

**Representative Jennifer Dailey-Provost** proposes the following substitute bill:

**COUNTY FORMATION AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kim F. Coleman**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill removes a requirement requiring a majority vote in the remaining part of an existing county to create a new county in certain circumstances.

**Highlighted Provisions:**

This bill:

► removes a requirement requiring a majority vote in the remaining part of an existing county to create a new county in certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**17-3-3**, as last amended by Laws of Utah 2009, Chapter 350

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

Section 1. Section **17-3-3** is amended to read:

**17-3-3. Certification of returns -- Governor's proclamation of creation of new**



26 **county -- Notice and plat to lieutenant governor -- Recording requirements -- Effective**  
27 **date.**

28 (1) If it appears that any proposition submitted to the electors as provided in this  
29 chapter has been carried in the affirmative by a majority vote of the qualified electors residing  
30 in that portion of the county proposed as a new county[;] and, if 50% or more of the existing  
31 county's tax-base revenue is derived from within the boundaries of the portion of the county  
32 proposed as a new county, also by a majority vote of the qualified electors residing in the  
33 remaining portion of that county:

34 (a) the lieutenant governor, upon receiving the certified report under Section  
35 20A-4-304, shall certify the result to the governor; and

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

38 (i) the result of the vote in each division of the county where applicable as described in  
39 Subsection (1);

40 (ii) the name and boundaries of the new county;

41 (iii) the boundaries of the original county as changed by the creation of the new county;

42 (iv) that the creation of the new county will take effect on the first Monday in January  
43 following the lieutenant governor's issuance of a certificate of creation under Section  
44 67-1a-6.5;

45 (v) the name proposed in the petition as the name of the new county; and

46 (vi) the judicial district to which the new county belongs.

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

49 (a) within 30 days after the issuance of the governor's proclamation under Subsection  
50 (1), send to the lieutenant governor:

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

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

54 (b) upon the lieutenant governor's issuance of a certificate of creation under Section  
55 67-1a-6.5, submit to the recorder of the new county:

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

- 57 (ii) the original certificate of creation;
- 58 (iii) the original approved final local entity plat; and
- 59 (iv) a certified copy of the governor's proclamation under Subsection (1).
- 60 (3) (a) The new county that is the subject of the lieutenant governor's certificate of
- 61 creation under Section 67-1a-6.5 is a county of the state from and after 12 noon of the first
- 62 Monday in January following the issuance of the lieutenant governor's certificate of creation.
- 63 (b) (i) The effective date of the creation of a new county for purposes of assessing
- 64 property within the county is governed by Section 59-2-305.5.
- 65 (ii) Until the documents listed in Subsection [~~(3)(b)~~] (2)(b) are recorded in the office of
- 66 the recorder of the new county, the new county may not:
- 67 (A) levy or collect a property tax on property in the county;
- 68 (B) levy or collect an assessment on property in the county; or
- 69 (C) charge or collect a fee for service provided to property within the county.