

USE OF COUNTY GENERAL FUND EXPENSES

2002 GENERAL SESSION

STATE OF UTAH

Sponsor: Eric K. Hutchings

This act modifies the Counties Code by amending provisions relating to municipal-type services in unincorporated areas. The act allows counties of the first class to provide fire, paramedic, and police protection services in specific unincorporated areas designated as general purpose recreational areas and to fund those services from the county general fund.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

17-34-1, as last amended by Chapters 107 and 258, Laws of Utah 2001

17-34-3, as last amended by Chapters 107 and 258, Laws of Utah 2001

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

Section 1. Section **17-34-1** is amended to read:

17-34-1. Counties may provide municipal services -- Limitation -- Provision of services in first class counties.

(1) For purposes of this chapter, except as otherwise provided in Subsection (3):

(a) "Greater than class C radioactive waste" has the same meaning as in Section 19-3-303.

(b) "High-level nuclear waste" has the same meaning as in Section 19-3-303.

(c) "Municipal-type services" means:

(i) fire protection service;

(ii) waste and garbage collection and disposal;

(iii) planning and zoning;

(iv) street lighting;

(v) in a county of the first class:

(A) advanced life support and paramedic services; and

(B) detective investigative services; and



28 (vi) all other services and functions that are required by law to be budgeted, appropriated,
29 and accounted for from a municipal services fund or a municipal capital projects fund as defined
30 under Chapter 36, Uniform Fiscal Procedures Act for Counties.

31 (d) "Placement" has the same meaning as in Section 19-3-303.

32 (e) "Storage facility" has the same meaning as in Section 19-3-303.

33 (f) "Transfer facility" has the same meaning as in Section 19-3-303.

34 (2) A county may:

35 (a) provide municipal-type services to areas of the county outside the limits of cities and
36 towns without providing the same services to cities or towns;

37 (b) fund those services by:

38 (i) levying a tax on taxable property in the county outside the limits of cities and towns;

39 or

40 (ii) charging a service charge or fee to persons benefitting from the municipal-type
41 services.

42 (3) A county may not:

43 (a) provide, contract to provide, or agree in any manner to provide municipal-type services,
44 as these services are defined in Section 19-3-303, to any area under consideration for a storage
45 facility or transfer facility for the placement of high-level nuclear waste, or greater than class C
46 radioactive waste; or

47 (b) seek to fund services for these facilities by:

48 (i) levying a tax; or

49 (ii) charging a service charge or fee to persons benefitting from the municipal-type
50 services.

51 (4) Each county of the first class shall provide to the area of the county outside the limits
52 of cities and towns:

53 (a) advanced life support and paramedic services; and

54 (b) detective investigative services.

55 (5) (a) Each county of the first class may provide fire, paramedic, and police protection
56 services in any area of the county outside the limits of cities and towns that is designated as a
57 recreational area in accordance with the provisions of this Subsection (5).

58 (b) A county legislative body in a county of the first class may designate any area of the

59 county outside the limits of cities and towns as a recreational area if:

60 (i) the area is primarily used for recreational purposes, including canyons, ski resorts,
61 wilderness areas, lakes and reservoirs, campgrounds, or picnic areas; and

62 (ii) the county legislative body makes a finding that the recreational area is used by
63 residents of the county who live both inside and outside the limits of cities and towns.

64 (c) Fire, paramedic, and police protection services in areas designated as recreational areas
65 by the county legislative body in accordance with Subsection (5)(b) may be funded from the county
66 general fund.

67 Section 2. Section **17-34-3** is amended to read:

68 **17-34-3. Taxes or service charges.**

69 (1) (a) If a county furnishes the municipal-type services and functions described in Section
70 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the entire cost of
71 the services or functions so furnished shall be defrayed from funds that the county has derived
72 from:

73 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated
74 towns or cities;

75 (ii) service charges or fees the county may impose upon the persons benefited in any way
76 by the services or functions; or

77 (iii) a combination of these sources.

78 (b) As the taxes or service charges or fees are levied and collected, they shall be placed in
79 a special revenue fund of the county and shall be disbursed only for the rendering of the services
80 or functions established in Section 17-34-1 within the unincorporated areas of the county.

81 (2) For the purpose of levying taxes, service charges, or fees provided in this section, the
82 county legislative body may establish a district or districts in the unincorporated areas of the
83 county.

84 (3) Nothing contained in this chapter may be construed to authorize counties to impose
85 or levy taxes not otherwise allowed by law.

86 (4) (a) A county required under Subsection 17-34-1(4) to provide advanced life support
87 and paramedic services to the unincorporated area of the county and that previously paid for those
88 services through a countywide levy may increase its levy under Subsection (1)(a)(i) to generate in
89 the unincorporated area of the county the same amount of revenue as the county loses from that

90 area due to the required decrease in the countywide certified tax rate under Subsection
91 59-2-924(2)(k)(i).

92 (b) An increase in tax rate under Subsection (4)(a) is exempt from the notice and hearing
93 requirements of Sections 59-2-918 and 59-2-919.

94 (5) Notwithstanding any other provision of this chapter, a county of the first class
95 providing fire, paramedic, and police protection services in a designated recreational area, as
96 provided in Subsection 17-34-1(5), may fund those services from the county general fund with
97 revenues derived from both inside and outside the limits of cities and towns, and the funding of
98 those services is not limited to unincorporated area revenues.

Legislative Review Note
as of 2-5-02 5:38 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel