

28 ~~[(2) (a) As an alternative to the procedure under Subsection (1), a portion of a county~~
29 ~~may be annexed to an adjoining county with which the area proposed to be annexed shares a~~
30 ~~common boundary if:]~~

31 ~~[(i) the area proposed to be annexed:]~~

32 ~~[(A) is located within a city or town whose boundaries extend into the proposed~~
33 ~~annexing county;]~~

34 ~~[(B) is contiguous to the portion of the city or town that is located within the proposed~~
35 ~~annexing county; and]~~

36 ~~[(C) includes all of the city or town that is within the county from which the area is~~
37 ~~proposed to be taken;]~~

38 ~~[(ii) by a two-thirds vote of each house, the Legislature passes a concurrent resolution:]~~

39 ~~[(A) describing the area proposed to be annexed;]~~

40 ~~[(B) identifying the county to which the area is proposed to be annexed; and]~~

41 ~~[(C) approving the annexation;]~~

42 ~~[(iii) the governor signs the concurrent resolution passed by the Legislature; and]~~

43 ~~[(iv) after the completion of an economic analysis under Subsection (2)(b) that meets~~
44 ~~the requirements of Subsection (2)(b)(iii)(C), the annexation is approved by:]~~

45 ~~[(A) a majority of the voters living in the area proposed to be annexed; and]~~

46 ~~[(B) a majority of the voters living in the proposed annexing county.]~~

47 ~~[(b) (i) (A) If the Legislature passes and the governor signs a concurrent resolution as~~
48 ~~provided in Subsection (2)(a), the legislative body of the county in which the area proposed to~~
49 ~~be annexed is located and the legislative body of the proposed annexing county shall, within 30~~
50 ~~days after the governor signs the concurrent resolution, select and engage an independent~~
51 ~~consultant to perform an economic analysis of the proposed annexation:]~~

52 ~~[(B) If the county legislative bodies are unable to agree upon an independent consultant~~
53 ~~within the required time under Subsection (2)(b)(i)(A), the Utah Association of Counties shall,~~
54 ~~within ten days, select an independent consultant and the county legislative bodies shall, within~~
55 ~~ten days after notification of the selection, engage the consultant selected by the Utah~~
56 ~~Association of Counties.]~~

57 ~~[(C) The county in which the area proposed for annexation is located and the proposed~~
58 ~~annexing county shall equally share the fees and expenses of the independent consultant.]~~

59 ~~[(ii) The legislative body of the county in which the area proposed to be annexed is~~
60 ~~located and the legislative body of the proposed annexing county shall require the consultant~~
61 ~~selected and engaged under Subsection (2)(b)(i) to:]~~

62 ~~[(A) conduct an economic analysis of the proposed annexation that shall consider:]~~

63 ~~[(I) the fiscal impact of the proposed annexation on the county from which the~~
64 ~~annexation area is proposed to be taken;]~~

65 ~~[(H) the present and five-year projections of the cost of county services in the area~~
66 ~~proposed to be annexed;]~~

67 ~~[(HH) the present and five-year projected revenues to the proposed annexing county~~
68 ~~from the area proposed to be annexed;]~~

69 ~~[(IV) the projected impact the annexation will have during the five years after~~
70 ~~annexation on the amount of taxes that will be paid by property owners within the area~~
71 ~~proposed to be annexed, the proposed annexing county, and the remaining portion of the~~
72 ~~county from which the annexation area is proposed to be taken; and]~~

73 ~~[(V) the effect on each school district whose boundaries include part or all of the area~~
74 ~~proposed to be annexed or the proposed annexing county;]~~

75 ~~[(B) provide a written report setting forth the economic analysis; and]~~

76 ~~[(C) complete the economic analysis and written report and provide a copy of the~~
77 ~~written report to the county legislative bodies no later than 60 days after being engaged to~~
78 ~~perform the economic analysis.]~~

79 ~~[(iii) (A) If the results of the economic analysis show that the average annual amount of~~
80 ~~revenues under Subsection (2)(b)(ii)(A)(III) exceeds the average annual amount of costs under~~
81 ~~Subsection (2)(b)(ii)(A)(II) by more than 5%, an election on the annexation issue may not be~~
82 ~~held under Subsection (2)(c) and the proposed annexation may not occur.]~~

83 ~~[(B) (I) If the results of the economic analysis show that the average annual amount of~~
84 ~~costs under Subsection (2)(b)(ii)(A)(II) exceeds the average annual amount of revenues under~~
85 ~~Subsection (2)(b)(ii)(A)(III) by more than 5%, the legislative body of the proposed annexing~~
86 ~~county may terminate the annexation proceedings by adopting a resolution to that effect and~~
87 ~~delivering a copy of the resolution to the legislative body of the county in which the area~~
88 ~~proposed to be annexed is located.]~~

89 ~~[(H) A resolution terminating annexation proceedings under Subsection (2)(b)(iii)(B)(I)~~

90 may not be adopted more than 30 days after the consultant submits a written report of the
91 economic analysis under Subsection (2)(b)(ii)(C).]

92 [~~(C) (I) If the results of the economic analysis show that the average annual amount of~~
93 ~~revenues under Subsection (2)(b)(ii)(A)(III) does not exceed the average annual amount of~~
94 ~~costs under Subsection (2)(b)(ii)(A)(II) by more than 5% and a resolution terminating the~~
95 ~~annexation proceedings under Subsection (2)(b)(iii)(B) has not been adopted, the legislative~~
96 ~~body of the county in which the area proposed for annexation is located and the legislative~~
97 ~~body of the annexing county shall submit the question of annexation to the voters of the area~~
98 ~~proposed for annexation and the voters of the annexing county, respectively, at the next regular~~
99 ~~general election that is more than 210 days after the governor signs the concurrent resolution.]~~

100 [~~(H) Before an election is held under Subsection (2)(b)(iii)(C)(I), the legislative body of~~
101 ~~the county in which the area proposed to be annexed is located and the legislative body of the~~
102 ~~proposed annexing county shall publicly distribute in their respective counties the results of the~~
103 ~~economic analysis.]~~

104 [~~(c) If annexation occurs:]~~

105 [~~(i) the annexing county shall:]~~

106 [~~(A) pay all costs of the annexation election;]~~

107 [~~(B) with the cooperation and assistance of the legislative body and recorder's office of~~
108 ~~the county in which the annexed area was located before annexation, establish and implement a~~
109 ~~procedure for establishing in the recorder's office of the annexing county an appropriate record~~
110 ~~of the real property located in the annexed area; and]~~

111 [~~(C) pay all costs associated with the establishment and implementation of the~~
112 ~~procedure provided in Subsection (2)(c)(i)(B), including the reasonable costs incurred by the~~
113 ~~county in which the annexed area was located before annexation in fulfilling its duties under~~
114 ~~Subsection (2)(c)(ii)(A);]~~

115 [~~(ii) the legislative body and recorder's office of the county in which the annexed area~~
116 ~~was located before annexation:]~~

117 [~~(A) shall cooperate with and assist the annexing county in establishing and~~
118 ~~implementing the procedure as provided in Subsection (2)(c)(i)(B); and]~~

119 [~~(B) may not charge the annexing county, for documents or services the recorder's~~
120 ~~office provides the annexing county in implementing the procedure provided in Subsection~~

121 ~~(2)(c)(i)(B), more than the regular fee the recorder's office ordinarily charges the general public~~
 122 ~~for similar documents or services;]~~

123 ~~[(iii) as tax revenues are collected from the annexed area, the annexing county shall~~
 124 ~~pay to the county in which the annexed area was located before annexation the amounts the~~
 125 ~~latter would have received without annexation from tax revenues from the annexed area for the~~
 126 ~~area's proportionate share of the liability for general obligation and revenue bonds issued~~
 127 ~~before annexation by the county in which the annexed area was located before annexation; and]~~

128 ~~[(iv) the annexed area may not be annexed to the county in which the area was located~~
 129 ~~before annexation for a period of 20 years after annexation.]~~

130 ~~[(3)]~~ (2) (a) Except as otherwise provided, the election provided in ~~[either]~~ Subsection
 131 (1) ~~[or (2)]~~ shall be held, the results canvassed, and returns made under the provisions of the
 132 general election laws of the state.

133 (b) The ballot to be used shall be:

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

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

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

137 **17-2-7. Election returns transmitted to lieutenant governor.**

138 As soon as the returns of the vote upon the proposition under ~~[either]~~ Subsection
 139 17-2-6(1) ~~[or 17-2-6(2)]~~ have been canvassed by the county boards of canvassers, each county
 140 clerk ~~[must]~~ shall make a certified abstract ~~[thereof]~~ of the returns, endorse it "election
 141 returns," and without delay transmit it by registered mail to the lieutenant governor.

142 Section 3. Section **17-2-8** is amended to read:

143 **17-2-8. Certification of election result to governor.**

144 (1) The certified abstract ~~[of such returns]~~ under Section 17-2-7 shall be filed in the
 145 office of the lieutenant governor.

146 (2) ~~[(a)]~~ In an election held under Subsection 17-2-6(1), if it appears from the certified
 147 abstract that a majority of those voting in each county have voted in favor of such annexation,
 148 the lieutenant governor shall certify the result of such vote to the governor.

149 ~~[(b) In an election held under Subsection 17-2-6(2), the lieutenant governor shall~~
 150 ~~certify the result of that vote to the governor if it appears from the certified abstract that:]~~

151 ~~[(i) a majority of voters living in the area proposed for annexation have voted in favor~~

152 of annexation; and]
153 ~~[(ii) a majority of voters living in the county to which the area is proposed to be~~
154 ~~annexed have voted in favor of annexation.]~~

Legislative Review Note
as of 11-25-02 11:39 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0097

County Annexation Amendments

21-Jan-03

7:56 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst