

Representative Kim F. Coleman proposes the following substitute bill:

COUNTY FORMATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kim F. Coleman

Senate Sponsor: _____

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.

Highlighted Provisions:

This bill:

- ▶ imposes certain viability requirements on the formation of a new county;
- ▶ removes a requirement requiring a majority vote in the remaining part of an existing county to create a new county; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-3-1, as last amended by Laws of Utah 2011, Chapter 297

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



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

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

28 **17-3-1. By petition -- Election -- Ballots.**

29 (1) Whenever any number of the qualified electors of any portion of any county desire
30 to have the territory within which [they] the individuals reside created into a new county [they],
31 the individuals may file a petition for the creation of a new county with the county legislative
32 body of the county in which [they] the individuals reside.

33 (2) A petition described in Subsection (1) is valid if:

34 (a) [~~The petition shall be signed by~~] at least one-fourth of the qualified electors as
35 shown by the registration list of the last preceding general election, residing in that portion of
36 the county to be created into a new county, [~~and by not less than one-fourth of the qualified~~
37 electors residing in the remaining portion of the county:] sign the petition;

38 (b) the creation of the new county will not:

39 (i) leave the remaining county with an area within the county's boundaries for which
40 the cost, requirements, or other burdens of providing fundamental county services would
41 materially increase over previous years; or

42 (ii) make it economically or practically unfeasible for the county to continue to
43 function as a county;

44 (c) the proposed new county is capable, in a cost-effective manner of providing
45 fundamental county services.

46 (d) [~~The~~] the individuals present the petition [shall be presented] on or before the first
47 Monday in May of any year[;]; and [~~shall propose]~~

48 (e) the petition proposes the name and [~~define]~~ defines the boundaries of the new
49 county.

50 (3) The county legislative body shall [~~cause~~];

51 (a) provide 30 days' notice of the election described in Subsection (3)(b) in accordance
52 with Section [20A-5-101](#); and

53 (b) submit the proposition [~~to be submitted]~~ to the legal voters residing in the county at
54 a special election to be held according to the dates established in Section [20A-1-204](#)[~~, first~~
55 causing 30 days' notice of the election to be given in the manner provided by law for giving
56 notice of general elections].

57 (4) The election shall be held, the result canvassed, and returns made under the
58 provisions of the general election laws.

59 (5) The form of ballot to be used at such election shall be:

60 For the creation of (supplying the name proposed) county.

61 Against the creation of (supplying the name proposed) county.

62 Section 2. Section 17-3-3 is amended to read:

63 **17-3-3. Certification of returns -- Governor's proclamation of creation of new**
64 **county -- Notice and plat to lieutenant governor -- Recording requirements -- Effective**
65 **date.**

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

70 (a) the lieutenant governor, upon receiving the certified report under Section
71 20A-4-304, shall certify the result to the governor; and

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

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

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

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

77 (iv) that the creation of the new county will take effect on the first Monday in January

78 following the lieutenant governor's issuance of a certificate of creation under Section

79 67-1a-6.5;

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

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

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

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

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

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

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

90 67-1a-6.5, submit to the recorder of the new county:

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

92 (ii) the original certificate of creation;

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

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

95 (3) (a) The new county that is the subject of the lieutenant governor's certificate of

96 creation under Section 67-1a-6.5 is a county of the state from and after 12 noon of the first

97 Monday in January following the issuance of the lieutenant governor's certificate of creation.

98 (b) (i) The effective date of the creation of a new county for purposes of assessing

99 property within the county is governed by Section 59-2-305.5.

100 (ii) Until the documents listed in Subsection [~~(3)(b)~~] (2)(b) are recorded in the office of

101 the recorder of the new county, the new county may not:

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

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

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