

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; 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

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 a joint 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) voters of the area proposed to be annexed; and

52 (B) voters of the proposed annexing county.

53 [~~(d) The] (b) If the Legislature adopts a joint 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 Legislature's adoption of the joint
58 resolution.

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.

92 Section 2. **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