed for annexation and the voters of the annexing county, respectively, at the next

57 regular general election that is more than 60 days after the ~~h~~ **[Legislature's adoption of the joint**

58 **resolution] LAST DAY OF THE LEGISLATIVE SESSION IN WHICH THE ~~h~~ **[JOINT] CONCURRENT ~~h~~****
 58a1 **RESOLUTION IS**

58a **ADOPTED ~~h~~ .**

- 59 ~~(e)~~ (c) If annexation occurs:
- 60 (i) the annexing county shall:
- 61 (A) pay all costs of the annexation election;
- 62 (B) with the cooperation and assistance of the legislative body and recorder's office of the
- 63 county in which the annexed area was located before annexation, establish and implement a
- 64 procedure for establishing in the recorder's office of the annexing county an appropriate record of
- 65 the real property located in the annexed area; and
- 66 (C) pay all costs associated with the establishment and implementation of the procedure
- 67 provided in Subsection (2)~~(e)~~(c)(i)(B), including the reasonable costs incurred by the county in
- 68 which the annexed area was located before annexation in fulfilling its duties under Subsection
- 69 (2)~~(e)~~(c)(ii)(A);
- 70 (ii) the legislative body and recorder's office of the county in which the annexed area was
- 71 located before annexation:
- 72 (A) shall cooperate with and assist the annexing county in establishing and implementing
- 73 the procedure as provided in Subsection (2)~~(e)~~(c)(i)(B); and
- 74 (B) may not charge the annexing county, for documents or services the recorder's office
- 75 provides the annexing county in implementing the procedure provided in Subsection
- 76 (2)~~(e)~~(c)(i)(B), more than the regular fee the recorder's office ordinarily charges the general
- 77 public for similar documents or services;
- 78 (iii) as tax revenues are collected from the annexed area, the annexing county shall pay to
- 79 the county in which the annexed area was located before annexation the amounts the latter would
- 80 have received without annexation from tax revenues from the annexed area for the area's
- 81 proportionate share of the liability for general obligation and revenue bonds issued before
- 82 annexation by the county in which the annexed area was located before annexation; and
- 83 (iv) ~~[any petition filed within 20 years thereafter proposing annexation of]~~ the ~~[same]~~
- 84 annexed area may not be annexed to the county in which the area was located before annexation
- 85 [is invalid] for a period of 20 years after annexation.
- 86 (3) (a) Except as otherwise provided, the election provided in either Subsection (1) or (2)
- 87 shall be held, the results canvassed, and returns made under the provisions of the general election
- 88 laws of the state.
- 89 (b) The ballot to be used shall be:

90 For annexing a portion of ____ county to ____ county.

91 Against annexing a portion of ____ county to ____ county.

91a **h Section 2. Section 17-2-8 is amended to read:**

91b **17-2-8. Certification of election result to governor.**

91c **(1) The certified abstract of such returns shall be filed in the office of the lieutenant governor.**

91d **(2) (a) In an election held under Subsection 17-2-6(1), if it appears from the certified abstract**
91e **that a majority of those voting in each county have voted in favor of such annexation, the lieutenant**
91f **governor shall certify the result of such vote to the governor.**

91g **(b) In an election held under Subsection 17-2-6(2), the lieutenant governor shall certify the**
91h **result of that vote to the governor if it appears from the certified abstract that:**

91i **(i) a majority of those voting ON THE ANNEXATION PROPOSAL in the area proposed for**
91j **annexation have voted in favor of annexation; and**

91k **(ii) a majority of those voting ON THE ANNEXATION PROPOSAL in the county to which the**
91l **area is proposed to be annexed have voted in favor of annexation. h**

92 Section ~~h [2.]~~ **3. h Effective date.**

93 If approved by two-thirds of all the members elected to each house, this act takes effect

94 upon approval by the governor, or the day following the constitutional time limit of Utah

95 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the

96 date of veto override.

Legislative Review Note

as of 1-12-00 2:08 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel