

1                                   **LOCAL GOVERNMENT ENTITY CHANGES**

2   2009 GENERAL SESSION

3   STATE OF UTAH

4                                   **Chief Sponsor: Kory M. Holdaway**

5                                   Senate Sponsor: Lyle W. Hillyard

---

---

7 **LONG TITLE**

8 **General Description:**

9           This bill modifies provisions relating to the process of certifying local government  
10 actions affecting the name or boundary of a local entity.

11 **Highlighted Provisions:**

12           This bill:

13           ▶ modifies and clarifies the process of certifying:

- 14                   • local government changes that affect or create local government boundaries;

15 and

- 16                   • local government name changes;

17           ▶ provides a process for certifying final local entity plats for local government  
18 boundary changes;

19           ▶ eliminates a requirement for municipalities to prepare articles of incorporation as  
20 part of the incorporation process and eliminates an alternative to filing articles of  
21 incorporation;

22           ▶ modifies the authority of city officers-elect;

23           ▶ modifies the duties of the lieutenant governor, county surveyors, and county  
24 recorders in the process of certifying local government boundary and name  
25 changes;

26           ▶ modifies the process for a municipality to change its name;

27           ▶ establishes the date of recording documents related to a boundary action as the  
28 effective date of the boundary action for purposes of assessing property affected by  
29 the boundary action;

- 30           ▶ imposes restrictions on a local entity's imposition of property taxes, assessments, or
- 31 fees until documents related to the boundary action are recorded;
- 32           ▶ modifies the event from which the effective date of a municipal annexation or
- 33 boundary adjustment is calculated;
- 34           ▶ clarifies and makes technical changes relating to the process of consolidating
- 35 counties and the process of annexing part of one county to another county;
- 36           ▶ limits a person from filing for recording a plat that depicts a local entity's boundary
- 37 as it exists as a result of a boundary action unless it complies with certain
- 38 requirements;
- 39           ▶ modifies the duties of the surveyor within the Automated Geographic Reference
- 40 Center;
- 41           ▶ makes a political subdivision's boundary in the State Geographic Information
- 42 Database the official boundary for purposes of US Census Bureau needs;
- 43           ▶ modifies the process for counties to resolve a dispute or uncertainty about the true
- 44 location of a county boundary and replaces the state engineer with the surveyor in
- 45 the Automated Geographic Reference Center in that process; and
- 46           ▶ makes technical changes.

47 **Monies Appropriated in this Bill:**

48           None

49 **Other Special Clauses:**

50           None

51 **Utah Code Sections Affected:**

52 AMENDS:

- 53           **10-1-118**, as enacted by Laws of Utah 2000, Chapter 318
- 54           **10-2-119**, as last amended by Laws of Utah 2005, Chapter 233
- 55           **10-2-120**, as last amended by Laws of Utah 2005, Chapter 233
- 56           **10-2-121**, as last amended by Laws of Utah 2005, First Special Session, Chapter 9
- 57           **10-2-125**, as last amended by Laws of Utah 2008, Chapters 16 and 19

- 58           **10-2-302**, as last amended by Laws of Utah 2001, Second Special Session, Chapter 4
- 59           **10-2-418**, as last amended by Laws of Utah 2007, Chapters 329 and 378
- 60           **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329
- 61           **10-2-425**, as last amended by Laws of Utah 2007, Chapters 329 and 378
- 62           **10-2-507**, as last amended by Laws of Utah 2005, Chapter 233
- 63           **10-2-610**, as last amended by Laws of Utah 1997, Chapter 389
- 64           **10-2-611**, as last amended by Laws of Utah 2005, Chapter 233
- 65           **10-2-705**, as enacted by Laws of Utah 1977, Chapter 48
- 66           **10-2-711**, as last amended by Laws of Utah 2000, Chapter 318
- 67           **10-2-712**, as last amended by Laws of Utah 2005, Chapter 233
- 68           **10-6-111**, as last amended by Laws of Utah 2005, Chapter 146
- 69           **11-13-203**, as last amended by Laws of Utah 2005, Chapter 233
- 70           **11-13-204**, as last amended by Laws of Utah 2005, Chapter 233
- 71           **11-13-205**, as last amended by Laws of Utah 2005, Chapters 105 and 233
- 72           **17-3-3**, as last amended by Laws of Utah 2005, Chapter 233
- 73           **17-21-20**, as last amended by Laws of Utah 2007, Chapter 147
- 74           **17-50-104**, as last amended by Laws of Utah 2005, Chapter 233
- 75           **17-50-105**, as last amended by Laws of Utah 2005, Chapter 233
- 76           **17B-1-105**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 77           **17B-1-215**, as last amended by Laws of Utah 2008, Chapter 360
- 78           **17B-1-216**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 79           **17B-1-405**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 80           **17B-1-414**, as last amended by Laws of Utah 2008, Chapter 118
- 81           **17B-1-415**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 82           **17B-1-416**, as last amended by Laws of Utah 2008, Chapter 118
- 83           **17B-1-417**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 84           **17B-1-512**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 85           **17B-1-1308**, as renumbered and amended by Laws of Utah 2007, Chapter 329

- 86           **17C-1-201**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 87           **17C-1-701**, as renumbered and amended by Laws of Utah 2006, Chapter 359
- 88           **17D-1-204**, as enacted by Laws of Utah 2008, Chapter 360
- 89           **17D-1-208**, as enacted by Laws of Utah 2008, Chapter 360
- 90           **17D-1-209**, as enacted by Laws of Utah 2008, Chapter 360
- 91           **17D-1-403**, as enacted by Laws of Utah 2008, Chapter 360
- 92           **17D-1-603**, as enacted by Laws of Utah 2008, Chapter 360
- 93           **17D-3-203**, as enacted by Laws of Utah 2008, Chapter 360
- 94           **53A-2-101.5**, as enacted by Laws of Utah 2005, Chapter 233
- 95           **53A-2-118**, as last amended by Laws of Utah 2008, Chapter 92
- 96           **53A-2-118.1**, as last amended by Laws of Utah 2008, Chapter 92
- 97           **63F-1-506**, as last amended by Laws of Utah 2005, Chapter 233 and renumbered and
- 98 amended by Laws of Utah 2005, Chapter 169
- 99           **63F-1-507**, as last amended by Laws of Utah 2007, Chapter 329
- 100          **63G-7-401**, as renumbered and amended by Laws of Utah 2008, Chapter 382
- 101          **67-1a-2**, as last amended by Laws of Utah 2007, Chapters 75 and 83

102 ENACTS:

- 103           **17-2-101**, Utah Code Annotated 1953
- 104           **17-2-102**, Utah Code Annotated 1953
- 105           **17-2-201**, Utah Code Annotated 1953
- 106           **17-2-202**, Utah Code Annotated 1953
- 107           **17-23-20**, Utah Code Annotated 1953
- 108           **59-2-305.5**, Utah Code Annotated 1953
- 109           **67-1a-6.7**, Utah Code Annotated 1953

110 REPEALS AND REENACTS:

- 111           **67-1a-6.5**, as last amended by Laws of Utah 2008, Chapter 360

112 RENUMBERS AND AMENDS:

- 113           **17-2-103**, (Renumbered from 17-2-1, as last amended by Laws of Utah 1993, Chapter

114 227)  
115 **17-2-104**, (Renumbered from 17-2-3, as last amended by Laws of Utah 1984, Chapter  
116 68)  
117 **17-2-105**, (Renumbered from 17-2-4, as last amended by Laws of Utah 2005, Chapter  
118 233)  
119 **17-2-106**, (Renumbered from 17-2-5, Utah Code Annotated 1953)  
120 **17-2-203**, (Renumbered from 17-2-6, as last amended by Laws of Utah 2003, Chapter  
121 258)  
122 **17-2-204**, (Renumbered from 17-2-8, as last amended by Laws of Utah 2003, Chapter  
123 258)  
124 **17-2-205**, (Renumbered from 17-2-9, as last amended by Laws of Utah 2005, Chapter  
125 233)  
126 **17-2-206**, (Renumbered from 17-2-10, as last amended by Laws of Utah 2002, Sixth  
127 Special Session, Chapter 3)  
128 **17-2-207**, (Renumbered from 17-2-11, as last amended by Laws of Utah 1993, Chapter  
129 227)  
130 **17-2-208**, (Renumbered from 17-2-12, Utah Code Annotated 1953)  
131 **17-2-209**, (Renumbered from 17-2-13, as last amended by Laws of Utah 2005, Chapter  
132 233)  
133 REPEALS:  
134 **10-1-116**, as last amended by Laws of Utah 2005, Chapter 233  
135 **10-1-117**, as last amended by Laws of Utah 2007, Chapter 329  
136 **10-2-122**, as last amended by Laws of Utah 2000, Chapter 38  
137 **10-2-508**, as last amended by Laws of Utah 2003, Chapter 279  
138 **17-2-2**, as last amended by Laws of Utah 1984, Chapter 68  
139 **17-2-7**, as last amended by Laws of Utah 2003, Chapter 258  
140 **17-3-2**, as last amended by Laws of Utah 1984, Chapter 68

141

---

---

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

143 Section 1. Section **10-1-118** is amended to read:

144 **10-1-118. Changing the name of a municipality.**

145 (1) A municipality may change its name ~~[by filing amended articles of incorporation~~  
146 ~~as provided in Section 10-1-117.]~~ as provided in this section.

147 (2) To initiate a name change, the legislative body of a municipality shall:

148 (a) adopt an ordinance or resolution approving a name change; and

149 (b) file with the lieutenant governor a copy of a notice of an impending name change,  
150 as defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).

151 (3) Upon the lieutenant governor's issuance of a certificate of name change under  
152 Section 67-1a-6.7, the municipal legislative body shall:

153 (a) if the municipality is located within the boundary of a single county, submit to the  
154 recorder of that county:

155 (i) the original:

156 (A) notice of an impending name change; and

157 (B) certificate of name change; and

158 (ii) a certified copy of the ordinance or resolution approving the name change; or

159 (b) if the municipality is located within the boundaries of more than a single county:

160 (i) submit to the recorder of one of those counties:

161 (A) the original of the documents listed in Subsections (3)(a)(i)(A) and (B); and

162 (B) a certified copy of the ordinance or resolution approving the name change; and

163 (ii) submit to the recorder of each other county:

164 (A) a certified copy of the documents described in Subsections (3)(a)(i)(A) and (B);

165 and

166 (B) a certified copy of the ordinance or resolution approving the name change.

167 ~~[(2)]~~ (4) (a) The name change becomes effective upon the lieutenant governor's

168 ~~[certification of the amended articles as provided in Subsection 10-1-117(3).]~~ issuance of a  
169 certificate of name change under Section 67-1a-6.7.

170 (b) Notwithstanding Subsection (4)(a), the municipality may not operate under the  
171 new name until the documents listed in Subsection (3) are recorded in the office of the  
172 recorder of each county in which the municipality is located.

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

174 **10-2-119. Filing of notice and approved final local entity plat with lieutenant**  
175 **governor -- Effective date of incorporation -- Necessity of recording documents and**  
176 **effect of not recording.**

177 (1) ~~[Within seven days after the canvass of the final election of city officers under~~  
178 ~~Section 10-2-116, the] The mayor-elect of the ~~[new] future~~ city shall ~~[file at least three copies~~  
179 ~~of the articles of incorporation];~~~~

180 (a) within 30 days after the canvass of the final election of city officers under Section  
181 10-2-116, file with the lieutenant governor[-];

182 ~~[(2) The articles of incorporation shall:]~~

183 ~~[(a) contain the name of the city;]~~

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

187 ~~[(c) contain the city's class according to population as defined in Section 10-2-301;~~  
188 ~~and]~~

189 ~~[(d) be signed and verified by the mayor-elect of the city.]~~

190 ~~[(3) The legislative body of the new city shall comply with the notice requirements of~~  
191 ~~Section 10-1-116;]~~

192 (i) a copy of a notice of an impending boundary action, as defined in Section  
193 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

194 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

195 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
196 Section 67-1a-6.5:

197 (i) if the city is located within the boundary of a single county, submit to the recorder

198 of that county the original:

199 (A) notice of an impending boundary action;

200 (B) certificate of incorporation; and

201 (C) approved final local entity plat; or

202 (ii) if the city is located within the boundaries of more than a single county, submit the  
203 original of the documents listed in Subsections (1)(b)(i)(A), (B), and (C) to one of those  
204 counties and a certified copy of those documents to each other county.

205 (2) (a) The incorporation is effective upon the lieutenant governor's issuance of a  
206 certificate of incorporation under Section 67-1a-6.5.

207 (b) Notwithstanding any other provision of law, a city is conclusively presumed to be  
208 lawfully incorporated and existing if, for two years following the city's incorporation:

209 (i) (A) the city has levied and collected a property tax; or

210 (B) for a city incorporated on or after July 1, 1998, the city has imposed a sales and  
211 use tax; and

212 (ii) no challenge to the existence or incorporation of the city has been filed in the  
213 district court for the county in which the city is located.

214 (3) (a) The effective date of an incorporation for purposes of assessing property within  
215 the new city is governed by Section 59-2-305.5.

216 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the  
217 recorder of each county in which the property is located, a newly incorporated city may not:

218 (i) levy or collect a property tax on property within the city;

219 (ii) levy or collect an assessment on property within the city; or

220 (iii) charge or collect a fee for service provided to property within the city.

221 Section 3. Section **10-2-120** is amended to read:

222 **10-2-120. Powers of officers-elect.**

223 ~~[(1) (a) Before filing articles of incorporation, the mayor-elect of the future city may~~  
224 ~~file with the lieutenant governor a verified notice of intention to file the articles of~~  
225 ~~incorporation.]~~



226 ~~[(b) The notice under Subsection (1)(a) shall contain:]~~  
 227 ~~[(i) the name of the future city;]~~  
 228 ~~[(ii) an accurate map or plat, prepared by a licensed surveyor, approved by the~~  
 229 ~~legislative body, and filed with the county surveyor in accordance with Section 17-23-17,~~  
 230 ~~showing the boundaries of the future city;]~~  
 231 ~~[(iii) the city's class according to population as defined in Section 10-2-301; and]~~  
 232 ~~[(iv) the proposed date for filing the articles of incorporation.]~~

233 ~~[(2)]~~ (1) Upon the ~~[lieutenant governor's certification of the notice]~~ canvass of the  
 234 final election of city officers under Section ~~[67-1a-6.5]~~ 10-2-116 and until the future city  
 235 becomes legally incorporated, the officers of the future city may:

- 236 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah
- 237 Cities, a proposed budget and compilation of ordinances;
- 238 (b) negotiate and make personnel contracts and hirings;
- 239 (c) negotiate and make service contracts;
- 240 ~~[(d) file the notification required by Subsection 10-1-116(1);]~~
- 241 ~~[(e)]~~ (d) negotiate and make contracts to purchase equipment, materials, and supplies;
- 242 ~~[(f)]~~ (e) borrow funds from the county in which the future city is located under
- 243 Subsection 10-2-121(3);
- 244 ~~[(g)]~~ (f) borrow funds for startup expenses of the future ~~[municipality]~~ city; ~~[and]~~
- 245 ~~[(h)]~~ (g) issue tax anticipation notes in the name of the future ~~[municipality.]~~ city; and
- 246 (h) make appointments to the city's planning commission.

247 ~~[(3)]~~ (2) The city's legislative body shall review and ratify each contract made by the  
 248 officers-elect under Subsection ~~[(2)]~~ (1) within 30 days ~~[of]~~ after the effective date of  
 249 incorporation under Section ~~[10-2-122]~~ 10-2-119.

250 Section 4. Section **10-2-121** is amended to read:

251 **10-2-121. Division of municipal-type services revenues -- County may provide**  
 252 **startup funds.**

253 (1) The county in which an area incorporating under this part is located shall, until the

254 date of the city's incorporation under Section [~~10-2-122~~] 10-2-119, continue:

255 (a) to levy and collect ad valorem property tax and other revenues from or pertaining  
256 to the future city; and

257 (b) except as otherwise agreed by the county and the officers-elect of the city [~~after the~~  
258 ~~filing of the notice under Subsection 10-2-120(1)~~], to provide the same services to the future  
259 city as the county provided before the commencement of the incorporation proceedings.

260 (2) (a) The legislative body of the county in which a newly incorporated city is located  
261 shall share pro rata with the new city, based on the date of incorporation, the taxes and service  
262 charges or fees levied and collected by the county under Section 17-34-3 during the year of the  
263 new city's incorporation if and to the extent that the new city provides, by itself or by contract,  
264 the same services for which the county levied and collected the taxes and service charges or  
265 fees.

266 (b) (i) The legislative body of a county in which a city incorporated after January 1,  
267 2004, is located may share with the new city taxes and service charges or fees that were levied  
268 and collected by the county under Section 17-34-3:

269 (A) before the year of the new city's incorporation;

270 (B) from the previously unincorporated area that, because of the city's incorporation,  
271 is located within the boundaries of the newly incorporated city; and

272 (C) for the purpose of providing services to the area that before the new city's  
273 incorporation was unincorporated.

274 (ii) A county legislative body may share taxes and service charges or fees under  
275 Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts  
276 due under a contract for municipal-type services provided by the county to the new city.

277 (3) (a) The legislative body of a county in which an area incorporating under this part  
278 is located may appropriate county funds to:

279 (i) before incorporation but after [~~a notice under Subsection 10-2-120(1) is filed~~] the  
280 canvass of the final election of city officers under Section 10-2-116, the officers-elect of the  
281 future city to pay startup expenses of the future city; or

282 (ii) after incorporation, the new city.

283 (b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a  
284 grant, a loan, or as an advance against future distributions under Subsection (2).

285 ~~[(4) (a) Within 30 days of incorporation, the legislative body of the new city shall~~  
286 ~~record with the recorder of the county in which the new city is located a plat or map, prepared~~  
287 ~~by a licensed surveyor and approved by the legislative body of the new city, the county~~  
288 ~~recorder, and county surveyor, showing the boundaries of the new city.]~~

289 ~~[(b) The legislative body of the new city shall comply with the notice requirements of~~  
290 ~~Section 10-1-116.]~~

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

292 **10-2-125. Incorporation of a town.**

293 (1) As used in this section:

294 (a) "Assessed value," with respect to agricultural land, means the value at which the  
295 land would be assessed without regard to a valuation for agricultural use under Section  
296 59-2-503.

297 (b) "Financial feasibility study" means a study to determine:

298 (i) the projected revenues for the proposed town during the first three years after  
299 incorporation; and

300 (ii) the projected costs, including overhead, that the proposed town will incur in  
301 providing governmental services during the first three years after incorporation.

302 (c) "Municipal service" means a publicly provided service that is not provided on a  
303 countywide basis.

304 (d) "Nonurban" means having a residential density of less than one unit per acre.

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

307 (ii) An area within a county of the first class is not contiguous for purposes of  
308 Subsection (2)(a)(i) if:

309 (A) the area includes a strip of land that connects geographically separate areas; and

310 (B) the distance between the geographically separate areas is greater than the average  
311 width of the strip of land connecting the geographically separate areas.

312 (b) The population figure under Subsection (2)(a) shall be determined:

313 (i) as of the date the incorporation petition is filed; and

314 (ii) by the Utah Population Estimates Committee within 20 days after the county  
315 clerk's certification under Subsection (6) of a petition filed under Subsection (4).

316 (3) (a) The process to incorporate an area as a town is initiated by filing a request for a  
317 public hearing with the clerk of the county in which the area is located.

318 (b) Each request for a public hearing under Subsection (3)(a) shall:

319 (i) be signed by the owners of at least five separate parcels of private real property,  
320 each owned by a different owner, located within the area proposed to be incorporated; and

321 (ii) be accompanied by an accurate map or plat depicting the boundary of the  
322 proposed town.

323 (c) Within ten days after a request for a public hearing is filed under Subsection (3)(a),  
324 the county clerk shall, with the assistance of other county officers from whom the clerk  
325 requests assistance, determine whether the petition complies with the requirements of  
326 Subsection (3)(b).

327 (d) If the clerk determines that a request under Subsection (3)(a) fails to comply with  
328 the requirements of Subsection (3)(b), the clerk shall reject the request and deliver written  
329 notice of the rejection to the signers of the request.

330 (e) (i) If the clerk determines that a request under Subsection (3)(a) complies with the  
331 requirements of Subsection (3)(b), the clerk shall:

332 (A) schedule and arrange for a public hearing to be held:

333 (I) (Aa) at a public facility located within the boundary of the proposed town; or

334 (Bb) if there is no public facility within the boundary of the proposed town, at another  
335 nearby public facility or at the county seat; and

336 (II) within 20 days after the clerk provides the last notice required under Subsection  
337 (3)(e)(i)(B); and

338 (B) subject to Subsection (3)(e)(ii), give notice of the public hearing on the proposed  
339 incorporation by:

340 (I) posting notice of the public hearing on the county's Internet website, if the county  
341 has an Internet website; and

342 (II) (Aa) publishing notice of the public hearing at least once a week for two  
343 consecutive weeks in a newspaper of general circulation within the proposed town; or

344 (Bb) if there is no newspaper of general circulation within the proposed town, posting  
345 notice of the public hearing in at least five conspicuous public places within the proposed  
346 town.

347 (ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,  
348 Subsection (3)(e)(i)(B)(II)(Bb) and the first publishing of notice required under Subsection  
349 (3)(e)(i)(B)(II)(Aa), if applicable, shall occur no later than ten days after the clerk determines  
350 that a request complies with the requirements of Subsection (3)(b).

351 (iii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the chair  
352 of the county commission or council, or the chair's designee, to:

353 (A) introduce the concept of the proposed incorporation to the public;

354 (B) allow the public to review the map or plat of the boundary of the proposed town;

355 (C) allow the public to ask questions and become informed about the proposed  
356 incorporation; and

357 (D) allow the public to express their views about the proposed incorporation,  
358 including their views about the boundary of the area proposed to be incorporated.

359 (4) (a) At any time within three months after the public hearing under Subsection  
360 (3)(e), a petition to incorporate the area as a town may be filed with the clerk of the county in  
361 which the area is located.

362 (b) Each petition under Subsection (4)(a) shall:

363 (i) be signed by:

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

365 (I) is located within the area proposed to be incorporated;

366 (II) covers a majority of the total private land area within the area;

367 (III) is equal in assessed value to more than 1/2 of the assessed value of all private real

368 property within the area; and

369 (IV) consists, in number of parcels, of at least 1/3 of the number of all parcels of

370 private real property within the area proposed to be incorporated; and

371 (B) a majority of all registered voters within the area proposed to be incorporated as a

372 town, according to the official voter registration list maintained by the county on the date the

373 petition is filed;

374 (ii) designate as sponsors at least five of the property owners who have signed the

375 petition, one of whom shall be designated as the contact sponsor, with the mailing address of

376 each owner signing as a sponsor;

377 (iii) be accompanied by and circulated with an accurate map or plat, prepared by a

378 licensed surveyor, showing a legal description of the boundary of the proposed town; and

379 (iv) substantially comply with and be circulated in the following form:

380 PETITION FOR INCORPORATION OF (insert the proposed name of the proposed

381 town)

382 To the Honorable County Legislative Body of (insert the name of the county in which

383 the proposed town is located) County, Utah:

384 We, the undersigned owners of real property and registered voters within the area

385 described in this petition, respectfully petition the county legislative body for the area

386 described in this petition to be incorporated as a town. Each of the undersigned affirms that

387 each has personally signed this petition and is an owner of real property or a registered voter

388 residing within the described area, and that the current residence address of each is correctly

389 written after the signer's name. The area proposed to be incorporated as a town is described as

390 follows: (insert an accurate description of the area proposed to be incorporated).

391 (c) A petition under this Subsection (4) may not describe an area that includes some or

392 all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:

393 (i) was filed before the filing of the petition; and

394 (ii) is still pending on the date the petition is filed.

395 (d) A petition may not be filed under this section if the private real property owned by  
396 the petition sponsors, designated under Subsection (4)(b)(ii), cumulatively exceeds 40% of the  
397 total private land area within the area proposed to be incorporated as a town.

398 (e) A signer of a petition under this Subsection (4) may withdraw or, after withdrawn,  
399 reinstate the signer's signature on the petition:

400 (i) at any time until the county clerk certifies the petition under Subsection (6); and

401 (ii) by filing a signed, written withdrawal or reinstatement with the county clerk.

402 (5) (a) If a petition is filed under Subsection (4)(a) proposing to incorporate as a town  
403 an area located within a county of the first class, the county clerk shall deliver written notice of  
404 the proposed incorporation:

405 (i) to each owner of private real property owning more than 1% of the assessed value  
406 of all private real property within the area proposed to be incorporated as a town; and

407 (ii) within seven calendar days after the date on which the petition is filed.

408 (b) A private real property owner described in Subsection (5)(a)(i) may exclude all or  
409 part of the owner's property from the area proposed to be incorporated as a town by filing a  
410 notice of exclusion:

411 (i) with the county clerk; and

412 (ii) within ten calendar days after receiving the clerk's notice under Subsection (5)(a).

413 (c) The county legislative body shall exclude from the area proposed to be  
414 incorporated as a town the property identified in the notice of exclusion under Subsection  
415 (5)(b) if:

416 (i) the property:

417 (A) is nonurban; and

418 (B) does not and will not require a municipal service; and

419 (ii) exclusion will not leave an unincorporated island within the proposed town.

420 (d) If the county legislative body excludes property from the area proposed to be  
421 incorporated as a town, the county legislative body shall send written notice of the exclusion to

422 the contact sponsor within five days after the exclusion.

423 (6) Within 20 days after the filing of a petition under Subsection (4), the county clerk  
424 shall:

425 (a) with the assistance of other county officers from whom the clerk requests  
426 assistance, determine whether the petition complies with the requirements of Subsection (4);  
427 and

428 (b) (i) if the clerk determines that the petition complies with those requirements:

429 (A) certify the petition and deliver the certified petition to the county legislative body;

430 and

431 (B) mail or deliver written notification of the certification to:

432 (I) the contact sponsor;

433 (II) if applicable, the chair of the planning commission of each township in which any  
434 part of the area proposed for incorporation is located; and

435 (III) the Utah Population Estimates Committee; or

436 (ii) if the clerk determines that the petition fails to comply with any of those  
437 requirements, reject the petition and notify the contact sponsor in writing of the rejection and  
438 the reasons for the rejection.

439 (7) (a) (i) A petition that is rejected under Subsection (6)(b)(ii) may be amended to  
440 correct a deficiency for which it was rejected and then refiled with the county clerk.

441 (ii) A valid signature on a petition filed under Subsection (4)(a) may be used toward  
442 fulfilling the signature requirement of Subsection (4)(b) for the same petition that is amended  
443 under Subsection (7)(a)(i) and then refiled with the county clerk.

444 (b) If a petition is amended and refiled under Subsection (7)(a)(i) after having been  
445 rejected by the county clerk under Subsection (6)(b)(ii):

446 (i) the amended petition shall be considered as a newly filed petition; and

447 (ii) the amended petition's processing priority is determined by the date on which it is  
448 refiled.

449 (8) (a) (i) The legislative body of a county with which a petition is filed under



450 Subsection (4) may, at its option and upon the petition being certified under Subsection (6),  
451 commission and pay for a financial feasibility study.

452 (ii) If the county legislative body chooses to commission a financial feasibility study,  
453 the county legislative body shall:

454 (A) within 20 days after the incorporation petition is certified, select and engage a  
455 feasibility consultant; and

456 (B) require the feasibility consultant to complete the financial feasibility study and  
457 submit written results of the study to the county legislative body no later than 30 days after the  
458 feasibility consultant is engaged to conduct the financial feasibility study.

459 (b) The county legislative body shall approve a petition proposing the incorporation of  
460 a town and hold an election for town officers, as provided in Subsection (9), if:

461 (i) the county clerk has certified the petition under Subsection (6); and

462 (ii) (A) (I) the county legislative body has commissioned a financial feasibility study  
463 under Subsection (8)(a); and

464 (II) the results of the financial feasibility study show that the average annual amount of  
465 revenues described in Subsection (1)(b)(i) does not exceed the average annual amount of costs  
466 described in Subsection (1)(b)(ii) by more than 10%; or

467 (B) the county legislative body chooses not to commission a financial feasibility study.

468 (c) (i) If the county legislative body commissions a financial feasibility study under  
469 Subsection (8)(a) and the results of the financial feasibility study show that the average annual  
470 amount of revenues described in Subsection (1)(b)(i) exceeds the average annual amount of  
471 costs described in Subsection (1)(b)(ii) by more than 10%, the county legislative body may:

472 (A) deny the petition, subject to Subsection (8)(c)(ii), if the results of the financial  
473 feasibility study show that the average annual amount of revenues described in Subsection  
474 (1)(b)(i) exceeds the average annual amount of costs described in Subsection (1)(b)(ii) by 25%  
475 or more;

476 (B) approve the petition and hold an election for town officers, as provided in  
477 Subsection (9); or

478 (C) (I) with the consent of the petition sponsors:  
479 (Aa) impose conditions to mitigate the fiscal inequities identified in the financial  
480 feasibility study; or  
481 (Bb) alter the boundaries of the area proposed to be incorporated as a town to  
482 approximate the boundaries necessary to prevent the average annual amount of revenues  
483 described in Subsection (1)(b)(i) from exceeding the average annual amount of costs described  
484 in Subsection (1)(b)(ii); and  
485 (II) approve the incorporation petition and hold an election for town officers, as  
486 provided in Subsection (9).  
487 (ii) A county legislative body intending to deny a petition under Subsection  
488 (8)(c)(i)(A) shall deny the petition within 20 days after the feasibility consultant submits the  
489 written results of the financial feasibility study.  
490 (d) Each town that incorporates pursuant to a petition approved after the county  
491 legislative body imposes conditions under Subsection (8)(c)(i)(C)(I) shall comply with those  
492 conditions.  
493 (9) (a) The legislative body of the county in which the proposed new town is located  
494 shall hold the election for town officers provided for in Subsection (8) within:  
495 (i) 45 days after the petition is certified, for an election under Subsection (8)(b)(ii)(B);  
496 (ii) 45 days after the feasibility consultant submits the written results of the financial  
497 feasibility study, for an election under Subsection (8)(b)(ii)(A) or (8)(c)(i)(B); or  
498 (iii) 60 days after the feasibility consultant submits the written results of the financial  
499 feasibility study, for an election under Subsection (8)(c)(i)(C).  
500 (b) The officers elected at an election under Subsection (9)(a) shall take office:  
501 (i) at noon on the first Monday in January next following the election, if the election is  
502 held on a regular general or municipal general election date; or  
503 (ii) at noon on the first day of the month next following the effective date of the  
504 incorporation under Subsection (12), if the election of officers is held on any other date.  
505 (10) Each newly incorporated town shall operate under the five-member council form

506 of government as defined in Section 10-3b-102.

507 ~~(11) [(a) Within seven days after the canvass of the election of town officers under~~  
508 ~~Subsection (9), the] The mayor-elect of the [~~new~~] future town shall [~~file at least three copies of~~  
509 ~~the articles of incorporation of the new town]~~;~~

510 (a) within 30 days after the canvass of the election of town officers under Subsection  
511 (9), file with the lieutenant governor[-]:

512 ~~[(b) The articles of incorporation shall meet the requirements of Subsection~~  
513 ~~10-2-119(2):]~~

514 (i) a copy of a notice of an impending boundary action, as defined in Section  
515 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

516 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

517 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
518 Section 67-1a-6.5:

519 (i) if the town is located within the boundary of a single county, submit to the recorder  
520 of that county the original:

521 (A) notice of an impending boundary action;

522 (B) certificate of incorporation; and

523 (C) approved final local entity plat; or

524 (ii) if the town is located within the boundaries of more than a single county, submit  
525 the original of the documents listed in Subsections (11)(b)(i)(A), (B), and (C) to one of those  
526 counties and a certified copy of those documents to each other county.

527 (12) (a) A new town is incorporated:

528 ~~[(a)]~~ (i) on December 31 of the year in which the lieutenant governor issues a  
529 certificate of [~~entity creation for the town~~] incorporation under Section 67-1a-6.5, if the  
530 election of town officers under Subsection (9) is held on a regular general or municipal general  
531 election date; or

532 ~~[(b)]~~ (ii) on the last day of the month during which the lieutenant governor issues a  
533 certificate of [~~entity creation for the town~~] incorporation under Section 67-1a-6.5, if the

534 election of town officers under Subsection (9) is held on any other date.

535 (b) (i) The effective date of an incorporation for purposes of assessing property within  
536 the new town is governed by Section 59-2-305.5.

537 (ii) Until the documents listed in Subsection (11)(b) are recorded in the office of the  
538 recorder of each county in which the property is located, a newly incorporated town may not:

539 (A) levy or collect a property tax on property within the town;

540 (B) levy or collect an assessment on property within the town; or

541 (C) charge or collect a fee for service provided to property within the town.

542 (13) For each petition filed before March 5, 2008:

543 (a) the petition is subject to and governed by the law in effect at the time the petition  
544 was filed; and

545 (b) the law in effect at the time the petition was filed governs in all administrative and  
546 judicial proceedings relating to the petition.

547 Section 6. Section **10-2-302** is amended to read:

548 **10-2-302. Change of class of municipality.**

549 (1) Each municipality shall retain its classification under Section 10-2-301 until  
550 changed as provided in this section or Subsection 67-1a-2(3).

551 ~~[(2) The lieutenant governor shall monitor the population figure for each municipality~~  
552 ~~as shown on:]~~

553 ~~[(a) each official census or census estimate of the United States Bureau of the Census;~~  
554 ~~or]~~

555 ~~[(b) if the population figure for a municipality is not available from the United States~~  
556 ~~Bureau of the Census, the population estimate from the Utah Population Estimates~~  
557 ~~Committee.];~~

558 ~~[(3) If the applicable population figure under Subsection (2) indicates that a~~  
559 ~~municipality's population has increased beyond the limit for its current class, the lieutenant~~  
560 ~~governor shall:]~~

561 ~~[(a) prepare a certificate indicating the class in which the municipality belongs based~~

562 on the increased population figure; and]

563 ~~[(b) within ten days after preparing the certificate, deliver a copy of the certificate to~~  
564 ~~the legislative body of the municipality whose class has changed.]~~

565 ~~[(4)(a)]~~ (2) If ~~[the applicable]~~ a municipality's population ~~[figure]~~, as determined by  
566 the lieutenant governor under Subsection ~~[(2)]~~ 67-1a-2(3), indicates that [a] the municipality's  
567 population has decreased below the limit for its current class, the legislative body of the  
568 municipality may petition the lieutenant governor to prepare a certificate indicating the class  
569 in which the municipality belongs based on the decreased population figure.

570 ~~[(b) Upon receipt of a petition under Subsection (4)(a), the lieutenant governor shall~~  
571 ~~prepare the certificate, and within ten days after preparing the certificate, deliver a copy of the~~  
572 ~~certificate to the legislative body of the municipality whose class has changed.]~~

573 ~~[(5)]~~ (3) A municipality's change in class is effective on the date of the lieutenant  
574 governor's certificate under Subsection ~~[(3) or (4)]~~ 67-1a-2(3).

575 Section 7. Section **10-2-418** is amended to read:

576 **10-2-418. Annexation of an island or peninsula without a petition -- Notice --**  
577 **Hearing.**

578 (1) (a) Notwithstanding Subsection 10-2-402(2), a municipality may annex an  
579 unincorporated area under this section without an annexation petition if:

580 (i) (A) the area to be annexed consists of one or more unincorporated islands within or  
581 unincorporated peninsulas contiguous to the municipality;

582 (B) the majority of each island or peninsula consists of residential or commercial  
583 development;

584 (C) the area proposed for annexation requires the delivery of municipal-type services;  
585 and

586 (D) the municipality has provided most or all of the municipal-type services to the  
587 area for more than one year; or

588 (ii) (A) the area to be annexed consists of one or more unincorporated islands within  
589 or unincorporated peninsulas contiguous to the municipality, each of which has fewer than

590 800 residents; and

591 (B) the municipality has provided one or more municipal-type services to the area for  
592 at least one year.

593 (b) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a  
594 portion of an island or peninsula under this section, leaving unincorporated the remainder of  
595 the unincorporated island or peninsula, if:

596 (i) in adopting the resolution under Subsection (2)(a)(i), the municipal legislative body  
597 determines that not annexing the entire unincorporated island or peninsula is in the  
598 municipality's best interest; and

599 (ii) for an annexation of one or more unincorporated islands under Subsection  
600 (1)(a)(ii), the entire island of unincorporated area, of which a portion is being annexed,  
601 complies with the requirement of Subsection (1)(a)(ii)(A) relating to the number of residents.

602 (2) (a) The legislative body of each municipality intending to annex an area under this  
603 section shall:

604 (i) adopt a resolution indicating the municipal legislative body's intent to annex the  
605 area, describing the area proposed to be annexed;

606 (ii) (A) publish notice at least once a week for three successive weeks in a newspaper  
607 of general circulation within the municipality and the area proposed for annexation; or

608 (B) if there is no newspaper of general circulation in the areas described in Subsection  
609 (2)(a)(ii)(A), post at least one notice per 1,000 population in places within those areas that are  
610 most likely to give notice to the residents of those areas;

611 (iii) send written notice to the board of each local district and special service district  
612 whose boundaries contain some or all of the area proposed for annexation and to the  
613 legislative body of the county in which the area proposed for annexation is located; and

614 (iv) hold a public hearing on the proposed annexation no earlier than 30 days after the  
615 adoption of the resolution under Subsection (2)(a)(i).

616 (b) Each notice under Subsections (2)(a)(ii) and (iii) shall:

617 (i) state that the municipal legislative body has adopted a resolution indicating its

618 intent to annex the area proposed for annexation;

619 (ii) state the date, time, and place of the public hearing under Subsection (2)(a)(iv);

620 (iii) describe the area proposed for annexation; and

621 (iv) except for an annexation that meets the property owner consent requirements of

622 Subsection (3)(b), state in conspicuous and plain terms that the municipal legislative body will

623 annex the area unless, at or before the public hearing under Subsection (2)(a)(iv), written

624 protests to the annexation are filed by the owners of private real property that:

625 (A) is located within the area proposed for annexation;

626 (B) covers a majority of the total private land area within the entire area proposed for

627 annexation; and

628 (C) is equal in value to at least 1/2 the value of all private real property within the

629 entire area proposed for annexation.

630 (c) The first publication of the notice required under Subsection (2)(a)(ii)(A) shall be

631 within 14 days of the municipal legislative body's adoption of a resolution under Subsection

632 (2)(a)(i).

633 (3) (a) Upon conclusion of the public hearing under Subsection (2)(a)(iv), the

634 municipal legislative body may adopt an ordinance [~~annexing~~] approving the annexation of

635 the area proposed for annexation under this section unless, at or before the hearing, written

636 protests to the annexation have been filed with the city recorder or town clerk, as the case may

637 be, by the owners of private real property that:

638 (i) is located within the area proposed for annexation;

639 (ii) covers a majority of the total private land area within the entire area proposed for

640 annexation; and

641 (iii) is equal in value to at least 1/2 the value of all private real property within the

642 entire area proposed for annexation.

643 (b) (i) Upon conclusion of the public hearing under Subsection (2)(a)(iv), a

644 municipality may adopt an ordinance [~~annexing~~] approving the annexation of the area

645 proposed for annexation under this section without allowing or considering protests under

646 Subsection (3)(a) if the owners of at least 75% of the total private land area within the entire  
647 area proposed for annexation, representing at least 75% of the value of the private real  
648 property within the entire area proposed for annexation, have consented in writing to the  
649 annexation.

650 (ii) Upon ~~[adoption of]~~ the effective date under Section 10-2-425 of an annexation  
651 approved by an ordinance adopted under Subsection (3)(b)(i), the area annexed shall be  
652 conclusively presumed to be validly annexed.

653 (4) (a) If protests are timely filed that comply with Subsection (3), the municipal  
654 legislative body may not adopt an ordinance ~~[annexing]~~ approving the annexation of the area  
655 proposed for annexation, and the annexation proceedings under this section shall be  
656 considered terminated.

657 (b) Subsection (4)(a) may not be construed to prohibit the municipal legislative body  
658 from excluding from a proposed annexation under Subsection (1)(a)(ii) the property within an  
659 unincorporated island regarding which protests have been filed and proceeding under  
660 Subsection (1)(b) to annex some or all of the remaining portion of the unincorporated island.

661 Section 8. Section **10-2-419** is amended to read:

662 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

673 (B) if there is no newspaper of general circulation within the municipality, post at least



674 one notice per 1,000 population in places within the municipality that are most likely to give  
675 notice to residents of the municipality.

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

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

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

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

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

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

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

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

691 (v) state that the area that is the subject of the boundary adjustment will, because of  
692 the boundary adjustment, be automatically annexed to a local district providing fire protection,  
693 paramedic, and emergency services, as provided in Section 17B-1-416, if:

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

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

697 (II) in the creation of which an election was not required because of Subsection  
698 17B-1-214(3)(c); and

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

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

702 automatically withdrawn from a local district providing fire protection, paramedic, and  
703 emergency services, as provided in Subsection 17B-1-502(2), if:

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

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

707 (II) in the creation of which an election was not required because of Subsection  
708 17B-1-214(3)(c); and

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

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

714 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal  
715 legislative body may adopt an ordinance [~~adjusting~~] approving the adjustment of the common  
716 boundary unless, at or before the hearing under Subsection (2)(a)(ii), written protests to the  
717 adjustment have been filed with the city recorder or town clerk, as the case may be, by the  
718 owners of private real property that:

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

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

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

724 (4) The municipal legislative body shall comply with the requirements of Section  
725 10-2-425 as if the boundary [~~change~~] adjustment were an annexation.

726 (5) (a) An ordinance adopted under Subsection (3) becomes effective when each  
727 municipality involved in the boundary adjustment has adopted an ordinance under Subsection  
728 (3) [~~and as determined under Subsection 10-2-425(5) if the boundary change were an~~  
729 annexation].

730 (b) The effective date of a boundary adjustment under this section is governed by  
731 Section 10-2-425.

732 Section 9. Section **10-2-425** is amended to read:

733 **10-2-425. Filing of notice and plat -- Recording and notice requirements --**  
734 **Effective date of annexation or boundary adjustment.**

735 ~~[(1) Within 30 days after enacting an ordinance annexing an unincorporated area or~~  
736 ~~adjusting a boundary under this part, the municipal legislative body shall:]~~

737 ~~[(a) send notice of the enactment to each affected entity;]~~

738 ~~[(b)]~~ (1) The legislative body of each municipality that enacts an ordinance under this  
739 part approving the annexation of an unincorporated area or the adjustment of a boundary shall:

740 (a) within 30 days after enacting the ordinance or, in the case of a boundary  
741 adjustment, within 30 days after each of the municipalities involved in the boundary  
742 adjustment has enacted an ordinance, file with the lieutenant governor:

743 ~~[(i) a certified copy of the ordinance approving the annexation or boundary~~  
744 ~~adjustment, together with a plat or map prepared by a licensed surveyor, approved by the~~  
745 ~~municipal legislative body, and filed with the county surveyor in accordance with Section~~  
746 ~~17-23-17, showing the new boundaries of the affected area; and]~~

747 ~~[(ii) (A) if the municipality has articles of incorporation, amended articles of~~  
748 ~~incorporation reflecting the annexation or boundary adjustment, as provided in Section~~  
749 ~~10-1-117; or]~~

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

752 (i) a notice of an impending boundary action, as defined in Section 67-1a-6.5, that  
753 meets the requirements of Subsection 67-1a-6.5(3); and

754 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

755 (b) upon the lieutenant governor's issuance of a certificate of annexation or boundary  
756 adjustment, as the case may be, under Section 67-1a-6.5:

757 (i) (A) if the annexed area or area subject to the boundary adjustment is located within

758 the boundary of a single county, submit to the recorder of that county:

759 (I) the original:

760 (Aa) notice of an impending boundary action:

761 (Bb) certificate of annexation or boundary adjustment; and

762 (Cc) approved final local entity plat; and

763 (II) a certified copy of the ordinance approving the annexation or boundary

764 adjustment; or

765 (B) if the annexed area or area subject to the boundary adjustment is located within

766 the boundaries of more than a single county:

767 (I) submit to the recorder of one of those counties:

768 (Aa) the original of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb), and

769 (Cc); and

770 (Bb) a certified copy of the ordinance approving the annexation or boundary

771 adjustment; and

772 (II) submit to the recorder of each other county:

773 (Aa) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I)(Aa), (Bb),

774 and (Cc); and

775 (Bb) a certified copy of the ordinance approving the annexation or boundary

776 adjustment;

777 (ii) send notice of the annexation or boundary adjustment to each affected entity; and

778 [(c)] (iii) in accordance with Section 26-8a-414, file [the documents described in

779 Subsection (1)(b)(i)] with the Department of Health[-];

780 (A) a certified copy of the ordinance approving the annexation of an unincorporated

781 area or the adjustment of a boundary; and

782 (B) a copy of the approved final local entity plat.

783 (2) If an annexation or boundary adjustment under this part also causes an automatic

784 annexation to a local district under Section 17B-1-416 or an automatic withdrawal from a

785 local district under Subsection 17B-1-502(2), the municipal legislative body shall, as soon as

786 practicable after ~~[enacting an ordinance annexing an unincorporated area or adjusting a~~  
 787 ~~boundary]~~ the lieutenant governor issues a certificate of annexation or boundary adjustment  
 788 under Section 67-1a-6.5, send notice of the annexation or boundary adjustment to the local  
 789 district to which the annexed area is automatically annexed or from which the annexed area is  
 790 automatically withdrawn.

791 ~~[(3) The municipal legislative body shall comply with the notice requirements of~~  
 792 ~~Section 10-1-116.]~~

793 ~~[(4)]~~ (3) Each notice required under ~~[Subsections (1) and (3)]~~ Subsection (1) relating  
 794 to an annexation or boundary adjustment shall state the effective date of the annexation or  
 795 boundary adjustment, as determined under Subsection ~~[(5)]~~ (4).

796 ~~[(5)]~~ (4) An annexation or boundary adjustment under this part is completed and takes  
 797 effect:

798 (a) for the annexation of or boundary adjustment affecting an area located in a county  
 799 of the first class, except for an annexation under Section 10-2-418:

800 (i) July 1 following ~~[enactment of an ordinance annexing the unincorporated area]~~ the  
 801 lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or  
 802 boundary adjustment if:

803 (A) the ~~[ordinance is adopted]~~ certificate is issued during the preceding November 1  
 804 through April 30; and

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

806 (ii) January 1 following ~~[enactment of an ordinance annexing the unincorporated area]~~  
 807 the lieutenant governor's issuance under Section 67-1a-6.5 of a certificate of annexation or  
 808 boundary adjustment if:

809 (A) the ~~[ordinance is adopted]~~ certificate is issued during the preceding May 1 through  
 810 October 31; and

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

812 (b) for all other annexations and boundary adjustments, the date of the lieutenant  
 813 governor's issuance, under Section 67-1a-6.5, of ~~[:]~~ a certificate of annexation or boundary

814 adjustment.

815  ~~[(i) a certification of amended articles under Subsection 10-1-117(3), for an~~  
816 ~~annexation by a municipality that has articles of incorporation and filed with the lieutenant~~  
817 ~~governor amended articles of incorporation under Subsection (1)(a)(iii)(A); or]~~

818  ~~[(ii) a certificate of annexation under Subsection (1)(b), for an annexation by a~~  
819 ~~municipality that does not have articles of incorporation and filed with the lieutenant governor~~  
820 ~~a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).]~~

821 (5) (a) As used in this Subsection (5):

822 (i) "Affected area" means:

823 (A) in the case of an annexation, the annexed area; and

824 (B) in the case of a boundary adjustment, any area that, as a result of the boundary  
825 adjustment, is moved from within the boundary of one municipality to within the boundary of  
826 another municipality.

827 (ii) "Annexing municipality" means:

828 (A) in the case of an annexation, the municipality that annexes an unincorporated  
829 area; and

830 (B) in the case of a boundary adjustment, a municipality whose boundary includes an  
831 affected area as a result of a boundary adjustment.

832 (b) The effective date of an annexation or boundary adjustment for purposes of  
833 assessing property within an affected area is governed by Section 59-2-305.5.

834 (c) Until the documents listed in Subsection (1)(b)(i) are recorded in the office of the  
835 recorder of each county in which the property is located, a municipality may not:

836 (i) levy or collect a property tax on property within an affected area;

837 (ii) levy or collect an assessment on property within an affected area; or

838 (iii) charge or collect a fee for service provided to property within an affected area,

839 unless the municipality was charging and collecting the fee within that area immediately  
840 before annexation.

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

842           **10-2-507. Disconnection ordinance or decree -- Filing of notice and plat --**  
843 **Recording requirements -- Effective date of disconnection -- Costs of disconnection.**  
844           ~~[(1)(a) Upon entering a disconnection order, the court shall]~~  
845           (1) As used in this section, "disconnection action" means:  
846           (a) the municipal legislative body's adoption of an ordinance under Subsection  
847 10-2-502.5(4)(b) approving disconnection; or  
848           (b) the entry of a court order under Section 10-2-502.7 ordering disconnection.  
849           (2) The municipal legislative body shall:  
850           (a) within 30 days after the disconnection action, file with the lieutenant governor [a  
851 certified copy of the order and a transparent reproducible copy of the map or plat.]:  
852           (i) a copy of a notice of an impending boundary action, as defined in Section  
853 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and  
854           (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and  
855           (b) upon the lieutenant governor's issuance of a certificate of disconnection under  
856 Section 67-1a-6.5:  
857           (i) if the disconnected area is located within the boundary of a single county, submit to  
858 the recorder of that county:  
859           (A) the original:  
860           (I) notice of an impending boundary action;  
861           (II) certificate of disconnection; and  
862           (III) approved final local entity plat; and  
863           (B) a certified copy of the ordinance approving the disconnection or court order  
864 ordering disconnection; or  
865           (ii) if the disconnected area is located within the boundaries of more than a single  
866 county:  
867           (A) submit to the recorder of one of those counties:  
868           (I) the original of the documents listed in Subsections (2)(b)(i)(A)(I), (II), and (III);  
869 and

870 (II) a certified copy of the ordinance approving the disconnection or the court order  
871 ordering disconnection; and

872 (B) submit to the recorder of each other county:

873 (I) a certified copy of the documents listed in Subsections (2)(b)(i)(A)(I), (II), and (III);  
874 and

875 (II) a certified copy of the ordinance approving the disconnection or the court order  
876 ordering disconnection.

877 ~~[(b)]~~ (3) The disconnection is effective upon the lieutenant governor's [certification of  
878 the] issuance of a certificate of disconnection [order] under Section 67-1a-6.5.

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

882 ~~[(a) adoption of an ordinance approving disconnection under Subsection~~  
883 ~~10-2-502.5(4)(b); or]~~

884 ~~[(b) entry of a court order under Section 10-2-502.7 ordering disconnection.]~~

885 ~~[(3) The amended articles of incorporation shall:]~~

886 ~~[(a) describe the postdisconnection geography of the municipality; and]~~

887 ~~[(b) specify the postdisconnection population of the municipality:]~~

888 ~~[(4) The lieutenant governor shall comply with the requirements of Subsection~~  
889 ~~10-1-117(3).:]~~

890 (4) (a) The effective date of a disconnection for purposes of assessing property within  
891 the disconnected territory is governed by Section 59-2-305.5.

892 (b) Until the documents listed in Subsection (2)(b) are recorded in the office of the  
893 recorder of each county in which the property is located, a county in which the disconnected  
894 territory is located may not:

895 (i) except as provided in Section 10-2-506, levy or collect a property tax on property  
896 within the disconnected territory unless the county was levying and collecting the tax  
897 immediately before disconnection;



898 (ii) levy or collect an assessment on property within the disconnected territory unless  
 899 the county was levying and collecting the assessment immediately before disconnection; or  
 900 (iii) charge or collect a fee for service provided to property within the disconnected  
 901 territory unless the county was charging and collecting the fee immediately before  
 902 disconnection.

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

905 ~~[(6) The legislative body of each municipality that has had territory disconnected~~  
 906 ~~shall comply with the notice requirements of Section 10-1-116.]~~

907 Section 11. Section **10-2-610** is amended to read:

908 **10-2-610. Canvass of election -- Notice of results -- Filing of notice and plat --**  
 909 **Recording requirements.**

910 (1) The ~~[commissioners of the]~~ legislative body of each county ~~[or counties]~~ in which  
 911 a proposed consolidating municipality is located shall canvass the results of the election or  
 912 elections in the same manner as for general elections and shall certify the results of the election  
 913 to the county clerk or clerks.

914 (2) If a majority of the ballots cast at the election on consolidation in each  
 915 municipality are for consolidation, the county clerk or clerks shall immediately, on receiving  
 916 notice of the results of the canvass ~~[being filed in the proper office]~~ under Subsection (1), give  
 917 notice of the result by publication in the same manner and for the same time as provided in  
 918 Section 10-2-608 ~~[and in the notice the county clerk or clerks shall indicate to which class the~~  
 919 ~~consolidated municipality belongs. A copy of the notice with proper proof of its original~~  
 920 ~~publication shall be filed with the papers, and a certified copy of all papers and record entries~~  
 921 ~~relating to the matter on file in the county clerk's office shall be filed in the office of the~~  
 922 ~~county recorder. The mayor of the consolidated municipality shall cause articles of~~  
 923 ~~consolidation to be filed in the office of the lieutenant governor which shall contain the same~~  
 924 ~~information as is required in Subsection 10-2-119(2) together with a provision stating that the~~  
 925 ~~municipality is a consolidation of two or more municipalities and the names of the~~

926 ~~municipalities which comprise the new municipality].~~

927 (3) The mayors of the municipalities to be consolidated shall:

928 (a) within 30 days after the canvass of an election at which voters approve

929 consolidation, file with the lieutenant governor:

930 (i) a copy of a notice of an impending boundary action, as defined in Section

931 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

932 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

933 (b) upon the lieutenant governor's issuance of a certificate of consolidation under

934 Section 67-1a-6.5:

935 (i) if the consolidated municipality is located within the boundary of a single county,

936 submit to the recorder of that county the original:

937 (A) notice of an impending boundary action;

938 (B) certificate of consolidation; and

939 (C) approved final local entity plat; or

940 (ii) if the consolidated municipality is located within the boundaries of more than a

941 single county, submit the original of the documents listed in Subsections (3)(b)(i)(A), (B), and

942 (C) to the recorder of one of those counties and a certified copy of those documents to the

943 recorder of each other county.

944 Section 12. Section **10-2-611** is amended to read:

945 **10-2-611. When consolidation effective -- Disincorporation of original**

946 **municipalities -- Effective date for assessment purposes.**

947 (1) Upon the lieutenant governor's [~~certification of the articles~~] issuance of a

948 certificate of consolidation under Section 67-1a-6.5[~~, the incorporation of the new~~

949 ~~municipality shall be complete and];~~

950 (a) the consolidation is effective; and

951 (b) the original municipalities involved in the consolidation [shall be considered to be]

952 are disincorporated.

953 [~~(2) The legislative body of the new municipality shall comply with the notice~~

954 requirements of Section 10-1-116.]

955 (2) (a) The effective date of a consolidation of municipalities for purposes of assessing  
956 property within the consolidated municipality is governed by Section 59-2-305.5.

957 (b) Until the documents listed in Subsection 10-2-610(3)(b) are recorded in the office  
958 of the recorder of each county in which the property is located, a consolidated municipality  
959 may not:

- 960 (i) levy or collect a property tax on property within the consolidated municipality;
- 961 (ii) levy or collect an assessment on property within the consolidated municipality; or
- 962 (iii) charge or collect a fee for service provided to property within the consolidated  
963 municipality.

964 Section 13. Section **10-2-705** is amended to read:

965 **10-2-705. Judgment -- Determination of claims.**

966 The vote shall be taken and canvassed in the same manner as in other municipal  
967 elections, and return thereof made to the district court. If the district court finds that a  
968 majority of the votes cast favored dissolution, a judgment shall be entered [~~dissolving~~  
969 approving the dissolution of the municipality and, upon dissolution, the corporate powers of  
970 such municipality shall cease, and the court shall cause notice to be given in a manner to be  
971 prescribed by it, requiring all claims against the municipality to be filed in the court within a  
972 time fixed in the notice, not exceeding six months, and all claims not so filed shall be forever  
973 barred. At the expiration of the time so fixed the court shall adjudicate claims so filed, which  
974 shall be treated as denied, and any citizen of the municipality at the time the vote was taken  
975 may appear and defend against any claim so filed, or the court may in its discretion appoint  
976 some person for that purpose.

977 Section 14. Section **10-2-711** is amended to read:

978 **10-2-711. Dissolution by the county legislative body.**

979 (1) (a) A municipality having fewer than 50 residents may be dissolved on application  
980 to the district court by the county legislative body of the county where the municipality is  
981 located.

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

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

987 (2) Notice of the application shall be served on the municipality in the manner  
988 prescribed by law or by publication in the manner provided by law if the municipal authorities  
989 cannot be served.

990 (3) The district court may enter an order approving the dissolution of the municipality  
991 [~~dissolved~~] on a finding that the existence of the municipality serves no valid municipal  
992 purpose, its existence is a sham, or on a clear and convincing showing that the best interests of  
993 the community would be served by the dissolution.

994 (4) If the municipality is dissolved, the district court shall wind down the affairs and  
995 dissolve the municipality as quickly as possible in the same manner as is provided in Sections  
996 10-2-705 through 10-2-709.

997 Section 15. Section **10-2-712** is amended to read:

998 **10-2-712. Power of court -- Articles of dissolution -- Notice to lieutenant**  
999 **governor -- Recording requirements -- Effective date of dissolution.**

1000 (1) The district court may:

1001 (a) enforce compliance with any order issued to give effect to this part by proceedings  
1002 for contempt; and

1003 (b) appoint any person to assist it in carrying out the provisions of this part.

1004 (2) (a) [The] Upon entering an order approving the dissolution of a municipality, the  
1005 district court shall file [articles of dissolution] with the lieutenant governor [on the dissolution  
1006 of the municipality.];

1007 (i) a copy of a notice of an impending boundary action, as defined in Section  
1008 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1009 (ii) a certified copy of the court order approving the dissolution.

1010 (b) Upon the lieutenant governor's [~~certification of the articles~~] issuance of a  
1011 certificate of dissolution[;] under Section 67-1a-6.5:  
1012 (i) the municipality is dissolved [~~under Section 67-1a-6.5~~]; and  
1013 (ii) the court shall:  
1014 (A) if the dissolved municipality was located within the boundary of a single county,  
1015 submit to the recorder of that county:  
1016 (I) a certified copy of the court order approving dissolution of the municipality; and  
1017 (II) the original certificate of dissolution; or  
1018 (B) if the dissolved municipality was located within the boundaries of more than a  
1019 single county:  
1020 (I) submit to the recorder of one of those counties:  
1021 (Aa) a certified copy of the court order approving dissolution of the municipality; and  
1022 (Bb) the original certificate of dissolution; and  
1023 (II) submit to the recorder of each other county:  
1024 (Aa) a certified copy of the court order approving dissolution of the municipality; and  
1025 (Bb) a certified copy of the certificate of dissolution.  
1026 (3) (a) The effective date of a dissolution of a municipality for purposes of assessing  
1027 property within the dissolved municipality is governed by Section 59-2-305.5.  
1028 (b) Until the documents listed in Subsection (2)(b)(ii) are recorded in the office of the  
1029 recorder of each county in which the property is located, a county in which a dissolved  
1030 municipality is located may not:  
1031 (i) levy or collect a property tax on property within the former boundary of the  
1032 dissolved municipality unless the county was levying and collecting the tax immediately  
1033 before dissolution;  
1034 (ii) levy or collect an assessment on property within the former boundary of the  
1035 dissolved municipality unless the county was levying and collecting the assessment  
1036 immediately before dissolution; or  
1037 (iii) charge or collect a fee for service provided to property within the former boundary

1038 of the dissolved municipality unless the county was levying and collecting the fee immediately  
 1039 before dissolution.

1040 Section 16. Section **10-6-111** is amended to read:

1041 **10-6-111. Tentative budget to be prepared -- Contents -- Estimate of**  
 1042 **expenditures -- Budget message -- Review by governing body.**

1043 (1) (a) On or before the first regularly scheduled meeting of the governing body in the  
 1044 last May of the current period, the budget officer shall prepare for the ensuing fiscal period, on  
 1045 forms provided by the state auditor, and file with the governing body, a tentative budget for  
 1046 each fund for which a budget is required.

1047 (b) The tentative budget of each fund shall set forth in tabular form ~~[the following]:~~

1048 ~~[(a) Actual]~~ (i) the actual revenues and expenditures in the last completed fiscal  
 1049 period[.];

1050 ~~[(b) Budget]~~ (ii) the budget estimates for the current fiscal period[.];

1051 ~~[(c) Actual]~~ (iii) the actual revenues and expenditures for a period of 6 to 21 months,  
 1052 as appropriate, of the current fiscal period[.];

1053 ~~[(d) Estimated]~~ (iv) the estimated total revenues and expenditures for the current  
 1054 fiscal period[.];

1055 ~~[(e) The]~~ (v) the budget officer's estimates of revenues and expenditures for the  
 1056 budget period, computed ~~[in the following manner:]~~ as provided in Subsection (1)(c); and

1057 ~~[(i) The budget officer shall estimate, on the basis of demonstrated need, the~~  
 1058 ~~expenditures for the budget period after a review of the budget requests and estimates of the~~  
 1059 ~~department heads. Each department head shall be heard by the budget officer prior to making~~  
 1060 ~~of the final estimates, but the officer may revise any department's estimate as the officer~~  
 1061 ~~considers advisable for the purpose of presenting the budget to the governing body.]~~

1062 ~~[(ii) The budget officer shall estimate the amount of revenue available to serve the~~  
 1063 ~~needs of each fund, estimate the portion to be derived from all sources other than general~~  
 1064 ~~property taxes, and estimate the portion that must be derived from general property taxes.~~  
 1065 ~~From the latter estimate the officer shall compute and disclose in the budget the lowest rate of~~

1066 ~~property tax levy that will raise the required amount of revenue, calculating the levy upon the~~  
1067 ~~latest taxable value.]~~

1068           ~~[(f) If] (vi) if~~ the governing body elects, the actual performance experience to the  
1069 extent established by Section 10-6-154 and available in work units, unit costs, man hours, or  
1070 man years for each budgeted fund on an actual basis for the last completed fiscal period, and  
1071 estimated for the current fiscal period and for the ensuing budget period.

1072           (c) (i) In making estimates of revenues and expenditures under Subsection (1)(b)(v),  
1073 the budget officer shall estimate:

1074           (A) on the basis of demonstrated need, the expenditures for the budget period, after:

1075           (I) hearing each department head; and

1076           (II) reviewing the budget requests and estimates of the department heads; and

1077           (B) (I) the amount of revenue available to serve the needs of each fund;

1078           (II) the portion of revenue to be derived from all sources other than general property  
1079 taxes; and

1080           (III) the portion of revenue that must be derived from general property taxes.

1081           (ii) The budget officer may revise any department's estimate under Subsection  
1082 (1)(c)(i)(A)(II) that the officer considers advisable for the purpose of presenting the budget to  
1083 the governing body.

1084           (iii) From the estimate made under Subsection (1)(c)(i)(B)(III), the budget officer shall  
1085 compute and disclose in the budget the lowest rate of property tax levy that will raise the  
1086 required amount of revenue, calculating the levy upon the latest taxable value.

1087           (2) (a) Each tentative budget, when filed by the budget officer with the governing  
1088 body, shall contain the estimates of expenditures submitted by department heads, together with  
1089 specific work programs and such other supporting data as this chapter requires or the  
1090 governing body may request. Each city of the first or second class shall, and a city of the third,  
1091 fourth, or fifth class may, submit a supplementary estimate of all capital projects which each  
1092 department head believes should be undertaken within the next three succeeding years.

1093           (b) Each tentative budget submitted by the budget officer to the governing body shall

1094 be accompanied by a budget message, which shall explain the budget, contain an outline of  
1095 the proposed financial policies of the city for the budget period, and shall describe the  
1096 important features of the budgetary plan. It shall set forth the reasons for salient changes from  
1097 the previous fiscal period in appropriation and revenue items and shall explain any major  
1098 changes in financial policy.

1099 (3) Each tentative budget shall be reviewed, considered, and tentatively adopted by the  
1100 governing body in any regular meeting or special meeting called for the purpose and may be  
1101 amended or revised in such manner as is considered advisable prior to public hearings, except  
1102 that no appropriation required for debt retirement and interest or reduction of any existing  
1103 deficits pursuant to Section 10-6-117, or otherwise required by law or ordinance, may be  
1104 reduced below the minimums so required.

1105 (4) (a) If the municipality is acting pursuant to Section 10-2-120, the tentative budget  
1106 shall:

1107 (i) be submitted to the governing body-elect as soon as practicable [~~after the filing of~~  
1108 ~~the notice under Section 10-2-120 indicating the proposed date for filing the articles of~~  
1109 ~~incorporation~~]; and

1110 (ii) cover each fund for which a budget is required from the date of incorporation to  
1111 the end of the fiscal year.

1112 (b) The governing body shall substantially comply with all other provisions of this  
1113 [~~act~~] chapter, and the budget shall be passed upon incorporation.

1114 Section 17. Section **11-13-203** is amended to read:

1115 **11-13-203. Interlocal entities -- Agreement to approve the creation of an**  
1116 **interlocal entity -- Utah interlocal entity may become electric interlocal entity or energy**  
1117 **services interlocal entity.**

1118 (1) An interlocal entity is:

1119 (a) separate from the public agencies that create it;

1120 (b) a body politic and corporate; and

1121 (c) a political subdivision of the state.



1122 (2) Any two or more Utah public agencies may enter into an agreement to [create]  
1123 approve the creation of a Utah interlocal entity to accomplish the purpose of their joint or  
1124 cooperative action, including undertaking and financing a facility or improvement to provide  
1125 the service contemplated by that agreement.

1126 (3) (a) A Utah public agency and one or more public agencies may enter into an  
1127 agreement to [create] approve the creation of an electric interlocal entity to accomplish the  
1128 purpose of their joint or cooperative action if that purpose is to participate in the undertaking  
1129 or financing of:

- 1130 (i) facilities to provide additional project capacity;
- 1131 (ii) common facilities under Title 54, Chapter 9, Electric Power Facilities Act; or
- 1132 (iii) electric generation or transmission facilities.

1133 (b) By agreement with one or more public agencies that are not parties to the  
1134 agreement creating it, a Utah interlocal entity may be reorganized as an electric interlocal  
1135 entity if:

- 1136 (i) the public agencies that are parties to the agreement creating the Utah interlocal  
1137 entity authorize, in the same manner required to amend the agreement creating the Utah  
1138 interlocal entity, the Utah interlocal entity to be reorganized as an electric interlocal entity; and
- 1139 (ii) the purpose of the joint or cooperative action to be accomplished by the electric  
1140 interlocal entity meets the requirements of Subsection (3)(a).

1141 (4) (a) Two or more Utah public agencies may enter into an agreement with one  
1142 another or with one or more public agencies to [create] approve the creation of an energy  
1143 services interlocal entity to accomplish the purposes of their joint and cooperative action with  
1144 respect to facilities, services, and improvements necessary or desirable with respect to the  
1145 acquisition, generation, transmission, management, and distribution of electric energy for the  
1146 use and benefit of the public agencies that enter into the agreement.

1147 (b) (i) A Utah interlocal entity that was created to facilitate the transmission or supply  
1148 of electric power may, by resolution adopted by its governing body, elect to become an energy  
1149 services interlocal entity.

1150 (ii) Notwithstanding Subsection (4)(b)(i), a Utah interlocal entity that is also a project  
1151 entity may not elect to become an energy services interlocal entity.

1152 (iii) An election under Subsection (4)(b)(i) does not alter, limit, or affect the validity  
1153 or enforceability of a previously executed contract, agreement, bond, or other obligation of the  
1154 Utah interlocal entity making the election.

1155 Section 18. Section **11-13-204** is amended to read:

1156 **11-13-204. Powers and duties of interlocal entities -- Additional powers of**  
1157 **energy services interlocal entities -- Length of term of agreement and interlocal entity --**  
1158 **Notice to lieutenant governor -- Recording requirements.**

1159 (1) (a) An interlocal entity:

1160 (i) may:

1161 (A) adopt, amend, and repeal rules, bylaws, policies, and procedures for the regulation  
1162 of its affairs and the conduct of its business;

1163 (B) sue and be sued;

1164 (C) have an official seal and alter that seal at will;

1165 (D) make and execute contracts and other instruments necessary or convenient for the  
1166 performance of its duties and the exercise of its powers and functions;

1167 (E) acquire real or personal property, or an undivided, fractional, or other interest in  
1168 real or personal property, necessary or convenient for the purposes contemplated in the  
1169 agreement creating the interlocal entity and sell, lease, or otherwise dispose of that property;

1170 (F) directly or by contract with another:

1171 (I) own and acquire facilities and improvements or an undivided, fractional, or other  
1172 interest in facilities and improvements;

1173 (II) construct, operate, maintain, and repair facilities and improvements; and

1174 (III) provide the services contemplated in the agreement creating the interlocal entity;

1175 (G) borrow money, incur indebtedness, and issue revenue bonds, notes, or other  
1176 obligations and secure their payment by an assignment, pledge, or other conveyance of all or  
1177 any part of the revenues and receipts from the facilities, improvements, or services that the

1178 interlocal entity provides;

1179 (H) offer, issue, and sell warrants, options, or other rights related to the bonds, notes,  
1180 or other obligations issued by the interlocal entity; and

1181 (I) sell or contract for the sale of the services, output, product, or other benefits  
1182 provided by the interlocal entity to:

1183 (I) public agencies inside or outside the state; and

1184 (II) with respect to any excess services, output, product, or benefits, any person on  
1185 terms that the interlocal entity considers to be in the best interest of the public agencies that  
1186 are parties to the agreement creating the interlocal entity; and

1187 (ii) may not levy, assess, or collect ad valorem property taxes.

1188 (b) An assignment, pledge, or other conveyance under Subsection (1)(a)(i)(G) may, to  
1189 the extent provided by the documents under which the assignment, pledge, or other  
1190 conveyance is made, rank prior in right to any other obligation except taxes or payments in  
1191 lieu of taxes payable to the state or its political subdivisions.

1192 (2) An energy services interlocal entity:

1193 (a) except with respect to any ownership interest it has in facilities providing  
1194 additional project capacity, is not subject to:

1195 (i) Part 3, Project Entity Provisions; or

1196 (ii) Title 59, Chapter 8, Gross Receipts Tax on Certain Corporations Not Required to  
1197 Pay Corporate Franchise or Income Tax Act; and

1198 (b) may:

1199 (i) own, acquire, and, by itself or by contract with another, construct, operate, and  
1200 maintain a facility or improvement for the generation, transmission, and transportation of  
1201 electric energy or related fuel supplies;

1202 (ii) enter into a contract to obtain a supply of electric power and energy and ancillary  
1203 services, transmission, and transportation services, and supplies of natural gas and fuels  
1204 necessary for the operation of generation facilities;

1205 (iii) enter into a contract with public agencies, investor-owned or cooperative utilities,

1206 and others, whether located in or out of the state, for the sale of wholesale services provided by  
1207 the energy services interlocal entity; and

1208 (iv) adopt and implement risk management policies and strategies and enter into  
1209 transactions and agreements to manage the risks associated with the purchase and sale of  
1210 energy, including forward purchase and sale contracts, hedging, tolling and swap agreements,  
1211 and other instruments.

1212 (3) Notwithstanding Section 11-13-216, an agreement creating an interlocal entity or  
1213 an amendment to that agreement may provide that the agreement may continue and the  
1214 interlocal entity may remain in existence until the latest to occur of:

1215 (a) 50 years after the date of the agreement or amendment;

1216 (b) five years after the interlocal entity has fully paid or otherwise discharged all of its  
1217 indebtedness;

1218 (c) five years after the interlocal entity has abandoned, decommissioned, or conveyed  
1219 or transferred all of its interest in its facilities and improvements; or

1220 (d) five years after the facilities and improvements of the interlocal entity are no longer  
1221 useful in providing the service, output, product, or other benefit of the facilities and  
1222 improvements, as determined under the agreement governing the sale of the service, output,  
1223 product, or other benefit.

1224 (4) (a) The governing body of each party to the agreement to ~~[create]~~ approve the  
1225 creation of an interlocal entity, including an electric interlocal entity and an energy services  
1226 interlocal entity, under Section 11-13-203 shall~~[-]~~:

1227 (i) within 30 days ~~[of]~~ after the date of the agreement, jointly file ~~[a written notice of~~  
1228 ~~the agreement]~~ with the lieutenant governor~~[-]~~:

1229 ~~[(b) Each written notice required under Subsection (4)(a) shall:]~~

1230 ~~[(i) be accompanied by:]~~

1231 ~~[(A) a copy of the agreement to create the interlocal entity; and]~~

1232 (A) a copy of a notice of an impending boundary action, as defined in Section  
1233 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1234 (B) if less than all of the territory of any Utah public agency that is a party to the  
1235 agreement is included within the interlocal entity, a copy of an approved final local entity plat  
1236 ~~[that delineates a metes and bounds description of the area affected or a map of the area~~  
1237 ~~affected; and], as defined in Section 67-1a-6.5; and~~

1238 ~~[(ii) contain a certification by the governing body that all necessary legal requirements~~  
1239 ~~relating to the creation have been completed.]~~

1240 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section  
1241 67-1a-6.5:

1242 (A) if the interlocal entity is located within the boundary of a single county, submit to  
1243 the recorder of that county:

1244 (I) the original:

1245 (Aa) notice of an impending boundary action;

1246 (Bb) certificate of creation; and

1247 (Cc) approved final local entity plat, if an approved final local entity plat was required  
1248 to be filed with the lieutenant governor under Subsection (4)(a)(i)(B); and

1249 (II) a certified copy of the agreement approving the creation of the interlocal entity; or

1250 (B) if the interlocal entity is located within the boundaries of more than a single  
1251 county:

1252 (I) submit to the recorder of one of those counties:

1253 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb), and  
1254 (Cc); and

1255 (Bb) a certified copy of the agreement approving the creation of the interlocal entity;  
1256 and

1257 (II) submit to the recorder of each other county:

1258 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa), (Bb),  
1259 and (Cc); and

1260 (Bb) a certified copy of the agreement approving the creation of the interlocal entity.

1261 [(5)] (b) Upon the lieutenant governor's issuance of a certificate of creation under

1262 Section 67-1a-6.5, the interlocal entity is created.

1263 (c) Until the documents listed in Subsection (4)(a)(ii) are recorded in the office of the  
1264 recorder of each county in which the property is located, a newly created interlocal entity may  
1265 not charge or collect a fee for service provided to property within the interlocal entity.

1266 [~~6~~] (5) Nothing in this section may be construed as expanding the rights of any  
1267 municipality or interlocal entity to sell or provide retail service.

1268 Section 19. Section **11-13-205** is amended to read:

1269 **11-13-205. Agreement by public agencies to approve the creation of a new entity**  
1270 **to own sewage and wastewater facilities -- Powers and duties of new entities --**  
1271 **Validation of previously created entities -- Notice to lieutenant governor -- Recording**  
1272 **requirements.**

1273 (1) It is declared that the policy of the state is to assure the health, safety, and welfare  
1274 of its citizens, that adequate sewage and wastewater treatment plants and facilities are essential  
1275 to the well-being of the citizens of the state and that the acquisition of adequate sewage and  
1276 wastewater treatment plants and facilities on a regional basis in accordance with federal law  
1277 and state and federal water quality standards and effluent standards in order to provide  
1278 services to public agencies is a matter of statewide concern and is in the public interest. It is  
1279 found and declared that there is a statewide need to provide for regional sewage and  
1280 wastewater treatment plants and facilities, and as a matter of express legislative determination  
1281 it is declared that the compelling need of the state for construction of regional sewage and  
1282 wastewater treatment plants and facilities requires the creation of entities under the Interlocal  
1283 Cooperation Act to own, construct, operate, and finance sewage and wastewater treatment  
1284 plants and facilities; and it is the purpose of this law to provide for the accomplishment thereof  
1285 in the manner provided in this section.

1286 (2) Any two or more public agencies of the state may also agree to [~~create~~] approve the  
1287 creation of a separate legal or administrative entity to accomplish and undertake the purpose of  
1288 owning, acquiring, constructing, financing, operating, maintaining, and repairing regional  
1289 sewage and wastewater treatment plants and facilities.

1290 (3) A separate legal or administrative entity created [~~in the manner provided herein~~]  
1291 under this section is considered to be a political subdivision and body politic and corporate of  
1292 the state with power to carry out and effectuate its corporate powers, including[, ~~but not~~  
1293 ~~limited to,~~] the power:

1294 (a) to adopt, amend, and repeal rules, bylaws, and regulations, policies, and procedures  
1295 for the regulation of its affairs and the conduct of its business, to sue and be sued in its own  
1296 name, to have an official seal and power to alter that seal at will, and to make and execute  
1297 contracts and all other instruments necessary or convenient for the performance of its duties  
1298 and the exercise of its powers and functions under the Interlocal Cooperation Act;

1299 (b) to own, acquire, construct, operate, maintain, repair, or cause to be constructed,  
1300 operated, maintained, and repaired one or more regional sewage and wastewater treatment  
1301 plants and facilities, all as shall be set forth in the agreement providing for its creation;

1302 (c) to borrow money, incur indebtedness and issue revenue bonds, notes or other  
1303 obligations payable solely from the revenues and receipts derived from all or a portion of the  
1304 regional sewage and wastewater treatment plants and facilities which it owns, operates, and  
1305 maintains, such bonds, notes, or other obligations to be issued and sold in compliance with the  
1306 provisions of Title 11, Chapter 14, Local Government Bonding Act;

1307 (d) to enter into agreements with public agencies and other parties and entities to  
1308 provide sewage and wastewater treatment services on such terms and conditions as it considers  
1309 to be in the best interests of its participants; and

1310 (e) to acquire by purchase or by exercise of the power of eminent domain, any real or  
1311 personal property in connection with the acquisition and construction of any sewage and  
1312 wastewater treatment plant and all related facilities and rights-of-way which it owns, operates,  
1313 and maintains.

1314 (4) The provisions of Part 3, Project Entity Provisions, do not apply to a legal or  
1315 administrative entity created for regional sewage and wastewater treatment purposes under this  
1316 section.

1317 (5) All proceedings previously had in connection with the creation of any legal or

1318 administrative entity pursuant to this chapter, and all proceedings previously had by any such  
1319 entity for the authorization and issuance of bonds of the entity are validated, ratified, and  
1320 confirmed; and these entities are declared to be validly created interlocal cooperation entities  
1321 under this chapter. These bonds, whether previously or subsequently issued pursuant to these  
1322 proceedings, are validated, ratified, and confirmed and declared to constitute, if previously  
1323 issued, or when issued, the valid and legally binding obligations of the entity in accordance  
1324 with their terms. Nothing in this section shall be construed to affect or validate any bonds, or  
1325 the organization of any entity, the legality of which is being contested at the time this act takes  
1326 effect.

1327 (6) (a) The governing body of each party to the agreement to ~~[create]~~ approve the  
1328 creation of an entity under this section shall[-];

1329 (i) within 30 days ~~[of]~~ after the date of the agreement, jointly file ~~[a written notice of~~  
1330 ~~the agreement]~~ with the lieutenant governor[-];

1331 ~~[(b) Each written notice required under Subsection (6)(a) shall:]~~

1332 ~~[(i) be accompanied by:]~~

1333 ~~[(A) a copy of the agreement to create the entity; and]~~

1334 ~~[(B) a map or plat that delineates a metes and bounds description of the area affected;~~  
1335 ~~and]~~

1336 ~~[(ii) contain a certification by the governing body that all necessary legal requirements~~  
1337 ~~relating to the creation have been completed.]~~

1338 (A) a copy of a notice of an impending boundary action, as defined in Section  
1339 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1340 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1341 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section  
1342 67-1a-6.5:

1343 (A) if the entity is located within the boundary of a single county, submit to the  
1344 recorder of that county:

1345 (I) the original:



1346 (Aa) notice of an impending boundary action;  
 1347 (Bb) certificate of creation; and  
 1348 (Cc) approved final local entity plat; and  
 1349 (II) a certified copy of the agreement approving the creation of the entity; or  
 1350 (B) if the entity is located within the boundaries of more than a single county:  
 1351 (I) submit to the recorder of one of those counties;  
 1352 (Aa) the original of the documents listed in Subsections (6)(a)(ii)(A)(I)(Aa), (Bb), and  
 1353 (Cc); and  
 1354 (Bb) a certified copy of the agreement approving the creation of the entity; and  
 1355 (II) submit to the recorder of each other county:  
 1356 (Aa) a certified copy of the documents listed in Subsections (6)(a)(ii)(A)(I)(Aa), (Bb),  
 1357 and (Cc); and  
 1358 (Bb) a certified copy of the agreement approving the creation of the entity.  
 1359 ~~(7)~~ (b) Upon the lieutenant governor's issuance of a certificate of entity creation  
 1360 under Section 67-1a-6.5, the entity is created.

1361 (c) Until the documents listed in Subsection (6)(a)(ii) are recorded in the office of the  
 1362 recorder of each county in which the property is located, a newly created entity under this  
 1363 section may not charge or collect a fee for service provided to property within the entity.

1364 Section 20. Section **17-2-101** is enacted to read:

1365 **CHAPTER 2. COUNTY CONSOLIDATIONS AND ANNEXATIONS**

1366 **Part 1. Consolidation of Counties**

1367 **17-2-101. Title.**

1368 (1) This chapter is known as "County Consolidations and Annexations."

1369 (2) This part is known as "Consolidation of Counties."

1370 Section 21. Section **17-2-102** is enacted to read:

1371 **17-2-102. Definitions.**

1372 As used in this part:

1373 (1) "Consolidating county" means the county to which another county is joined or is

1374 proposed to be joined by consolidation under this part.

1375 (2) "Originating county" means the county that is joined or proposed to be joined to  
1376 another county by consolidation under this part.

1377 Section 22. Section **17-2-103**, which is renumbered from Section 17-2-1 is  
1378 renumbered and amended to read:

1379 ~~[17-2-1].~~ **17-2-103. Consolidation of counties -- Petition -- Election -- Ballot.**

1380 ~~[Whenever]~~ (1) If a majority of the legal voters of any county desire to have the  
1381 [territory included within the boundaries of such] county [annexed to] joined to and  
1382 consolidated with an adjoining county, they may petition the county legislative body of the  
1383 county in which they reside~~;~~ which is hereafter referred to as the county to be annexed, as  
1384 well as and the county legislative body of the adjoining county [to which they desire to be  
1385 annexed, which shall hereafter be referred to as the annexing county. Such petition must].

1386 (2) Each petition under Subsection (1) shall be presented before the first Monday in  
1387 June of any year~~[, and, if].~~

1388 (3) (a) If a petition under Subsection (1) is presented in a year during which a regular  
1389 general election is held, the county legislative body [must cause said] of the originating county  
1390 and the county legislative body of the consolidating county shall cause the proposition to be  
1391 submitted to the legal voters of [each of said counties] their respective counties at the  
1392 [ensuing] next regular general election~~[. If the petition].~~

1393 (b) If a petition under Subsection (1) is presented during a year in which there is no  
1394 regular general election, the county legislative body [must] of the originating county and the  
1395 county legislative body of the consolidating county shall:

1396 (i) call a special election to be held on the first Tuesday after the first Monday in  
1397 November following the presentation of [such] the petition~~[;];~~ and [must]

1398 (ii) cause the proposition to be submitted to the legal voters of the respective counties  
1399 on that day.

1400 (c) Except as otherwise provided~~[, such election]~~ in this part, an election under this  
1401 Subsection (3) shall be held, the results canvassed, and returns made under the provisions of

1402 the general election laws of the state.

1403 (d) The ballot to be used at an election under this Subsection (3) shall be:

1404 For [~~annexing~~] combining \_\_\_\_ county [~~to~~] with \_\_\_\_ county.

1405 Against [~~annexing~~] combining \_\_\_\_ county [~~to~~] with \_\_\_\_ county.

1406 Section 23. Section **17-2-104**, which is renumbered from Section 17-2-3 is  
1407 renumbered and amended to read:

1408 ~~[17-2-3]~~. **17-2-104. Certification of election result to governor.**

1409 [~~The certified abstract of such returns must be filed in the office of the lieutenant~~  
1410 ~~governor, and, if]~~

1411 If it appears [~~therefrom~~] from the certified report that the lieutenant governor receives  
1412 under Section 20A-4-304 that a majority of the voters in each of the counties have voted in  
1413 favor of [~~such annexation~~] consolidation, the lieutenant governor [~~must~~] shall certify the result  
1414 of [~~such~~] the vote to the governor.

1415 Section 24. Section **17-2-105**, which is renumbered from Section 17-2-4 is  
1416 renumbered and amended to read:

1417 ~~[17-2-4]~~. **17-2-105. Governor's proclamation -- Notice and plat to lieutenant**  
1418 **governor -- Recording requirements -- Effective date.**

1419 (1) Upon receipt of the election result from the lieutenant governor under Section  
1420 [~~17-2-3~~] 17-2-104, the governor shall issue a proclamation, stating the result of the vote in  
1421 each of the counties, and that the [~~annexation~~] consolidation of the one county [~~to~~] with the  
1422 other will take effect as provided in Subsection (3).

1423 (2) [~~(a) Within 30 days after the issuance of the governor's proclamation under~~  
1424 ~~Subsection (1), the]~~ The legislative body of the [~~annexing~~] consolidating county shall:

1425 (a) within 30 days after the issuance of the governor's proclamation under Subsection  
1426 (1), send [~~a notice~~] to the lieutenant governor[-:]:

1427 [~~(b) Each notice under Subsection (2)(a) shall include:]~~

1428 [~~(i) a copy of the governor's proclamation;]~~

1429 [~~(ii) a certification that all necessary legal requirements relating to the annexation have~~

1430 ~~been completed; and]~~

1431  ~~[(iii) a map or plat that delineates an accurate metes and bounds description of the~~  
1432  ~~annexing county following annexation.]~~

1433 (i) a copy of a notice of an impending boundary action, as defined in Section  
1434 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1435 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1436 (b) upon the lieutenant governor's issuance of a certificate of consolidation under  
1437 Section 67-1a-6.5, submit to the recorder of the consolidating county:

1438 (i) the original notice of an impending boundary action;

1439 (ii) the original certificate of consolidation;

1440 (iii) the original approved final local entity plat; and

1441 (iv) a certified copy of the governor's proclamation under Subsection (1).

1442 (3) ~~[An annexation]~~ (a) A consolidation of counties approved at an election under  
1443 Section ~~[17-2-1]~~ 17-2-103 takes effect on January 1 of the year immediately following the  
1444 lieutenant governor's issuance of ~~[the: (a) governor's proclamation; and (b)]~~ a certificate of  
1445 consolidation ~~[by the lieutenant governor]~~ under Section 67-1a-6.5.

1446 (b) (i) The effective date of a consolidation of counties for purposes of assessing  
1447 property within the consolidating county is governed by Section 59-2-305.5.

1448 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the  
1449 recorder of the county in which the property is located, a consolidating county may not:

1450 (A) levy or collect a property tax on property in the consolidating county that used to  
1451 be in the originating county;

1452 (B) levy or collect an assessment on property in the consolidating county that used to  
1453 be in the originating county; or

1454 (C) charge or collect a fee for service provided to property within the consolidating  
1455 county that used to be in the originating county.

1456 Section 25. Section **17-2-106**, which is renumbered from Section 17-2-5 is  
1457 renumbered and amended to read:

1458           ~~[17-2-5].~~       **17-2-106. Effect of consolidation.**

1459           ~~[Whenever a majority of the legal voters of each of the counties to which the~~  
1460 ~~proposition is submitted vote in favor of annexing one county to another in the manner~~  
1461 ~~provided in this chapter such annexation shall be made under the following conditions:]~~

1462           ~~[(1) Such annexation shall be complete and take effect on the first Monday of January~~  
1463 ~~following the day of the election at which such proposition was submitted.]~~

1464           ~~[(2)]~~ (1) All territory ~~[theretofore]~~ included within the boundaries of the originating  
1465 county ~~[annexed shall become]~~ becomes, upon consolidation, the territory of the ~~[annexing]~~  
1466 consolidating county.

1467           ~~[(3)]~~ (2) The precincts and school districts existing in the originating county ~~[annexed~~  
1468 ~~shall]~~ continue and become precincts and school districts in the ~~[annexing]~~ consolidating  
1469 county and ~~[shall]~~ remain as then organized until changed in the manner provided by law, and  
1470 the officers of ~~[such]~~ those precincts and school districts ~~[shall]~~ hold their respective offices  
1471 until the expiration of the applicable terms ~~[thereof]~~.

1472           ~~[(4) AH]~~ (3) The ownership of all property, both real and personal, held and owned by  
1473 the originating county ~~[annexed shall be]~~ at the time of consolidation is vested in the  
1474 ~~[annexing]~~ consolidating county.

1475           ~~[(5)]~~ (4) The terms of all county officers in the originating county ~~[annexed shall]~~  
1476 terminate and cease on the day the ~~[annexation]~~ consolidation takes effect, and ~~[it is made the~~  
1477 ~~duty of such]~~ those officers ~~[to]~~ shall immediately deliver to the corresponding officers of the  
1478 ~~[annexing]~~ consolidating county all books, records, and papers of the ~~[annexed]~~ originating  
1479 county.

1480           ~~[(6)]~~ (5) Any person who is confined under lawful commitment in the county jail of  
1481 the originating county ~~[annexed]~~, or otherwise lawfully held to answer for alleged violation of  
1482 any of the criminal laws of this state, shall be immediately delivered to the sheriff of the  
1483 ~~[annexing]~~ consolidating county, and such person shall be confined in its county jail for the  
1484 unexpired term of the sentence or held as specified in the commitment.

1485           ~~[(7)]~~ (6) (a) All criminal proceedings pending in the originating county ~~[annexed]~~

1486 shall be prosecuted to judgment and execution in the [~~annexing~~] consolidating county[~~;~~ all].

1487 (b) All offenses [~~theretofore~~] committed in the originating county [~~annexed~~ which  
1488 shall not have] before consolidation that have not been prosecuted shall be prosecuted in the  
1489 [~~annexing~~] consolidating county.

1490 [(8)] (7) All actions, proceedings, and matters pending in the district court of the  
1491 originating county [~~annexed~~] may be proceeded with in the district court of the [~~annexing~~]  
1492 consolidating county.

1493 [(9)] (8) All indebtedness of the originating county [~~annexed shall be~~] are transferred  
1494 to and become the indebtedness of the [~~annexing~~] consolidating county with the same effect as  
1495 if it had been incurred by [~~such~~] the consolidating county.

1496 Section 26. Section **17-2-201** is enacted to read:

1497 **Part 2. County Annexation**

1498 **17-2-201. Title.**

1499 This part is known as "County Annexation."

1500 Section 27. Section **17-2-202** is enacted to read:

1501 **17-2-202. Definitions.**

1502 As used in this part:

1503 (1) "Annexing county" means the county to which a portion of an adjoining county is  
1504 annexed or proposed to be annexed as provided in this part.

1505 (2) "Initiating county" means the county, from which a portion is annexed or proposed  
1506 to be annexed to an adjoining county.

1507 Section 28. Section **17-2-203**, which is renumbered from Section 17-2-6 is  
1508 renumbered and amended to read:

1509 [~~17-2-6~~]. **17-2-203. Annexation of portion of county to adjoining county --**  
1510 **Petition -- Election -- Ballot.**

1511 (1) (a) Except as provided in Section [~~17-2-13, whenever~~] 17-2-209, if a majority of  
1512 the legal voters of any portion of any county, in number equal to a majority of the votes cast at  
1513 the preceding general election within that portion of the county, desire to have the territory

1514 within which they reside included within the boundaries of an adjoining county, they may  
 1515 petition the county legislative body of the county in which they reside~~[-, which is hereafter~~  
 1516 referred to as the county from which territory is to be taken, as well as] and the county  
 1517 legislative body of the adjoining county [~~to which they desire to be annexed, which is referred~~  
 1518 ~~to as the annexing county~~].

1519 (b) [~~Such~~] Each petition [~~must~~] under Subsection (1)(a) shall be presented before the  
 1520 first Monday in June of a year during which a general election is held~~[-, and the county]~~.

1521 (c) If a petition is presented under Subsection (1)(a), at the ensuing regular general  
 1522 election:

1523 (i) the legislative body [~~must~~] of the initiating county shall cause [~~such~~] the  
 1524 proposition to be submitted to the legal voters residing in the initiating county [~~from which~~  
 1525 ~~territory is to be taken as well as~~]; and

1526 (ii) the legislative body of the annexing county shall cause the proposition to be  
 1527 submitted to the legal voters of the annexing county [~~at the ensuing general election~~].

1528 (2) (a) Except as otherwise provided, the election provided in Subsection (1) shall be  
 1529 held, the results canvassed, and returns made under the provisions of the general election laws  
 1530 of the state.

1531 (b) The ballot to be used shall be:

1532 For annexing a portion of \_\_\_\_ county to \_\_\_\_ county.

1533 Against annexing a portion of \_\_\_\_ county to \_\_\_\_ county.

1534 Section 29. Section **17-2-204**, which is renumbered from Section 17-2-8 is  
 1535 renumbered and amended to read:

1536 [~~17-2-8~~]. **17-2-204. Certification of election result to governor.**

1537 [~~(1) The certified abstract under Section 17-2-7 shall be filed in the office of the~~  
 1538 ~~lieutenant governor.~~]

1539 [(2)] In an election held under Subsection [~~17-2-6(1)~~] 17-2-203(1), if it appears from  
 1540 the certified [~~abstracts~~] report that the lieutenant governor receives under Section 20A-4-304  
 1541 that a majority [~~in each county~~] of those voting in each county have voted in favor of [~~such~~]

1542 the annexation, the lieutenant governor shall certify the result of [~~such~~] the vote to the  
1543 governor.

1544 Section 30. Section **17-2-205**, which is renumbered from Section 17-2-9 is  
1545 renumbered and amended to read:

1546 ~~[17-2-9].~~ **17-2-205. Governor's proclamation -- Notice to lieutenant governor**  
1547 **-- Recording requirements -- Effective date.**

1548 (1) Upon receipt of the lieutenant governor's certification under Section [~~17-2-8~~]  
1549 17-2-204, the governor shall issue a proclamation, stating the result of the vote in each county,  
1550 and that the annexation of the territory to the annexing county will take effect as provided in  
1551 Subsection (3).

1552 (2) [~~(a) Within 30 days after the issuance of the governor's proclamation under~~  
1553 ~~Subsection (1), the]~~ The legislative body of the annexing county shall:

1554 (a) within 30 days after the issuance of the governor's proclamation under Subsection  
1555 (1), send [a notice] to the lieutenant governor[-:]:

1556 [~~(b) Each notice under Subsection (2)(a) shall include:]~~

1557 [~~(i) a copy of the governor's proclamation;]~~

1558 [~~(ii) a certification that all necessary legal requirements relating to the annexation have~~  
1559 ~~been completed; and]~~

1560 [~~(iii) a map or plat that delineates an accurate metes and bounds description of the~~  
1561 ~~area that was annexed:]~~

1562 (i) a copy of a notice of an impending boundary action, as defined in Section  
1563 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1564 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1565 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section  
1566 67-1a-6.5, submit to the recorder of the annexing county:

1567 (i) the original notice of an impending boundary action;

1568 (ii) the original certificate of consolidation;

1569 (iii) the original approved final local entity plat; and



1570 (iv) a certified copy of the governor's proclamation under Subsection (1).

1571 (3) (a) An annexation approved at an election under Section [~~17-2-6~~] 17-2-203 takes  
1572 effect on January 1 of the year immediately following [~~issuance of the: (a) governor's~~  
1573 ~~proclamation; and (b)] the lieutenant governor's issuance of a certificate of [boundary change  
1574 ~~by the lieutenant governor] annexation under Section 67-1a-6.5.~~~~

1575 (b) (i) The effective date of a county annexation for purposes of assessing property  
1576 within the annexing county is governed by Section 59-2-305.5.

1577 (ii) Until the documents listed in Subsection (2)(b) are recorded in the office of the  
1578 recorder of the county in which the property is located, an annexing county may not:

1579 (A) levy or collect a property tax on property in the annexing county that used to be in  
1580 the initiating county;

1581 (B) levy or collect an assessment on property in the annexing county that used to be in  
1582 the initiating county; or

1583 (C) charge or collect a fee for service provided to property within the annexing county  
1584 that used to be in the initiating county.

1585 Section 31. Section ~~17-2-206~~, which is renumbered from Section 17-2-10 is  
1586 renumbered and amended to read:

1587 ~~[17-2-10].~~ **17-2-206. Territory becomes part of annexing county -- Division of**  
1588 **revenues.**

1589 (1) Upon the effective date of the annexation, all the area proposed to be annexed shall  
1590 become part of the annexing county.

1591 (2) (a) The legislative body of the initiating county [~~in which the area proposed to be~~  
1592 ~~annexed is located before annexation]~~ shall:

1593 (i) until the date of annexation, continue:

1594 (A) to levy and collect ad valorem property tax and other revenues from or pertaining  
1595 to the area; and

1596 (B) except as otherwise agreed with the annexing county, to provide the same services  
1597 to the area proposed to be annexed as the initiating county provided before the commencement

1598 of the annexation proceedings; and

1599 (ii) after annexation, share pro rata with the annexing county the taxes and service  
1600 charges or fees levied and collected by the initiating county during the year of the annexation  
1601 if and to the extent that the annexing county provides, by itself or by contract, the same  
1602 services for which the initiating county levied and collected the taxes and service charges or  
1603 fees.

1604 (b) The pro rata allocation of taxes under Subsection (2)(a)(ii) shall be based on the  
1605 date of annexation, and the pro rata allocation of service charges and fees shall be based on the  
1606 proportion of services related to the service charges and fees that remain to be rendered after  
1607 annexation.

1608 Section 32. Section **17-2-207**, which is renumbered from Section 17-2-11 is  
1609 renumbered and amended to read:

1610 ~~[17-2-11]~~. **17-2-207. Effect on precincts and school districts.**

1611 (1) The precincts and school districts in the annexed territory ~~[shall]~~:

1612 (a) continue~~[-and shall]~~;

1613 (b) become precincts and school districts in the annexing county; and ~~[shall]~~

1614 (c) remain as then organized until changed in the manner provided by law~~[-and the]~~.

1615 (2) The officers of [such] those precincts and school districts [shall] hold their  
1616 respective offices until the expiration of [the] their terms [thereof; provided, that whenever  
1617 pursuant to the provisions of this chapter any].

1618 (3) If a precinct or school district [shall be] is divided [the same shall become] because  
1619 of a county annexation under this part:

1620 (a) the precinct or school district is disorganized, and the property and territory  
1621 embraced ~~[therein shall be]~~ in the precinct or school district is subject to the action of the  
1622 county legislative body of the respective counties~~[-provided further, that]; and~~

1623 (b) any bonded or other indebtedness of ~~[any such]~~ a school district [shall attach]  
1624 attaches to[-] and ~~[become]~~ becomes the obligation of~~[-]~~ the district that ~~[shall be]~~ is created  
1625 out of the territory that ~~[shall retain]~~ retains the buildings and other property of the original

1626 district.

1627 Section 33. Section **17-2-208**, which is renumbered from Section 17-2-12 is  
 1628 renumbered and amended to read:

1629 ~~[17-2-12].~~ **17-2-208. Pending criminal proceedings.**

1630 All criminal proceedings and actions ~~[which shall be]~~ pending in the annexed territory  
 1631 at the time of annexation shall be prosecuted to judgment and execution in ~~[such]~~ the annexed  
 1632 territory as part of the annexing county. All offenses ~~[theretofore]~~ committed in the annexed  
 1633 territory ~~[which shall not]~~ before annexation that have not been prosecuted may be prosecuted  
 1634 to judgment and execution in ~~[such]~~ the annexed territory or any part of the annexing county.

1635 Section 34. Section **17-2-209**, which is renumbered from Section 17-2-13 is  
 1636 renumbered and amended to read:

1637 ~~[17-2-13].~~ **17-2-209. Minor adjustments to county boundaries authorized --**  
 1638 **Public hearing -- Joint resolution of county legislative bodies -- Notice and plat to**  
 1639 **lieutenant governor -- Recording requirements -- Effective date.**

1640 (1) Counties sharing a common boundary may, in accordance with the provisions of  
 1641 Subsection (2) and Article XI, Section 3, of the Utah Constitution, adjust all or part of the  
 1642 common boundary to move it up to 1,000 feet from its location before the adjustment.

1643 (2) The legislative bodies of both counties desiring to adjust a common boundary in  
 1644 accordance with Subsection (1) shall:

1645 (a) hold a joint public hearing on the proposed boundary adjustment;

1646 (b) in addition to the regular notice required for public meetings of the county  
 1647 legislative bodies, mail written notice to all real property owners of record whose property may  
 1648 change counties as the result of the proposed adjustment; and

1649 (c) adopt a joint resolution approved by both county legislative bodies ~~[which: (i)~~  
 1650 ~~approves]~~ approving the proposed boundary adjustment~~[:]~~.

1651 ~~[(ii) sets forth the legal description of the county boundary after the adjustment; and]~~

1652 ~~[(iii) provides an effective date for the boundary adjustment.]~~

1653 ~~[(3) (a) Within 15 days after the adoption of a joint resolution under Subsection (2)(c)~~

1654 ~~by both counties, the legislative bodies shall]~~

1655 (3) The legislative bodies of both counties adopting a joint resolution under  
1656 Subsection (2)(c) shall:

1657 (a) within 15 days after adopting the joint resolution, jointly send [a notice] to the  
1658 lieutenant governor[-]:

1659 ~~[(b) Each notice under Subsection (3)(a) shall include:]~~

1660 ~~[(i) a copy of the joint resolution under Subsection (2)(c);]~~

1661 ~~[(ii) a certification that all necessary legal requirements relating to the boundary~~  
1662 ~~adjustment have been completed; and]~~

1663 ~~[(iii) a map or plat, verified by the county surveyor, and filed with the county surveyor~~  
1664 ~~in accordance with Section 17-23-17, that delineates an accurate metes and bounds description~~  
1665 ~~of the boundary adjustment.]~~

1666 (i) a copy of a notice of an impending boundary action, as defined in Section  
1667 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1668 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1669 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment  
1670 under Section 67-1a-6.5, jointly submit to the recorder of the county in which the property is  
1671 located after the boundary adjustment:

1672 (i) the original notice of an impending boundary action;

1673 (ii) the original certificate of boundary adjustment;

1674 (iii) the original approved final local entity plat; and

1675 (iv) a certified copy of the joint resolution approving the boundary adjustment.

1676 (4) (a) As used in this Subsection (4):

1677 (i) "Affected area" means an area that, as a result of a boundary adjustment under this  
1678 section, is moved from within the boundary of one county to within the boundary of another  
1679 county.

1680 (ii) "Receiving county" means a county whose boundary includes an affected area as a  
1681 result of a boundary adjustment under this section.

1682 (b) A boundary adjustment under this section takes effect on the date the lieutenant  
 1683 governor issues a certificate of boundary adjustment under Section 67-1a-6.5.

1684 (c) (i) The effective date of a boundary adjustment for purposes of assessing property  
 1685 within an affected area is governed by Section 59-2-305.5.

1686 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the  
 1687 recorder of the county in which the property is located, a receiving county may not:

1688 (A) levy or collect a property tax on property within an affected area;

1689 (B) levy or collect an assessment on property within an affected area; or

1690 (C) charge or collect a fee for service provided to property within an affected area.

1691 ~~[(4)]~~ (5) Upon the effective date of ~~[the joint resolution under Subsection (2)(c) or the~~  
 1692 ~~date the lieutenant governor issues the certificate of]~~ a boundary [change] adjustment under  
 1693 ~~[Section 67-1a-6.5, whichever date is later,]~~ this section:

1694 (a) all territory designated to be [annexed] adjusted into another county [shall become]  
 1695 becomes the territory of the [annexing] other county; and

1696 (b) the provisions of Sections [17-2-11 and 17-2-12 shall] 17-2-207 and 17-2-208  
 1697 apply in the same manner as with [any other annexations] an annexation under this [chapter]  
 1698 part.

1699 Section 35. Section **17-3-3** is amended to read:

1700 **17-3-3. Certification of returns -- Governor's proclamation of creation of new**  
 1701 **county -- Notice and plat to lieutenant governor -- Recording requirements -- Effective**  
 1702 **date.**

1703 ~~[(1) The certified abstract of returns under Section 17-3-2 shall be filed in the office of~~  
 1704 ~~the lieutenant governor, who shall certify the result to the governor.]~~

1705 ~~[(2)]~~ (1) If it appears that any proposition submitted to the electors as provided in this  
 1706 chapter has been carried in the affirmative by a majority vote of the qualified electors residing  
 1707 in that portion of the county proposed as a new county, and also by a majority vote of the  
 1708 qualified electors residing in the remaining portion of that county[;]:

1709 (a) the lieutenant governor, upon receiving the certified report under Section

1710 20A-4-304, shall certify the result to the governor; and

1711 (b) upon receiving the results from the lieutenant governor under Subsection (1)(a),  
1712 the governor shall issue a proclamation, stating:

1713 ~~[(a)]~~ (i) the result of the vote in each division of the county;

1714 ~~[(b)]~~ (ii) the name and boundaries of the new county;

1715 ~~[(c)]~~ (iii) the boundaries of the original county as changed by the creation of the new  
1716 county;

1717 ~~[(d)]~~ (iv) that the creation of the new county will take effect on the first Monday in  
1718 January following the lieutenant governor's issuance of a certificate of creation under Section  
1719 67-1a-6.5;

1720 ~~[(e)]~~ (v) the name proposed in the petition as the name of the new county; and

1721 ~~[(f)]~~ (vi) the judicial district to which the new county belongs.

1722 ~~[(3)(a) Within 30 days after the issuance of the governor's proclamation under~~  
1723 ~~Subsection (2), the]~~

1724 (2) The legislative body of the county from which the greatest portion of the new  
1725 county was taken shall:

1726 (a) within 30 days after the issuance of the governor's proclamation under Subsection  
1727 (1), send [a notice] to the lieutenant governor[-:];

1728 ~~[(b) Each notice under Subsection (3)(a) shall include:]~~

1729 ~~[(i) a copy of the governor's proclamation;]~~

1730 ~~[(ii) a certification that all necessary legal requirements relating to the creation of the~~  
1731 ~~new county have been completed; and]~~

1732 ~~[(iii) a map or plat that delineates an accurate metes and bounds description of the~~  
1733 ~~new county;]~~

1734 (i) a copy of a notice of an impending boundary action, as defined in Section  
1735 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1736 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1737 (b) upon the lieutenant governor's issuance of a certificate of creation under Section

1738 67-1a-6.5, submit to the recorder of the new county:

1739 (i) the original notice of an impending boundary action;

1740 (ii) the original certificate of creation;

1741 (iii) the original approved final local entity plat; and

1742 (iv) a certified copy of the governor's proclamation under Subsection (1).

1743 [~~4~~] (3) (a) The new county that is the subject of the [~~governor's proclamation under~~  
1744 ~~Subsection (2) shall be~~] lieutenant governor's certificate of creation under Section 67-1a-6.5 is  
1745 a county of the state from and after 12 noon of the first Monday in January following the  
1746 issuance of the [~~governor's proclamation:~~] lieutenant governor's certificate of creation.

1747 (b) (i) The effective date of the creation of a new county for purposes of assessing  
1748 property within the county is governed by Section 59-2-305.5.

1749 (ii) Until the documents listed in Subsection (3)(b) are recorded in the office of the  
1750 recorder of the new county, the new county may not:

1751 (A) levy or collect a property tax on property in the county;

1752 (B) levy or collect an assessment on property in the county; or

1753 (C) charge or collect a fee for service provided to property within the county.

1754 Section 36. Section **17-21-20** is amended to read:

1755 **17-21-20. Recording required -- Recorder may impose requirements on**  
1756 **documents to be recorded -- Prerequisites -- Additional fee for noncomplying documents**  
1757 **-- Recorder may require tax serial number -- Exceptions -- Requirements for recording**  
1758 **final local entity plat.**

1759 (1) Subject to Subsections (2), (3), and (4), each paper, notice, and instrument  
1760 required by law to be filed in the office of the county recorder shall be recorded unless  
1761 otherwise provided.

1762 (2) Each document executed on or after July 1, 2007 that is submitted for recording to  
1763 a county recorder's office shall:

1764 (a) unless otherwise provided by law, be an original or certified copy of the document;

1765 (b) be in English or be accompanied by an accurate English translation of the

- 1766 document;
- 1767 (c) contain a brief title, heading, or caption on the first page stating the nature of the
- 1768 document;
- 1769 (d) contain the legal description of the property that is the subject of the document;
- 1770 (e) comply with the requirements of Section 17-21-25 and Subsections 57-3-105(1)
- 1771 and (2);
- 1772 (f) be notarized with the notary stamp with the seal legible; and
- 1773 (g) have original signatures.
- 1774 (3) (a) Beginning September 1, 2007, a county recorder may require that each paper,
- 1775 notice, and instrument submitted for recording in the county recorder's office:
- 1776 (i) be on white paper that is 8-1/2 inches by 11 inches in size;
- 1777 (ii) have a margin of one inch on the left and right sides and at the bottom of each
- 1778 page;
- 1779 (iii) have a space of 2-1/2 inches down and 4-1/2 inches across the upper right corner
- 1780 of the first page and a margin of one inch at the top of each succeeding page;
- 1781 (iv) not be on sheets of paper that are continuously bound together at the side, top, or
- 1782 bottom;
- 1783 (v) not contain printed material on more than one side of each page;
- 1784 (vi) be printed in black ink and not have text smaller than seven lines of text per
- 1785 vertical inch; and
- 1786 (vii) be sufficiently legible to make certified copies.
- 1787 (b) A county recorder who intends to establish requirements under Subsection (3)(a)
- 1788 shall first:
- 1789 (i) provide formal notice of the requirements; and
- 1790 (ii) establish and publish an effective date for the requirements that is at least three
- 1791 months after the formal notice under Subsection (3)(b)(i).
- 1792 (c) If a county recorder establishes requirements under this Subsection (3), the county
- 1793 recorder may charge and collect from persons who submit a document for recording that does



1794 not comply with the requirements, in addition to any other fee that the county recorder is  
1795 authorized to charge and collect, a fee that:

1796 (i) is calculated to recover the additional cost of handling and recording noncomplying  
1797 documents; and

1798 (ii) may not exceed \$2 per page.

1799 (4) (a) To facilitate the abstracting of an instrument, a county recorder may require  
1800 that the applicable tax serial number of each parcel affected by the instrument appear on each  
1801 instrument before it may be accepted for recording.

1802 (b) If a county recorder requires the applicable tax serial number to be on an  
1803 instrument before it may be recorded:

1804 (i) the county recorder shall post a notice of that requirement in a conspicuous place at  
1805 the recorder's office;

1806 (ii) the tax serial number may not be considered to be part of the legal description and  
1807 may be indicated on the margin of the instrument; and

1808 (iii) an error in the tax serial number does not affect the validity of the instrument or  
1809 effectiveness of the recording.

1810 (5) Subsections (2), (3), and (4) do not apply to:

1811 (a) a map;

1812 (b) a certificate or affidavit of death;

1813 (c) a military discharge;

1814 (d) a document regarding taxes that is issued by the Internal Revenue Service of the  
1815 United States Department of the Treasury;

1816 (e) a document submitted for recording that has been filed with a court and conforms  
1817 to the formatting requirements established by the court; or

1818 (f) a document submitted for recording that is in a form required by law.

1819 (6) (a) As used in this Subsection (6):

1820 (i) "Boundary action" has the same meaning as defined in Section 17-23-20.

1821 (ii) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

1822 (b) A person may not submit to a county recorder for recording a plat depicting the  
1823 boundary of a local entity as the boundary exists as a result of a boundary action, unless:

1824 (i) the plat has been approved under Section 17-23-20 by the county surveyor as a  
1825 final local entity plat, as defined in Section 17-23-20; and

1826 (ii) the person also submits for recording:

1827 (A) the original notice of an impending boundary action, as defined in Section  
1828 67-1a-6.5, for the boundary action for which the plat is submitted for recording; and

1829 (B) the original applicable certificate, as defined in Section 67-1a-6.5, issued by the  
1830 lieutenant governor under Section 67-1a-6.5 for the boundary action for which the plat is  
1831 submitted for recording; and

1832 (C) each other document required by statute to be submitted for recording with the  
1833 notice of an impending boundary action and applicable certificate.

1834 (c) Promptly after recording the documents described in Subsection (6)(b) relating to a  
1835 boundary action, but no later than ten days after recording, the county recorder shall send a  
1836 copy of all those documents to the State Tax Commission.

1837 Section 37. Section **17-23-20** is enacted to read:

1838 **17-23-20. Final plats of local entity boundary actions -- County surveyor**  
1839 **approval of final plat -- Plat requirements.**

1840 (1) As used in this section:

1841 (a) "Approving authority" means the person or body required under applicable statute  
1842 to submit to the lieutenant governor a notice of an impending boundary action, as defined in  
1843 Section 67-1a-6.5.

1844 (b) (i) "Boundary action" means any action that establishes, modifies, or eliminates  
1845 the boundary of a local entity, including incorporation or creation, annexation, withdrawal or  
1846 disconnection, consolidation, division, boundary adjustment, and dissolution.

1847 (ii) "Boundary action" does not include the determination of the true location of a  
1848 county boundary under Section 17-50-105.

1849 (c) "Final local entity plat" means a plat that meets the requirements of Subsection (4).

- 1850           (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.
- 1851           (2) Upon request and in consultation with the county recorder, the county surveyor of  
1852 each county in which property depicted on a plat is located shall determine whether the plat is  
1853 a final local entity plat.
- 1854           (3) (a) If a county surveyor determines that a plat meets the requirements of  
1855 Subsection (4), the county surveyor shall approve the plat as a final local entity plat.
- 1856           (b) The county surveyor shall indicate the approval of a plat as a final local entity plat  
1857 on the face of the final local entity plat.
- 1858           (4) A plat may not be approved as a final local entity plat unless the plat:
- 1859           (a) contains a graphical illustration depicting:
- 1860           (i) in the case of a proposed creation or incorporation of a local entity, the boundary of  
1861 the proposed local entity;
- 1862           (ii) in the case of a proposed annexation of an area into an existing local entity, the  
1863 boundary of the area proposed to be annexed;
- 1864           (iii) in the case of a proposed adjustment of a boundary between local entities, the  
1865 boundary of the area that the boundary adjustment proposes to move from inside the boundary  
1866 of one local entity to inside the boundary of another local entity;
- 1867           (iv) in the case of a proposed withdrawal or disconnection of an area from a local  
1868 entity, the boundary of the area that is proposed to be withdrawn or disconnected;
- 1869           (v) in the case of a proposed consolidation of multiple local entities, the boundary of  
1870 the proposed consolidated local entity; and
- 1871           (vi) in the case of a proposed division of a local entity into multiple local entities, the  
1872 boundary of each new local entity created by the proposed division;
- 1873           (b) is created on reproducible material that is:
- 1874           (i) permanent in nature; and
- 1875           (ii) the size and type specified by the county recorder;
- 1876           (c) is drawn to a scale so that all data are legible;
- 1877           (d) contains complete and accurate boundary information, including, as appropriate,

1878 calls along existing boundary lines, sufficient to enable:  
1879 (i) the county surveyor to establish the boundary on the ground, in the event of a  
1880 dispute about the accurate location of the boundary; and  
1881 (ii) the county recorder to identify, for tax purposes, each tract or parcel included  
1882 within the boundary;  
1883 (e) depicts a name for the plat, approved by the county recorder, that is sufficiently  
1884 unique to distinguish the plat from all other recorded plats in the county;  
1885 (f) contains:  
1886 (i) the name of the local entity whose boundary is depicted on the plat;  
1887 (ii) the name of each county within which any property depicted on the plat is located;  
1888 (iii) the date that the plat was prepared;  
1889 (iv) a north arrow and legend;  
1890 (v) a signature block for:  
1891 (A) the signatures of:  
1892 (I) the professional land surveyor who prepared the plat; and  
1893 (II) the local entity's approving authority; and  
1894 (B) the approval of the county surveyor; and  
1895 (vi) a three-inch by three-inch block in the lower right hand corner for the county  
1896 recorder's use when recording the plat;  
1897 (g) has been certified and signed by a professional land surveyor licensed under Title  
1898 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; and  
1899 (h) has been reviewed and signed by the approving authority of the local entity whose  
1900 boundary is depicted on the plat.  
1901 (5) The county surveyor may charge and collect a reasonable fee for the costs  
1902 associated with:  
1903 (a) the process of determining whether a plat is a final local entity plat; and  
1904 (b) the approval of a plat as a final local entity plat.  
1905 Section 38. Section **17-50-104** is amended to read:

1906           **17-50-104. Counties of the state -- County boundaries maintained by lieutenant**  
1907 **governor.**

1908           (1) The counties of the state are those whose geographic boundaries are described in  
1909 the official county boundary records maintained by the office of the lieutenant governor and  
1910 may be changed only in accordance with the provisions of this title.

1911           (2) The office of the lieutenant governor shall maintain the official county boundaries  
1912 for the counties of the state and update those boundaries [~~when notified of a change in county~~  
1913 ~~boundaries in accordance with Subsection (3)] upon the lieutenant governor's issuance, under  
1914 Section 67-1a-6.5, of an applicable certificate, as defined in that section.~~

1915           ~~[(3) Whenever any change is made to county boundaries under this title, the affected~~  
1916 ~~counties shall provide notice of the change, including an accurate map or plat of the changed~~  
1917 ~~county boundaries, to the lieutenant governor.]~~

1918           Section 39. Section **17-50-105** is amended to read:

1919           **17-50-105. Disputed boundaries.**

1920           (1) As used in this section, "independent surveyor" means the surveyor whose position  
1921 is established within the Automated Geographic Reference Center under Subsection  
1922 63F-1-506(3).

1923           ~~[(1)]~~ (2) (a) If a dispute or uncertainty arises as to the true location of a county  
1924 boundary as described in the official records maintained by the office of the lieutenant  
1925 governor, the surveyors of each county whose boundary is the subject of the dispute or  
1926 uncertainty may determine the true location.

1927           (b) If agreement is reached under Subsection ~~[(1)]~~ (2)(a), the county surveyors shall  
1928 provide notice, accompanied by a map, to the lieutenant governor showing the true location of  
1929 the county boundary.

1930           ~~[(2)]~~ (3) (a) If the county surveyors fail to agree on or otherwise fail to establish the  
1931 true location of the county boundary, the county executive of either or both of the affected  
1932 counties shall engage the services of the ~~[state engineer]~~ independent surveyor.

1933           (b) After being engaged under Subsection ~~[(2)]~~ (3)(a), the ~~[state engineer]~~ independent

1934 surveyor shall notify the surveyor of each county whose boundary is the subject of the dispute  
1935 or uncertainty of the procedure the ~~[state engineer]~~ independent surveyor will use to determine  
1936 the true location of the boundary.

1937 (c) With the assistance of each surveyor who chooses to participate, the ~~[state~~  
1938 ~~engineer]~~ independent surveyor shall determine permanently the true location of the boundary  
1939 by marking surveys and erecting suitable monuments to designate the boundary.

1940 (d) Each boundary established under this Subsection ~~[(2)]~~ (3) shall be considered  
1941 permanent until superseded by legislative enactment.

1942 (e) The ~~[state engineer]~~ independent surveyor shall provide notice, accompanied by a  
1943 map, to the lieutenant governor showing the true location of the county boundary.

1944 ~~[(3)]~~ (4) Nothing in this section may be construed to give the county surveyors or  
1945 ~~[state engineer]~~ independent surveyor any authority other than to erect suitable monuments to  
1946 designate county boundaries as they are described in the official records maintained by the  
1947 office of the lieutenant governor.

1948 Section 40. Section **17B-1-105** is amended to read:

1949 **17B-1-105. Name of local district -- Name change.**

1950 (1) (a) The name of each local district created on or after May 1, 2000 shall comply  
1951 with Subsection 17-50-103(2)(a).

1952 (b) The board of each local district affected by Subsection 17-50-103(2)(b) shall  
1953 ensure that after January 1, 2005 the local district name complies with the requirements of that  
1954 Subsection.

1955 (2) The name of a local district created after April 30, 2007 may not include the name  
1956 of a county or municipality.

1957 (3) The name of a local district may include words descriptive of the type of service  
1958 that the district provides.

1959 (4) (a) A local district board may change the name of that local district ~~[by:]~~ as  
1960 provided in this Subsection (4).

1961 (b) To initiate a name change, the local district board shall:

1962 (i) ~~[holding]~~ hold a public hearing on the proposed name change;

1963 (ii) ~~[adopting]~~ adopt a resolution approving the name change; and

1964 ~~[(iii) giving written notice of the name change to the lieutenant governor, the State~~  
 1965 ~~Tax Commission, the state auditor, and the clerk, recorder, and assessor of each county in~~  
 1966 ~~which any part of the local district is located.]~~

1967 (iii) file with the lieutenant governor a notice of an impending name change, as  
 1968 defined in Section 67-1a-6.7, that meets the requirements of Subsection 67-1a-6.7(3).

1969 (c) Upon the lieutenant governor's issuance of a certificate of name change under  
 1970 Section 67-1a-6.7, the local district board shall:

1971 (i) if the local district is located within the boundary of a single county, submit to the  
 1972 recorder of that county:

1973 (A) the original:

1974 (I) notice of an impending name change; and

1975 (II) certificate of name change; and

1976 (B) a certified copy of the resolution approving the name change; or

1977 (ii) if the local district is located within the boundaries of more than a single county:

1978 (A) submit to the recorder of one of those counties:

1979 (I) the original of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and

1980 (II) a certified copy of the resolution approving the name change; and

1981 (B) submit to the recorder of each other county:

1982 (I) a certified copy of the documents listed in Subsections (4)(c)(i)(A)(I) and (II); and

1983 (II) a certified copy of the resolution approving the name change.

1984 ~~[(b)]~~ (d) (i) A name change under this Subsection (4)~~[(a)]~~ becomes effective upon the  
 1985 [board's giving the notice required under Subsection (4)(a)(iii):] lieutenant governor's issuance  
 1986 of a certificate of name change under Section 67-1a-6.7.

1987 (ii) Notwithstanding Subsection (4)(d)(i), the local district may not operate under the  
 1988 new name until the documents listed in Subsection (4)(c) are recorded in the office of the  
 1989 recorder of each county in which the local district is located.

1990 Section 41. Section **17B-1-215** is amended to read:

1991 **17B-1-215. Notice and plat to lieutenant governor -- Recording requirements --**  
1992 **Certificate of incorporation -- Local district incorporated as specialized local district or**  
1993 **basic local district -- Effective date.**

1994 (1) ~~[The]~~ (a) Within the time specified in Subsection (1)(b), the responsible body  
1995 shall file ~~[a notice]~~ with the lieutenant governor;

1996 (i) a copy of a notice of an impending boundary action, as defined in Section  
1997 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

1998 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

1999 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the  
2000 lieutenant governor within ten days after:

2001 ~~[(a)]~~ (i) the canvass of an election under Section 17B-1-214, if a majority of those  
2002 voting at the election within the proposed local district as a whole vote in favor of the creation  
2003 of a local district;

2004 ~~[(b)]~~ (ii) certification of a petition as to which the election requirement of Subsection  
2005 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a) or (b); or

2006 ~~[(c)]~~ (iii) adoption of a resolution under Subsection 17B-1-213(4) approving the  
2007 creation of a local district for which an election was not required under Subsection  
2008 17B-1-214(3)(c) or (d), by the legislative body of each county whose unincorporated area is  
2009 included within and the legislative body of each municipality whose area is included within  
2010 the proposed local district, or by the board of trustees of the initiating local district.

2011 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under  
2012 Section 67-1a-6.5, the responsible body shall:

2013 (a) if the local district is located within the boundary of a single county, submit to the  
2014 recorder of that county:

2015 (i) the original:

2016 (A) notice of an impending boundary action;

2017 (B) certificate of incorporation; and



2018 (C) approved final local entity plat; and  
 2019 (ii) if applicable, a certified copy of each resolution adopted under Subsection  
 2020 17B-1-213(4); or  
 2021 (b) if the local district is located within the boundaries of more than a single county:  
 2022 (i) submit to the recorder of one of those counties:  
 2023 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and  
 2024 (B) if applicable, a certified copy of each resolution adopted under Subsection  
 2025 17B-1-213(4); and  
 2026 (ii) submit to the recorder of each other county:  
 2027 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);  
 2028 and  
 2029 (B) if applicable, a certified copy of each resolution adopted under Subsection  
 2030 17B-1-213(4).

2031 ~~[(2)]~~ (3) The area of each local district ~~[shall consist]~~ consists of:  
 2032 (a) if an election was held under Section 17B-1-214, the area of the new local district  
 2033 as approved at the election;  
 2034 (b) if an election was not required because of Subsection 17B-1-214(3)(a) or (b), the  
 2035 area of the proposed local district as described in the petition; or  
 2036 (c) if an election was not required because of Subsection 17B-1-214(3)(c) or (d), the  
 2037 area of the new local district as described in the resolution adopted under Subsection  
 2038 17B-1-213(4).

2039 ~~[(3) In each notice under Subsection (1) the responsible body shall:]~~  
 2040 ~~[(a) if the notice follows an election under Section 17B-1-214, certify the results of the~~  
 2041 ~~election;]~~  
 2042 ~~[(b) describe the boundaries of the new local district with an accurate map or plat~~  
 2043 ~~showing the boundaries delineated in Subsection (2), prepared and certified by a licensed~~  
 2044 ~~surveyor and filed with the county surveyor in accordance with Section 17-23-17; and]~~  
 2045 ~~[(c) certify that all requirements for the creation of a local district have been complied~~

2046 with.]

2047 (4) (a) Upon the lieutenant governor's issuance of the certificate of [creation]

2048 incorporation under Section 67-1a-6.5, the local district is created and incorporated as:

2049 [~~(a)~~] (i) the type of specialized local district that was specified in the petition under  
2050 Subsection 17B-1-203(1)(a) or (b) or resolution under Subsection 17B-1-203(1)(c) or (d), if  
2051 the petition or resolution proposed the creation of a specialized local district; or

2052 [~~(b)~~] (ii) a basic local district, if the petition or resolution did not propose the creation  
2053 of a specialized local district.

2054 (b) (i) The effective date of a local district's incorporation for purposes of assessing  
2055 property within the local district is governed by Section 59-2-305.5.

2056 (ii) Until the documents listed in Subsection (2) are recorded in the office of the  
2057 recorder of each county in which the property is located, a newly incorporated local district  
2058 may not:

2059 (A) levy or collect a property tax on property within the local district;

2060 (B) levy or collect an assessment on property within the local district; or

2061 (C) charge or collect a fee for service provided to property within the local district.

2062 Section 42. Section **17B-1-216** is amended to read:

2063 **17B-1-216. Costs and expenses of creating a local district.**

2064 (1) Except as provided in Subsection (2), each county whose unincorporated area  
2065 includes and each municipality whose boundaries include some or all of the proposed local  
2066 district shall bear their respective costs and expenses associated with the procedure under this  
2067 part for creating a local district.

2068 (2) Within a year after its creation, each local district shall reimburse the costs and  
2069 expenses associated with the preparation, certification, and [~~filin~~] recording of the [~~map~~]  
2070 approved final local entity plat of the local district and accompanying documents under  
2071 [~~Subsection 17B-1-215(3)(b)~~] Section 17B-1-215.

2072 Section 43. Section **17B-1-405** is amended to read:

2073 **17B-1-405. Petition certification.**

2074 (1) Within 30 days after the filing of a petition under Subsection 17B-1-403(1)(a)(i) or  
2075 (ii) or within the time that the local district and each petition sponsor designate by written  
2076 agreement, the board of trustees of the proposed annexing local district shall:

2077 (a) with the assistance of officers of the county in which the area proposed to be  
2078 annexed is located from whom the board requests assistance, determine whether the petition  
2079 meets the requirements of Subsection 17B-1-403(1)(a)(i) or (ii), as the case may be,  
2080 Subsection 17B-1-403(3), and Subsection 17B-1-404(1); and

2081 (b) (i) if the board determines that the petition complies with the requirements, certify  
2082 the petition and mail or deliver written notification of the certification to the contact sponsor;  
2083 or

2084 (ii) if the board determines that the petition fails to comply with any of the  
2085 requirements, reject the petition and mail or deliver written notification of the rejection and the  
2086 reasons for the rejection to the contact sponsor.

2087 (2) (a) If the board rejects a petition under Subsection (1)(b)(ii), the petition may be  
2088 amended to correct the deficiencies for which it was rejected and then refiled.

2089 (b) A valid signature on a petition that was rejected under Subsection (1)(b)(ii) may be  
2090 used toward fulfilling the applicable signature requirement of the petition as amended under  
2091 Subsection (2)(a).

2092 (3) The board shall process an amended petition filed under Subsection (2)(a) in the  
2093 same manner as an original petition under Subsection (1).

2094 Section 44. Section **17B-1-414** is amended to read:

2095 **17B-1-414. Resolution approving an annexation -- Filing of notice and plat with**  
2096 **lieutenant governor -- Recording requirements -- Effective date.**

2097 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution  
2098 approving the annexation of the area proposed to be annexed or rejecting the proposed  
2099 annexation within 30 days after:

2100 (i) expiration of the protest period under Subsection 17B-1-412(2), if sufficient  
2101 protests to require an election are not filed;

2102 (ii) for a petition that meets the requirements of Subsection 17B-1-413(1):

2103 (A) a public hearing under Section 17B-1-409 is held, if the board chooses or is  
2104 required to hold a public hearing under Subsection 17B-1-413(2)(a)(ii); or

2105 (B) expiration of the time for submitting a request for public hearing under Subsection  
2106 17B-1-413(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public  
2107 hearing.

2108 (b) If the local district has entered into an agreement with the United States that  
2109 requires the consent of the United States for an annexation of territory to the district, a  
2110 resolution approving annexation under this part may not be adopted until the written consent  
2111 of the United States is obtained and filed with the board of trustees.

2112 (2) (a) ~~[The]~~ (i) Within the time specified under Subsection (2)(a)(ii), the board shall  
2113 file [a notice] with the lieutenant governor:

2114 (A) a copy of a notice of an impending boundary action, as defined in Section  
2115 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable,  
2116 Subsection (2)(b); and

2117 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

2118 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant  
2119 governor:

2120 ~~[(i)]~~ (A) within 30 days after adoption of a resolution under Subsection (1), Subsection  
2121 17B-1-412(3)(c)(i), or Section 17B-1-415; and

2122 ~~[(ii)]~~ (B) as soon as practicable after receiving the notice under Subsection  
2123 10-2-425(2) of a municipal annexation that causes an automatic annexation to a local district  
2124 under Section 17B-1-416.

2125 (b) ~~[The notice]~~ For an automatic annexation to a local district under Section  
2126 17B-1-416, the notice of an impending boundary action required under Subsection (2)(a)  
2127 shall~~[(i) be accompanied by: (A) if applicable, a copy of the board resolution approving the~~  
2128 ~~annexation; and (B) an accurate map depicting the boundaries of the area to be annexed or a~~  
2129 ~~legal description of the area to be annexed, adequate for purposes of the county assessor and~~

2130 recorder; (ii) ~~for an annexation pursuant to a resolution described in Subsection (2)(a)(i);~~  
2131 ~~include a certification by the local district board that all requirements for the annexation have~~  
2132 ~~been complied with; and (iii) for an automatic annexation to a local district under Section~~  
2133 ~~17B-1-416;]~~ state that an area outside the boundaries of the local district is being  
2134 automatically annexed to the local district under Section 17B-1-416 because of a municipal  
2135 annexation under Title 10, Chapter 2, Part 4, Annexation.

2136 (c) Upon the lieutenant governor's issuance of a certificate of annexation under  
2137 Section 67-1a-6.5, the board shall:

2138 (i) if the annexed area is located within the boundary of a single county, submit to the  
2139 recorder of that county:

2140 (A) the original:

2141 (I) notice of an impending boundary action;

2142 (II) certificate of annexation; and

2143 (III) approved final local entity plat; and

2144 (B) a certified copy of the annexation resolution; or

2145 (ii) if the annexed area is located within the boundaries of more than a single county:

2146 (A) submit to the recorder of one of those counties:

2147 (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and

2148 (II) a certified copy of the annexation resolution; and

2149 (B) submit to the recorder of each other county:

2150 (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III);

2151 and

2152 (II) a certified copy of the annexation resolution.

2153 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation  
2154 under this part of an area located in a county of the first class to a local district:

2155 (i) created to provide fire protection, paramedic, and emergency services; and

2156 (ii) in the creation of which an election was not required because of Subsection

2157 17B-1-214(3)(c).

- 2158 (b) An annexation under this part is complete and becomes effective:
- 2159 [~~(i)~~ for an annexation pursuant to a resolution described in Subsection (2)(a)(i):]
- 2160 (i) (A) [~~(F)~~] on July 1 for a fire district annexation, if the lieutenant governor issues the
- 2161 certificate of annexation under Section 67-1a-6.5 from January 1 through June 30; or
- 2162 [~~(H)~~] (B) on January 1 for a fire district annexation, if the lieutenant governor issues
- 2163 the certificate of annexation under Section 67-1a-6.5 from July 1 through December 31; or
- 2164 [~~(B)~~] (ii) upon the lieutenant governor's issuance of the certificate of annexation under
- 2165 Section 67-1a-6.5, for ~~[an]~~ any other annexation ~~[other than an annexation described in~~
- 2166 ~~Subsection (3)(b)(i)(A); and].~~
- 2167 [~~(ii)~~ for an automatic annexation that is the subject of a notice under Subsection
- 2168 ~~(2)(a)(ii):]~~
- 2169 [~~(A)~~ (I) on July 1 for a fire district annexation, if the lieutenant governor issues the
- 2170 certificate of annexation under Subsection 10-1-117(3)(b) from January 1 through June 30; or]
- 2171 [~~(H)~~ on January 1 for a fire district annexation, if the lieutenant governor issues the
- 2172 certificate of annexation under Subsection 10-1-117(3)(b) from July 1 through December 31;
- 2173 ~~or]~~
- 2174 [~~(B)~~ upon the lieutenant governor's issuance of the certificate of annexation under
- 2175 Subsection 10-1-117(3)(b), for an annexation other than an annexation described in
- 2176 Subsection (3)(b)(ii)(A).]
- 2177 (c) (i) The effective date of a local district annexation for purposes of assessing
- 2178 property within the annexed area is governed by Section 59-2-305.5.
- 2179 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the
- 2180 recorder of each county in which the property is located, a local district may not:
- 2181 (A) levy or collect a property tax on property within the annexed area;
- 2182 (B) levy or collect an assessment on property within the annexed area; or
- 2183 (C) charge or collect a fee for service provided to property within the annexed area.
- 2184 (iii) Subsection (3)(c)(ii)(C):
- 2185 (A) may not be construed to limit a local district's ability before annexation to charge

2186 and collect a fee for service provided to property that is outside the local district's boundary;  
2187 and

2188 (B) does not apply until 60 days after the effective date, under Subsection (3)(b), of  
2189 the local district's annexation, with respect to a fee that the local district was charging for  
2190 service provided to property within the annexed area immediately before the area was annexed  
2191 to the local district.

2192 Section 45. Section **17B-1-415** is amended to read:

2193 **17B-1-415. Annexation of wholesale district through expansion of retail**  
2194 **provider.**

2195 (1) (a) A local district that provides a wholesale service may adopt a resolution  
2196 approving the annexation of an area outside the local district's boundaries if:

2197 (i) the area is annexed by or otherwise added to, or is added to the retail service area  
2198 of, a municipality or another local district that:

2199 (A) acquires the wholesale service from the local district and provides it as a retail  
2200 service;

2201 (B) is, before the annexation or other addition, located at least partly within the local  
2202 district; and

2203 (C) after the annexation or other addition will provide to the annexed or added area the  
2204 same retail service that the local district provides as a wholesale service to the municipality or  
2205 other local district; and

2206 (ii) except as provided in Subsection (2), no part of the area is within the boundaries  
2207 of another local district that provides the same wholesale service as the proposed annexing  
2208 local district.

2209 (b) For purposes of this section:

2210 (i) a local district providing public transportation service shall be considered to be  
2211 providing a wholesale service; and

2212 (ii) a municipality included within the boundaries of the local district providing public  
2213 transportation service shall be considered to be acquiring that wholesale service from the local

2214 district and providing it as a retail service and to be providing that retail service after the  
2215 annexation or other addition to the annexed or added area, even though the municipality does  
2216 not in fact provide that service.

2217 (2) Notwithstanding Subsection (1)(a)(ii), an area outside the boundaries of a local  
2218 district providing a wholesale service and located partly or entirely within the boundaries of  
2219 another local district that provides the same wholesale service may be annexed to the local  
2220 district if:

2221 (a) the conditions under Subsection (1)(a)(i) are present; and

2222 (b) the proposed annexing local district and the other local district follow the same  
2223 procedure as is required for a boundary adjustment under Section 17B-1-417, including both  
2224 district boards adopting a resolution approving the annexation of the area to the proposed  
2225 annexing local district and the withdrawal of that area from the other district.

2226 (3) Upon the adoption of an annexation resolution under this section, the board of the  
2227 annexing local district shall comply with the requirements of Subsection 17B-1-414(2), and  
2228 the lieutenant governor shall issue a certificate of annexation and send a copy of notice as  
2229 provided in Section 67-1a-6.5.

2230 (4) [~~Subsection~~] Subsections 17B-1-414(2) and (3) [~~applies~~] apply to an annexation  
2231 under this section.

2232 Section 46. Section **17B-1-416** is amended to read:

2233 **17B-1-416. Automatic annexation to a district providing fire protection,**  
2234 **paramedic, and emergency services.**

2235 (1) An area outside the boundaries of a local district that is annexed to a municipality  
2236 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,  
2237 Annexation, is automatically annexed to the local district if:

2238 (a) the local district provides fire protection, paramedic, and emergency services;

2239 (b) an election for the creation of the local district was not required because of  
2240 Subsection 17B-1-214(3)(c); and

2241 (c) before the municipal annexation or boundary adjustment, the entire municipality



2242 that is annexing the area or adding the area by boundary adjustment was included within the  
2243 local district.

2244 (2) The effective date of an annexation under this section is governed by Subsection  
2245 17B-1-414(3)(b)[(ii)].

2246 Section 47. Section **17B-1-417** is amended to read:

2247 **17B-1-417. Boundary adjustment -- Notice and hearing -- Protest -- Resolution**  
2248 **adjusting boundaries -- Filing of notice and plat with the lieutenant governor --**  
2249 **Recording requirements -- Effective date.**

2250 (1) As used in this section, "affected area" means the area located within the  
2251 boundaries of one local district that will be removed from that local district and included  
2252 within the boundaries of another local district because of a boundary adjustment under this  
2253 section.

2254 (2) The boards of trustees of two or more local districts having a common boundary  
2255 and providing the same service on the same wholesale or retail basis may adjust their common  
2256 boundary as provided in this section.

2257 (3) (a) The board of trustees of each local district intending to adjust a boundary that  
2258 is common with another local district shall:

2259 (i) adopt a resolution indicating the board's intent to adjust a common boundary;

2260 (ii) hold a public hearing on the proposed boundary adjustment no less than 60 days  
2261 after the adoption of the resolution under Subsection (3)(a)(i); and

2262 (iii) (A) (I) publish notice once a week for two successive weeks in a newspaper of  
2263 general circulation within the local district; or

2264 (II) if there is no newspaper of general circulation within the local district, post notice  
2265 in at least four conspicuous places within the local district; or

2266 (B) mail a notice to each owner of property located within the affected area and to  
2267 each registered voter residing within the affected area.

2268 (b) The notice required under Subsection (3)(a)(iii) shall:

2269 (i) state that the board of trustees of the local district has adopted a resolution

2270 indicating the board's intent to adjust a boundary that the local district has in common with  
2271 another local district that provides the same service as the local district;

2272 (ii) describe the affected area;

2273 (iii) state the date, time, and location of the public hearing required under Subsection  
2274 (3)(a)(ii);

2275 (iv) provide a local district telephone number where additional information about the  
2276 proposed boundary adjustment may be obtained;

2277 (v) explain the financial and service impacts of the boundary adjustment on property  
2278 owners or residents within the affected area; and

2279 (vi) state in conspicuous and plain terms that the board of trustees may approve the  
2280 adjustment of the boundaries unless, at or before the public hearing under Subsection  
2281 (3)(a)(ii), written protests to the adjustment are filed with the board by:

2282 (A) the owners of private real property that:

2283 (I) is located within the affected area;

2284 (II) covers at least 50% of the total private land area within the affected area; and

2285 (III) is equal in assessed value to at least 50% of the assessed value of all private real  
2286 property within the affected area; or

2287 (B) registered voters residing within the affected area equal in number to at least 50%  
2288 of the votes cast in the affected area for the office of governor at the last regular general  
2289 election before the filing of the protests.

2290 (c) The first publication of the notice required under Subsection (3)(a)(iii)(A) shall be  
2291 within 14 days after the board's adoption of a resolution under Subsection (3)(a)(i).

2292 (d) The boards of trustees of the local districts whose boundaries are being adjusted  
2293 may jointly:

2294 (i) publish, post, or mail the notice required under Subsection (3)(a)(iii); and

2295 (ii) hold the public hearing required under Subsection (3)(a)(ii).

2296 (4) After the public hearing required under Subsection (3)(a)(ii), the board of trustees  
2297 may adopt a resolution approving the adjustment of the common boundary unless, at or before

2298 the public hearing, written protests to the boundary adjustment have been filed with the board  
2299 by:

2300 (a) the owners of private real property that:

2301 (i) is located within the affected area;

2302 (ii) covers at least 50% of the total private land area within the affected area; and

2303 (iii) is equal in assessed value to at least 50% of the assessed value of all private real  
2304 property within the affected area; or

2305 (b) registered voters residing within the affected area equal in number to at least 50%  
2306 of the votes cast in the affected area for the office of governor at the last regular general  
2307 election before the filing of the protests.

2308 (5) A resolution adopted under Subsection (4) does not take effect until the board of  
2309 each local district whose boundaries are being adjusted has adopted a resolution under  
2310 Subsection (4).

2311 (6) ~~[(a) Within 30 days after the resolutions take effect under Subsection (5), the]~~ The  
2312 board of the local district whose boundaries are being adjusted to include the affected area  
2313 shall ~~[file a notice]:~~

2314 (a) within 30 days after the resolutions take effect under Subsection (5), file with the  
2315 lieutenant governor~~[-]:~~

2316 ~~[(b) The notice required under Subsection (6)(a) shall:]~~

2317 ~~[(i) be accompanied by:]~~

2318 ~~[(A) a copy of each of the board resolutions approving the boundary adjustment; and]~~

2319 ~~[(B) an accurate map depicting the affected area or a legal description of the affected  
2320 area, adequate for purposes of the county assessor and recorder; and]~~

2321 ~~[(ii) include a certification by the board of the local district whose boundaries are  
2322 being adjusted to include the affected area that all requirements for the boundary adjustment  
2323 have been complied with:]~~

2324 (i) a copy of a notice of an impending boundary action, as defined in Section  
2325 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2326 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2327 (b) upon the lieutenant governor's issuance of a certificate of boundary adjustment

2328 under Section 67-1a-6.5:

2329 (i) if the affected area is located within the boundary of a single county, submit to the

2330 recorder of that county:

2331 (A) the original:

2332 (I) notice of an impending boundary action;

2333 (II) certificate of boundary adjustment; and

2334 (III) approved final local entity plat; and

2335 (B) a certified copy of each resolution adopted under Subsection (4); or

2336 (ii) if the affected area is located within the boundaries of more than a single county:

2337 (A) submit to the recorder of one of those counties:

2338 (I) the original of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

2339 and

2340 (II) a certified copy of each resolution adopted under Subsection (4); and

2341 (B) submit to the recorder of each other county:

2342 (I) a certified copy of the documents listed in Subsections (6)(b)(i)(A)(I), (II), and (III);

2343 and

2344 (II) a certified copy of each resolution adopted under Subsection (4).

2345 (7) (a) Upon the lieutenant governor's issuance of a certificate of boundary [~~change~~]

2346 adjustment under Section 67-1a-6.5, the affected area is annexed to the local district whose

2347 boundaries are being adjusted to include the affected area, and the affected area is withdrawn

2348 from the local district whose boundaries are being adjusted to exclude the affected area.

2349 (b) (i) The effective date of a boundary adjustment under this section for purposes of

2350 assessing property within the affected area is governed by Section 59-2-305.5.

2351 (ii) Until the documents listed in Subsection (6)(b) are recorded in the office of the

2352 recorder of the county in which the property is located, a local district in whose boundary an

2353 affected area is included because of a boundary adjustment under this section may not:

- 2354 (A) levy or collect a property tax on property within the affected area;
- 2355 (B) levy or collect an assessment on property within the affected area; or
- 2356 (C) charge or collect a fee for service provided to property within the affected area.
- 2357 (iii) Subsection (7)(b)(ii)(C):
- 2358 (A) may not be construed to limit a local district's ability before a boundary
- 2359 adjustment to charge and collect a fee for service provided to property that is outside the local
- 2360 district's boundary; and
- 2361 (B) does not apply until 60 days after the effective date, under Subsection (7)(a), of
- 2362 the local district's boundary adjustment, with respect to a fee that the local district was
- 2363 charging for service provided to property within the area affected by the boundary adjustment
- 2364 immediately before the boundary adjustment.

2365 Section 48. Section **17B-1-512** is amended to read:

2366 **17B-1-512. Filing of notice and plat -- Recording requirements -- Contest period**  
 2367 **-- Judicial review.**

2368 (1) (a) ~~[The]~~ Within the time specified in Subsection (1)(b), the board of trustees shall  
 2369 file [a written notice of withdrawal] with the lieutenant governor:

- 2370 (i) a copy of a notice of an impending boundary action, as defined in Section
- 2371 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
- 2372 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

2373 (b) The board of trustees shall file the documents listed in Subsection (1)(a):

- 2374 (i) within ten days after adopting a resolution approving a withdrawal under Section
- 2375 17B-1-510; and

- 2376 (ii) as soon as practicable after receiving a notice under Subsection 10-2-425(2) of an
- 2377 automatic withdrawal under Subsection 17B-1-502(2), after receiving a copy of the municipal
- 2378 legislative body's resolution approving an automatic withdrawal under Subsection
- 2379 17B-1-502(3)(a), or after receiving notice of a withdrawal of a municipality from a local
- 2380 district under Section 17B-2-505.

2381 ~~[(b) The notice required under Subsection (1)(a) shall:]~~

2382           ~~[(i) be accompanied by:]~~  
2383           ~~[(A) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510, a~~  
2384 ~~copy of the board resolution approving the withdrawal; and]~~  
2385           ~~[(B) an accurate map depicting the boundaries of the withdrawn area or a legal~~  
2386 ~~description of the withdrawn area, adequate for purposes of the county assessor and recorder;~~  
2387 ~~and]~~  
2388           ~~[(ii) for a withdrawal pursuant to a resolution adopted under Section 17B-1-510;~~  
2389 ~~include a certification by the local district board that all requirements for the withdrawal have~~  
2390 ~~been complied with.]~~  
2391           (c) Upon the lieutenant governor's issuance of a certificate of withdrawal under  
2392 Section 67-1a-6.5, the board shall:  
2393           (i) if the withdrawn area is located within the boundary of a single county, submit to  
2394 the recorder of that county:  
2395           (A) the original:  
2396           (I) notice of an impending boundary action;  
2397           (II) certificate of withdrawal; and  
2398           (III) approved final local entity plat; and  
2399           (B) if applicable, a certified copy of the resolution or notice referred to in Subsection  
2400 (1)(b); or  
2401           (ii) if the withdrawn area is located within the boundaries of more than a single  
2402 county, submit:  
2403           (A) the original of the documents listed in Subsections (1)(c)(i)(A)(I), (II), and (III)  
2404 and, if applicable, a certified copy of the resolution or notice referred to in Subsection (1)(b) to  
2405 one of those counties; and  
2406           (B) a certified copy of the documents listed in Subsections (1)(c)(i)(A)(I), (II), and (III)  
2407 and a certified copy of the resolution or notice referred to in Subsection (1)(b) to each other  
2408 county.  
2409           (2) (a) Upon the lieutenant governor's issuance of the certificate of [boundary change]

2410 withdrawal under Section 67-1a-6.5 for a withdrawal under Section 17B-1-510, for an  
2411 automatic withdrawal under Subsection 17B-1-502(3), or for the withdrawal of a municipality  
2412 from a local district under Section 17B-2-505, the withdrawal shall be effective, subject to the  
2413 conditions of the withdrawal resolution, if applicable.

2414 (b) An automatic withdrawal under Subsection 17B-1-502(3) shall be effective upon  
2415 the lieutenant governor's issuance of a certificate of [~~boundary change~~] withdrawal under  
2416 Section 67-1a-6.5.

2417 (3) The local district may provide for the publication of any resolution approving or  
2418 denying the withdrawal of an area in a newspaper of general circulation in the area proposed  
2419 for withdrawal. In lieu of publishing the entire resolution, the local district may publish a  
2420 notice of withdrawal or denial of withdrawal, containing:

2421 (a) the name of the local district;

2422 (b) a description of the area proposed for withdrawal;

2423 (c) a brief explanation of the grounds on which the board of trustees determined to  
2424 approve or deny the withdrawal; and

2425 (d) the times and place where a copy of the resolution may be examined, which shall  
2426 be at the place of business of the local district, identified in the notice, during regular business  
2427 hours of the local district as described in the notice and for a period of at least 30 days after  
2428 the publication of the notice.

2429 (4) Any sponsor of the petition or receiving entity may contest the board's decision to  
2430 deny a withdrawal of an area from the local district by submitting a request, within 60 days  
2431 after the resolution is adopted under Section 17B-1-510, to the board of trustees, suggesting  
2432 terms or conditions to mitigate or eliminate the conditions upon which the board of trustees  
2433 based its decision to deny the withdrawal.

2434 (5) Within 60 days after the request under Subsection (4) is submitted to the board of  
2435 trustees, the board may consider the suggestions for mitigation and adopt a resolution  
2436 approving or denying the request in the same manner as provided in Section 17B-1-510 with  
2437 respect to the original resolution denying the withdrawal and file a notice of the action as

2438 provided in Subsection (1).

2439 (6) (a) Any person in interest may seek judicial review of:

2440 (i) the board of trustees' decision to withdraw an area from the local district;

2441 (ii) the terms and conditions of a withdrawal; or

2442 (iii) the board's decision to deny a withdrawal.

2443 (b) Judicial review under this Subsection (6) shall be initiated by filing an action in  
2444 the district court in the county in which a majority of the area proposed to be withdrawn is  
2445 located:

2446 (i) if the resolution approving or denying the withdrawal is published under  
2447 Subsection (3), within 60 days after the publication or after the board of trustees' denial of the  
2448 request under Subsection (5);

2449 (ii) if the resolution is not published pursuant to Subsection (3), within 60 days after  
2450 the resolution approving or denying the withdrawal is adopted; or

2451 (iii) if a request is submitted to the board of trustees of a local district under  
2452 Subsection (4), and the board adopts a resolution under Subsection (5), within 60 days after  
2453 the board adopts a resolution under Subsection (5) unless the resolution is published under  
2454 Subsection (3), in which event the action must be filed within 60 days after the publication.

2455 (c) A court in which an action is filed under this Subsection (6) may not overturn, in  
2456 whole or in part, the board of trustees' decision to approve or reject the withdrawal unless:

2457 (i) the court finds the board of trustees' decision to be arbitrary or capricious; or

2458 (ii) the court finds that the board materially failed to follow the procedures set forth in  
2459 this part.

2460 (d) A court may award costs and expenses of an action under this section, including  
2461 reasonable attorney fees, to the prevailing party.

2462 (7) After the applicable contest period under Subsection (4) or (6), no person may  
2463 contest the board of trustees' approval or denial of withdrawal for any cause.

2464 Section 49. Section **17B-1-1308** is amended to read:

2465 **17B-1-1308. Dissolution resolution -- Limitations on dissolution -- Distribution of**



2466 **remaining assets -- Notice to lieutenant governor -- Recording requirements.**

2467 (1) After the public hearing required under Section 17B-1-1306 and subject to  
2468 Subsection (2), the administrative body may adopt a resolution approving dissolution of the  
2469 local district.

2470 (2) A resolution under Subsection (1) may not be adopted unless:

2471 (a) any outstanding debt of the local district is:

2472 (i) satisfied and discharged in connection with the dissolution; or

2473 (ii) assumed by another governmental entity with the consent of all the holders of that  
2474 debt and all the holders of other debts of the local district;

2475 (b) for a local district that has provided service during the preceding three years or  
2476 undertaken planning or other activity preparatory to providing service:

2477 (i) another entity has committed to provide the same service to the area being served  
2478 or proposed to be served by the local district; and

2479 (ii) all who are to receive the service have consented to the service being provided by  
2480 the other entity; and

2481 (c) all outstanding contracts to which the local district is a party are resolved through  
2482 mutual termination or the assignment of the district's rights, duties, privileges, and  
2483 responsibilities to another entity with the consent of the other parties to the contract.

2484 (3) (a) (i) Any assets of the local district remaining after paying all debts and other  
2485 obligations of the local district shall be used to pay costs associated with the dissolution  
2486 process under this part.

2487 (ii) Any costs of the dissolution process remaining after exhausting the remaining  
2488 assets of the local district under Subsection (3)(a)(i) shall be paid by the administrative body.

2489 (b) Any assets of the local district remaining after application of Subsection (3)(a)  
2490 shall be distributed:

2491 (i) proportionately to the owners of real property within the dissolved local district if  
2492 there is a readily identifiable connection between a financial burden borne by the real property  
2493 owners in the district and the remaining assets; or

2494 (ii) except as provided in Subsection (3)(b)(i), to each county, city, or town in which  
2495 the dissolved local district was located before dissolution in the same proportion that the land  
2496 area of the local district located within the unincorporated area of the county or within the city  
2497 or town bears to the total local district land area.

2498 (4) (a) ~~[Within 30 days after adopting a resolution approving dissolution of the local~~  
2499 ~~district, the]~~ The administrative body shall [file a notice]:

2500 (i) within 30 days after adopting a resolution approving dissolution, file with the  
2501 lieutenant governor[-] a copy of a notice of an impending boundary action, as defined in  
2502 Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2503 ~~[(b) The notice required under Subsection (4)(a) shall:]~~

2504 ~~[(i) be accompanied by a copy of the board resolution approving the dissolution; and]~~

2505 ~~[(ii) include a certification by the administrative body that all requirements for the~~  
2506 ~~dissolution have been complied with.]~~

2507 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section  
2508 67-1a-6.5:

2509 (A) if the local district was located within the boundary of a single county, submit to  
2510 the recorder of that county:

2511 (I) the original:

2512 (Aa) notice of an impending boundary action; and

2513 (Bb) certificate of dissolution; and

2514 (II) a certified copy of the resolution adopted under Subsection (1); or

2515 (B) if the local district was located within the boundaries of more than a single county:

2516 (I) submit to the recorder of one of those counties:

2517 (Aa) the original of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa) and (Bb);

2518 and

2519 (Bb) a certified copy of the resolution adopted under Subsection (1); and

2520 (II) submit to the recorder of each other county:

2521 (Aa) a certified copy of the documents listed in Subsections (4)(a)(ii)(A)(I)(Aa) and

2522 (Bb); and  
 2523 (Bb) a certified copy of the resolution adopted under Subsection (1).  
 2524 ~~[(c)]~~ (b) Upon the lieutenant governor's issuance of the certificate of dissolution under  
 2525 Section 67-1a-6.5, the local district is dissolved.  
 2526 Section 50. Section **17C-1-201** is amended to read:  
 2527 **17C-1-201. Creation of agency -- Name change.**  
 2528 (1) ~~[Subject to Subsection (2), a]~~ A community may, by ordinance adopted by its  
 2529 legislative body, ~~[create]~~ approve the creation of a community development and renewal  
 2530 agency.  
 2531 (2) (a) ~~[Within ten days after adopting an ordinance under Subsection (1), the]~~ The  
 2532 community legislative body shall:  
 2533 (i) within ten days after adopting an ordinance under Subsection (1), file with the  
 2534 lieutenant governor [a notice of the adoption of the ordinance, with a copy of the ordinance.];  
 2535 (A) a copy of a notice of an impending boundary action, as defined in Section  
 2536 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and  
 2537 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and  
 2538 (ii) upon the lieutenant governor's issuance of a certificate of creation under Section  
 2539 67-1a-6.5, submit to the recorder of the county in which the agency is located:  
 2540 (A) the original notice of an impending boundary action;  
 2541 (B) the original certificate of creation;  
 2542 (C) the original approved final local entity plat; and  
 2543 (D) a certified copy of the ordinance approving the creation of the community  
 2544 development and renewal agency.  
 2545 (b) Upon the lieutenant governor's issuance of the certificate of creation under Section  
 2546 67-1a-6.5, the agency is created and incorporated.  
 2547 (c) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the  
 2548 recorder of the county in which the property is located, an agency may not receive or spend tax  
 2549 increment funds.

2550 (3) (a) An agency may approve a change in its name, whether to indicate it is a  
2551 community development and renewal agency or otherwise, by:

2552 (i) adopting a resolution [~~setting forth its new~~] approving a name change; and

2553 (ii) filing [~~the resolution~~] with the lieutenant governor[~~, the State Tax Commission, the~~  
2554 ~~State Board of Education, and the assessor of the county in which the agency is located.~~] a  
2555 copy of a notice of an impending name change, as defined in Section 67-1a-6.7, that meets the  
2556 requirements of Subsection 67-1a-6.7(3).

2557 (b) (i) Upon the lieutenant governor's issuance of a certificate of name change under  
2558 Section 67-1a-6.7, the agency shall file with the recorder of the county in which the agency is  
2559 located:

2560 (A) the original notice of an impending name change;

2561 (B) the original certificate of name change; and

2562 (C) a certified copy of the resolution approving a name change.

2563 (ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the  
2564 county recorder, the agency may not operate under the new name.

2565 Section 51. Section **17C-1-701** is amended to read:

2566 **17C-1-701. Approval of agency deactivation and dissolution -- Restrictions --**  
2567 **Notice -- Recording requirements -- Agency records -- Dissolution expenses.**

2568 (1) (a) Subject to Subsection (1)(b), the legislative body of the community that created  
2569 an agency may, by ordinance, [~~deactivate and dissolve~~] approve the deactivation and  
2570 dissolution of the agency.

2571 (b) An ordinance [~~dissolving~~] under Subsection (1)(a) approving the deactivation and  
2572 dissolution of an agency may not be adopted unless the agency has no outstanding bonded  
2573 indebtedness, other unpaid loans, indebtedness, or advances, and no legally binding  
2574 contractual obligations with persons or entities other than the community.

2575 (2) (a) [~~Within ten days after adopting an ordinance under Subsection (1), the~~] The  
2576 community legislative body shall [file a certified copy of the ordinance]:

2577 (i) within ten days after adopting an ordinance under Subsection (1), file with the

2578 lieutenant governor[-] a copy of a notice of an impending boundary action, as defined in  
2579 Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and  
2580 (ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section  
2581 67-1a-6.5, submit to the recorder of the county in which the agency is located:  
2582 (A) the original notice of an impending boundary action;  
2583 (B) the original certificate of dissolution; and  
2584 (C) a certified copy of the ordinance approving the deactivation and dissolution of the  
2585 agency.

2586 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under  
2587 Section 67-1a-6.5, the agency is dissolved.

2588 (c) Within ten days after receiving the certificate of dissolution from the lieutenant  
2589 governor under Section 67-1a-6.5, the community legislative body shall send a copy of the  
2590 certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of  
2591 Education, and each taxing entity.

2592 (d) The community legislative body shall publish a notice of dissolution in a  
2593 newspaper of general circulation in the county in which the dissolved agency is located.

2594 (3) The books, documents, records, papers, and seal of each dissolved agency shall be  
2595 deposited for safekeeping and reference with the recorder of the community that dissolved the  
2596 agency.

2597 (4) The agency shall pay all expenses of the deactivation and dissolution.

2598 Section 52. Section **17D-1-204** is amended to read:

2599 **17D-1-204. Prerequisites for adopting a resolution or ordinance approving the**  
2600 **creation of a special service district.**

2601 Before the legislative body of a county or municipality may adopt a resolution or  
2602 ordinance under Section 17D-1-208 [~~creating~~] approving the creation of a special service  
2603 district:

2604 (1) the clerk or recorder, as the case may be, of the county or municipality shall give  
2605 written notice as provided in Section 17D-1-205;

2606 (2) the legislative body shall hold a public hearing, as provided in Section 17D-1-207;  
2607 and

2608 (3) the period for filing protests under Section 17D-1-206 shall have passed without  
2609 adequate protests having been filed.

2610 Section 53. Section **17D-1-208** is amended to read:

2611 **17D-1-208. Adoption of a resolution or ordinance approving the creation of a**  
2612 **special service district.**

2613 (1) Subject to the provisions of and as provided in this part, the legislative body of a  
2614 county or municipality may adopt a resolution or ordinance [~~creating~~] approving the creation  
2615 of a special service district.

2616 (2) (a) Subject to Subsection (2)(b), a resolution or ordinance adopted by a legislative  
2617 body under Subsection (1) may contain changes from the proposal as set forth in a resolution  
2618 under Subsection 17D-1-203(1)(a) or a petition under Subsection 17D-1-203(1)(b), including  
2619 changes in:

- 2620 (i) the boundary of the special service district; and
- 2621 (ii) the services to be provided by the special service district.

2622 (b) The legislative body of a county or municipality may not adopt a resolution or  
2623 ordinance under Subsection (1) that [~~creates~~] approves the creation of a special service district  
2624 with a boundary that includes more area than is included in, or that authorizes the special  
2625 service district to provide a service not proposed in, a resolution under Subsection  
2626 17D-1-203(1)(a) or a petition under Subsection 17D-1-203(1)(b), unless the requirements of  
2627 Sections 17D-1-205, 17D-1-206, and 17D-1-207 are met with respect to the additional area or  
2628 service, as the case may be.

2629 Section 54. Section **17D-1-209** is amended to read:

2630 **17D-1-209. Notice and plat to lieutenant governor -- Recording requirements --**  
2631 **Effective date.**

2632 (1) [~~Within 30 days after adopting a resolution or ordinance under Subsection~~  
2633 ~~17D-1-208(1) creating a special service district, the]~~ The legislative body adopting [~~the~~] a

2634 resolution or ordinance ~~[shall file a notice]~~ approving the creation of a special service district  
2635 shall:

2636 (a) within 30 days after adopting the resolution or ordinance, file with the lieutenant  
2637 governor[-];

2638 ~~[(2) Each notice under Subsection (1) shall:]~~

2639 ~~[(a) be accompanied by:]~~

2640 ~~[(i) a copy of the resolution or ordinance creating the special service district; and]~~

2641 ~~[(ii) a map showing the boundaries of the special service district, prepared and~~  
2642 ~~certified by a licensed surveyor and filed with the county surveyor in accordance with Section~~  
2643 ~~17-23-17; and]~~

2644 ~~[(b) include the legislative body's certification that all requirements for the creation of~~  
2645 ~~the special service district have been met.]~~

2646 (i) a copy of a notice of an impending boundary action, as defined in Section  
2647 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2648 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2649 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
2650 Section 67-1a-6.5, submit to the recorder of the county in which the special service district is  
2651 located:

2652 (i) the original notice of an impending boundary action;

2653 (ii) the original certificate of incorporation;

2654 (iii) the original approved final local entity plat; and

2655 (iv) a certified copy of the resolution or ordinance approving the creation of the  
2656 special service district.

2657 ~~[(3)]~~ (2) (a) Upon the lieutenant governor's issuance of a certificate of creation under  
2658 Section 67-1a-6.5, the special service district is created and incorporated.

2659 (b) (i) The effective date of a special service district's incorporation for purposes of  
2660 assessing property within the special service district is governed by Section 59-2-305.5.

2661 (ii) Until the documents listed in Subsection (1)(b) are recorded in the office of the

2662 recorder of the county in which the property is located:

2663 (A) the county, city, or town that created the special service district may not levy or  
2664 collect a property tax for special service district purposes on property within the special  
2665 service district; and

2666 (B) the special service district may not:

2667 (I) levy or collect an assessment on property within the special service district; or

2668 (II) charge or collect a fee for service provided to property within the special service  
2669 district.

2670 Section 55. Section **17D-1-403** is amended to read:

2671 **17D-1-403. Notice and plat to lieutenant governor -- Lieutenant governor**  
2672 **certification -- Recording requirements -- Effective date.**

2673 (1) If a county or municipal legislative body adopts a resolution approving the  
2674 annexation of an area to an existing special service district, the legislative body shall[;];

2675 (a) within 30 days after adopting the resolution, file [a notice] with the lieutenant  
2676 governor[;];

2677 ~~[(2) Each notice under Subsection (1) shall:]~~

2678 ~~[(a) be accompanied by:]~~

2679 ~~[(i) a copy of the resolution adopted by the legislative body approving the annexation;~~  
2680 ~~and]~~

2681 ~~[(ii) a map showing the additional area to be annexed to the special service district;~~  
2682 ~~prepared and certified by a licensed surveyor and filed with the county surveyor in accordance~~  
2683 ~~with Section 17-23-17; and]~~

2684 ~~[(b) include the legislative body's certification that all requirements for the annexation~~  
2685 ~~of the additional area have been met.]~~

2686 (i) a copy of a notice of an impending boundary action, as defined in Section  
2687 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2688 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

2689 (b) upon the lieutenant governor's issuance of a certificate of annexation under Section



2690 67-1a-6.5, submit to the recorder of the county in which the special service district is located:

2691 (i) the original notice of an impending boundary action;

2692 (ii) the original certificate of annexation;

2693 (iii) the original approved final local entity plat; and

2694 (iv) a certified copy of the resolution approving the annexation.

2695 (3) (a) Upon the lieutenant governor's issuance of the certificate of [~~boundary change~~]  
 2696 annexation under Section 67-1a-6.5, the additional area that is the subject of the legislative  
 2697 body's resolution is annexed to the special service district.

2698 (b) (i) The effective date of an annexation under this section for purposes of assessing  
 2699 property within the annexed area is governed by Section 59-2-305.5.

2700 (ii) Until the documents listed in Subsection (1)(b) are recorded in the office of the  
 2701 recorder of the county in which the property is located:

2702 (A) the county, city, or town that created the special service district may not levy or  
 2703 collect a property tax for special service district purposes on property within the annexed area;  
 2704 and

2705 (B) the special service district may not:

2706 (I) levy or collect an assessment on property within the annexed area; or

2707 (II) charge or collect a fee for service provided to property within the annexed area.

2708 (iii) Subsection (3)(b)(ii)(B)(II):

2709 (A) may not be construed to limit a special service district's ability before annexation  
 2710 to charge and collect a fee for service provided to property that is outside the special service  
 2711 district's boundary; and

2712 (B) does not apply until 60 days after the effective date, under Subsection (3)(a), of  
 2713 the special service district's annexation, with respect to a fee that the special service district  
 2714 was charging for service provided to property within the annexed area immediately before the  
 2715 area was annexed to the special service district.

2716 Section 56. Section **17D-1-603** is amended to read:

2717 **17D-1-603. Notice and plat to lieutenant governor -- Recording requirements --**

2718 **Effective date.**

2719 (1) ~~[Within 30 days after adopting]~~ If a county or municipal legislative body adopts a  
 2720 resolution approving the withdrawal of an area from a special service district or the dissolution  
 2721 of a special service district, the county or municipal legislative body, as the case may be, shall  
 2722 ~~[file a notice]:~~

2723 (a) within 30 days after adopting the resolution, file with the lieutenant governor[-]:

2724 ~~[(2) Each notice under Subsection (1) shall:]~~

2725 ~~[(a) be accompanied by:]~~

2726 ~~[(i) a copy of the resolution approving the withdrawal or dissolution; and]~~

2727 ~~[(ii) in the case of a withdrawal, a map showing the area to be withdrawn, prepared~~  
 2728 ~~and certified by a licensed surveyor and filed with the county surveyor in accordance with~~  
 2729 ~~Section 17-23-17; and]~~

2730 ~~[(b) include the legislative body's certification that all requirements for the withdrawal~~  
 2731 ~~or dissolution have been met.]~~

2732 (i) a copy of a notice of an impending boundary action, as defined in Section  
 2733 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2734 (ii) in the case of a withdrawal, a copy of an approved final local entity plat, as defined  
 2735 in Section 67-1a-6.5; and

2736 (b) upon the lieutenant governor's issuance of a certificate of withdrawal or  
 2737 dissolution, as the case may be, under Section 67-1a-6.5, submit to the recorder of the county  
 2738 in which the special service district is located:

2739 (i) the original notice of an impending boundary action;

2740 (ii) the original certificate of withdrawal or dissolution, as the case may be;

2741 (iii) in the case of a withdrawal, the original approved final local entity plat; and

2742 (iv) a certified copy of the resolution approving the withdrawal or dissolution.

2743 ~~[(3)]~~ (2) (a) Upon the lieutenant governor's issuance of the certificate of withdrawal  
 2744 under Section 67-1a-6.5, the area to be withdrawn that is the subject of the legislative body's  
 2745 resolution is withdrawn from the special service district.

2746 (b) Upon the lieutenant governor's issuance of the certificate of dissolution under  
2747 Section 67-1a-6.5, the special service district is dissolved.

2748 Section 57. Section **17D-3-203** is amended to read:

2749 **17D-3-203. Considerations in determining whether to approve conservation**  
2750 **district creation, consolidation, division, or dissolution -- Denial or approval -- Notice**  
2751 **and plat to lieutenant governor -- Recording requirements -- Prohibition against**  
2752 **considering similar creation, consolidation, division, or dissolution if previously denied.**

2753 (1) In determining whether to approve the creation of a conservation district, the  
2754 consolidation of existing conservation districts, or the division or dissolution of an existing  
2755 conservation district, the commission shall consider:

2756 (a) the demonstrated necessity and administrative practicality of the creation,  
2757 consolidation, division, or dissolution;

2758 (b) the topography of and soil compositions and prevailing land use practices within  
2759 the area of the proposed or existing conservation district or districts;

2760 (c) the hydrologic unit code of the watershed in which the area of the proposed or  
2761 existing conservation district or districts is located;

2762 (d) the relationship of the area of the proposed or existing conservation district or  
2763 districts to existing watersheds and agricultural regions; and

2764 (e) the sentiment expressed by persons within the area of the proposed or existing  
2765 conservation district or districts with respect to the proposed creation, consolidation, division,  
2766 or dissolution.

2767 (2) After holding a public hearing as required under Subsection 17D-3-201(2)(b) and  
2768 considering the factors listed in Subsection (1), the commission shall:

2769 (a) (i) [~~deny~~] disapprove the creation of a conservation district, the consolidation of  
2770 existing conservation districts, or the division or dissolution of an existing conservation  
2771 district, as the case may be, if the commission determines that creation, consolidation,  
2772 division, or dissolution is not necessary or administratively practical; or

2773 (ii) approve the creation of a conservation district, the consolidation of existing

2774 conservation districts, or the division or dissolution of an existing conservation district, as the  
2775 case may be, if the commission determines that creation, consolidation, division, or  
2776 dissolution is necessary and administratively practical; and

2777 (b) set forth in writing the reasons for the commission's action.

2778 (3) (a) [(†)] If the commission approves the creation, consolidation, division, or  
2779 dissolution, the commission shall [~~certify its action and~~];

2780 (i) deliver [~~a copy of the certification~~] to the lieutenant governor[-];

2781 [~~(ii) Each certification under Subsection (3)(a)(i) of a creation, consolidation, or  
2782 division shall include an accurate legal description of the conservation district or districts as it  
2783 or they are proposed to exist as a result of the creation, consolidation, or division.]~~]

2784 (A) a copy of a notice of an impending boundary action, as defined in Section  
2785 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2786 (B) except in the case of a dissolution, a copy of an approved final local entity plat, as  
2787 defined in Section 67-1a-6.5; and

2788 (ii) upon the lieutenant governor's issuance of a certificate of boundary action under  
2789 Section 67-1a-6.5:

2790 (A) if the conservation district is or, in the case of dissolution, was located within the  
2791 boundary of a single county, submit to the recorder of that county:

2792 (I) the original:

2793 (Aa) notice of an impending boundary action;

2794 (Bb) certificate of boundary action; and

2795 (Cc) except in the case of dissolution, approved final local entity plat; and

2796 (II) a certified copy of the document that the commission adopted approving the  
2797 boundary action; or

2798 (B) if the conservation district is or, in the case of a dissolution, was located within the  
2799 boundaries of more than a single county:

2800 (I) submit to the recorder of one of those counties:

2801 (Aa) the original of the documents listed in Subsections (3)(a)(ii)(A)(I)(Aa), (Bb), and

2802 (Cc); and  
 2803 (Bb) a certified copy of the document that the commission adopted approving the  
 2804 boundary action; and  
 2805 (II) submit to the recorder of each other county:  
 2806 (Aa) a certified copy of the documents listed in Subsections (3)(a)(ii)(A)(I)(Aa), (Bb),  
 2807 and (Cc); and  
 2808 (Bb) a certified copy of the document that the commission adopted approving the  
 2809 boundary action.

2810 (b) Upon the lieutenant governor's issuance of the certificate of creation,  
 2811 consolidation, division, or dissolution under Section 67-1a-6.5, as the case may be, the  
 2812 conservation district is created and incorporated, consolidated, divided, or dissolved,  
 2813 respectively.

2814 (4) If the commission [~~denies~~] disapproves a creation, consolidation, division, or  
 2815 dissolution under Subsection (2)(a)(i), the commission may not, for six months following the  
 2816 denial, consider a similar proposal to create, divide, or dissolve the conservation district or to  
 2817 consolidate the conservation districts, as the case may be.

2818 Section 58. Section **53A-2-101.5** is amended to read:

2819 **53A-2-101.5. Filing of notice and plat relating to school district boundary**  
 2820 **changes including creation, consolidation, division, or dissolution -- Recording**  
 2821 **requirements -- Effective date.**

2822 (1) [~~Within 30 days after the creation, consolidation, division, or dissolution of a~~  
 2823 ~~school district, or any other change affecting the boundary of a new or existing school district,~~  
 2824 ~~the] The county legislative body shall [file a written notice of the action]:~~

2825 (a) within 30 days after the creation, consolidation, division, or dissolution of a school  
 2826 district, file with the lieutenant governor[:]:

2827 [~~(2) The notice under Subsection (1) shall be accompanied by an accurate map or plat~~  
 2828 ~~showing the boundaries of the affected school districts, prepared and certified by a local~~  
 2829 ~~surveyor and filed with the county surveyor in accordance with Section 17-23-17:]~~

2830 (i) a copy of a notice of an impending boundary action, as defined in Section  
2831 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and

2832 (ii) except in the case of a dissolution, a copy of an approved final local entity plat, as  
2833 defined in Section 67-1a-6.5; and

2834 (b) upon the lieutenant governor's issuance of a certificate of boundary action under  
2835 Section 67-1a-6.5:

2836 (i) if the school district is or, in the case of dissolution, was located within the  
2837 boundary of a single county, submit to the recorder of that county:

2838 (A) the original:

2839 (I) notice of an impending boundary action;

2840 (II) certificate of boundary action; and

2841 (III) except in the case of dissolution, approved final local entity plat; and

2842 (B) if applicable, a certified copy of the resolution approving the boundary action; or

2843 (ii) if the school district is or, in the case of a dissolution, was located within the  
2844 boundaries of more than a single county:

2845 (A) submit to the recorder of one of those counties:

2846 (I) the original of the documents listed in Subsections (1)(b)(i)(A)(I), (II), and (III);

2847 and

2848 (II) if applicable, a certified copy of the resolution approving the boundary action; and

2849 (B) submit to the recorder of each other county:

2850 (I) a certified copy of the documents listed in Subsections (1)(b)(i)(A)(I), (II), and (III);

2851 and

2852 (II) if applicable, a certified copy of the resolution approving the boundary action.

2853 [~~(3)~~] (2) (a) Upon the lieutenant governor's issuance of the certificate under Section  
2854 67-1a-6.5, the creation, consolidation, division, dissolution, or other change affecting the  
2855 boundary of a new or existing school district that was the subject of the action has legal effect.

2856 (b) (i) As used in this Subsection (2)(b), "affected area" means:

2857 (A) in the case of the creation of a school district, the area within the school district's

2858 boundary;  
2859 (B) in the case of the consolidation of multiple school districts, the area within the  
2860 boundary of each school district that is consolidated into another school district;  
2861 (C) in the case of the division of a school district, the area within the boundary of the  
2862 school district created by the division; and  
2863 (D) in the case of an addition to an existing school district, the area added to the  
2864 school district.  
2865 (ii) The effective date of a boundary action, as defined in Section 17-23-20, for  
2866 purposes of assessing property within the school district is governed by Section 59-2-305.5.  
2867 (iii) Until the documents listed in Subsection (1)(b) are recorded in the office of the  
2868 recorder of each county in which the property is located, a school district may not levy or  
2869 collect a property tax on property within the affected area.  
2870 Section 59. Section **53A-2-118** is amended to read:  
2871 **53A-2-118. Creation of new school district -- Initiation of process -- Procedures**  
2872 **to be followed.**  
2873 (1) A new school district may be created from one or more existing school districts, as  
2874 provided in this section.  
2875 (2) (a) The process to create a new school district may be initiated:  
2876 (i) through a citizens' initiative petition;  
2877 (ii) at the request of the board of the existing district or districts to be affected by the  
2878 creation of the new district; or  
2879 (iii) at the request of a city within the boundaries of the school district or at the request  
2880 of interlocal agreement participants, pursuant to Section 53A-2-118.1.  
2881 (b) (i) Each petition submitted under Subsection (2)(a)(i) shall be signed by qualified  
2882 electors residing within the geographical boundaries of the proposed new school district equal  
2883 in number to at least 15% of the number of electors in the area who voted for the office of  
2884 governor at the last regular general election.  
2885 (ii) Each request or petition submitted under Subsection (2)(a) shall:

2886 (A) be filed with the clerk of each county in which any part of the proposed new  
2887 school district is located;

2888 (B) indicate the typed or printed name and current residence address of each  
2889 governing board member making a request, or registered voter signing a petition, as the case  
2890 may be;

2891 (C) describe the proposed new school district boundaries; and

2892 (D) designate up to five signers of the petition or request as sponsors, one of whom  
2893 shall be designated as the contact sponsor, with the mailing address and telephone number of  
2894 each.

2895 (c) A signer of a petition under Subsection (2)(a)(i) may withdraw or, once withdrawn,  
2896 reinstate the signer's signature at any time before the filing of the petition by filing a written  
2897 withdrawal or reinstatement with the county clerk.

2898 (d) The process under Subsection (2)(a)(i) may only be initiated once during any  
2899 four-year period.

2900 (e) A new district may not be formed pursuant to Subsection (2)(a) if the student  
2901 population of the proposed new district is less than 3,000 or the existing district's student  
2902 population would be less than 3,000 because of the creation of the new school district.

2903 (f) Within 45 days after the filing of a petition under Subsection (2)(a)(i) or five  
2904 business days after the filing of a request under Subsection (2)(a)(ii) or (iii), the clerk of each  
2905 county with which a request or petition is filed shall:

2906 (i) determine whether the request or petition complies with Subsections (2)(a), (b), (d),  
2907 and (e), as applicable; and

2908 (ii) (A) if the county clerk determines that the request or petition complies with the  
2909 applicable requirements:

2910 (I) certify the request or petition and deliver the certified request or petition to the  
2911 county legislative body; and

2912 (II) mail or deliver written notification of the certification to the contact sponsor; or

2913 (B) if the county clerk determines that the request or petition fails to comply with any



2914 of the applicable requirements, reject the request or petition and notify the contact sponsor in  
2915 writing of the rejection and reasons for the rejection.

2916 (g) If the county clerk fails to certify or reject a request or petition within the time  
2917 specified in Subsection (2)(f), the request or petition shall be considered to be certified.

2918 (h) (i) If the county clerk rejects a request or petition, the request or petition may be  
2919 amended to correct the deficiencies for which it was rejected and then refiled.

2920 (ii) Subsection (2)(d) does not apply to a request or petition that is amended and  
2921 refiled after having been rejected by a county clerk.

2922 (i) If a county legislative body receives a request from a school board under  
2923 Subsection (2)(a)(ii) or a petition under Subsection (2)(a)(i) which is certified by the county  
2924 clerk on or before December 1:

2925 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided  
2926 by Subsection (3), on or before January 1;

2927 (ii) the ad hoc advisory committee shall submit its report and recommendations to the  
2928 county legislative body, as provided by Subsection (3), on or before July 1; and

2929 (iii) if the legislative body of each county with which a request or petition is filed  
2930 approves a proposal to create a new district, the proposal shall be submitted to the respective  
2931 county clerk to be voted on by the electors of each existing district at the regular general or  
2932 municipal general election held in November.

2933 (3) (a) The legislative body of each county with which a request or petition is filed  
2934 shall appoint an ad hoc advisory committee to review and make recommendations on a request  
2935 for the creation of a new school district submitted under Subsection (2)(a)(i) or (ii).

2936 (b) The advisory committee shall:

2937 (i) seek input from:

2938 (A) those requesting the creation of the new school district;

2939 (B) the school board and school personnel of each existing school district;

2940 (C) those citizens residing within the geographical boundaries of each existing school  
2941 district;

- 2942 (D) the State Board of Education; and  
2943 (E) other interested parties;  
2944 (ii) review data and gather information on at least:  
2945 (A) the financial viability of the proposed new school district;  
2946 (B) the proposal's financial impact on each existing school district;  
2947 (C) the exact placement of school district boundaries; and  
2948 (D) the positive and negative effects of creating a new school district and whether the  
2949 positive effects outweigh the negative if a new school district were to be created; and  
2950 (iii) make a report to the county legislative body in a public meeting on the  
2951 committee's activities, together with a recommendation on whether to create a new school  
2952 district.
- 2953 (4) For a request or petition submitted under Subsection (2)(a)(i) or (2)(a)(ii):  
2954 (a) The county legislative body shall provide for a 45-day public comment period on  
2955 the report and recommendation to begin on the day the report is given under Subsection  
2956 (3)(b)(iii).
- 2957 (b) Within 14 days after the end of the comment period, the legislative body of each  
2958 county with which a request or petition is filed shall vote on the creation of the proposed new  
2959 school district.
- 2960 (c) The proposal is approved if a majority of the members of the legislative body of  
2961 each county with which a request or petition is filed votes in favor of the proposal.
- 2962 (d) If the proposal is approved, the legislative body of each county with which a  
2963 request or petition is filed shall submit the proposal to the county clerk to be voted on:  
2964 (i) by the legal voters of each existing school district;  
2965 (ii) in accordance with the procedures and requirements applicable to a regular general  
2966 election under Title 20A, Election Code; and  
2967 (iii) at the next regular general election or municipal general election, whichever is  
2968 first.
- 2969 (e) Creation of the new school district shall occur if a majority of the electors within

2970 both the proposed school district and each remaining school district voting on the proposal  
2971 vote in favor of the creation of the new district.

2972 (f) Each county legislative body shall [~~provide notice of the action as required in~~  
2973 comply with the requirements of Section 53A-2-101.5.

2974 (g) If a proposal submitted under Subsection (2)(a)(i) or (ii) to create a new district is  
2975 approved by the electors, the existing district's documented costs to study and implement the  
2976 proposal shall be reimbursed by the new district.

2977 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under  
2978 Subsection (2)(f) or (g), the legislative body of each county in which part of the proposed new  
2979 school district is located shall submit the proposal to the respective clerk of each county to be  
2980 voted on:

- 2981 (i) by the legal voters residing within the proposed new school district boundaries;
- 2982 (ii) in accordance with the procedures and requirements applicable to a regular general  
2983 election under Title 20A, Election Code; and
- 2984 (iii) at the next regular general election or municipal general election, whichever is  
2985 first.

2986 (b) (i) If a majority of the legal voters within the proposed new school district  
2987 boundaries voting on the proposal at an election under Subsection (5)(a) vote in favor of the  
2988 creation of the new district:

2989 (A) each county legislative body shall [~~within 60 days after the canvass date, file with~~  
2990 ~~the lieutenant governor the written notice, with the accompanying map or plat, required under~~  
2991 comply with the requirements of Section 53A-2-101.5; and

2992 (B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5,  
2993 the new district is created.

2994 (ii) Notwithstanding the creation of a new district as provided in Subsection  
2995 (5)(b)(i)(B):

2996 (A) a new school district may not begin to provide educational services to the area  
2997 within the new district until July 1 of the second calendar year following the creation election

2998 date;

2999 (B) a remaining district may not begin to provide educational services to the area  
3000 within the remaining district until the time specified in Subsection (5)(b)(ii)(A); and

3001 (C) each existing district shall continue, until the time specified in Subsection  
3002 (5)(b)(ii)(A), to provide educational services within the entire area covered by the existing  
3003 district.

3004 Section 60. Section **53A-2-118.1** is amended to read:

3005 **53A-2-118.1. Option for school district creation.**

3006 (1) (a) After conducting a feasibility study, a city with a population of at least 50,000,  
3007 as determined by the lieutenant governor using the process described in Subsection  
3008 [~~10-2-302(2)~~] 67-1a-2(3), may by majority vote of the legislative body, submit for voter  
3009 approval a measure to create a new school district with boundaries contiguous with that city's  
3010 boundaries, in accordance with Section 53A-2-118.

3011 (b) (i) The determination of all matters relating to the scope, adequacy, and other  
3012 aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the  
3013 city's legislative body.

3014 (ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis  
3015 of a legal action or other challenge to:

3016 (A) an election for voter approval of the creation of a new school district; or

3017 (B) the creation of the new school district.

3018 (2) (a) By majority vote of the legislative body, a city of any class, a town, or a county,  
3019 may, together with one or more other cities, towns, or the county enter into an interlocal  
3020 agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the  
3021 purpose of submitting for voter approval a measure to create a new school district.

3022 (b) (i) In accordance with Section 53A-2-118, interlocal agreement participants under  
3023 Subsection (2)(a) may submit a proposal for voter approval if:

3024 (A) the interlocal agreement participants conduct a feasibility study prior to  
3025 submitting the proposal to the county;

3026 (B) the combined population within the proposed new school district boundaries is at  
3027 least 50,000;

3028 (C) the new school district boundaries:

3029 (I) are contiguous;

3030 (II) do not completely surround or otherwise completely geographically isolate a  
3031 portion of an existing school district that is not part of the proposed new school district from  
3032 the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

3033 (III) include the entire boundaries of each participant city or town, except as provided  
3034 in Subsection (2)(d)(ii); and

3035 (IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

3036 (D) the combined population within the proposed new school district of interlocal  
3037 agreement participants that have entered into an interlocal agreement proposing to create a  
3038 new school district is at least 80% of the total population of the proposed new school district.

3039 (ii) The determination of all matters relating to the scope, adequacy, and other aspects  
3040 of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new  
3041 feasibility study or revise a previous feasibility study due to a change in the proposed new  
3042 school district boundaries, is within the exclusive discretion of the legislative bodies of the  
3043 interlocal agreement participants that enter into an interlocal agreement to submit for voter  
3044 approval a measure to create a new school district.

3045 (iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the  
3046 basis of a legal action or other challenge to:

3047 (A) an election for voter approval of the creation of a new school district; or

3048 (B) the creation of the new school district.

3049 (iv) For purposes of determining whether the boundaries of a proposed new school  
3050 district cross county lines under Subsection (2)(b)(i)(C)(IV):

3051 (A) a municipality located in more than one county and entirely within the boundaries  
3052 of a single school district is considered to be entirely within the same county as other  
3053 participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's

3054 land area and population is located in that same county than outside the county; and

3055 (B) a municipality located in more than one county that participates in an interlocal  
3056 agreement under Subsection (2)(a) with respect to some but not all of the area within the  
3057 municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may  
3058 not be considered to cross county lines.

3059 (c) (i) A county may only participate in an interlocal agreement under this Subsection  
3060 (2) for the unincorporated areas of the county.

3061 (ii) Boundaries of a new school district created under this section may include:

3062 (A) a portion of one or more existing school districts; and

3063 (B) a portion of the unincorporated area of a county, including a portion of a  
3064 township.

3065 (d) (i) As used in this Subsection (2)(d):

3066 (A) "Isolated area" means an area that:

3067 (I) is entirely within the boundaries of a municipality that, except for that area, is  
3068 entirely within a school district different than the school district in which the area is located;  
3069 and

3070 (II) would, because of the creation of a new school district from the existing district in  
3071 which the area is located, become completely geographically isolated.

3072 (B) "Municipality's school district" means the school district that includes all of the  
3073 municipality in which the isolated area is located except the isolated area.

3074 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant  
3075 in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area  
3076 within the municipality's boundaries if:

3077 (A) the portion of the municipality proposed to be included in the new school district  
3078 would, if not included, become an isolated area upon the creation of the new school district; or

3079 (B) (I) the portion of the municipality proposed to be included in the new school  
3080 district is within the boundaries of the same school district that includes the other interlocal  
3081 agreement participants; and

3082 (II) the portion of the municipality proposed to be excluded from the new school  
3083 district is within the boundaries of a school district other than the school district that includes  
3084 the other interlocal agreement participants.

3085 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school  
3086 district may be submitted for voter approval pursuant to an interlocal agreement under  
3087 Subsection (2)(a), even though the new school district boundaries would create an isolated  
3088 area, if:

3089 (I) the potential isolated area is contiguous to one or more of the interlocal agreement  
3090 participants;

3091 (II) the interlocal participants submit a written request to the municipality in which the  
3092 potential isolated area is located, requesting the municipality to enter into an interlocal  
3093 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to  
3094 create a new school district that includes the potential isolated area; and

3095 (III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the  
3096 municipality has not entered into an interlocal agreement as requested in the request.

3097 (B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold  
3098 one or more public hearings to allow input from the public and affected school districts  
3099 regarding whether or not the municipality should enter into an interlocal agreement with  
3100 respect to the potential isolated area.

3101 (C) (I) This Subsection (2)(d)(iii)(C) applies if:

3102 (Aa) a new school district is created under this section after a measure is submitted to  
3103 voters based on the authority of Subsection (2)(d)(iii)(A); and

3104 (Bb) the creation of the new school district results in an isolated area.

3105 (II) The isolated area shall, on July 1 of the second calendar year following the  
3106 creation election date, become part of the municipality's school district.

3107 (III) Unless the isolated area is the only remaining part of the existing district, the  
3108 process described in Subsection (4) shall be modified to:

3109 (Aa) include a third transition team, appointed by the school district board of the

3110 municipality's school district, to represent that school district;

3111 (Bb) require allocation of the existing district's property among the new district, the  
3112 remaining district, and the municipality's school district;

3113 (Cc) require each of the three transition teams to appoint one member to the  
3114 three-member arbitration panel, if an arbitration panel is established; and

3115 (Dd) require the municipality's school district to bear 1/3 of the costs of arbitration.

3116 (IV) The existing district shall continue to provide educational services to the isolated  
3117 area until July 1 of the second calendar year following the creation election date.

3118 (3) (a) If a proposal under this section is approved by voters:

3119 (i) (A) subject to Subsection (3)(e):

3120 (I) each member of the board of the existing district who resides within the boundary  
3121 of the new school district shall serve as an initial member of the new district board; and

3122 (II) each member of the board of the existing district who resides within the boundary  
3123 of the remaining school district shall serve as an initial member of the remaining district  
3124 board; and

3125 (B) an election shall be held on the June special election date, as provided in Section  
3126 20A-1-204, in the year following the creation election date, to elect:

3127 (I) all other members to the board of the new school district; and

3128 (II) all other members to the board of the remaining district;

3129 (ii) school district property shall be divided between the existing school district and  
3130 the new school district as provided in Subsection (4);

3131 (iii) transferred employees shall be treated in accordance with Sections 53A-2-116 and  
3132 53A-2-122;

3133 (iv) (A) an individual residing within the boundaries of a new school district at the  
3134 time the new school district is created may, for six school years after the creation of the new  
3135 school district, elect to enroll in a secondary school located outside the boundaries of the new  
3136 school district if:

3137 (I) the individual resides within the boundaries of that secondary school as of the day



3138 before the new school district is created; and

3139 (II) the individual would have been eligible to enroll in that secondary school had the  
3140 new school district not been created; and

3141 (B) the school district in which the secondary school is located shall provide  
3142 educational services, including, if provided before the creation of the new school district,  
3143 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school  
3144 year for which the individual makes the election; and

3145 (v) within one year after the new district begins providing educational services, the  
3146 superintendent of each remaining district affected and the superintendent of the new district  
3147 shall meet, together with the Superintendent of Public Instruction, to determine if further  
3148 boundary changes should be proposed in accordance with Section 53A-2-104.

3149 (b) Each member of a school district board of a new district and remaining district  
3150 under Subsection (3)(a)(i) shall take office on July 15 immediately following the election  
3151 under Subsection (3)(a)(i)(B).

3152 (c) (i) Subject to Subsection (3)(c)(ii), the terms of the initial members of the school  
3153 district board of the new district and remaining district shall be staggered and adjusted by the  
3154 county legislative body so that:

3155 (A) the school district board members' successors are elected at a future regular  
3156 general election; and

3157 (B) the terms of their successors coincide with the schedule of terms for school district  
3158 board members established in Section 20A-14-202.

3159 (ii) (A) The term of a member under Subsection (3)(a)(i) may not be less than 17  
3160 months.

3161 (B) In order to comply with the requirements of Subsection (3)(c)(i), the term of a  
3162 member elected to a school district board at an election under Subsection (3)(a)(i)(B) held in  
3163 an even-numbered year may exceed four years but may not exceed five years.

3164 (d) (i) The term of each member of the school district board of the existing district  
3165 terminates on July 1 of the second year after the creation election date, regardless of when the

3166 term would otherwise have terminated.

3167 (ii) Notwithstanding the existence of a board for the new district and a board for the  
3168 remaining district under Subsection (3)(a)(i), the board of the existing district shall continue,  
3169 until the time specified in Subsection 53A-2-118(5)(b)(ii)(A), to function and exercise  
3170 authority as a board to the extent necessary to continue to provide educational services to the  
3171 entire existing district.

3172 (iii) A person may simultaneously serve as a member of the board of an existing  
3173 district and a member of the board of:

3174 (A) a new district; or

3175 (B) a remaining district.

3176 (e) If two or more members of an existing school district board reside within the same  
3177 local school board district, as established by the county legislative body under Section  
3178 20A-14-201, of the new district or remaining district:

3179 (i) those board members shall stand for election at the same election at which the other  
3180 board members are elected under Subsection (3)(a)(i)(B); and

3181 (ii) the board member receiving the highest number of votes is elected to the board of  
3182 the new district or remaining district, as the case may be, for the local school board district in  
3183 which the board member resides.

3184 (4) (a) Within 45 days after the canvass date:

3185 (i) a transition team to represent the remaining district shall be appointed by the  
3186 members of the existing district board who reside within the area of the remaining district, in  
3187 consultation with:

3188 (A) the legislative bodies of all municipalities in the area of the remaining district; and

3189 (B) the legislative body of the county in which the remaining district is located, if the  
3190 remaining district includes one or more unincorporated areas of the county; and

3191 (ii) another transition team to represent the new district shall be appointed by:

3192 (A) for a new district located entirely within the boundaries of a single city, the  
3193 legislative body of that city; or

3194 (B) for each other new district, the legislative bodies of all interlocal agreement  
3195 participants.

3196 (b) The school district board of the existing school district shall, within 60 days after  
3197 the canvass date:

3198 (i) prepare an inventory of the existing district's:

3199 (A) property, both tangible and intangible, real and personal; and

3200 (B) liabilities; and

3201 (ii) deliver a copy of the inventory to each of the transition teams.

3202 (c) (i) (A) The transition teams appointed under Subsection (4)(a) shall, subject to  
3203 Subsection (4)(c)(iii):

3204 (I) determine the allocation of the existing district's property and, except for  
3205 indebtedness under Section 53A-2-121, liabilities between the remaining district and the new  
3206 district in accordance with Subsection (4)(c)(ii);

3207 (II) prepare a written report detailing how the existing district's property and, except  
3208 for indebtedness under Section 53A-2-121, liabilities are to be allocated, including:

3209 (Aa) a designation of the property that should be transferred to the new district;

3210 (Bb) a designation of any property that should be shared between the remaining  
3211 district and the new district; and

3212 (Cc) a designation of any property that will need to be allocated by arbitration under  
3213 Subsection (4)(d); and

3214 (III) deliver a copy of the written report to:

3215 (Aa) the school district board of the existing district;

3216 (Bb) the school district board of the remaining district; and

3217 (Cc) the school district board of the new district.

3218 (B) The transition teams shall determine the allocation under Subsection (4)(c)(i)(A)(I)  
3219 and deliver the report required under Subsection (4)(c)(i)(A)(II) before August 1 of the year  
3220 following the election at which voters approve the creation of a new district, unless that  
3221 deadline is extended by the mutual agreement of:

3222 (I) if the agreement is made before July 15 of the year following the creation election  
3223 date:

3224 (Aa) the school district board of the existing district; and

3225 (Bb) [~~aa~~] (Ii) the legislative body of the city in which the new district is located, for a  
3226 new district located entirely within a single city; or

3227 [~~bb~~] (IIIi) the legislative bodies of all interlocal agreement participants, for each  
3228 other new district; or

3229 (II) if the agreement is made on or after July 15 of the year following the creation  
3230 election date:

3231 (Aa) the school district board of the remaining district; and

3232 (Bb) the school district board of the new district.

3233 (ii) Subject to Subsection (4)(c)(iii), all property, assets, and liabilities that the existing  
3234 district owns on the allocation date, both tangible and intangible, real and personal, shall be  
3235 allocated between the remaining district and the new district in a way that is fair and equitable  
3236 to both the remaining district and the new district, taking into account:

3237 (A) the relative student populations between the remaining district and new district;

3238 (B) the relative assessed value of taxable property between the remaining district and  
3239 the new district;

3240 (C) the historical amount of property used to deliver educational services to students  
3241 in the remaining district and the new district;

3242 (D) any money made available for the use of the new district under Subsection (5);

3243 [~~and~~]

3244 (E) the agreed value of school buildings and associated property allocated to the  
3245 remaining district and the new district under Subsection (4)(c)(iii)(A); and

3246 (F) any other factors that the transition teams consider relevant in dividing the  
3247 property in a fair and equitable manner.

3248 (iii) (A) The transition teams shall allocate each school building and associated  
3249 property used primarily to provide educational services to local residents and not serving

3250 district-wide purposes to the school district that would best serve the existing student  
3251 population of that school building and associated property.

3252 (B) Except as provided in Subsection (4)(c)(iii)(A), nothing in this Subsection (4)(c)  
3253 may be construed to limit the ability of the transition teams to:

3254 (I) provide that an existing district's property be shared by a remaining district and  
3255 new district;

3256 (II) determine, by mutual agreement, that the value of the school buildings and  
3257 associated property described in Subsection (4)(c)(iii)(A) may be excluded from consideration  
3258 in the property allocation process under this Subsection (4)(c); or

3259 (III) provide for any other arrangement with respect to existing district property that is  
3260 beneficial to and in the best interests of the remaining district and new district.

3261 (d) (i) Each disagreement between the transition teams about the proper allocation of  
3262 property between the districts shall be resolved by binding arbitration to a three-member  
3263 arbitration panel.

3264 (ii) Each transition team shall, no later than September 1 of the year after the creation  
3265 election date, appoint one qualified, independent arbitrator to an arbitration panel under this  
3266 Subsection (4)(d), and those two arbitrators shall, within 15 days after their appointment,  
3267 appoint a third qualified, independent arbitrator.

3268 (iii) In the process of resolving a dispute between the transition teams, the arbitration  
3269 panel may engage the services of one or more professionals to provide technical advice to the  
3270 panel.

3271 (iv) The costs of arbitration shall initially be borne entirely by the existing district, but  
3272 the new district shall reimburse the existing district half of those costs within one year after the  
3273 new district begins providing educational services.

3274 (e) Each decision of the transition teams and of the arbitration panel resolving a  
3275 disagreement between the transition teams is final and binding on the boards of the existing  
3276 district, remaining district, and new district.

3277 (f) (i) All costs and expenses of the transition team that represents a remaining district

3278 shall be borne by the remaining district.

3279 (ii) All costs and expenses of the transition team that represents a new district shall  
3280 initially be borne by:

3281 (A) the city whose legislative body appoints the transition team, if the transition team  
3282 is appointed by the legislative body of a single city; or

3283 (B) the interlocal agreement participants, if the transition team is appointed by the  
3284 legislative bodies of interlocal agreement participants.

3285 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal  
3286 agreement participants for:

3287 (A) transition team costs and expenses; and

3288 (B) startup costs and expenses incurred by the city or interlocal agreement participants  
3289 on behalf of the new district.

3290 (5) (a) As used in this Subsection (5):

3291 (i) "New district startup costs" means:

3292 (A) costs and expenses incurred by a new district in order to prepare to begin  
3293 providing educational services on July 1 of the second calendar year following the creation  
3294 election date; and

3295 (B) the costs and expenses of the transition team that represents the new district.

3296 (ii) "Remaining district startup costs" means:

3297 (A) costs and expenses incurred by a remaining district in order to:

3298 (I) make necessary adjustments to deal with the impacts resulting from the creation of  
3299 the new district; and

3300 (II) prepare to provide educational services within the remaining district once the new  
3301 district begins providing educational services within the new district; and

3302 (B) the costs and expenses of the transition team that represents the remaining district.

3303 (b) (i) By July 25 of the year following the creation election date, the existing district  
3304 shall make half of the undistributed reserve from its General Fund, to a maximum of  
3305 \$9,000,000, available for the use of the remaining district and the new district, as provided in

3306 this Subsection (5).

3307           (ii) The existing district may make additional funds available for the use of the  
3308 remaining district and the new district beyond the amount specified in Subsection (5)(b)(i)  
3309 through an interlocal agreement.

3310           (c) The existing district shall make the money under Subsection (5)(b) available to the  
3311 remaining district and the new district proportionately based on student population.

3312           (d) The money made available under Subsection (5)(b) may be accessed and spent by:

3313           (i) for the remaining district, the school district board of the remaining district; and

3314           (ii) for the new district, the school district board of the new district.

3315           (e) (i) The remaining district may use its portion of the money made available under  
3316 Subsection (5)(b) to pay for remaining district startup costs.

3317           (ii) The new district may use its portion of the money made available under  
3318 Subsection (5)(b) to pay for new district startup costs.

3319           (6) (a) The existing district shall transfer title or, if applicable, partial title of property  
3320 to the new school district in accordance with the allocation of property by:

3321           (i) the transition teams, as stated in the report under Subsection (4)(c)(i)(A)(II); and

3322           (ii) the arbitration panel, if applicable.

3323           (b) The existing district shall complete each transfer of title or, if applicable, partial  
3324 title to real property and vehicles by July 1 of the second calendar year following the creation  
3325 election date, except as that date is changed by the mutual agreement of:

3326           (i) the school district board of the existing district;

3327           (ii) the school district board of the remaining district; and

3328           (iii) the school district board of the new district.

3329           (c) The existing district shall complete the transfer of all property not included in  
3330 Subsection (6)(b) by November 1 of the second calendar year after the creation election date.

3331           (7) Except as provided in Subsections (5) and (6), after the creation election date an  
3332 existing school district may not transfer or agree to transfer title to district property without the  
3333 prior consent of:

3334 (a) if the transfer or agreement to transfer is before July 15 of the year following the  
3335 creation election date:

3336 (i) the legislative body of the city in which the new district is located, for a new  
3337 district located entirely within a single city; or

3338 (ii) the legislative bodies of all interlocal agreement participants, for each other new  
3339 district; or

3340 (b) if the transfer or agreement to transfer is on or after July 15 of the year following  
3341 the creation election date but before July 15 of the second calendar year following the creation  
3342 election date:

3343 (i) the school district board of the remaining district; and

3344 (ii) the school district board of the new district.

3345 (8) This section applies to and governs all actions and proceedings relating to and  
3346 following the creation of a new district, whether the election under Subsection 53A-2-118(5)  
3347 on the proposal to create a new school district occurs before or after May 5, 2008, including:

3348 (a) the election of school district board members; and

3349 (b) transition team duties and responsibilities, whether the transition team is appointed  
3350 before or after May 5, 2008.

3351 Section 61. Section **59-2-305.5** is enacted to read:

3352 **59-2-305.5. Boundary actions not effective for purposes of assessment until**  
3353 **required documents are recorded.**

3354 (1) As used in this section:

3355 (a) "Affected area" means:

3356 (i) in the case of the creation or incorporation of a local entity, the area within the  
3357 newly created local entity's boundary;

3358 (ii) in the case of an annexation of an area into an existing local entity, the annexed  
3359 area;

3360 (iii) in the case of an adjustment of a boundary between local entities, the area that  
3361 before the boundary adjustment was in the boundary of one local entity but becomes, because



3362 of the boundary adjustment, included within the boundary of another local entity;  
3363 (iv) in the case of the withdrawal or disconnection of an area from a local entity, the  
3364 area that is withdrawn or disconnected;  
3365 (v) in the case of the consolidation of multiple local entities, the area within the  
3366 boundary of the consolidated local entity;  
3367 (vi) in the case of the division of a local entity into multiple local entities, the area  
3368 within the boundary of each new local entity created by the division; and  
3369 (vii) in the case of the dissolution of a local entity, the area that used to be within the  
3370 former boundary of the dissolved local entity.  
3371 (b) "Applicable certificate" has the same meaning as defined in Section 67-1a-6.5.  
3372 (c) "Boundary action" has the same meaning as defined in Section 17-23-20.  
3373 (d) "Effective date" means the effective date, under applicable statute, of the boundary  
3374 action that is the subject of an applicable certificate.  
3375 (e) "Local entity" has the same meaning as defined in Section 67-1a-6.5.  
3376 (f) "Required documents" means the documents relating to a boundary action that are  
3377 required under applicable statute to be submitted to the county recorder for recording  
3378 following the lieutenant governor's issuance of an applicable certificate.  
3379 (2) Notwithstanding the effective date, a boundary action is not effective for purposes  
3380 of assessing under this part the property located within the affected area until the required  
3381 documents are recorded in the office of the recorder of each county in which the affected area  
3382 is located.  
3383 Section 62. Section **63F-1-506** is amended to read:  
3384 **63F-1-506. Automated Geographic Reference Center.**  
3385 (1) There is created the Automated Geographic Reference Center as part of the  
3386 division.  
3387 (2) The center shall:  
3388 (a) provide geographic information system services to state agencies under rules  
3389 adopted in accordance with Section 63F-1-504 and policies established by the division;

3390 (b) provide geographic information system services to federal government, local  
3391 political subdivisions, and private persons under rules and policies established by the division;

3392 (c) manage the State Geographic Information Database; and

3393 (d) establish standard format, lineage, and other requirements for the database.

3394 (3) (a) There is created a position of surveyor within the center [~~which surveyor shall~~].

3395 (b) The surveyor under this Subsection (3) shall:

3396 (i) be licensed as a professional land surveyor under Title 58, Chapter 22, Professional  
3397 Engineers and Land Surveyors Licensing Act [~~and shall have the following duties:~~];

3398 [~~(a)~~] (ii) provide technical support to the office of lieutenant governor in [evaluating  
3399 boundary creation or boundary changes prior to certification by the lieutenant governor under  
3400 Section 67-1a-6.5]; the lieutenant governor's evaluation under Section 67-1a-6.5 of a proposed  
3401 boundary action, as defined in Section 17-23-20;

3402 (iii) as requested by a county surveyor, provide technical assistance to the county  
3403 surveyor with respect to the county surveyor's responsibilities under Section 17-23-20;

3404 (iv) fulfill the duties described in Section 17-50-105, if engaged to do so as provided  
3405 in that section;

3406 [~~(b)~~] (v) assist the State Tax Commission in processing and quality assurance of  
3407 boundary descriptions or maps into digital format for inclusion in the State Geographic  
3408 Information Database;

3409 [~~(c)~~] (vi) coordinate with county recorders and surveyors to create a statewide parcel  
3410 layer in the State Geographic Information Database containing parcel boundary, parcel  
3411 identifier, parcel address, owner type, and county recorder contact information; and

3412 [~~(d)~~] (vii) facilitate and integrate the collection efforts of local government and federal  
3413 agencies for data collection to densify and enhance the statewide Public Land Survey System  
3414 reference network in the State Geographic Information Database.

3415 (4) The division may:

3416 (a) make rules and establish policies to govern the center and its operations; and

3417 (b) set fees for the services provided by the center.

3418 (5) The state may not sell information obtained from counties under Subsection  
3419 (3)~~(e)~~(b)(v).

3420 Section 63. Section **63F-1-507** is amended to read:

3421 **63F-1-507. State Geographic Information Database.**

3422 (1) There is created a State Geographic Information Database to be managed by the  
3423 center.

3424 (2) The database shall:

3425 (a) serve as the central reference for all information contained in any GIS database by  
3426 any state agency;

3427 (b) serve as a clearing house and repository for all data layers required by multiple  
3428 users;

3429 (c) serve as a standard format for geographic information acquired, purchased, or  
3430 produced by any state agency; and

3431 (d) include an accurate representation of all civil subdivision boundaries of the state.

3432 (3) Each state agency that acquires, purchases, or produces digital geographic  
3433 information data shall:

3434 (a) inform the center of the existence of the data layers and their geographic extent;

3435 (b) allow the center access to all data classified public; and

3436 (c) comply with any database requirements established by the center.

3437 (4) At least annually, the State Tax Commission shall deliver to the center information  
3438 the State Tax Commission receives under [~~Sections 10-1-116, 11-13-204, 11-13-205, 17-2-4,~~  
3439 ~~17-2-9, 17-3-3, 17B-1-215, and 17C-1-201~~] Section 67-1a-6.5 relating to the creation or  
3440 modification of the boundaries of [~~the~~] political subdivisions [~~that are the subject of those~~  
3441 ~~sections~~].

3442 (5) The boundary of a political subdivision within the State Geographic Information  
3443 Database is the official boundary of the political subdivision for purposes of meeting the needs  
3444 of the United States Bureau of the Census in identifying the boundary of the political  
3445 subdivision.

3446 Section 64. Section **63G-7-401** is amended to read:

3447 **63G-7-401. Claim for injury -- Notice -- Contents -- Service -- Legal disability --**  
3448 **Appointment of guardian ad litem.**

3449 (1) (a) Except as provided in Subsection (1)(b), a claim arises when the statute of  
3450 limitations that would apply if the claim were against a private person begins to run.

3451 (b) The statute of limitations does not begin to run until a claimant knew, or with the  
3452 exercise of reasonable diligence should have known:

3453 (i) that the claimant had a claim against the governmental entity or its employee; and

3454 (ii) the identity of the governmental entity or the name of the employee.

3455 (c) The burden to prove the exercise of reasonable diligence is upon the claimant.

3456 (2) Any person having a claim against a governmental entity, or against its employee  
3457 for an act or omission occurring during the performance of the employee's duties, within the  
3458 scope of employment, or under color of authority shall file a written notice of claim with the  
3459 entity before maintaining an action, regardless of whether or not the function giving rise to the  
3460 claim is characterized as governmental.

3461 (3) (a) The notice of claim shall set forth:

3462 (i) a brief statement of the facts;

3463 (ii) the nature of the claim asserted;

3464 (iii) the damages incurred by the claimant so far as they are known; and

3465 (iv) if the claim is being pursued against a governmental employee individually as  
3466 provided in Subsection 63G-7-202(3)(c), the name of the employee.

3467 (b) The notice of claim shall be:

3468 (i) signed by the person making the claim or that person's agent, attorney, parent, or  
3469 legal guardian; and

3470 (ii) directed and delivered by hand or by mail according to the requirements of Section  
3471 68-3-8.5 to the office of:

3472 (A) the city or town clerk, when the claim is against an incorporated city or town;

3473 (B) the county clerk, when the claim is against a county;

3474 (C) the superintendent or business administrator of the board, when the claim is  
3475 against a school district or board of education;

3476 (D) the presiding officer or secretary/clerk of the board, when the claim is against a  
3477 local district or special service district;

3478 (E) the attorney general, when the claim is against the state ~~[of Utah]~~;

3479 (F) a member of the governing board, the executive director, or executive secretary,  
3480 when the claim is against any other public board, commission, or body; or

3481 (G) the agent authorized by a governmental entity to receive the notice of claim by the  
3482 governmental entity under Subsection (5)(e).

3483 (4) (a) If an injury that may reasonably be expected to result in a claim against a  
3484 governmental entity is sustained by a claimant who is under the age of majority or mentally  
3485 incompetent, that governmental entity may file a request with the court for the appointment of  
3486 a guardian ad litem for the potential claimant.

3487 (b) If a guardian ad litem is appointed, the time for filing a claim under Section  
3488 63G-7-402 begins when the order appointing the guardian is issued.

3489 (5) (a) Each governmental entity subject to suit under this chapter shall file a  
3490 statement with the Division of Corporations and Commercial Code within the Department of  
3491 Commerce containing:

3492 (i) the name and address of the governmental entity;

3493 (ii) the office or agent designated to receive a notice of claim; and

3494 (iii) the address at which it is to be directed and delivered.

3495 (b) Each governmental entity shall update its statement as necessary to ensure that the  
3496 information is accurate.

3497 (c) The Division of Corporations and Commercial Code shall develop a form for  
3498 governmental entities to complete that provides the information required by Subsection (5)(a).

3499 (d) (i) ~~[Newly]~~ A newly incorporated [municipalities] municipality shall file the  
3500 statement required by Subsection (5)(a) ~~[at the time that the statement of incorporation and~~  
3501 ~~boundaries is filed with]~~ promptly after the lieutenant governor issues a certificate of

3502 incorporation under Section [~~10-1-106~~] 67-1a-6.5.

3503 (ii) [~~Newly~~] A newly incorporated local [~~districts~~] district shall file the statement  
3504 required by Subsection (5)(a) at the time that the written notice is filed with the lieutenant  
3505 governor under Section 17B-1-215.

3506 (e) A governmental entity may, in its statement, identify an agent authorized by the  
3507 entity to accept notices of claim on its behalf.

3508 (6) The Division of Corporations and Commercial Code shall:

3509 (a) maintain an index of the statements required by this section arranged both  
3510 alphabetically by entity and by county of operation; and

3511 (b) make the indices available to the public both electronically and via hard copy.

3512 (7) A governmental entity may not challenge the validity of a notice of claim on the  
3513 grounds that it was not directed and delivered to the proper office or agent if the error is  
3514 caused by the governmental entity's failure to file or update the statement required by  
3515 Subsection (5).

3516 Section 65. Section **67-1a-2** is amended to read:

3517 **67-1a-2. Duties enumerated.**

3518 (1) The lieutenant governor shall:

3519 (a) perform duties delegated by the governor, including assignments to serve in any of  
3520 the following capacities:

3521 (i) as the head of any one department, if so qualified, with the consent of the Senate,  
3522 and, upon appointment at the pleasure of the governor and without additional compensation;

3523 (ii) as the chairperson of any cabinet group organized by the governor or authorized by  
3524 law for the purpose of advising the governor or coordinating intergovernmental or  
3525 interdepartmental policies or programs;

3526 (iii) as liaison between the governor and the state Legislature to coordinate and  
3527 facilitate the governor's programs and budget requests;

3528 (iv) as liaison between the governor and other officials of local, state, federal, and  
3529 international governments or any other political entities to coordinate, facilitate, and protect

3530 the interests of the state;

3531 (v) as personal advisor to the governor, including advice on policies, programs,  
3532 administrative and personnel matters, and fiscal or budgetary matters; and

3533 (vi) as chairperson or member of any temporary or permanent boards, councils,  
3534 commissions, committees, task forces, or other group appointed by the governor;

3535 (b) serve on all boards and commissions in lieu of the governor, whenever so  
3536 designated by the governor;

3537 (c) serve as the chief election officer of the state as required by Subsection (2);

3538 (d) keep custody of the Great Seal of Utah;

3539 (e) keep a register of, and attest, the official acts of the governor;

3540 (f) affix the Great Seal, with an attestation, to all official documents and instruments  
3541 to which the official signature of the governor is required; and

3542 (g) furnish a certified copy of all or any part of any law, record, or other instrument  
3543 filed, deposited, or recorded in the office of the lieutenant governor to any person who requests  
3544 it and pays the fee.

3545 (2) (a) As the chief election officer, the lieutenant governor shall:

3546 (i) exercise general supervisory authority over all elections;

3547 (ii) exercise direct authority over the conduct of elections for federal, state, and  
3548 multicounty officers and statewide or multicounty ballot propositions and any recounts  
3549 involving those races;

3550 (iii) assist county clerks in unifying the election ballot;

3551 (iv) (A) prepare election information for the public as required by statute and as  
3552 determined appropriate by the lieutenant governor;

3553 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to  
3554 news media on the Internet and in other forms as required by statute or as determined  
3555 appropriate by the lieutenant governor;

3556 (v) receive and answer election questions and maintain an election file on opinions  
3557 received from the attorney general;

3558 (vi) maintain a current list of registered political parties as defined in Section  
3559 20A-8-101;

3560 (vii) maintain election returns and statistics;

3561 (viii) certify to the governor the names of those persons who have received the highest  
3562 number of votes for any office;

3563 (ix) ensure that all voting equipment purchased by the state complies with the  
3564 requirements of Subsection 20A-5-302(2) and Sections 20A-5-402.5 and 20A-5-402.7; and

3565 (x) perform other election duties as provided in Title 20A, Election Code.

3566 (b) As chief election officer, the lieutenant governor may not assume the  
3567 responsibilities assigned to the county clerks, city recorders, town clerks, or other local  
3568 election officials by Title 20A, Election Code.

3569 (3) (a) The lieutenant governor shall:

3570 (i) (A) determine a new city's classification under Section 10-2-301 upon the city's  
3571 incorporation under Title 10, Chapter 2, Part 1, Incorporation, based on the city's population  
3572 using the population estimate from the Utah Population Estimates Committee; and

3573 (B) (I) prepare a certificate indicating the class in which the new city belongs based on  
3574 the city's population; and

3575 (II) within ten days after preparing the certificate, deliver a copy of the certificate to  
3576 the city's legislative body;

3577 (ii) (A) determine the classification under Section 10-2-301 of a consolidated  
3578 municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part  
3579 6, Consolidation of Municipalities, using population information from:

3580 (I) each official census or census estimate of the United States Bureau of the Census;  
3581 or

3582 (II) the population estimate from the Utah Population Estimates Committee, if the  
3583 population of a municipality is not available from the United States Bureau of the Census; and

3584 (B) (I) prepare a certificate indicating the class in which the consolidated municipality  
3585 belongs based on the municipality's population; and



3586 (II) within ten days after preparing the certificate, deliver a copy of the certificate to  
3587 the consolidated municipality's legislative body; and

3588 (iii) monitor the population of each municipality using population information from:

3589 (A) each official census or census estimate of the United States Bureau of the Census;

3590 or

3591 (B) the population estimate from the Utah Population Estimates Committee, if the  
3592 population of a municipality is not available from the United States Bureau of the Census.

3593 (b) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates that  
3594 a municipality's population has increased beyond the population for its current class, the  
3595 lieutenant governor shall:

3596 (i) prepare a certificate indicating the class in which the municipality belongs based on  
3597 the increased population figure; and

3598 (ii) within ten days after preparing the certificate, deliver a copy of the certificate to  
3599 the legislative body of the municipality whose class has changed.

3600 (c) (i) If the applicable population figure under Subsection (3)(a)(ii) or (iii) indicates  
3601 that a municipality's population has decreased below the population for its current class, the  
3602 lieutenant governor shall send written notification of that fact to the municipality's legislative  
3603 body.

3604 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality  
3605 whose population has decreased below the population for its current class, the lieutenant  
3606 governor shall:

3607 (A) prepare a certificate indicating the class in which the municipality belongs based  
3608 on the decreased population figure; and

3609 (B) within ten days after preparing the certificate, deliver a copy of the certificate to  
3610 the legislative body of the municipality whose class has changed.

3611 Section 66. Section **67-1a-6.5** is repealed and reenacted to read:

3612 **67-1a-6.5. Certification of local entity boundary actions.**

3613 (1) As used in this section:

- 3614            (a) "Applicable certificate" means:  
3615            (i) for the impending incorporation of a city, town, local district, or conservation  
3616 district, a certificate of incorporation;  
3617            (ii) for the impending creation of a county, school district, special service district,  
3618 community development and renewal agency, or interlocal entity, a certificate of creation;  
3619            (iii) for the impending annexation of territory to an existing local entity, a certificate  
3620 of annexation;  
3621            (iv) for the impending withdrawal or disconnection of territory from an existing local  
3622 entity, a certificate of withdrawal or disconnection, respectively;  
3623            (v) for the impending consolidation of multiple local entities, a certificate of  
3624 consolidation;  
3625            (vi) for the impending division of a local entity into multiple local entities, a certificate  
3626 of division;  
3627            (vii) for the impending adjustment of a common boundary between local entities, a  
3628 certificate of boundary adjustment; and  
3629            (viii) for the impending dissolution of a local entity, a certificate of dissolution.  
3630            (b) "Approved final local entity plat" means a final local entity plat, as defined in  
3631 Section 17-23-20, that has been approved under Section 17-23-20 as a final local entity plat by  
3632 the county surveyor.  
3633            (c) "Approving authority" has the same meaning as defined in Section 17-23-20.  
3634            (d) "Boundary action" has the same meaning as defined in Section 17-23-20.  
3635            (e) "Center" means the Automated Geographic Reference Center created under Section  
3636 63F-1-506.  
3637            (f) "Community development and renewal agency" has the same meaning as defined  
3638 in Section 17C-1-102.  
3639            (g) "Conservation district" has the same meaning as defined in Section 17D-3-102.  
3640            (h) "Interlocal entity" has the same meaning as defined in Section 11-13-103.  
3641            (i) "Local district" has the same meaning as defined in Section 17B-1-102.

3642 (j) "Local entity" means a county, city, town, school district, local district, community  
3643 development and renewal agency, special service district, conservation district, or interlocal  
3644 entity.

3645 (k) "Notice of an impending boundary action" means a written notice, as described in  
3646 Subsection (3), that provides notice of an impending boundary action.

3647 (l) "Special service district" has the same meaning as defined in Section 17D-1-102.

3648 (2) Within ten days after receiving a notice of an impending boundary action, the  
3649 lieutenant governor shall:

3650 (a) (i) issue the applicable certificate, if:

3651 (A) the lieutenant governor determines that the notice of an impending boundary  
3652 action meets the requirements of Subsection (3); and

3653 (B) except in the case of an impending local entity dissolution, the notice of an  
3654 impending boundary action is accompanied by an approved final local entity plat;

3655 (ii) send the applicable certificate to the local entity's approving authority;

3656 (iii) return the original of the approved final local entity plat to the local entity's  
3657 approving authority;

3658 (iv) send a copy of the applicable certificate and approved final local entity plat to:

3659 (A) the State Tax Commission;

3660 (B) the center; and

3661 (C) the county assessor, county surveyor, county auditor, and county attorney of each  
3662 county in which the property depicted on the approved final local entity plat is located; and

3663 (v) send a copy of the applicable certificate to the state auditor, if the boundary action  
3664 that is the subject of the applicable certificate is:

3665 (A) the incorporation or creation of a new local entity;

3666 (B) the consolidation of multiple local entities;

3667 (C) the division of a local entity into multiple local entities; or

3668 (D) the dissolution of a local entity; or

3669 (b) (i) send written notification to the approving authority that the lieutenant governor

3670 is unable to issue the applicable certificate, if:  
3671 (A) the lieutenant governor determines that the notice of an impending boundary  
3672 action does not meet the requirements of Subsection (3); or  
3673 (B) the notice of an impending boundary action is:  
3674 (I) not accompanied by an approved final local entity plat; or  
3675 (II) accompanied by a plat or final local entity plat that has not been certified as a final  
3676 local entity plat by the county surveyor under Section 17-23-20; and  
3677 (ii) explain in the notification under Subsection (2)(b)(i) why the lieutenant governor  
3678 is unable to issue the applicable certificate.  
3679 (3) Each notice of an impending boundary action shall:  
3680 (a) be directed to the lieutenant governor;  
3681 (b) contain the name of the local entity or, in the case of an incorporation or creation,  
3682 future local entity, whose boundary is affected or established by the boundary action;  
3683 (c) describe the type of boundary action for which an applicable certificate is sought;  
3684 and  
3685 (d) (i) contain a statement, signed and verified by the approving authority, certifying  
3686 that all requirements applicable to the boundary action have been met; or  
3687 (ii) in the case of the dissolution of a municipality, be accompanied by a certified copy  
3688 of the court order approving the dissolution of the municipality.  
3689 (4) The lieutenant governor may require the approving authority to submit a paper or  
3690 electronic copy of a notice of an impending boundary action and approved final local entity  
3691 plat in conjunction with the filing of the original of those documents.  
3692 (5) (a) The lieutenant governor shall:  
3693 (i) keep, index, maintain, and make available to the public each notice of an  
3694 impending boundary action, approved final local entity plat, applicable certificate, and other  
3695 document that the lieutenant governor receives or generates under this section;  
3696 (ii) make a copy of each document listed in Subsection (5)(a)(i) available on the  
3697 Internet for 12 months after the lieutenant governor receives or generates the document;

3698 (iii) furnish a paper copy of any of the documents listed in Subsection (5)(a)(i) to any  
3699 person who requests a paper copy; and

3700 (iv) furnish a certified copy of any of the documents listed in Subsection (5)(a)(i) to  
3701 any person who requests a certified copy.

3702 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified  
3703 copy of a document that the lieutenant governor provides under this Subsection (5).

3704 Section 67. Section **67-1a-6.7** is enacted to read:

3705 **67-1a-6.7. Certification of local entity name change.**

3706 (1) As used in this section:

3707 (a) "Approving authority" means the person or body authorized under statute to  
3708 approve the local entity's name change.

3709 (b) "Center" has the same meaning as defined in Section 67-1a-6.5.

3710 (c) "Certificate of name change" means a certificate issued by the lieutenant governor  
3711 certifying a local entity's change of name.

3712 (d) "Local entity" has the same meaning as defined in Section 67-1a-6.5.

3713 (e) "Notice of an impending name change" means a notice, as described in Subsection  
3714 (3), that provides notice of a local entity's impending name change.

3715 (2) Within ten days after receiving a notice of an impending name change, the  
3716 lieutenant governor shall:

3717 (a) issue a certificate of name change;

3718 (b) send the certificate of name change to the approving authority of the local entity  
3719 whose name is being changed; and

3720 (c) send a copy of the certificate of name change to:

3721 (i) the State Tax Commission;

3722 (ii) the state auditor;

3723 (iii) the center; and

3724 (iv) the county assessor, county surveyor, county auditor, and county attorney of each  
3725 county in which any part of the local entity is located.

3726 (3) Each notice of an impending name change shall:  
3727 (a) be directed to the lieutenant governor;  
3728 (b) contain the current name of the local entity;  
3729 (c) state the name to which the local entity intends to change;  
3730 (d) identify each county in which any part of the local entity is located; and  
3731 (e) contain a statement, signed and verified by the approving authority, certifying that  
3732 all requirements applicable to the name change have been met.

3733 (4) (a) The lieutenant governor shall:  
3734 (i) keep, index, maintain, and make available to the public each notice of an  
3735 impending name change, certificate of a name change, and other document that the lieutenant  
3736 governor receives or generates under this section;  
3737 (ii) make a copy of each document listed in Subsection (4)(a)(i) available on the  
3738 Internet for 12 months after the lieutenant governor receives or generates the document;  
3739 (iii) furnish a paper copy of any of the documents listed in Subsection (4)(a)(i) to any  
3740 person who requests a paper copy; and  
3741 (iv) furnish a certified copy of any of the documents listed in Subsection (4)(a)(i) to  
3742 any person who requests a certified copy.  
3743 (b) The lieutenant governor may charge a reasonable fee for a paper copy or certified  
3744 copy of a document that the lieutenant governor provides under this Subsection (4).

3745 Section 68. **Repealer.**

3746 This bill repeals:

3747 Section **10-1-116, Notice to lieutenant governor of incorporation, dissolution, or**  
3748 **boundary change -- Tax rate on new property included in municipality.**

3749 Section **10-1-117, Amending articles of incorporation -- Lieutenant governor**  
3750 **certification -- Effective date.**

3751 Section **10-2-122, When incorporation complete -- Incorporation presumed**  
3752 **conclusive.**

3753 Section **10-2-508, Disconnection completed.**

- 3754           Section **17-2-2, Election returns transmitted to lieutenant governor.**
- 3755           Section **17-2-7, Election returns transmitted to lieutenant governor.**
- 3756           Section **17-3-2, Election returns transmitted to lieutenant governor.**