

Representative Kory M. Holdaway proposes the following substitute bill:

GOVERNMENT BOUNDARY CHANGES

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Kory M. Holdaway

LONG TITLE

General Description:

This bill modifies provisions relating to the processes and requirements for notifying certain entities when a boundary of a local government entity is changed.

Highlighted Provisions:

This bill:

- ▶ modifies the processes and requirements for notifying certain entities when a governmental boundary is created, modified, or dissolved for a county, municipality, special district, local district, redevelopment agency, local school district, or an entity created by interlocal agreement;
- ▶ standardizes the flow of information to be through the lieutenant governor and then the lieutenant governor notifies entities needing boundary change information;
- ▶ expands the list of entities notified under certain circumstances to include the Automated Geographic Reference Center, State Tax Commission, state auditor, county recorder, county surveyor, county auditor, and county attorney;
- ▶ modifies the requirements for preparing and processing documents describing boundaries, including maps and plats;
- ▶ establishes a process for boundary creation, modification, or dissolution in certain cases;
- ▶ modifies the number of days in which documents relating to a boundary creation,



26 modification, or dissolution must be filed;

27 ▶ creates a surveyor position within the Automated Geographic Reference Center,
28 Division of Information Technology Services with the following duties:

29 • provide technical support to the lieutenant governor in evaluating boundary
30 creation or boundary changes;

31 • assist the State Tax Commission in processing and quality assurance of
32 boundary descriptions or maps into digital format;

33 • coordinate with county recorders and surveyors to create a statewide parcel
34 layer; and

35 • facilitate and integrate the collection efforts of local government and federal
36 agencies for data collection to densify and enhance the statewide Public Land
37 Survey System reference network in the State Geographic Information
38 Database;

39 ▶ requires the State Geographic Information Database to include an accurate
40 representation of all civil subdivision boundaries of the state;

41 ▶ requires the lieutenant governor under certain circumstances to certify boundary
42 creations, modifications, and dissolutions;

43 ▶ requires the lieutenant governor to keep, index, maintain, and make available to the
44 public documents related to the creation, modification, and dissolving of
45 boundaries; and

46 ▶ makes technical corrections.

47 **Monies Appropriated in this Bill:**

48 None

49 **Other Special Clauses:**

50 **⚡→ [None] This bill provides a coordination clause. ←⚡**

51 **Utah Code Sections Affected:**

52 AMENDS:

53 **10-1-116**, as enacted by Chapter 337, Laws of Utah 1998

54 **10-1-117**, as last amended by Chapter 257, Laws of Utah 2003

55 **10-2-119**, as last amended by Chapter 318, Laws of Utah 2000

56 **10-2-120**, as last amended by Chapter 337, Laws of Utah 1998

- 57 **10-2-125**, as last amended by Chapter 292, Laws of Utah 2003
- 58 **10-2-419**, as last amended by Chapter 257, Laws of Utah 2003
- 59 **10-2-425**, as last amended by Chapter 350, Laws of Utah 2004
- 60 **10-2-507**, as last amended by Chapter 279, Laws of Utah 2003
- 61 **10-2-611**, as last amended by Chapter 318, Laws of Utah 2000
- 62 **10-2-712**, as last amended by Chapter 318, Laws of Utah 2000
- 63 **11-13-203**, as renumbered and amended by Chapter 286, Laws of Utah 2002
- 64 **11-13-204**, as last amended by Chapter 21, Laws of Utah 2003
- 65 **11-13-205**, as renumbered and amended by Chapter 286, Laws of Utah 2002
- 66 **17-2-4**, as last amended by Chapter 3, Laws of Utah 2002, Sixth Special Session
- 67 **17-2-9**, as last amended by Chapter 3, Laws of Utah 2002, Sixth Special Session
- 68 **17-2-13**, as enacted by Chapter 294, Laws of Utah 2002
- 69 **17-3-3**, as last amended by Chapter 225, Laws of Utah 2002
- 70 **17-50-104**, as enacted by Chapter 294, Laws of Utah 2002
- 71 **17-50-105**, as renumbered and amended by Chapter 294, Laws of Utah 2002
- 72 **17A-2-1311**, as last amended by Chapter 170, Laws of Utah 2003
- 73 **17A-2-1313**, as renumbered and amended by Chapter 186, Laws of Utah 1990
- 74 **17A-2-1327**, as last amended by Chapter 170, Laws of Utah 2003
- 75 **17A-2-1329**, as last amended by Chapter 170, Laws of Utah 2003
- 76 **17B-2-215**, as last amended by Chapter 257, Laws of Utah 2003
- 77 **17B-2-216**, as last amended by Chapter 257, Laws of Utah 2003
- 78 **17B-2-514**, as last amended by Chapters 170 and 257, Laws of Utah 2003
- 79 **17B-2-515.5**, as enacted by Chapter 257, Laws of Utah 2003
- 80 **17B-2-516**, as last amended by Chapter 170, Laws of Utah 2003
- 81 **17B-2-601**, as last amended by Chapter 257, Laws of Utah 2003
- 82 **17B-2-603.5**, as enacted by Chapter 257, Laws of Utah 2003
- 83 **17B-2-610**, as last amended by Chapters 170 and 257, Laws of Utah 2003
- 84 **17B-2-708**, as last amended by Chapter 170, Laws of Utah 2003
- 85 **17B-4-201**, as last amended by Chapter 205, Laws of Utah 2002
- 86 **17B-4-410**, as enacted by Chapter 133, Laws of Utah 2001
- 87 **17B-4-1401**, as enacted by Chapter 133, Laws of Utah 2001

- 88 **20A-14-201**, as last amended by Chapter 331, Laws of Utah 2000
- 89 **53A-2-118**, as enacted by Chapter 234, Laws of Utah 2003
- 90 **63A-6-201**, as renumbered and amended by Chapter 212, Laws of Utah 1993
- 91 **63A-6-202**, as enacted by Chapter 212, Laws of Utah 1993
- 92 **63A-6-203**, as last amended by Chapter 225, Laws of Utah 2002

93 ENACTS:

- 94 **53A-2-101.5**, Utah Code Annotated 1953
- 95 **67-1a-6.5**, Utah Code Annotated 1953



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

98 Section 1. Section **10-1-116** is amended to read:

99 **10-1-116. Notice to lieutenant governor of incorporation, dissolution, or**
100 **boundary change -- Tax rate on new property included in municipality.**

101 (1) The legislative body of each city or town that is incorporated, dissolved, or whose
102 boundaries are changed through annexation, boundary adjustment, disconnection, or
103 consolidation [~~on or after May 4, 1998~~], shall, within [~~45~~] 30 days of the incorporation,
104 dissolution, or boundary change, file a written notice of the incorporation, dissolution, or
105 boundary change with the [~~State Tax Commission~~] lieutenant governor.

106 (2) Each written notice required under Subsection (1) shall:

107 (a) be accompanied by:

108 (i) (A) in the case of an incorporation or consolidation, a copy of the articles of
109 incorporation [~~after certification by the lieutenant governor~~];

110 (B) in the case of a boundary change through annexation or boundary adjustment, a
111 copy of the ordinance or resolution that effectuated the boundary change; [~~or~~]

112 (C) in the case of a disconnection, a copy of the amendment to the articles of
113 incorporation [~~after certification by the lieutenant governor~~]; [~~and~~] or

114 (D) in the case of a dissolution, a copy of the articles of dissolution; and

115 (ii) a map or plat that delineates a metes and bounds description of the area affected
116 and evidence that the information has been recorded by the county recorder; and

117 (b) contain a certification by the municipal legislative body that all necessary legal
118 requirements relating to the incorporation, dissolution, or boundary change have been

119 completed.

120 (3) Property included in a newly incorporated municipality or added to a municipality
121 through annexation or boundary adjustment shall carry the tax rate imposed by the municipality
122 if the notice required under Subsection (1) is filed with the State Tax Commission no later than
123 December 31 of the year during which the incorporation or boundary change occurs.

124 Section 2. Section **10-1-117** is amended to read:

125 **10-1-117. Amending articles of incorporation -- Notice to lieutenant governor.**

126 (1) A municipality may amend its articles of incorporation by filing amended articles
127 with the lieutenant governor.

128 (2) The lieutenant governor may not certify amended articles of incorporation unless
129 they have been:

130 (a) approved by the municipal legislative body; and

131 (b) signed and verified by the mayor of the municipality.

132 (3) (a) Within ten days after receiving amended articles of incorporation that comply
133 with Subsection (2), the lieutenant governor shall:

134 (i) certify the amended articles; and

135 (ii) deliver a copy of the certified articles to:

136 (A) the legislative body of the municipality; and

137 (B) the clerk of the county in which the municipality is located.

138 (b) If the lieutenant governor receives amended articles of incorporation reflecting a
139 municipal annexation or boundary adjustment under Chapter 2, Part 4, Annexation, that also
140 causes an automatic annexation to a local district under Section 17B-2-515.5 or an automatic
141 withdrawal from a local district under Subsection 17B-2-601(2):

142 (i) the lieutenant governor may not certify the municipality's amended articles or issue
143 to the local district a certificate of annexation or withdrawal relating to the automatic
144 annexation or withdrawal until the lieutenant governor receives both the municipality's
145 amended articles of incorporation under Subsection 10-2-425(1)(b) and the local district's
146 notice of annexation under Subsection 17B-2-514(2)(b) or notice of withdrawal under
147 Subsection 17B-2-610(1)(b);

148 (ii) within ten days after receiving both the municipality's amended articles of
149 incorporation and the local district's notice of annexation or withdrawal, the lieutenant

150 governor shall:

151 (A) simultaneously:

152 (I) certify the amended articles; and

153 (II) issue a certificate of annexation or withdrawal, as the case may be;

154 (B) send a copy of the certified amended articles to the legislative body of the
155 municipality;

156 (C) send a certificate of annexation or withdrawal to the local district; and

157 (D) send a copy of the certified amended articles and certificate of annexation or
158 withdrawal to:

159 (I) the State Tax Commission[-];

160 (II) the Automated Geographic Reference Center created under Section 63A-6-202;

161 (III) the state auditor[-]; and

162 (IV) the ~~[assessor]~~ attorney, auditor, surveyor, and recorder of each county in which
163 any part of the area included in the municipal annexation is located.

164 (4) Upon certification by the lieutenant governor, the amended articles shall take effect.

165 (5) The lieutenant governor:

166 (a) shall furnish a certified copy of the amended articles of incorporation to any person
167 who requests a certified copy; and

168 (b) may charge a reasonable fee for the certified copy.

169 Section 3. Section **10-2-119** is amended to read:

170 **10-2-119. Filing of articles of incorporation with lieutenant governor.**

171 (1) Within seven days after the canvass of the final election of city officers under
172 Section 10-2-116, the mayor-elect of the new city shall file at least three copies of the articles
173 of incorporation with the lieutenant governor.

174 (2) The articles of incorporation shall:

175 (a) contain the name of the city;

176 (b) contain ~~[a geographical description]~~ an accurate map or plat, prepared by a licensed
177 surveyor, approved by the legislative body, and filed with the county surveyor in accordance
178 with Section 17-23-17, showing the boundaries of the city;

179 (c) contain the city's class according to population as defined in Section 10-2-301; and

180 (d) be signed and verified by the mayor-elect of the city.

181 ~~[(3) (a) Within ten days of receipt of the articles of incorporation of the new city, the~~
182 ~~lieutenant governor shall:]~~

183 ~~[(i) certify the articles of incorporation;]~~

184 ~~[(ii) deliver one copy of the articles of incorporation to the clerk of the county in which~~
185 ~~the new city is located; and]~~

186 ~~[(iii) return one copy of the articles of incorporation to the mayor-elect of the new city.]~~

187 ~~[(b) The lieutenant governor shall furnish a certified copy of the articles of~~
188 ~~incorporation to any person on request and may charge a reasonable fee for the copy.]~~

189 (3) The legislative body of the new city shall comply with the notice requirements of
190 Section 10-1-116.

191 Section 4. Section **10-2-120** is amended to read:

192 **10-2-120. Alternative to filing articles of incorporation -- Powers of officers-elect.**

193 (1) (a) Before filing articles of incorporation, the mayor-elect of the future city may file
194 with the lieutenant governor a verified notice of intention to file the articles of incorporation.

195 (b) The notice under Subsection (1)(a) shall contain:

196 (i) the name of the future city;

197 ~~[(ii) a geographical description of the new city;]~~

198 (ii) an accurate map or plat, prepared by a licensed surveyor, approved by the
199 legislative body, and filed with the county surveyor in accordance with Section 17-23-17,
200 showing the boundaries of the future city;

201 (iii) the city's class according to population as defined in Section 10-2-301; and

202 (iv) the proposed date for filing the articles of incorporation.

203 ~~[(2) On receipt of the notice under Subsection (1), the lieutenant governor shall:]~~

204 ~~[(a) certify the notice;]~~

205 ~~[(b) deliver one copy of the notice to the clerk of the county in which the future city is~~
206 ~~located; and]~~

207 ~~[(c) return one copy of the notice to the mayor-elect.]~~

208 ~~[(3)]~~ (2) Upon the lieutenant governor's certification of the notice under Section
209 67-1a-6.5 and until the future city becomes legally incorporated, the officers of the future city
210 may:

211 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act For Utah

212 Cities, a proposed budget and compilation of ordinances;
213 (b) negotiate and make personnel contracts and hirings;
214 (c) negotiate and make service contracts;
215 (d) file the notification required by Subsection 10-1-116(1);
216 (e) negotiate and make contracts to purchase equipment, materials, and supplies; [~~and~~]
217 (f) borrow funds from the county in which the future city is located under Subsection
218 10-2-121(3);
219 (g) borrow funds for startup expenses of the future municipality; and
220 (h) issue tax anticipation notes in the name of the future municipality.
221 [~~(4)~~] (3) The city's legislative body shall review and ratify each contract made by the
222 officers-elect under Subsection [~~(3)~~] (2) within 30 days of the effective date of incorporation
223 under Section 10-2-122.

224 Section 5. Section **10-2-125** is amended to read:

225 **10-2-125. Incorporation of a town.**

226 (1) (a) A contiguous area of a county not within a municipality, with a population of at
227 least 100 but less than 1,000, may incorporate as a town as provided in this section.

228 (b) (i) The population figure under Subsection (1)(a) shall be derived from the most
229 recent official census or census estimate of the United States Bureau of the Census.

230 (ii) If the population figure is not available from the United States Bureau of the
231 Census, the population figure shall be derived from the estimate from the Utah Population
232 Estimates Committee.

233 (2) (a) The process to incorporate an area as a town is initiated by filing a petition with
234 the clerk of the county in which the area is located.

235 (b) Each petition under Subsection (2)(a) shall:

236 (i) be signed by the owners of private real property that:

237 (A) is located within the area proposed to be incorporated;

238 (B) covers a majority of the total private land area within the area; and

239 (C) is equal in value to at least 1/3 of the value of all private real property within the
240 area;

241 (ii) state the legal description of the boundaries of the area proposed to be incorporated
242 as a town; and

243 (iii) substantially comply with and be circulated in the following form:

244 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed
245 town)

246 To the Honorable County Legislative Body of (insert the name of the county in which
247 the proposed town is located) County, Utah:

248 We, the undersigned owners of real property within the area described in this petition,
249 respectfully petition the county legislative body to examine the question of whether the area
250 should incorporate as a town. Each of the undersigned affirms that each has personally signed
251 this petition and is an owner of real property within the described area, and that the current
252 residence address of each is correctly written after the signer's name. The area proposed to be
253 incorporated as a town is described as follows: (insert an accurate description of the area
254 proposed to be incorporated).

255 (c) A petition under this section may not describe an area that includes some or all of
256 an area proposed for annexation in an annexation petition under Section 10-2-403 that:

- 257 (i) was filed before the filing of the petition; and
- 258 (ii) is still pending on the date the petition is filed.

259 (3) Section 10-2-104 applies to a petition for incorporation as a town, except that the
260 notice under Subsection 10-2-104(1) shall be sent within seven calendar days of the filing of a
261 petition under Subsection (2).

262 (4) (a) A county legislative body may treat a petition filed under Subsection (2) as a
263 request for a feasibility study under Section 10-2-103 and process it as a request under that
264 section would be processed under this part to determine whether the feasibility study results
265 meet the requirements of Subsection 10-2-109(3).

266 (b) If the results of a feasibility study under Subsection (4)(a) do not meet the
267 requirements of Subsection 10-2-109(3), the county legislative body may not approve the
268 incorporation petition.

269 (c) If the results of the feasibility study under Subsection (4)(a) meet the requirements
270 of Subsection 10-2-109(3), the county legislative body may approve the incorporation petition,
271 if the county legislative body determines that the incorporation is in the best interests of the
272 citizens of the county and the proposed town.

273 (5) Upon approval of a petition filed under Subsection (2), the legislative body of the

274 county in which the proposed town is located shall appoint a mayor and members of the town
275 council who shall hold office until the next regular municipal election and until their
276 successors are elected and qualified.

277 (6) (a) ~~[(†)]~~ Each mayor appointed under Subsection (5) shall, within seven days of
278 appointment, file articles of incorporation of the new town with the lieutenant governor.

279 ~~[(†)]~~ (b) The articles of incorporation shall meet the requirements of Subsection
280 10-2-119(2).

281 ~~[(b) Within ten days of receipt of the articles of incorporation, the lieutenant governor
282 shall:]~~

283 ~~[(i) certify the articles of incorporation;]~~

284 ~~[(ii) return a copy of the articles of incorporation to the appointed mayor; and]~~

285 ~~[(iii) send a copy of the articles of incorporation to the recorder of the county in which
286 the town is located.]~~

287 (7) A town is incorporated upon the lieutenant governor's ~~[certification of the articles
288 of incorporation]~~ issuance of a certificate of entity creation under Section 67-1a-6.5.

289 ~~[(8) (a) Within 30 days of incorporation, the legislative body of the new town shall
290 record with the recorder of the county in which the new town is located a plat or map, prepared
291 by a licensed surveyor and approved by the legislative body, showing the boundaries of the
292 town.]~~

293 ~~[(b)]~~ (8) The legislative body of the new town shall comply with the notice
294 requirements of Section 10-1-116.

295 Section 6. Section **10-2-419** is amended to read:

296 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

297 (1) The legislative bodies of two or more municipalities having common boundaries
298 may adjust their common boundaries as provided in this section.

299 (2) (a) The legislative body of each municipality intending to adjust a boundary that is
300 common with another municipality shall:

301 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a
302 common boundary;

303 (ii) hold a public hearing on the proposed adjustment no less than 60 days after the
304 adoption of the resolution under Subsection (2)(a)(i); and

305 (iii) (A) publish notice at least once a week for three successive weeks in a newspaper
306 of general circulation within the municipality; or

307 (B) if there is no newspaper of general circulation within the municipality, post at least
308 one notice per 1,000 population in places within the municipality that are most likely to give
309 notice to residents of the municipality.

310 (b) The notice required under Subsection (2)(a)(iii) shall:

311 (i) state that the municipal legislative body has adopted a resolution indicating the
312 municipal legislative body's intent to adjust a boundary that the municipality has in common
313 with another municipality;

314 (ii) describe the area proposed to be adjusted;

315 (iii) state the date, time, and place of the public hearing required under Subsection
316 (2)(a)(ii);

317 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
318 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
319 protests to the adjustment are filed by the owners of private real property that:

320 (A) is located within the area proposed for adjustment;

321 (B) covers at least 25% of the total private land area within the area proposed for
322 adjustment; and

323 (C) is equal in value to at least 15% of the value of all private real property within the
324 area proposed for adjustment; and

325 (v) state that the area that is the subject of the boundary adjustment will, because of the
326 boundary adjustment, be automatically annexed to a local district providing fire protection,
327 paramedic, and emergency services, as provided in Section 17B-2-515.5, if:

328 (A) the municipality to which the area is being added because of the boundary
329 adjustment is entirely within the boundaries of a local district:

330 (I) that provides fire protection, paramedic, and emergency services; and

331 (II) in the creation of which an election was not required because of Subsection
332 17B-2-214(3)(c); and

333 (B) the municipality from which the area is being taken because of the boundary
334 adjustment is not within the boundaries of the local district; and

335 (vi) state that the area proposed for annexation to the municipality will be

336 automatically withdrawn from a local district providing fire protection, paramedic, and
337 emergency services, as provided in Subsection 17B-2-601(2), if:

338 (A) the municipality to which the area is being added because of the boundary
339 adjustment is not within the boundaries of a local district:

340 (I) that provides fire protection, paramedic, and emergency services; and

341 (II) in the creation of which an election was not required because of Subsection
342 17B-2-214(3)(c); and

343 (B) the municipality from which the area is being taken because of the boundary
344 adjustment is entirely within the boundaries of the local district.

345 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be
346 within 14 days of the municipal legislative body's adoption of a resolution under Subsection
347 (2)(a)(i).

348 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal
349 legislative body may adopt an ordinance adjusting the common boundary unless, at or before
350 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with
351 the city recorder or town clerk, as the case may be, by the owners of private real property that:

352 (a) is located within the area proposed for adjustment;

353 (b) covers at least 25% of the total private land area within the area proposed for
354 adjustment; and

355 (c) is equal in value to at least 15% of the value of all private real property within the
356 area proposed for adjustment.

357 (4) The municipal legislative body shall comply with the requirements of Section
358 10-2-425 as if the boundary change were an annexation.

359 [~~4~~] (5) An ordinance adopted under Subsection (3) becomes effective when each
360 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
361 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an
362 annexation.

363 Section 7. Section **10-2-425** is amended to read:

364 **10-2-425. Filing of plat or map and amended articles -- Notice requirements --**
365 **Effective date of annexation.**

366 (1) (a) Within 30 days after enacting an ordinance annexing an unincorporated area or

367 adjusting a boundary under this part, the municipal legislative body shall:

368 (i) send notice of the enactment to each affected entity;

369 ~~[(ii) record with the county recorder a certified copy of the ordinance approving the~~
370 ~~annexation or boundary adjustment, together with a plat or map prepared by a licensed~~
371 ~~surveyor and approved by the municipal legislative body, showing the new boundaries of the~~
372 ~~affected area;]~~

373 ~~[(iii)]~~ (ii) file with the lieutenant governor:

374 (A) a certified copy of the ordinance approving the annexation or boundary adjustment,
375 together with a plat or map prepared by a licensed surveyor, approved by the municipal
376 legislative body, and filed with the county surveyor in accordance with Section 17-23-17,
377 showing the new boundaries of the affected area; and

378 ~~[(A)]~~ (B) (I) if the municipality has articles of incorporation, amended articles of
379 incorporation reflecting the annexation or boundary adjustment, as provided in Section
380 10-1-117; or

381 ~~[(B)]~~ (II) if the municipality does not have articles of incorporation, written notice of
382 the adoption of an annexation ordinance, accompanied by a copy of the ordinance; and

383 ~~[(iv)]~~ (iii) in accordance with Section 26-8a-414, file the documents described in
384 Subsection (1)(a)(ii)(A) with the Department of Health.

385 ~~[(b) Within ten days after receiving a notice of the adoption of an annexation ordinance~~
386 ~~under Subsection (1)(a)(iii)(B), the lieutenant governor shall issue a certificate of annexation~~
387 ~~and send a copy of the certificate to the legislative body of the annexing municipality, the State~~
388 ~~Tax Commission, the state auditor, and the assessor and recorder of each county in which any~~
389 ~~part of the annexed area is located.]~~

390 (2) If an annexation or boundary adjustment under this part also causes an automatic
391 annexation to a local district under Section 17B-2-515.5 or an automatic withdrawal from a
392 local district under Subsection 17B-2-601(2), the municipal legislative body shall, as soon as
393 practicable after enacting an ordinance annexing an unincorporated area or adjusting a
394 boundary, send notice of the annexation or boundary adjustment to the local district to which
395 the annexed area is automatically annexed or from which the annexed area is automatically
396 withdrawn.

397 (3) The municipal legislative body shall comply with the notice requirements of

398 Section 10-1-116.

399 (4) Each notice required under Subsections (1) and (3) relating to an annexation shall
400 state the effective date of the annexation, as determined under Subsection (5).

401 (5) An annexation under this part is completed and takes effect:

402 (a) for the annexation of an area located in a county of the first class:

403 (i) July 1 following enactment of an ordinance annexing the unincorporated area if:

404 (A) the ordinance is adopted during the preceding November 1 through April 30; and

405 (B) the requirements of Subsection (1) are met before that July 1; or

406 (ii) January 1 following enactment of an ordinance annexing the unincorporated area if:

407 (A) the ordinance is adopted during the preceding May 1 through October 31; and

408 (B) the requirements of Subsection (1) are met before that January 1; and

409 (b) for all other annexations, the date of the lieutenant governor's issuance of:

410 (i) a certification of amended articles under Subsection 10-1-117(3), for an annexation

411 by a municipality that has articles of incorporation and filed with the lieutenant governor

412 amended articles of incorporation under Subsection (1)(a)(iii)(A); or

413 (ii) a certificate of annexation under Subsection (1)(b), for an annexation by a

414 municipality that does not have articles of incorporation and filed with the lieutenant governor

415 a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).

416 Section 8. Section **10-2-507** is amended to read:

417 **10-2-507. Decree -- Filing of documents -- Notice requirements.**

418 (1) (a) Upon entering a disconnection order, the court shall file with the lieutenant
419 governor a certified copy of the order and a transparent reproducible copy of the map or plat [in
420 the county recorder's office].

421 (b) The disconnection is effective upon the lieutenant governor's certification of the
422 disconnection order under Section 67-1a-6.5.

423 (2) The municipality shall file amended articles of incorporation in the lieutenant
424 governor's office, as provided in Section 10-1-117, and the county recorder's office within 30
425 days after, as the case may be:

426 (a) adoption of an ordinance approving disconnection under Subsection
427 10-2-502.5(4)(b); or

428 (b) entry of a court order under Section 10-2-502.7 ordering disconnection.

429 (3) The amended articles of incorporation shall:

430 (a) describe the postdisconnection geography of the municipality; and

431 (b) specify the postdisconnection population of the municipality.

432 (4) The lieutenant governor shall comply with the requirements of Subsection

433 10-1-117(3).

434 (5) Any cost incurred by the municipality in complying with this section may be
435 charged against the disconnected territory.

436 (6) The legislative body of each municipality that has had territory disconnected shall
437 comply with the notice requirements of Section 10-1-116.

438 Section 9. Section **10-2-611** is amended to read:

439 **10-2-611. When incorporation complete -- Disincorporation of original**
440 **municipalities.**

441 [~~(1) (a) Within ten days after receiving the articles of consolidation, the lieutenant~~
442 ~~governor shall:~~]

443 [~~(i) certify the articles;~~]

444 [~~(ii) deliver one copy of the certified articles to the clerk of the county in which the~~
445 ~~new municipality is located; and]~~

446 [~~(iii) return one copy of the certified articles to the legislative body of the new~~
447 ~~municipality.]~~

448 [~~(b) The lieutenant governor:~~]

449 [~~(i) shall furnish a certified copy of the articles of consolidation to any person who~~
450 ~~requests a certified copy; and]~~

451 [~~(ii) may charge a reasonable fee for the certified copy.]~~

452 [~~(2)~~] (1) Upon the lieutenant governor's certification of the articles of consolidation
453 under Section 67-1a-6.5, the incorporation of the new municipality shall be complete and the
454 original municipalities involved in the consolidation shall be considered to be disincorporated.

455 [~~(3)~~] (2) The legislative body of the new municipality shall comply with the notice
456 requirements of Section 10-1-116.

457 Section 10. Section **10-2-712** is amended to read:

458 **10-2-712. Power of court -- Articles of dissolution -- Notice to lieutenant**
459 **governor.**

460 (1) The district court may:
461 (a) enforce compliance with any order issued to give effect to this part by proceedings
462 for contempt; and

463 (b) appoint any person to assist it in carrying out the provisions of this part.

464 (2) (a) The district court shall ~~[cause]~~ file articles of dissolution ~~[to be filed]~~ with the
465 lieutenant governor on the dissolution of the municipality.

466 ~~[(b) Within ten days after receiving the articles of dissolution, the lieutenant governor
467 shall:]~~

468 ~~[(i) certify the articles; and]~~

469 ~~[(ii) deliver one copy of the certified articles to the clerk of the county in which the
470 dissolved municipality was located:]~~

471 ~~[(c) The lieutenant governor:]~~

472 ~~[(i) shall furnish a certified copy of the articles of dissolution to any person who
473 requests a certified copy; and]~~

474 ~~[(ii) may charge a reasonable fee for the certified copy:]~~

475 ~~[(d)]~~ (b) Upon the lieutenant governor's certification of the articles of dissolution, the
476 municipality is dissolved under Section 67-1a-6.5.

477 Section 11. Section **11-13-203** is amended to read:

478 **11-13-203. Interlocal entities -- Agreement to create an interlocal entity -- Utah**
479 **interlocal entity may become electric interlocal entity or energy services interlocal entity.**

480 (1) An interlocal entity ~~[created under this section]~~ is:

481 (a) separate from the public agencies that create it;

482 (b) a body politic and corporate; and

483 (c) a political subdivision of the state.

484 (2) Any two or more Utah public agencies may ~~[by]~~ enter into an agreement to create a
485 Utah interlocal entity to accomplish the purpose of their joint or cooperative action, including
486 undertaking and financing a facility or improvement to provide the service contemplated by
487 that agreement.

488 (3) (a) A Utah public agency and one or more public agencies may ~~[by]~~ enter into an
489 agreement to create an electric interlocal entity to accomplish the purpose of their joint or
490 cooperative action if that purpose is to participate in the undertaking or financing of:

491 (i) facilities to provide additional project capacity;
492 (ii) common facilities under Title 54, Chapter 9, Electric Power Facilities Act; or
493 (iii) electric generation or transmission facilities.
494 (b) By agreement with one or more public agencies that are not parties to the
495 agreement creating it, a Utah interlocal entity may be reorganized as an electric interlocal entity
496 if:

497 (i) the public agencies that are parties to the agreement creating the Utah interlocal
498 entity authorize, in the same manner required to amend the agreement creating the Utah
499 interlocal entity, the Utah interlocal entity to be reorganized as an electric interlocal entity; and
500 (ii) the purpose of the joint or cooperative action to be accomplished by the electric
501 interlocal entity meets the requirements of Subsection (3)(a).

502 (4) (a) Two or more Utah public agencies may ~~by~~ enter into an agreement with one
503 another or with one or more public agencies to create an energy services interlocal entity to
504 accomplish the purposes of their joint and cooperative action with respect to facilities, services,
505 and improvements necessary or desirable with respect to the acquisition, generation,
506 transmission, management, and distribution of electric energy for the use and benefit of the
507 public agencies that enter into the agreement.

508 (b) (i) A Utah interlocal entity that was created to facilitate the transmission or supply
509 of electric power may, by resolution adopted by its governing body, elect to become an energy
510 services interlocal entity.

511 (ii) Notwithstanding Subsection (4)(b)(i), a Utah interlocal entity that is also a project
512 entity may not elect to become an energy services interlocal entity.

513 (iii) An election under Subsection (4)(b)(i) does not alter, limit, or affect the validity or
514 enforceability of a previously executed contract, agreement, bond, or other obligation of the
515 Utah interlocal entity making the election.

516 Section 12. Section **11-13-204** is amended to read:

517 **11-13-204. Powers and duties of interlocal entities -- Additional powers of energy**
518 **services interlocal entities -- Length of term of agreement and interlocal entity -- Notice to**
519 **lieutenant governor.**

520 (1) (a) An interlocal entity:

521 (i) may:

- 522 (A) adopt, amend, and repeal rules, bylaws, policies, and procedures for the regulation
523 of its affairs and the conduct of its business;
- 524 (B) sue and be sued;
- 525 (C) have an official seal and alter that seal at will;
- 526 (D) make and execute contracts and other instruments necessary or convenient for the
527 performance of its duties and the exercise of its powers and functions;
- 528 (E) acquire real or personal property, or an undivided, fractional, or other interest in
529 real or personal property, necessary or convenient for the purposes contemplated in the
530 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;
- 531 (F) directly or by contract with another:
- 532 (I) own and acquire facilities and improvements or an undivided, fractional, or other
533 interest in facilities and improvements;
- 534 (II) construct, operate, maintain, and repair facilities and improvements; and
- 535 (III) provide the services contemplated in the agreement creating the interlocal entity;
- 536 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other
537 obligations and secure their payment by an assignment, pledge, or other conveyance of all or
538 any part of the revenues and receipts from the facilities, improvements, or services that the
539 interlocal entity provides;
- 540 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes, or
541 other obligations issued by the interlocal entity; and
- 542 (I) sell or contract for the sale of the services, output, product, or other benefits
543 provided by the interlocal entity to:
- 544 (I) public agencies inside or outside the state; and
- 545 (II) with respect to any excess services, output, product, or benefits, any person on
546 terms that the interlocal entity considers to be in the best interest of the public agencies that are
547 parties to the agreement creating the interlocal entity; and
- 548 (ii) may not levy, assess, or collect ad valorem property taxes.
- 549 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(i)(G) may, to
550 the extent provided by the documents under which the assignment, pledge, or other conveyance
551 is made, rank prior in right to any other obligation except taxes or payments in lieu of taxes
552 payable to the state or its political subdivisions.

553 (2) An energy services interlocal entity:
554 (a) except with respect to any ownership interest it has in facilities providing additional
555 project capacity, is not subject to:
556 (i) Part 3, Project Entity Provisions; or
557 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to
558 Pay Corporate Franchise or Income Tax Act; and
559 (b) may:
560 (i) own, acquire, and, by itself or by contract with another, construct, operate, and
561 maintain a facility or improvement for the generation, transmission, and transportation of
562 electric energy or related fuel supplies;
563 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary
564 services, transmission, and transportation services, and supplies of natural gas and fuels
565 necessary for the operation of generation facilities;
566 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,
567 and others, whether located in or out of the state, for the sale of wholesale services provided by
568 the energy services interlocal entity; and
569 (iv) adopt and implement risk management policies and strategies and enter into
570 transactions and agreements to manage the risks associated with the purchase and sale of
571 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,
572 and other instruments.
573 (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or
574 an amendment to that agreement may provide that the agreement may continue and the
575 interlocal entity may remain in existence until the latest to occur of:
576 (a) 50 years after the date of the agreement or amendment;
577 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its
578 indebtedness;
579 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed
580 or transferred all of its interest in its facilities and improvements; or
581 (d) five years after the facilities and improvements of the interlocal entity are no longer
582 useful in providing the service, output, product, or other benefit of the facilities and
583 improvements, as determined under the agreement governing the sale of the service, output,

584 product, or other benefit.

585 (4) (a) The governing body of each party to the agreement to create an interlocal entity
586 ~~[created]~~ under Section 11-13-203 ~~[on or after May 4, 1998,]~~ shall, within 30 days of the
587 ~~[creation]~~ date of the agreement, jointly file a written notice of the ~~[creation]~~ agreement with
588 the ~~[State Tax Commission]~~ lieutenant governor.

589 (b) Each written notice required under Subsection (4)(a) shall:

590 (i) be accompanied by:

591 (A) a copy of the agreement ~~[creating]~~ to create the interlocal entity; and

592 (B) if less than all of the territory of any Utah public agency that is a party to the
593 agreement is included within the interlocal entity, a plat that delineates a metes and bounds
594 description of the area affected or a map of the area affected ~~[and evidence that the information~~
595 ~~has been recorded by the recorder of the county in which the Utah public agency is located];~~
596 and

597 (ii) contain a certification by the governing body that all necessary legal requirements
598 relating to the creation have been completed.

599 (5) Upon the lieutenant governor's issuance of a certificate of creation under Section
600 67-1a-6.5, the interlocal entity is created.

601 ~~[(5)]~~ (6) Nothing in this section ~~[shall]~~ may be construed as expanding the rights of any
602 municipality or interlocal entity to sell or provide retail service.

603 Section 13. Section **11-13-205** is amended to read:

604 **11-13-205. Agreement by public agencies to create a new entity to own sewage**
605 **and wastewater facilities -- Powers and duties of new entities -- Validation of previously**
606 **created entities -- Notice to lieutenant governor.**

607 (1) It is declared that the policy of the state is to assure the health, safety, and welfare
608 of its citizens, that adequate sewage and wastewater treatment plants and facilities are essential
609 to the well-being of the citizens of the state and that the acquisition of adequate sewage and
610 wastewater treatment plants and facilities on a regional basis in accordance with federal law
611 and state and federal water quality standards and effluent standards in order to provide services
612 to public agencies is a matter of statewide concern and is in the public interest. It is found and
613 declared that there is a statewide need to provide for regional sewage and wastewater treatment
614 plants and facilities, and as a matter of express legislative determination it is declared that the

615 compelling need of the state for construction of regional sewage and wastewater treatment
616 plants and facilities requires the creation of entities under the Interlocal Cooperation Act to
617 own, construct, operate, and finance sewage and wastewater treatment plants and facilities; and
618 it is the purpose of this law to provide for the accomplishment thereof in the manner provided
619 in this section.

620 (2) Any two or more public agencies of the state may also agree to create a separate
621 legal or administrative entity to accomplish and undertake the purpose of owning, acquiring,
622 constructing, financing, operating, maintaining, and repairing regional sewage and wastewater
623 treatment plants and facilities.

624 (3) A separate legal or administrative entity created in the manner provided herein is
625 considered to be a political subdivision and body politic and corporate of the state with power
626 to carry out and effectuate its corporate powers, including, but not limited to, the power:

627 (a) to adopt, amend, and repeal rules, bylaws, and regulations, policies, and procedures
628 for the regulation of its affairs and the conduct of its business, to sue and be sued in its own
629 name, to have an official seal and power to alter that seal at will, and to make and execute
630 contracts and all other instruments necessary or convenient for the performance of its duties
631 and the exercise of its powers and functions under the Interlocal Cooperation Act;

632 (b) to own, acquire, construct, operate, maintain, repair, or cause to be constructed,
633 operated, maintained, and repaired one or more regional sewage and wastewater treatment
634 plants and facilities, all as shall be set forth in the agreement providing for its creation;

635 (c) to borrow money, incur indebtedness and issue revenue bonds, notes or other
636 obligations payable solely from the revenues and receipts derived from all or a portion of the
637 regional sewage and wastewater treatment plants and facilities which it owns, operates, and
638 maintains, such bonds, notes, or other obligations to be issued and sold in compliance with the
639 provisions of Title 11, Chapter 14, Utah Municipal Bond Act;

640 (d) to enter into agreements with public agencies and other parties and entities to
641 provide sewage and wastewater treatment services on such terms and conditions as it considers
642 to be in the best interests of its participants; and

643 (e) to acquire by purchase or by exercise of the power of eminent domain, any real or
644 personal property in connection with the acquisition and construction of any sewage and
645 wastewater treatment plant and all related facilities and rights-of-way which it owns, operates,

646 and maintains.

647 (4) The provisions of Part 3, Project Entity Provisions, do not apply to a legal or
648 administrative entity created for regional sewage and wastewater treatment purposes under this
649 section.

650 (5) All proceedings previously had in connection with the creation of any legal or
651 administrative entity pursuant to this chapter, and all proceedings previously had by any such
652 entity for the authorization and issuance of bonds of the entity are validated, ratified, and
653 confirmed; and these entities are declared to be validly created interlocal cooperation entities
654 under this chapter. These bonds, whether previously or subsequently issued pursuant to these
655 proceedings, are validated, ratified, and confirmed and declared to constitute, if previously
656 issued, or when issued, the valid and legally binding obligations of the entity in accordance
657 with their terms. Nothing in this section shall be construed to affect or validate any bonds, or
658 the organization of any entity, the legality of which is being contested at the time this act takes
659 effect.

660 (6) (a) The governing body of each party to the agreement to create an entity [~~created~~]
661 under this section [~~on or after May 4, 1998,~~] shall, within 30 days of the [~~creation~~] date of the
662 agreement, jointly file a written notice of the [~~creation~~] agreement with the [~~State Tax~~
663 ~~Commission~~] lieutenant governor.

664 (b) Each written notice required under Subsection (6)(a) shall:

665 (i) be accompanied by:

666 (A) a copy of the agreement [~~creating~~] to create the entity; and

667 (B) a map or plat that delineates a metes and bounds description of the area affected
668 [~~and evidence that the information has been recorded by the county recorder~~]; and

669 (ii) contain a certification by the governing body that all necessary legal requirements
670 relating to the creation have been completed.

671 (7) Upon the lieutenant governor's issuance of a certificate of entity creation under
672 Section 67-1a-6.5, the entity is created.

673 Section 14. Section **17-2-4** is amended to read:

674 **17-2-4. When annexation effective -- Governor's proclamation -- Notice to**
675 **lieutenant governor.**

676 (1) Upon receipt of the election result from the lieutenant governor under Section

677 17-2-3, the governor shall issue a proclamation, stating the result of the vote in each of the
 678 counties, and that the annexation of the one county to the other will take effect as provided in
 679 Subsection ~~[(2)]~~ (3).

680 ~~[(2) An annexation approved at an election under Section 17-2-1 takes effect on~~
 681 ~~January 1 of the year immediately following issuance of the governor's proclamation.]~~

682 ~~[(3)]~~ (2) (a) Within 30 days after the issuance of the governor's proclamation under
 683 Subsection (1), the legislative body of the annexing county shall send a notice to the [~~State Tax~~
 684 ~~Commission~~] lieutenant governor.

685 (b) Each notice under Subsection ~~[(3)]~~ (2)(a) shall include:

686 (i) a copy of the governor's proclamation;

687 (ii) a certification that all necessary legal requirements relating to the annexation have
 688 been completed; and

689 (iii) a map or plat that delineates an accurate metes and bounds description of the
 690 annexing county following annexation.

691 (3) An annexation approved at an election under Section 17-2-1 takes effect on January
 692 1 of the year immediately following issuance of the:

693 (a) governor's proclamation; and

694 (b) certificate of consolidation by the lieutenant governor under Section 67-1a-6.5.

695 Section 15. Section **17-2-9** is amended to read:

696 **17-2-9. When annexation effective -- Governor's proclamation -- Notice to**
 697 **lieutenant governor.**

698 (1) Upon receipt of the lieutenant governor's certification under Section 17-2-8, the
 699 governor shall issue a proclamation, stating the result of the vote in each county, and that the
 700 annexation of the territory to the annexing county will take effect as provided in Subsection
 701 ~~[(2)]~~ (3).

702 ~~[(2) An annexation approved at an election under Section 17-2-6 takes effect on~~
 703 ~~January 1 of the year immediately following issuance of the governor's proclamation.]~~

704 ~~[(3)]~~ (2) (a) Within 30 days after the issuance of the governor's proclamation under
 705 Subsection (1), the legislative body of the annexing county shall send a notice to the [~~State Tax~~
 706 ~~Commission~~] lieutenant governor.

707 (b) Each notice under Subsection ~~[(3)]~~ (2)(a) shall include:

- 708 (i) a copy of the governor's proclamation;
- 709 (ii) a certification that all necessary legal requirements relating to the annexation have
- 710 been completed; and
- 711 (iii) a map or plat that delineates an accurate metes and bounds description of the area
- 712 that was annexed.

713 (3) An annexation approved at an election under Section 17-2-6 takes effect on January
714 1 of the year immediately following issuance of the:

- 715 (a) governor's proclamation; and
 - 716 (b) certificate of boundary change by the lieutenant governor under Section 67-1a-6.5.
- 717 Section 16. Section **17-2-13** is amended to read:

718 **17-2-13. Minor adjustments to county boundaries authorized -- Public hearing --**
719 **Joint resolution of county legislative bodies -- Notice to lieutenant governor.**

720 (1) Counties sharing a common boundary may, in accordance with the provisions of
721 Subsection (2) and Article XI, Section 3, of the Utah Constitution, adjust all or part of the
722 common boundary to move it up to 1,000 feet from its location before the adjustment.

723 (2) The legislative bodies of both counties desiring to adjust a common boundary in
724 accordance with Subsection (1) shall:

- 725 (a) hold a joint public hearing on the proposed boundary adjustment;
- 726 (b) in addition to the regular notice required for public meetings of the county
- 727 legislative bodies, mail written notice to all real property owners of record whose property may
- 728 change counties as the result of the proposed adjustment; and
- 729 (c) adopt a joint resolution approved by both county legislative bodies which:
 - 730 (i) approves the proposed boundary adjustment;
 - 731 (ii) sets forth the legal description of the county boundary after the adjustment; and
 - 732 (iii) provides an effective date for the boundary adjustment.

733 (3) (a) Within 15 days after the adoption of a joint resolution under Subsection (2)(c)
734 by both counties, the legislative bodies shall jointly send a notice to the lieutenant governor.

735 (b) Each notice under Subsection (3)(a) shall include:

- 736 (i) a copy of the joint resolution under Subsection (2)(c);
- 737 (ii) a certification that all necessary legal requirements relating to the boundary
738 adjustment have been completed; and

739 (iii) a map or plat, verified by the county surveyor, and filed with the county surveyor
740 in accordance with Section 17-23-17, that delineates an accurate metes and bounds description
741 of the boundary adjustment.

742 ~~[(3)]~~ (4) Upon the effective date of the joint resolution under Subsection (2)(c) or the
743 date the lieutenant governor issues the certificate of boundary change under Section 67-1a-6.5,
744 whichever date is later, all territory designated to be annexed into another county shall become
745 the territory of the annexing county and the provisions of Sections 17-2-11 and 17-2-12 shall
746 apply in the same manner as with any other annexations under this chapter.

747 Section 17. Section **17-3-3** is amended to read:

748 **17-3-3. Certification of returns -- Governor's proclamation of creation of new**
749 **county -- Name -- Judicial district -- Notice to lieutenant governor.**

750 (1) The certified abstract of returns under Section 17-3-2 shall be filed in the office of
751 the lieutenant governor, who shall certify the result to the governor.

752 (2) If it appears that any proposition submitted to the electors as provided in this
753 chapter has been carried in the affirmative by a majority vote of the qualified electors residing
754 in that portion of the county proposed as a new county, and also by a majority vote of the
755 qualified electors residing in the remaining portion of that county, the governor shall issue a
756 proclamation, stating:

757 (a) the result of the vote in each division of the county;

758 (b) the name and boundaries of the new county;

759 (c) the boundaries of the original county as changed by the creation of the new county;

760 (d) that the creation of the new county will take effect on the first Monday in January
761 following;

762 (e) the name proposed in the petition as the name of the new county; and

763 (f) the judicial district to which the new county belongs.

764 (3) (a) Within 30 days after the issuance of the governor's proclamation under
765 Subsection (2), the legislative body of the county from which the greatest portion of the new
766 county was taken shall send a notice to the ~~[State Tax Commission]~~ lieutenant governor.

767 (b) Each notice under Subsection (3)(a) shall include:

768 (i) a copy of the governor's proclamation;

769 (ii) a certification that all necessary legal requirements relating to the creation of the

770 new county have been completed; and

771 (iii) a map or plat that delineates an accurate metes and bounds description of the new
772 county.

773 (4) The new county that is the subject of the governor's proclamation under Subsection
774 (2) shall be a county of the state from and after 12 noon of the first Monday in January
775 following the issuance of the governor's proclamation.

776 Section 18. Section **17-50-104** is amended to read:

777 **17-50-104. Counties of the state -- County boundaries maintained by lieutenant**
778 **governor -- Notice of county boundary changes.**

779 (1) The counties of the state are those whose geographic boundaries are described in
780 the official county boundary records maintained by the office of the lieutenant governor and
781 may be changed only in accordance with the provisions of this title.

782 (2) The office of the lieutenant governor shall maintain the official county boundaries
783 for the counties of the state and update those boundaries when notified of a change in county
784 boundaries in accordance with Subsection (3).

785 (3) Whenever any change is made to county boundaries under this title, the affected
786 counties shall provide notice [~~to the office of the lieutenant governor and the State Tax~~
787 ~~Commission of the change, including a description of the changed county boundaries]~~ of the
788 change, including an accurate map or plat of the changed county boundaries, to the lieutenant
789 governor.

790 Section 19. Section **17-50-105** is amended to read:

791 **17-50-105. Disputed boundaries.**

792 (1) (a) If a dispute or uncertainty arises as to the true location of a county boundary as
793 described in the official records maintained by the office of the lieutenant governor, the
794 surveyors of each county whose boundary is the subject of the dispute or uncertainty may
795 determine the true location.

796 (b) If agreement is reached under Subsection (1)(a), the county surveyors shall provide
797 notice, accompanied by a map, to the lieutenant governor showing the true location of the
798 county boundary.

799 (2) (a) If the county surveyors fail to agree on or otherwise fail to establish the true
800 location of the county boundary, the county executive of either or both of the affected counties

801 shall engage the services of the state engineer.

802 (b) After being engaged under Subsection (2)(a), the state engineer shall notify the
803 surveyor of each county whose boundary is the subject of the dispute or uncertainty of the
804 procedure the state engineer will use to determine the true location of the boundary.

805 (c) With the assistance of each surveyor who chooses to participate, the state engineer
806 shall determine permanently the true location of the boundary by marking surveys and erecting
807 suitable monuments to designate the boundary.

808 (d) Each boundary established under this Subsection (2) shall be considered permanent
809 until superseded by legislative enactment.

810 (e) The state engineer shall provide notice, accompanied by a map, to the lieutenant
811 governor showing the true location of the county boundary.

812 (3) Nothing in this section may be construed to give the county surveyors or state
813 engineer any authority other than to erect suitable monuments to designate county boundaries
814 as they are described in the official records maintained by the office of the lieutenant governor.

815 Section 20. Section **17A-2-1311** is amended to read:

816 **17A-2-1311. Adoption of resolution -- Notice to lieutenant governor -- Judicial**
817 **review.**

818 (1) (a) After conclusion of the hearing, and after the time for filing protests as provided
819 in Section 17A-2-1309 has expired, the governing authority shall adopt a resolution either
820 approving the establishment of the special service district or determining that the proposal to
821 establish it should be abandoned.

822 (b) A resolution approving the establishment of a special service district may contain
823 any changes from the initial resolution or notice of intention the governing authority
824 determines to be appropriate, including reduction of the boundaries of the special service
825 district and elimination of one or more of the types of services proposed.

826 (c) The boundaries of the special service district may not be increased nor additional
827 types of services added, unless the governing authority gives a new notice of intention and
828 holds a new hearing.

829 (d) All or a part of the area of an abandoned special service district may be included in
830 a new special service district established in the manner provided in this part.

831 (2) (a) Within [~~90~~] 30 days after adopting a resolution approving the establishment of a

832 special service district under Subsection (1), the governing authority shall file a notice with the
833 lieutenant governor.

834 (b) Each notice under Subsection (2)(a) shall:

835 (i) be accompanied by:

836 (A) a copy of the resolution adopted by the governing authority approving the
837 establishment of the special service district; and

838 (B) a map showing the boundaries of the special service district, prepared and certified
839 by a licensed surveyor and filed with the county surveyor in accordance with Section 17-23-17;
840 and

841 (ii) include a certification by the governing authority that all requirements for the
842 establishment of a special service district have been complied with.

843 [~~(c) Within ten days after receiving the notice under Subsection (2)(a), the lieutenant~~
844 ~~governor shall:]~~

845 [~~(i) issue a certificate of incorporation for the new special service district and send a~~
846 ~~copy of the certificate to the governing authority, the State Tax Commission, and the state~~
847 ~~auditor; and]~~

848 [~~(ii) send a copy of the notice under Subsection (2)(a), including the accompanying~~
849 ~~map, to the State Tax Commission.]~~

850 [~~(d)~~] (c) Upon the lieutenant governor's issuance of the certificate of [~~incorporation~~]
851 creation under Section 67-1a-6.5, the special service district is created and incorporated.

852 (3) After a special service district is established, a person may petition the district court
853 for a writ of review of the actions of the governing authority in establishing the district if:

854 (a) (i) the person filed a written protest; or

855 (ii) the person filed a written protest, withdrew the protest, and then cancelled the
856 withdrawal; and

857 (b) (i) the person is a qualified voter residing within the district; or

858 (ii) the person is a qualified voter whose property has been included within the
859 boundaries of the special service district; and

860 (c) the petition is filed within 30 days after the date of the resolution establishing the
861 special service district; and

862 (d) (i) the petition alleges that the person's property will not be benefitted by one or

863 more of the services to be provided by the special service district; or

864 (ii) the petition alleges that the procedures used to establish the special service district
865 violated the law.

866 (4) If a petition for a writ of review is not filed within the time limits established by
867 this section, owners of property and qualified voters within the special service district may not
868 object to the establishment of the district.

869 (5) The governing authority may consider the voter registration records of the county as
870 conclusive evidence of residency in the special service district.

871 Section 21. Section **17A-2-1313** is amended to read:

872 **17A-2-1313. Service district as separate body politic -- Supervision and control**
873 **by governing authority.**

874 (1) [~~After the adoption of the resolution establishing a service district, the~~] A special
875 service district [so] established [shall be] under this part is a separate body politic and
876 corporate and a quasi-municipal public corporation distinct from each county or municipality in
877 which the service district is located.

878 (2) The governing authority of the county or municipality in which the service district
879 is located shall control and have supervisory authority over all activities of the service district
880 but may delegate:

881 (a) to an administrative control board established under Section 17A-2-1326 or to
882 designated officers or employees (who may, but need not be, officers or employees of the
883 county or municipality which established the service district), the performance of any such
884 activities and the exercise of any rights, powers, and authority of the service district; and

885 (b) to designated officers or employees all rights, powers, and authority that may be
886 delegated to an administrative control board established under Section 17A-2-1326.

887 Section 22. Section **17A-2-1327** is amended to read:

888 **17A-2-1327. Adding additional services -- Annexing additional area -- Notice to**
889 **lieutenant governor.**

890 (1) Subject to the provisions of Subsections (2) and (3), after the establishment of a
891 special service district, additional services from that specified in the resolution establishing the
892 district may be added and additional area from that specified in the resolution may be annexed
893 to the district by using the procedure provided for in this part for the establishment of the

894 district with appropriate changes in the wording of the required instruments.

895 (2) (a) Notwithstanding Subsection (1), additional services may not be added and
896 additional area may not be annexed to the special service district and the governing authority
897 shall abandon the additional services or annexation proceedings if written protests are filed at
898 or before the hearing by:

899 (i) with respect to proceedings to add services:

900 (A) the owners of more than 50% of the taxable value of the taxable property within
901 the district; or

902 (B) more than 50% of the qualified electors of the district; or

903 (ii) with respect to proceedings to annex new area:

904 (A) the owners of more than 50% of the taxable value of the taxable property within
905 the area to be annexed; or

906 (B) more than 50% of the qualified electors of the area to be annexed.

907 (b) (i) The determination of owners, properties, and taxable value under Subsection
908 (2)(a) shall be according to the assessment rolls last completed before the adoption of the
909 resolution proposing the addition of services or annexation.

910 (ii) The determination of qualified electors under Subsection (2)(a) shall be from the
911 registration lists last made or revised before the adoption of the resolution proposing the
912 addition of services or annexation.

913 (3) (a) Notwithstanding Subsection (1), the notice, hearing, and protest requirements of
914 Sections 17A-2-1307, 17A-2-1308, and 17A-2-1309 do not apply if a petition for additional
915 services or annexation of additional area is filed with the governing body of the special service
916 district containing the signatures of all owners of all taxable real property:

917 (i) within the special service district, if the petition is for additional services; or

918 (ii) within the area proposed to be annexed, if the petition is for annexation of
919 additional area.

920 (b) For purposes of Subsection (3)(a), the owners of taxable property shall be
921 determined according to the assessment roll last completed before the filing of the petition.

922 (4) (a) If the governing authority adopts a resolution approving the annexation of
923 additional area, the governing authority shall, within [~~90~~] 30 days after adopting the resolution,
924 file a notice with the lieutenant governor.

925 (b) The notice required under Subsection (4)(a) shall:

926 (i) be accompanied by:

927 (A) a copy of the resolution adopted by the governing authority approving the
928 annexation of additional area; and

929 (B) a map showing the additional area to be annexed by the special service district,
930 prepared and certified by a licensed surveyor and filed with the county surveyor in accordance
931 with Section 17-23-17; and

932 (ii) include a certification by the governing authority that all requirements for the
933 annexation of the additional area have been complied with.

934 [~~(c) Within ten days after receiving the notice under Subsection (4)(a), the lieutenant~~
935 ~~governor shall:~~]

936 [~~(i) issue a certificate of annexation and send a copy of the certificate to the governing~~
937 ~~authority, the State Tax Commission, and the state auditor; and]~~

938 [~~(ii) send a copy of the notice under Subsection (4)(a), including the accompanying~~
939 ~~map, to the State Tax Commission.~~]

940 [~~(d)~~] (c) Upon the lieutenant governor's issuance of the certificate of [annexation]
941 boundary change under Section 67-1a-6.5, the additional area that is the subject of the
942 governing authority's resolution is annexed to the special service district.

943 Section 23. Section **17A-2-1329** is amended to read:

944 **17A-2-1329. Dissolution of district -- Withdrawal of area from district -- Notice to**
945 **lieutenant governor.**

946 (1) A special service district may not be dissolved nor areas withdrawn from the
947 district if any bonds, notes, or other obligations of the district are outstanding and unpaid or if
948 any contractual obligation to provide the services exists.

949 (2) Subject to the limitation in Subsection (1), the governing authority of the special
950 service district may by resolution:

951 (a) approve the dissolution of the district upon a determination that the district is no
952 longer needed for the purposes for which it was formed; or

953 (b) approve the withdrawal of specifically described areas from the special service
954 district upon a determination that these areas should not or cannot be supplied with the services
955 of the special service district.

956 (3) (a) Within ~~[90]~~ 30 days after the adoption of a resolution approving a dissolution or
957 withdrawal under Subsection (2), the governing authority shall file a notice with the lieutenant
958 governor.

959 (b) The notice required under Subsection (3)(a) shall:

960 (i) be accompanied by:

961 (A) a copy of the resolution adopted by the governing authority approving the
962 dissolution or withdrawal; and

963 (B) in the case of a withdrawal, a map showing the area to be withdrawn, prepared and
964 certified by a licensed surveyor and filed with the county surveyor in accordance with Section
965 17-23-17; and

966 (ii) include a certification by the governing authority that all requirements for the
967 dissolution or withdrawal have been complied with.

968 [~~(c) Within ten days after receiving the notice under Subsection (3)(a), the lieutenant~~
969 ~~governor shall:]~~

970 [~~(i) issue a certificate of dissolution or withdrawal, as the case may be, and send a copy~~
971 ~~of the certificate to the governing authority, the State Tax Commission, and the state auditor;~~
972 ~~and]~~

973 [~~(ii) in the case of a withdrawal, send a copy of the notice under Subsection (3)(a),~~
974 ~~including the accompanying map, to the State Tax Commission.]~~

975 [~~(d)~~] (c) (i) Upon the lieutenant governor's issuance of the certificate of dissolution
976 under Section 67-1a-6.5, the special service district is dissolved.

977 (ii) Upon the lieutenant governor's issuance of the certificate of withdrawal, the area to
978 be withdrawn that is the subject of the governing authority's resolution is withdrawn from the
979 special service district.

980 Section 24. Section **17B-2-215** is amended to read:

981 **17B-2-215. Notice to lieutenant governor -- Certificate of incorporation -- Local**
982 **district incorporated -- Incorporation presumed conclusive.**

983 (1) The responsible body shall file a notice with the lieutenant governor within ten days
984 after:

985 (a) the canvass of an election under Section 17B-2-214, if a majority of those voting at
986 the election within the proposed local district as a whole vote in favor of the creation of a local

987 district;

988 (b) certification of a petition as to which the election requirement of Subsection
989 17B-2-214(1) does not apply because of Subsection 17B-2-214(3)(a) or (b); or

990 (c) adoption of a resolution under Subsection 17B-2-213(4) approving the creation of a
991 local district for which an election was not required under Subsection 17B-2-214(3)(c), by the
992 legislative body of each county whose unincorporated area is included within and the
993 legislative body of each municipality whose area is included within the proposed local district.

994 (2) The area of each local district shall consist of:

995 (a) if an election was held under Section 17B-2-214, the area of the new local district
996 as approved at the election;

997 (b) if an election was not required because of Subsection 17B-2-214(3)(a) or (b), the
998 area of the proposed local district as described in the petition; or

999 (c) if an election was not required because of Subsection 17B-2-214(3)(c), the area of
1000 the new local district as described in the resolution adopted under Subsection 17B-2-213(4).

1001 ~~[(2)]~~ (3) In each notice under Subsection (1) the responsible body shall:

1002 (a) if the notice follows an election under Section 17B-2-214~~[-(f)]~~ certify the results of
1003 the election; ~~[and]~~

1004 ~~[(f)]~~ (b) describe the boundaries of the new local district with an accurate map or plat
1005 showing the boundaries delineated in Subsection (2), prepared and certified by a licensed
1006 surveyor and filed with the county surveyor in accordance with Section 17-23-17; and

1007 ~~[(b)]~~ (c) certify that all requirements for the creation of a local district have been
1008 complied with.

1009 ~~[(3)-(a)]~~ (4) Within ten days after receiving the notice under Subsection (1), the
1010 lieutenant governor shall:

1011 (a) issue a certificate of incorporation for the new local district and send a copy of the
1012 certificate to:

1013 (i) the responsible body~~[-];~~

1014 ~~[(b)]~~ ~~The area of each local district declared to be incorporated by a certificate of~~
1015 ~~incorporation issued under this section shall consist of:]~~

1016 ~~[(i) if an election was held under Section 17B-2-214, the area of the new local district~~
1017 ~~as approved at the election;]~~

1018 ~~[(ii) if an election was not required because of Subsection 17B-2-214(3)(a) or (b), the~~
1019 ~~area of the proposed local district as described in the petition; or]~~

1020 ~~[(iii) if an election was not required because of Subsection 17B-2-214(3)(c), the area of~~
1021 ~~the new local district as described in the resolution adopted under Subsection 17B-2-213(4).]~~

1022 ~~[(4) (a) Within 30 days after receiving a certificate of incorporation under Subsection~~
1023 ~~(3), the responsible body shall file a written notice of the creation of the local district with the~~
1024 ~~State Tax Commission and the state auditor.]~~

1025 ~~[(b) Each notice to the State Tax Commission under Subsection (4)(a) shall be~~
1026 ~~accompanied by:]~~

1027 ~~[(i) a copy of the lieutenant governor's certificate of incorporation; and]~~

1028 ~~[(ii) a map showing the boundaries of the local district, prepared and certified by a~~
1029 ~~licensed surveyor.]~~

1030 (5) Upon the lieutenant governor's issuance of the certificate of [~~incorporation~~] creation
1031 under Section 67-1a-6.5, the local district is created and incorporated.

1032 (6) A local district shall be conclusively presumed to be lawfully incorporated if no
1033 challenge to the existence or incorporation of the local district is filed in district court within 90
1034 days after the lieutenant governor issues a certificate of [~~incorporation~~] creation.

1035 Section 25. Section **17B-2-216** is amended to read:

1036 **17B-2-216. Costs and expenses of creating local district.**

1037 (1) Except as provided in Subsection (2), each county whose unincorporated area
1038 includes and each municipality whose boundaries include some or all of the proposed local
1039 district shall bear their respective costs and expenses associated with the procedure under this
1040 part for creating a local district.

1041 (2) Within a year after its creation, each local district shall reimburse the costs and
1042 expenses associated with the preparation [~~and~~], certification, and filing of the map of the local
1043 district under Subsection 17B-2-215[~~(4)(b)(ii)~~](3)(b).

1044 Section 26. Section **17B-2-514** is amended to read:

1045 **17B-2-514. Resolution approving an annexation -- Notice of annexation -- When**
1046 **annexation complete.**

1047 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution
1048 approving the annexation of the area proposed to be annexed or rejecting the proposed

1049 annexation within 30 days after:

1050 (i) expiration of the protest period under Subsection 17B-2-512(2), if sufficient protests
1051 to require an election are not filed;

1052 (ii) for a petition that meets the requirements of Subsection 17B-2-513(1):

1053 (A) a public hearing under Section 17B-2-509 is held, if the board chooses or is
1054 required to hold a public hearing under Subsection 17B-2-513(2)(a)(ii); or

1055 (B) expiration of the time for submitting a request for public hearing under Subsection
1056 17B-2-513(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
1057 hearing.

1058 (b) If the local district has entered into an agreement with the United States that
1059 requires the consent of the United States for an annexation of territory to the district, a
1060 resolution approving annexation under this part may not be adopted until the written consent of
1061 the United States is obtained and filed with the board of trustees.

1062 (2) (a) The board shall file a notice with the lieutenant governor:

1063 (i) within ~~[90]~~ 30 days after adoption of a resolution under Subsection (1), Subsection
1064 17B-2-512(3)(c)(i), or Section 17B-2-515; and

1065 (ii) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a
1066 municipal annexation that causes an automatic annexation to a local district under Section
1067 17B-2-515.5.

1068 (b) The notice required under Subsection (2)(a) shall:

1069 (i) be accompanied by:

1070 (A) if applicable, a copy of the board resolution approving the annexation; and

1071 (B) an accurate map depicting the boundaries of the area to be annexed or a legal
1072 description of the area to be annexed, adequate for purposes of the county assessor and
1073 recorder;

1074 (ii) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), include
1075 a certification by the local district board that all requirements for the annexation have been
1076 complied with; and

1077 (iii) for an automatic annexation to a local district under Section 17B-2-515.5, state
1078 that an area outside the boundaries of the local district is being automatically annexed to the
1079 local district under Section 17B-2-515.5 because of a municipal annexation under Title 10,

1080 Chapter 2, Part 4, Annexation.

1081 ~~[(c) (i) Within ten days after receiving the notice under Subsection (2)(a)(i), the~~
1082 ~~lieutenant governor shall:]~~

1083 ~~[(A) issue a certificate of annexation and send a copy of the certificate to the local~~
1084 ~~district board, the State Tax Commission, the state auditor, and the assessor and recorder of~~
1085 ~~each county in which any part of the annexed area is located; and]~~

1086 ~~[(B) send a copy of the notice under Subsection (2)(a)(i), including the accompanying~~
1087 ~~map or legal description, to the State Tax Commission and the assessor and recorder of each~~
1088 ~~county in which any part of the annexed area is located;]~~

1089 ~~[(ii) The lieutenant governor shall issue a certificate of annexation for an automatic~~
1090 ~~annexation that is the subject of a notice under Subsection (2)(a)(ii) as provided in Subsection~~
1091 ~~10-2-117(3)(b).]~~

1092 (3) The annexation shall be complete:

1093 (a) for an annexation pursuant to a resolution described in Subsection (2)(a)(i), upon
1094 the lieutenant governor's issuance of the certificate of annexation under [~~Subsection (2)(c)(i)]~~
1095 Section 67-1a-6.5; and

1096 (b) for an automatic annexation that is the subject of a notice under Subsection
1097 (2)(a)(ii), upon the lieutenant governor's issuance of the certificate of annexation under
1098 Subsection 10-1-117(3)(b).

1099 Section 27. Section **17B-2-515.5** is amended to read:

1100 **17B-2-515.5. Automatic annexation to a district providing fire protection,**
1101 **paramedic, and emergency services.**

1102 (1) An area outside the boundaries of a local district that is annexed to a municipality
1103 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,
1104 Annexation, is automatically annexed to the local district if:

1105 (a) the local district provides fire protection, paramedic, and emergency services;

1106 (b) an election for the creation of the local district was not required because of
1107 Subsection 17B-2-214(3)(c); and

1108 (c) before the municipal annexation or boundary adjustment, the entire municipality
1109 that is annexing the area or adding the area by boundary adjustment was included within the
1110 local district.

1111 (2) The effective date of an annexation under this section is governed by Subsection
1112 17B-2-514~~[(2)(b)(iv)]~~(3)(b).

1113 Section 28. Section **17B-2-516** is amended to read:

1114 **17B-2-516. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**
1115 **adjusting boundaries -- Notice of the adjustment -- Certification by lieutenant governor.**

1116 (1) As used in this section, "affected area" means the area located within the
1117 boundaries of one local district that will be removed from that local district and included within
1118 the boundaries of another local district because of a boundary adjustment under this section.

1119 (2) The boards of trustees of two or more local districts having a common boundary
1120 and providing the same service on the same wholesale or retail basis may adjust their common
1121 boundary as provided in this section.

1122 (3) (a) The board of trustees of each local district intending to adjust a boundary that is
1123 common with another local district shall:

1124 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

1125 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days
1126 after the adoption of the resolution under Subsection (3)(a)(i); and

1127 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of
1128 general circulation within the local district; or

1129 (II) if there is no newspaper of general circulation within the local district, post notice
1130 in at least four conspicuous places within the local district; or

1131 (B) mail a notice to each owner of property located within the affected area and to each
1132 registered voter residing within the affected area.

1133 (b) The notice required under Subsection (3)(a)(iii) shall:

1134 (i) state that the board of trustees of the local district has adopted a resolution
1135 indicating the board's intent to adjust a boundary that the local district has in common with
1136 another local district that provides the same service as the local district;

1137 (ii) describe the affected area;

1138 (iii) state the date, time, and location of the public hearing required under Subsection
1139 (3)(a)(ii);

1140 (iv) provide a local district telephone number where additional information about the
1141 proposed boundary adjustment may be obtained;

1142 (v) explain the financial and service impacts of the boundary adjustment on property
1143 owners or residents within the affected area; and

1144 (vi) state in conspicuous and plain terms that the board of trustees may approve the
1145 adjustment of the boundaries unless, at or before the public hearing under Subsection (3)(a)(ii),
1146 written protests to the adjustment are filed with the board by:

1147 (A) the owners of private real property that:

1148 (I) is located within the affected area;

1149 (II) covers at least 50% of the total private land area within the affected area; and

1150 (III) is equal in assessed value to at least 50% of the assessed value of all private real
1151 property within the affected area; or

1152 (B) registered voters residing within the affected area equal in number to at least 50%
1153 of the votes cast in the affected area for the office of governor at the last regular general
1154 election before the filing of the protests.

1155 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be
1156 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

1157 (d) The boards of trustees of the local districts whose boundaries are being adjusted
1158 may jointly:

1159 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

1160 (ii) hold the public hearing required under Subsection (3)(a)(ii).

1161 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees
1162 may adopt a resolution approving the adjustment of the common boundary unless, at or before
1163 the public hearing, written protests to the boundary adjustment have been filed with the board
1164 by:

1165 (a) the owners of private real property that:

1166 (i) is located within the affected area;

1167 (ii) covers at least 50% of the total private land area within the affected area; and

1168 (iii) is equal in assessed value to at least 50% of the assessed value of all private real
1169 property within the affected area; or

1170 (b) registered voters residing within the affected area equal in number to at least 50%
1171 of the votes cast in the affected area for the office of governor at the last regular general
1172 election before the filing of the protests.

1173 (5) A resolution adopted under Subsection (4) does not take effect until the board of
 1174 each local district whose boundaries are being adjusted has adopted a resolution under
 1175 Subsection (4).

1176 (6) (a) Within ~~[90]~~ 30 days after the resolutions take effect under Subsection (5), the
 1177 board of the local district whose boundaries are being adjusted to include the affected area shall
 1178 file a notice with the lieutenant governor.

1179 (b) The notice required under Subsection (6)(a) shall:

1180 (i) be accompanied by:

1181 (A) a copy of each of the board resolutions approving the boundary adjustment; and

1182 (B) an accurate map depicting the affected area or a legal description of the affected
 1183 area, adequate for purposes of the county assessor and recorder; and

1184 (ii) include a certification by the board of the local district whose boundaries are being
 1185 adjusted to include the affected area that all requirements for the boundary adjustment have
 1186 been complied with.

1187 ~~[(c) Within ten days after receiving the notice under Subsection (6)(a), the lieutenant
 1188 governor shall:]~~

1189 ~~[(i) issue a certificate of boundary adjustment and send a copy of the certificate to the
 1190 board of each local district whose boundary is being adjusted, the State Tax Commission, the
 1191 state auditor, and the assessor and recorder of each county in which any part of the affected
 1192 area is located; and]~~

1193 ~~[(ii) send a copy of the notice under Subsection (6)(a), including the accompanying
 1194 map or legal description, to the State Tax Commission and the assessor and recorder of each
 1195 county in which any part of the affected area is located.]~~

1196 (7) Upon the lieutenant governor's issuance of a certificate of boundary ~~[adjustment]~~
 1197 change under Section 67-1a-6.5, the affected area is annexed to the local district whose
 1198 boundaries are being adjusted to include the affected area, and the affected area is withdrawn
 1199 from the local district whose boundaries are being adjusted to exclude the affected area.

1200 Section 29. Section **17B-2-601** is amended to read:

1201 **17B-2-601. Withdrawal of area from local district -- Automatic withdrawal in**
 1202 **certain circumstances -- Definitions.**

1203 (1) An area within the boundaries of a local district may be withdrawn from the local

1204 district as provided in this part.

1205 (2) (a) An area within the boundaries of a local district is automatically withdrawn
1206 from the local district by the annexation of the area to a municipality or the adding of the area
1207 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

1208 (i) the local district provides fire protection, paramedic, and emergency services;

1209 (ii) an election for the creation of the local district was not required because of

1210 Subsection 17B-2-214(3)(c); and

1211 (iii) before annexation or boundary adjustment, the boundaries of the local district do
1212 not include any of the annexing municipality.

1213 (b) The effective date of a withdrawal under this Subsection (2) is governed by

1214 Subsection 17B-2-610~~(4)~~(2)(b).

1215 (3) In addition to those definitions in Section 17B-2-101, as used in this part,
1216 "receiving entity" means an entity that will, following a withdrawal, provide to the withdrawn
1217 area the service previously provided by the local district.

1218 Section 30. Section **17B-2-603.5** is amended to read:

1219 **17B-2-603.5. Withdrawal of municipality in certain districts providing fire**
1220 **protection, paramedic, and emergency services.**

1221 (1) (a) The process to withdraw an area from a local district may be initiated by a
1222 resolution adopted by the legislative body of a municipality that is entirely within the
1223 boundaries of a local district:

1224 (i) that provides fire protection, paramedic, and emergency services; and

1225 (ii) in the creation of which an election was not required because of Subsection

1226 17B-2-214(3)(c).

1227 (b) Within ten days after adopting a resolution under Subsection (1)(a), the municipal
1228 legislative body shall submit to the board of trustees of the local district written notice of the
1229 adoption of the resolution, accompanied by a copy of the resolution.

1230 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body
1231 shall hold an election at the next municipal general election that is more than 60 days after
1232 adoption of the resolution on the question of whether the municipality should withdraw from
1233 the local district.

1234 (3) If a majority of those voting on the question of withdrawal at an election held under

1235 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local
1236 district.

1237 (4) (a) Within ten days after the canvass of an election at which a withdrawal under this
1238 section is submitted to voters, the municipal legislative body shall send written notice to the
1239 board of the local district from which the municipality is proposed to withdraw.

1240 (b) Each notice under Subsection (4)(a) shall:

1241 (i) state the results of the withdrawal election; and

1242 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal
1243 description of the area to be withdrawn, adequate for purposes of the county assessor and
1244 recorder.

1245 (5) The effective date of a withdrawal under this section is governed by Subsection
1246 17B-2-610~~[(1)(b)]~~(2)(a).

1247 Section 31. Section **17B-2-610** is amended to read:

1248 **17B-2-610. Notice of withdrawal -- Contest period -- Judicial review.**

1249 (1) (a) The board of trustees shall file a written notice of withdrawal with the lieutenant
1250 governor:

1251 (i) within ten days after adopting a resolution approving a withdrawal under Section
1252 17B-2-608; and

1253 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
1254 automatic withdrawal under Subsection 17B-2-601(2) or after receiving notice of a withdrawal
1255 of a municipality from a local district under Section 17B-2-603.5.

1256 (b) The notice required under Subsection (1)(a) shall:

1257 (i) be accompanied by:

1258 (A) for a withdrawal pursuant to a resolution adopted under Section 17B-2-608, a copy
1259 of the board resolution approving the withdrawal; and

1260 (B) an accurate map depicting the boundaries of the withdrawn area or a legal
1261 description of the withdrawn area, adequate for purposes of the county assessor and recorder;
1262 and

1263 (ii) for a withdrawal pursuant to a resolution adopted under Section 17B-2-608, include
1264 a certification by the local district board that all requirements for the withdrawal have been
1265 complied with.

1266 ~~[(c) Within ten days after receiving the notice of withdrawal under Subsection (1)(a)~~
1267 ~~for a withdrawal under Section 17B-2-608 or for the withdrawal of a municipality from a local~~
1268 ~~district under Section 17B-2-603.5, the lieutenant governor shall:]~~

1269 ~~[(i) issue a certificate of withdrawal and send a copy of the certificate to the local~~
1270 ~~district board, the State Tax Commission, the state auditor, and the assessor and recorder of~~
1271 ~~each county in which any part of the withdrawn area is located; and]~~

1272 ~~[(ii) send a copy of the notice under Subsection (1)(a), including the accompanying~~
1273 ~~map or legal description, to the State Tax Commission and the assessor and recorder of each~~
1274 ~~county in which any part of the withdrawn area is located:]~~

1275 (2) (a) Upon the lieutenant governor's issuance of the certificate of [~~withdrawal~~]
1276 boundary change under [~~Subsection (1)(c)(i)~~] Section 67-1a-6.5 for a withdrawal under Section
1277 17B-2-608 or for the withdrawal of a municipality from a local district under Section
1278 17B-2-603.5, the withdrawal shall be effective, subject to the conditions of the withdrawal
1279 resolution, if applicable.

1280 (b) An automatic withdrawal under Subsection 17B-2-601(2) shall be effective upon
1281 the lieutenant governor's issuance of a certificate of [~~withdrawal~~] boundary change under
1282 [~~Subsection 10-1-117(3)(b)~~] Section 67-1a.6.5.

1283 (3) The local district may provide for the publication of any resolution approving or
1284 denying the withdrawal of an area in a newspaper of general circulation in the area proposed
1285 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a
1286 notice of withdrawal or denial of withdrawal, containing:

1287 (a) the name of the local district;

1288 (b) a description of the area proposed for withdrawal;

1289 (c) a brief explanation of the grounds on which the board of trustees determined to
1290 approve or deny the withdrawal; and

1291 (d) the times and place where a copy of the resolution may be examined, which shall be
1292 at the place of business of the local district, identified in the notice, during regular business
1293 hours of the local district as described in the notice and for a period of at least 30 days after the
1294 publication of the notice.

1295 (4) Any sponsor of the petition or receiving entity may contest the board's decision to
1296 deny a withdrawal of an area from the local district by submitting a request, within 60 days

1297 after the resolution is adopted under Section 17B-2-608, to the board of trustees, suggesting
1298 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees
1299 based its decision to deny the withdrawal.

1300 (5) Within 60 days after the request under Subsection (4) is submitted to the board of
1301 trustees, the board may consider the suggestions for mitigation and adopt a resolution
1302 approving or denying the request in the same manner as provided in Section 17B-2-608 with
1303 respect to the original resolution denying the withdrawal and file a notice of the action as
1304 provided in Subsection (1).

1305 (6) (a) Any person in interest may seek judicial review of:

1306 (i) the board of trustees' decision to withdraw an area from the local district;

1307 (ii) the terms and conditions of a withdrawal; or

1308 (iii) the board's decision to deny a withdrawal.

1309 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in the
1310 district court in the county in which a majority of the area proposed to be withdrawn is located:

1311 (i) if the resolution approving or denying the withdrawal is published under Subsection
1312 (3), within 60 days after the publication or after the board of trustees' denial of the request
1313 under Subsection (5);

1314 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after
1315 the resolution approving or denying the withdrawal is adopted; or

1316 (iii) if a request is submitted to the board of trustees of a local district under Subsection
1317 (4), and the board adopts a resolution under Subsection (5), within 60 days after the board
1318 adopts a resolution under Subsection (5) unless the resolution is published under Subsection
1319 (3), in which event the action must be filed within 60 days after the publication.

1320 (c) A court in which an action is filed under this Subsection (6) may not overturn, in
1321 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

1322 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

1323 (ii) the court finds that the board materially failed to follow the procedures set forth in
1324 this part.

1325 (d) A court may award costs and expenses of an action under this section, including
1326 reasonable attorney's fees, to the prevailing party.

1327 (7) After the applicable contest period under Subsection (4) or (6), no person may

1328 contest the board of trustees' approval or denial of withdrawal for any cause.

1329 Section 32. Section **17B-2-708** is amended to read:

1330 **17B-2-708. Dissolution resolution -- Limitations on dissolution -- Distribution of**
1331 **remaining assets -- Notice of dissolution to lieutenant governor.**

1332 (1) After the public hearing required under Section 17B-2-706 and subject to
1333 Subsection (2), the administrative body may adopt a resolution approving dissolution of the
1334 local district.

1335 (2) A resolution under Subsection (1) may not be adopted unless:

1336 (a) any outstanding debt of the local district is:

1337 (i) satisfied and discharged in connection with the dissolution; or

1338 (ii) assumed by another governmental entity with the consent of all the holders of that
1339 debt and all the holders of other debts of the local district;

1340 (b) for a local district that has provided service during the preceding three years or
1341 undertaken planning or other activity preparatory to providing service:

1342 (i) another entity has committed to provide the same service to the area being served or
1343 proposed to be served by the local district; and

1344 (ii) all who are to receive the service have consented to the service being provided by
1345 the other entity; and

1346 (c) all outstanding contracts to which the local district is a party are resolved through
1347 mutual termination or the assignment of the district's rights, duties, privileges, and
1348 responsibilities to another entity with the consent of the other parties to the contract.

1349 (3) (a) (i) Any assets of the local district remaining after paying all debts and other
1350 obligations of the local district shall be used to pay costs associated with the dissolution
1351 process under this part.

1352 (ii) Any costs of the dissolution process remaining after exhausting the remaining
1353 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.

1354 (b) Any assets of the local district remaining after application of Subsection (3)(a) shall
1355 be distributed:

1356 (i) proportionately to the owners of real property within the dissolved local district if
1357 there is a readily identifiable connection between a financial burden borne by the real property
1358 owners in the district and the remaining assets; or

1359 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which
1360 the dissolved local district was located before dissolution in the same proportion that the land
1361 area of the local district located within the unincorporated area of the county or within the city
1362 or town bears to the total local district land area.

1363 (4) (a) Within ~~[90]~~ 30 days after adopting a resolution approving dissolution of the
1364 local district, the administrative body shall file a notice with the lieutenant governor.

1365 (b) The notice required under Subsection (4)(a) shall:

1366 (i) be accompanied by a copy of the board resolution approving the dissolution; and

1367 (ii) include a certification by the administrative body that all requirements for the
1368 dissolution have been complied with.

1369 ~~[(c) Within ten days after receiving the notice under Subsection (4)(a), the lieutenant
1370 governor shall:]~~

1371 ~~[(i) issue a certificate of dissolution and send a copy of the certificate to the
1372 administrative body, and]~~

1373 ~~[(ii) send a copy of the certificate of dissolution, with a copy of the administrative
1374 body's resolution, to the State Tax Commission, the state auditor, and the assessor and recorder
1375 of each county in which any part of the dissolved district was located immediately before
1376 dissolution.]~~

1377 (c) Upon the lieutenant governor's issuance of the certificate of dissolution under
1378 Section 67-1a-6.5, the local district is dissolved.

1379 Section 33. Section **17B-4-201** is amended to read:

1380 **17B-4-201. Creation of agency -- Notice to lieutenant governor.**

1381 (1) Subject to Subsection (2), a community may, by ordinance adopted by its
1382 legislative body, create an agency.

1383 (2) (a) Within ten days after adopting an ordinance under Subsection (1), the
1384 community legislative body shall ~~[cause]~~ file with the lieutenant governor a notice of the
1385 adoption of the ordinance, with a copy of the ordinance~~[-, to be filed with the lieutenant
1386 governor].~~

1387 ~~[(b) Within ten days after receiving the notice under Subsection (2)(a), the lieutenant
1388 governor shall issue a certificate of incorporation for the agency and send a copy of the
1389 certificate to the community legislative body:]~~

1390 ~~[(e)]~~ (b) Upon the lieutenant governor's issuance of the certificate of [~~incorporation~~]
1391 creation under Section 67-1a-6.5, the agency is created and incorporated.

1392 ~~[(3) Within 20 days after the issuance of the certificate of incorporation, the agency~~
1393 ~~shall cause a notice of the agency's creation and incorporation, with a copy of the certificate of~~
1394 ~~incorporation attached, to be filed with the State Tax Commission and the state auditor.]~~

1395 Section 34. Section **17B-4-410** is amended to read:

1396 **17B-4-410. Agency required to transmit and record documents after adoption of**
1397 **project area plan.**

1398 Within 30 days after the community legislative body adopts, under Section 17B-4-408,
1399 a project area plan, the agency shall:

1400 (1) record with the recorder of the county in which the project area is located a
1401 document containing:

1402 (a) a description of the land within the project area;

1403 (b) a statement that the project area plan for the project area has been adopted; and

1404 (c) the date of adoption; [~~and~~]

1405 (2) transmit a copy of the description of the land within the project area and an accurate
1406 map or plat indicating the boundaries of the project area to the Automated Geographic
1407 Reference Center created under Section 63A-6-202; and

1408 ~~[(2)]~~ (3) for a project area plan that provides for the payment of tax increment to the
1409 agency, transmit a copy of the description of the land within the project area, a copy of the
1410 community legislative body ordinance adopting the project area plan, and a map or plat
1411 indicating the boundaries of the project area to:

1412 (a) the auditor, recorder, attorney, surveyor, and assessor of [~~the~~] each county in which
1413 any part of the project area is located;

1414 (b) the officer or officers performing the function of auditor or assessor for each taxing
1415 entity that does not use the county assessment roll or collect its taxes through the county;

1416 (c) the legislative body or governing board of each taxing entity;

1417 (d) the State Tax Commission; and

1418 (e) the State Board of Education.

1419 Section 35. Section **17B-4-1401** is amended to read:

1420 **17B-4-1401. Dissolution by ordinance -- Restrictions -- Filing copy of ordinance --**

1421 **Agency records -- Dissolution expenses.**

1422 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
1423 an agency may, by ordinance, deactivate and dissolve the agency.

1424 (b) An ordinance dissolving an agency may not be adopted unless the agency has no
1425 outstanding bonded indebtedness, other unpaid loans, indebtedness, or advances, and no legally
1426 binding contractual obligations with persons or entities other than the community.

1427 (2) ~~[The]~~ (a) Within ten days after adopting an ordinance under Subsection (1), the
1428 community legislative body [of each community that adopts an ordinance under Subsection
1429 (1)] shall~~[-(a)]~~ file a certified copy of the ordinance with the [State Tax Commission, county
1430 assessor, county auditor,] lieutenant governor.

1431 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under
1432 Section 67-1a-6.5, the agency is dissolved.

1433 (c) Within ten days after receiving the certificate of dissolution from the lieutenant
1434 governor under Section 67-1a-6.5, the community legislative body shall send a copy of the
1435 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
1436 Education, and each taxing entity; and

1437 ~~[(b) cause]~~ (d) The community legislative body shall publish a notice of dissolution ~~[to~~
1438 ~~be published]~~ in a newspaper of general circulation in the county in which the dissolved agency
1439 is located.

1440 (3) The books, documents, records, papers, and seal of each dissolved agency shall be
1441 deposited for safekeeping and reference with the recorder of the community that dissolved the
1442 agency.

1443 (4) The agency shall pay all expenses of the deactivation and dissolution.

1444 Section 36. Section **20A-14-201** is amended to read:

1445 **20A-14-201. Boards of education -- School board districts -- Creation --**
1446 **Reapportionment.**

1447 (1) (a) The county legislative body, for local school districts whose boundaries
1448 encompass more than a single municipality, and the municipal legislative body, for school
1449 districts contained completely within a municipality, shall divide the local school district into
1450 local school board districts as required under Subsection 20A-14-202(1)(a).

1451 (b) The county and municipal legislative bodies shall divide the school district so that

1452 the local school board districts are substantially equal in population and are as contiguous and
1453 compact as practicable.

1454 (2) (a) County and municipal legislative bodies shall reapportion district boundaries to
1455 meet the population, compactness, and contiguity requirements of this section:

1456 (i) at least once every ten years;

1457 (ii) whenever a new district is created;

1458 (iii) whenever districts are consolidated;

1459 (iv) whenever a district loses more than 20% of the population of the entire school
1460 district to another district;

1461 (v) whenever a district loses more than 50% of the population of a local school board
1462 district to another district;

1463 (vi) whenever a district receives new residents equal to at least 20% of the population
1464 of the district at the time of the last reapportionment because of a transfer of territory from
1465 another district; and

1466 (vii) whenever it is necessary to increase the membership of a board from five to seven
1467 members as a result of changes in student membership under Section 20A-14-202.

1468 (b) If a school district receives territory containing less than 20% of the population of
1469 the transferee district at the time of the last reapportionment, the local school board may assign
1470 the new territory to one or more existing school board districts.

1471 (3) (a) Reapportionment does not affect the right of any school board member to
1472 complete the term for which the member was elected.

1473 (b) (i) After reapportionment, representation in a local school board district shall be
1474 determined as provided in Subsection (3).

1475 (ii) If only one board member whose term extends beyond reapportionment lives
1476 within a reapportioned local school board district, that board member shall represent that local
1477 school board district.

1478 (iii) (A) If two or more members whose terms extend beyond reapportionment live
1479 within a reapportioned local school board district, the members involved shall select one
1480 member by lot to represent the local school board district.

1481 (B) The other members shall serve at-large for the remainder of their terms.

1482 (C) The at-large board members shall serve in addition to the designated number of

1483 board members for the board in question for the remainder of their terms.

1484 (iv) If there is no board member living within a local school board district whose term
1485 extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in
1486 this part.

1487 (4) (a) If, before an election affected by reapportionment, the county or municipal
1488 legislative body that conducted the reapportionment determines that one or more members
1489 must be elected to terms of two years to meet this part's requirements for staggered terms, the
1490 legislative body shall determine by lot which of the reapportioned local school board districts
1491 will elect members to two-year terms and which will elect members to four-year terms.

1492 (b) All subsequent elections are for four-year terms.

1493 (5) Within ten days after any local school board district boundary change, the county or
1494 municipal legislative body making the change shall send an accurate map or plat of the
1495 boundary change to the Automated Geographic Reference Center created under Section
1496 63A-6-202.

1497 Section 37. Section **53A-2-101.5** is enacted to read:

1498 **53A-2-101.5. Notice of school district boundary changes including creation,**
1499 **consolidation, division, or dissolution.**

1500 (1) Within 30 days after the creation, consolidation, division, or dissolution of a school
1501 district, or any other change affecting the boundary of a new or existing school district, the
1502 county legislative body shall file a written notice of the action with the lieutenant governor.

1503 (2) The notice under Subsection (1) shall be accompanied by an accurate map or plat
1504 showing the boundaries of the affected school districts, prepared and certified by a local
1505 surveyor and filed with the county surveyor in accordance with Section 17-23-17.

1506 (3) Upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,
1507 the creation, consolidation, division, dissolution, or other change affecting the boundary of a
1508 new or existing school districts that was the subject of the action has legal effect.

1509 Section 38. Section **53A-2-118** is amended to read:

1510 **53A-2-118. Creation of new school district by county legislative body -- Initiation**
1511 **of process -- Procedures to be followed.**

1512 (1) A county legislative body may create a new school district from an existing school
1513 district within the geographical boundaries of the county.

- 1514 (2) (a) The process may be initiated:
- 1515 (i) through a citizens' initiative petition; or
- 1516 (ii) at the request of the board of the existing district or districts to be affected by the
- 1517 creation of the new district.
- 1518 (b) A petition submitted under Subsection (2)(a)(i) must be signed by qualified electors
- 1519 residing within the geographical boundaries of the proposed new school district equal in
- 1520 number to at least 15% of the number of electors in the area who voted for the office of
- 1521 governor at the last regular general election.
- 1522 (c) The process may only be initiated once during any four-year period.
- 1523 (d) A new district may not be formed if the student population of the proposed new
- 1524 district is less than 5,000 or the existing district's student population would be less than 5,000
- 1525 because of the creation of the new school district.
- 1526 (e) If a county legislative body receives a request or petition to create a new district on
- 1527 or before December 1:
- 1528 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
- 1529 by Subsection (3), on or before January 1;
- 1530 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
- 1531 county legislative body, as provided by Subsection (3), on or before July 1; and
- 1532 (iii) if the county legislative body approves a proposal to create a new district, the
- 1533 proposal shall be submitted to the county clerk to be voted on by the electors of the existing
- 1534 district at the regular general or municipal general election held in November.
- 1535 (3) (a) The county legislative body shall appoint an ad hoc advisory committee to
- 1536 review and make recommendations on a request for the creation of a new school district
- 1537 submitted under Subsection (2)(a).
- 1538 (b) The advisory committee shall:
- 1539 (i) seek input from:
- 1540 (A) those requesting the creation of the new school district;
- 1541 (B) the school board and school personnel of the existing school district;
- 1542 (C) those citizens residing within the geographical boundaries of the existing school
- 1543 district;
- 1544 (D) the State Board of Education; and

- 1545 (E) other interested parties;
- 1546 (ii) review data and gather information on at least:
- 1547 (A) the financial viability of the proposed new school district;
- 1548 (B) the proposal's financial impact on the existing school district;
- 1549 (C) the exact placement of school district boundaries; and
- 1550 (D) the positive and negative effects of creating a new school district and whether the
- 1551 positive effects outweigh the negative if a new school district were to be created; and
- 1552 (iii) make a report to the county legislative body in a public meeting on the committee's
- 1553 activities, together with a recommendation on whether to create a new school district.
- 1554 (4) (a) The county legislative body shall provide for a 45-day public comment period
- 1555 on the report and recommendation to begin on the day the report is given under Subsection
- 1556 (3)(b)(iii).
- 1557 (b) Within 14 days after the end of the comment period, the county legislative body
- 1558 shall vote on the creation of the proposed new school district.
- 1559 (c) The proposal is approved if a majority of the members of the county legislative
- 1560 body votes in favor of the proposal.
- 1561 (d) If the proposal is approved, the county legislative body shall submit the proposal to
- 1562 the county clerk to be voted on:
- 1563 (i) by the electors of the existing school district;
- 1564 (ii) in accordance with Title 20A, Election Code; and
- 1565 (iii) at the next regular general election or municipal general election, whichever is
- 1566 first.
- 1567 (e) Creation of the new school district shall occur if a majority of the electors within
- 1568 both the proposed school district and the remaining school district voting on the proposal vote
- 1569 in favor of the creation of the new district.
- 1570 (f) ~~(f)~~ The county legislative body shall ~~[- within 45 days of the creation of the new~~
- 1571 ~~school district, file a written] provide notice of the action ~~[with the State Tax Commission] as~~~~
- 1572 ~~required in Section 53A-2-101.5.~~
- 1573 ~~[(ii) The notice shall be accompanied by a map showing the boundaries of the affected~~
- 1574 ~~school districts, prepared and certified by a local surveyor.]~~
- 1575 (5) If a proposal to create a new district is approved by the electors, the existing

1576 district's documented costs to study and implement the proposal shall be reimbursed by the new
1577 district.

1578 Section 39. Section **63A-6-201** is amended to read:

1579 **63A-6-201. Definitions.**

1580 As used in this part:

1581 (1) "Center" means the Automated Geographic Reference Center created in Section
1582 63A-6-202.

1583 (2) "Database" means the State Geographic Information Database created in Section
1584 63A-6-203.

1585 (3) "Division" means the Division of Information Technology Services.

1586 (4) "Geographic Information System" means a computer driven data integration and
1587 map production system that interrelates disparate layers of data to specific geographic
1588 locations.

1589 (5) "State Geographic Information Database" means the database [~~mandated by~~]
1590 created in Section [~~63A-6-202]~~ 63A-6-203.

1591 Section 40. Section **63A-6-202** is amended to read:

1592 **63A-6-202. Automated Geographic Reference Center.**

1593 (1) There is created the Automated Geographic Reference Center as part of the
1594 division.

1595 (2) The center shall:

1596 (a) provide geographic information system services to state agencies under rules and
1597 policies established by the division;

1598 (b) provide geographic information system services to federal government, local
1599 political subdivisions, and private persons under rules and policies established by the division;

1600 (c) manage the State Geographic Information Database; and

1601 (d) establish standard format, lineage, and other requirements for the database.

1602 (3) There is created a position of surveyor within the center which surveyor shall be
1603 licensed as a professional land surveyor under Title 58, Chapter 22, Professional Engineers and
1604 Land Surveyors Licensing Act, and shall have the following duties:

1605 (a) provide technical support to the office of lieutenant governor in evaluating
1606 boundary creation or boundary changes prior to certification by the lieutenant governor under

1607 Subsection 67-1a-6(3):

1608 (b) assist the State Tax Commission in processing and quality assurance of boundary
1609 descriptions or maps into digital format for inclusion in the State Geographic Information
1610 Database;

1611 (c) coordinate with county recorders and surveyors to create a statewide parcel layer in
1612 the State Geographic Information Database containing parcel boundary, parcel identifier, parcel
1613 address, owner type, and county recorder contact information; and

1614 (d) facilitate and integrate the collection efforts of local government and federal
1615 agencies for data collection to densify and enhance the statewide Public Land Survey System
1616 reference network in the State Geographic Information Database.

1617 [~~3~~] (4) The division may:

1618 (a) make rules and establish policies to govern the center and its operations; and

1619 (b) set fees for the services provided by the center.

1620 (5) The state may not sell information obtained from counties under Subsection (3)(c).

1621 Section 41. Section **63A-6-203** is amended to read:

1622 **63A-6-203. State Geographic Information Database.**

1623 (1) There is created a State Geographic Information Database to be managed by the
1624 center.

1625 (2) The database shall:

1626 (a) serve as the central reference for all information contained in any GIS database by
1627 any state agency;

1628 (b) serve as a clearing house and repository for all data layers required by multiple
1629 users; [~~and~~]

1630 (c) serve as a standard format for geographic information acquired, purchased, or
1631 produced by any state agency[~~;~~]; and

1632 (d) include an accurate representation of all civil subdivision boundaries of the state.

1633 (3) Each state agency that acquires, purchases, or produces digital geographic
1634 information data shall:

1635 (a) inform the center of the existence of the data layers and their geographic extent;

1636 (b) allow the center access to all data classified public; and

1637 (c) comply with any database requirements established by the center.

1638 (4) At least annually, the State Tax Commission shall deliver to the center information
1639 the State Tax Commission receives under Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,
1640 17-2-9, 17-3-3, 17A-1-102, 17B-2-215, and 17B-4-201 relating to the creation or modification
1641 of the boundaries of the political subdivisions that are the subject of those sections.

1642 Section 42. Section **67-1a-6.5** is enacted to read:

1643 **67-1a-6.5. Lieutenant governor certification of governmental entity creation,**
1644 **consolidation, division, dissolution, or boundary change.**

1645 (1) As used in this section:

1646 (a) "AGRC" means the Automated Geographic Reference Center created under Section
1647 63A-6-202.

1648 (b) "Boundary change" means the adjustment of an entity's boundary either through
1649 gaining territory (annexation), losing territory (withdrawal), adjusting the common boundary
1650 with an adjacent entity (may gain territory, lose territory, or a combination of both gaining and
1651 losing territory), or any other adjustment of the entity's boundary.

1652 (c) "Consolidation" means the combining of two or more entities into a single entity
1653 such that the consolidated entity's boundary contains all of the territory of the original entities,
1654 but no additional territory.

1655 (d) "County attorney" means the county attorney of each county which contains any
1656 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
1657 change.

1658 (e) (i) "County auditor" means the county auditor of each county which contains any
1659 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
1660 change; and

1661 (ii) If the county does not have a county auditor, "county auditor" means the county
1662 clerk or other government official acting as the county auditor.

1663 (f) "County recorder" means the county recorder of each county which contains any
1664 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
1665 change.

1666 (g) "County surveyor" means the county surveyor of each county which contains any
1667 part of the area affected by the entity creation, consolidation, division, dissolution, or boundary
1668 change.

1669 (h) "Creation" means the forming of a new entity where that entity did not exist before
1670 its creation.

1671 (i) "Dissolution" means the disbandment of an entity.

1672 (j) "Division" means the dividing of one entity into two or more entities such that the
1673 original entity's boundary contains all of the territory of the resultant entities, but no additional
1674 territory.

1675 (k) "Entity" means the entity that is created, consolidated, divided, dissolved, or whose
1676 boundary is changed.

1677 (l) "Initiating body" means the county legislative body, municipal legislative body,
1678 special district board, local district board, court, public official, or other authorized person that
1679 initiates the creation, dissolution, consolidation, or boundary change of an entity or entities.

1680 (m) "Notice of entity boundary change" means the notice the lieutenant governor
1681 receives under Subsections 10-1-116(1); 10-2-419(1); 10-2-425(1); 10-2-507(1); 17-2-9(2);
1682 17-2-13(3); 17-50-104(3); 17-50-105(1)(b) or (2)(e); 17A-2-1327(4); 17B-2-514(2);
1683 17B-2-516(6); 17B-2-610(1); or 53A-2-101.5(1) of an entity's pending boundary change.

1684 (n) "Notice of entity consolidation" means the notice the lieutenant governor receives
1685 under Section 10-2-610 or Subsection 10-1-116(1) or 17-2-4(2) of entities' pending
1686 consolidation.

1687 (o) "Notice of entity creation" means the notice the lieutenant governor receives under
1688 Subsections 10-1-116(1); 10-2-119(1), 10-2-125(6), 11-13-204(4), 11-13-205(6),
1689 17A-2-1311(2), 17B-2-215(1), 17B-4-201(2), or 53A-2-101.5(1) of an entity's pending
1690 creation.

1691 (p) "Notice of entity dissolution" means the notice the lieutenant governor receives
1692 under Subsections 10-1-116(1); 10-2-712(2), 17A-2-1329(4), 17B-2-708(4), or
1693 17B-4-1401(2)(a) of an entity's pending dissolution.

1694 (q) "Notice of entity division" means the notice the lieutenant governor receives under
1695 Subsections 17-3-3(3) of an entity's pending division.

1696 (r) "Notice of intention to file articles of incorporation" means the notice the lieutenant
1697 governor receives under Subsection 10-2-120(1).

1698 (s) "Lieutenant Governor" means the lieutenant governor created in Article VII,
1699 Section 1 of the Utah Constitution.

1700 (t) "State Auditor" means the state auditor created in Article VII, Section 1 of the Utah
1701 Constitution.

1702 (u) "State Tax Commission" means the State Tax Commission created in Article XIII,
1703 Section 6 of the Utah State Constitution.

1704 (2) Within ten days after receiving a notice of entity creation, the lieutenant governor
1705 shall:

1706 (a) issue a certificate of entity creation;

1707 (b) (i) send a copy of the certificate issued under Subsection (2)(a) and a copy of the
1708 notice of entity creation including the accompanying map or legal description to the State Tax
1709 Commission, AGRC, county recorder, county surveyor, county auditor, and county attorney;
1710 and

1711 (ii) send a copy of the certificate issued under Subsection (2)(a) to the state auditor;
1712 and

1713 (c) send to the initiating body a copy of the certificate issued under Subsection (2)(a)
1714 and a statement indicating completion of Subsection (2)(b).

1715 (3) Within ten days after receiving a notice of intention to file articles of incorporation,
1716 the lieutenant governor shall:

1717 (a) issue a certificate indicating receipt of a notice of intention to file articles of
1718 incorporation;

1719 (b) (i) send a copy of the certificate issued under Subsection (3)(a) and a copy of the
1720 notice of intention to file articles of incorporation including the accompanying map or legal
1721 description to the State Tax Commission, AGRC, county recorder, county surveyor, county
1722 auditor, and county attorney; and

1723 (ii) send a copy of the certificate issued under Subsection (3)(a) to the state auditor;
1724 and

1725 (c) send to the initiating body a copy of the certificate issued under Subsection (3)(a)
1726 and a statement indicating completion of Subsection (3)(b).

1727 (4) Within ten days after receiving a notice of entity consolidation, the lieutenant
1728 governor shall:

1729 (a) issue a certificate of entity consolidation;

1730 (b) (i) send a copy of the certificate issued under Subsection (4)(a) and a copy of the

1731 notice of entity consolidation to the State Tax Commission, AGRC, county recorder, county
1732 surveyor, county auditor, and county attorney; and

1733 (ii) send a copy of the certificate issued under Subsection (4)(a) to the state auditor;
1734 and

1735 (c) send to the initiating body and the entities being consolidated, if different from the
1736 initiating body, a copy of the certificate issued under Subsection (4)(a) and a statement
1737 indicating completion of Subsection (4)(b).

1738 (5) Within ten days after receiving a notice of entity division, the lieutenant governor
1739 shall:

1740 (a) issue a certificate of entity division;

1741 (b) (i) send a copy of the certificate issued under Subsection (5)(a) and a copy of the
1742 notice of entity consolidation including the accompanying map or legal description to the State
1743 Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
1744 attorney; and

1745 (ii) send a copy of the certificate issued under Subsection (5)(a) to the state auditor;
1746 and

1747 (c) send to the initiating body a copy of the certificate issued under Subsection (5)(a)
1748 and a statement indicating completion of Subsection (5)(b).

1749 (6) Within ten days after receiving a notice of entity dissolution, the lieutenant
1750 governor shall:

1751 (a) issue a certificate of entity dissolution;

1752 (b) (i) send a copy of the certificate issued under Subsection (6)(a) and a copy of the
1753 notice of entity dissolution to the State Tax Commission, AGRC, county recorder, county
1754 surveyor, county auditor, and county attorney; and

1755 (ii) send a copy of the certificate issued under Subsection (6)(a) to the state auditor;
1756 and

1757 (c) send to the initiating body and the entity being dissolved, if different than the
1758 initiating body, a copy of the certificate issued under Subsection (6)(a) and a statement
1759 indicating completion of Subsection (6)(b).

1760 (7) Within ten days after receiving a notice of entity boundary change, the lieutenant
1761 governor shall:

1762 (a) issue a certificate of entity boundary change;

1763 (b) send a copy of the certificate issued under Subsection (7)(a) and a copy of the
1764 notice of entity boundary change including the accompanying map or legal description to the
1765 State Tax Commission, AGRC, county recorder, county surveyor, county auditor, and county
1766 attorney; and

1767 (c) send to the initiating body or bodies, and each entity whose boundary is changed, if
1768 different than the initiating body, a copy of the certificate issued under Subsection (7)(a) and a
1769 statement indicating completion of Subsection (7)(b).

1770 (8) (a) The lieutenant governor shall keep, index, maintain, and make available to the
1771 public certificates, notices, maps, and other documents necessary in performing the duties of
1772 Subsections (2) through (7).

1773 (b) The lieutenant governor shall furnish a certified copy of documents to any person
1774 who requests a certified copy.

1775 (c) The lieutenant governor may charge a reasonable fee for copies of documents or
1776 certified copies of documents.

1776a **§→ Section 43. Coordination clause.**

1776b **If this H.B. 113 and H.B. 109, Information Technology Governance Amendments, both**
1776c **pass, it is the intent of the Legislature that the Office of Legislative Research and General**
1776d **Counsel, in preparing the database for publication:**

1776e **(1) replace each reference to Section 63A-6-202 in this bill with Section 63F-1-506; and**

1776f **(2) modify Subsection 63F-1-502(6), as enacted in H.B. 109, to read:**

1776g **"(6) "State Geographic Information Database" means the database created in Section**
1776h **63F-1-507."** ←§

Fiscal Note
Bill Number HB0113S01

Government Boundary Changes

14-Feb-05

2:03 PM

State Impact

Passage of this bill would have no fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst