

AUTOMATIC LOCAL DISTRICT WITHDRAWAL

AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Robert M. Spendlove

LONG TITLE

General Description:

This bill addresses the automatic withdrawal of an area from a local district in the case of certain annexations.

Highlighted Provisions:

This bill:

- ▶ provides for the automatic withdrawal of an area from a local district in the case of certain annexations; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-1-502, as last amended by Laws of Utah 2016, Chapters 176 and 348

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

Section 1. Section **17B-1-502** is amended to read:

17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in



28 **certain circumstances.**

29 (1) (a) An area within the boundaries of a local district may be withdrawn from the
30 local district only as provided in this part or, if applicable, as provided in Chapter 2a, Part 11,
31 Municipal Services District Act.

32 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local
33 district within a municipality because of a municipal incorporation under Title 10, Chapter 2a,
34 Municipal Incorporation, or a municipal annexation or boundary adjustment under Title 10,
35 Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process
36 of withdrawing that area from the local district.

37 (2) (a) An area within the boundaries of a local district is automatically withdrawn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

40 (i) the local district provides:

41 (A) fire protection, paramedic, and emergency services; or

42 (B) law enforcement service;

43 (ii) an election for the creation of the local district was not required because of
44 Subsection 17B-1-214(3)(d) or (g); and

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

47 (b) The effective date of a withdrawal under this Subsection (2) is governed by
48 Subsection 17B-1-512(2)(b).

49 (3) (a) Except as provided in Subsection (3)(c) or (d), an area within the boundaries of
50 a local district located in a county of the first class is automatically withdrawn from the local
51 district by the incorporation of a municipality [~~whose~~] with boundaries that include the area or
52 by annexation of an area into a municipality with boundaries that include the area if:

53 (i) the local district provides municipal services, as defined in Section 17B-2a-1102,
54 excluding fire protection, paramedic, emergency, and law enforcement services;

55 (ii) an election for the creation of the local district was not required because of
56 Subsection 17B-1-214(3) (g); and

57 (iii) the legislative body of the newly incorporated municipality or the annexing
58 municipality:

59 (A) for a city or town incorporated under Title 10, Chapter 2a, Part 4, Incorporation of
60 Metro Townships and Unincorporated Islands in a County of the First Class on and after May
61 12, 2015, complies with the feasibility study requirements of Section 17B-2a-1110;

62 (B) adopts a resolution no later than 180 days after the effective date of incorporation
63 or annexation approving the withdrawal that includes the legal description of the area to be
64 withdrawn; and

65 (C) delivers a copy of the resolution to the board of trustees of the local district.

66 (b) The effective date of a withdrawal under this Subsection (3) is governed by
67 Subsection 17B-1-512(2)(a).

68 (c) Section 17B-1-505 [~~shall govern~~] governs the withdrawal of an incorporated area
69 within a county of the first class if:

70 (i) the local district from which the area is withdrawn provides:

71 (A) fire protection, paramedic, and emergency services;

72 (B) law enforcement service; or

73 (C) municipal services, as defined in Section 17B-2a-1102;

74 (ii) an election for the creation of the local district was not required under Subsection
75 17B-1-214(3)(d) or (g); and

76 (iii) for a local district that provides municipal services, as defined in Section
77 17B-2a-1102, excluding fire protection, paramedic, emergency, and law enforcement services,
78 the 180-day period described in Subsection (3)(a)(iii)(B) is expired.

79 (d) An area may not be withdrawn from a local district that provides municipal
80 services, as defined in Section 17B-2a-1102, excluding fire protection, paramedic, emergency,
81 and law enforcement services, if:

82 (i) the area is incorporated as a metro township; and

83 (ii) at the election to incorporate as a metro township, the residents of the area chose to
84 be included in a municipal services district.