

Senator Scott K. Jenkins proposes the following substitute bill:

**LAW ENFORCEMENT SERVICE IN LOCAL
DISTRICTS AND INTERLOCAL ENTITIES**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott K. Jenkins

House Sponsor: Richard A. Greenwood

LONG TITLE

General Description:

This bill modifies provisions relating to law enforcement services in local districts and interlocal entities.

Highlighted Provisions:

This bill:

▶ replaces "extended police protection" with "law enforcement service" in the list of services that a local district may be created to provide;

▶ eliminates the requirement to submit the creation of a local district to voters for their approval if the local district is created to provide law enforcement service;

⚡→ ▶ requires county and municipal legislative body approval of a property tax imposed by a police local district; ←⚡

▶ requires counties and municipalities participating in a police local district to reduce their certified tax rate to offset a tax levied by the district;

▶ modifies who appoints one member of a merit system commission for a **⚡→ first class ←⚡** county in

which a police local district or police interlocal entity is created;

▶ expands an exception as to how the board of trustees of a service area is to be constituted to include a service area created to provide law enforcement service;

▶ modifies a provision relating to the duties of a sheriff in a first class county that enters into an interlocal agreement for law enforcement services and expands it to



26 apply to all counties;

27 ▶ requires interlocal agreements between a county and one or more municipalities for
28 law enforcement service to require the service to be provided by or under the
29 direction of the county sheriff;

29a **§→ ▶ specifies that if a police interlocal entity or police local district enters an interlocal**
29b **agreement for law enforcement service, the sheriff is not the chief executive officer of any**
29c **entity created under that agreement, unless the agreement so provides, and that the sheriff**
29d **provides law enforcement service under that agreement as provided in the agreement; ←§**

30 ▶ provides that a sheriff is the chief law enforcement officer of a local district or
31 interlocal entity created to provide law enforcement service and is subject to the
32 direction of the local district board or interlocal entity governing body as provided
33 by agreement;

33a **§→ ▶ limits application of some provisions to districts in counties of the first class; ←§**

34 ▶ expands certain local district annexation and withdrawal provisions to apply to
35 specified local districts that provide law enforcement service; and

36 ▶ repeals a provision relating to a first class county entering an interlocal agreement
37 for law enforcement service.

38 **Monies Appropriated in this Bill:**

39 None

40 **Other Special Clauses:**

41 None

42 **Utah Code Sections Affected:**

43 AMENDS:

44 **10-2-406**, as last amended by Laws of Utah 2007, Chapter 329

45 **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329

46 **11-13-202**, as last amended by Laws of Utah 2004, Chapter 163

47 **17-22-2**, as last amended by Laws of Utah 2008, Chapter 117

48 **17-30-1**, as last amended by Laws of Utah 1993, Chapters 227 and 234

49 **17-30-3**, as last amended by Laws of Utah 1997, Chapter 177

50 **17B-1-202**, as last amended by Laws of Utah 2008, Chapter 360

51 **17B-1-214**, as renumbered and amended by Laws of Utah 2007, Chapter 329

52 **17B-1-416**, as last amended by Laws of Utah 2008, Chapter 118

53 **17B-1-502**, as renumbered and amended by Laws of Utah 2007, Chapter 329

54 **17B-1-505**, as renumbered and amended by Laws of Utah 2007, Chapter 329

54a **§→ 17B-2a-903, as enacted by Laws of Utah 2007, Chapter 329 ←§**

55 **17B-2a-905**, as enacted by Laws of Utah 2007, Chapter 329

56 **59-2-924.2**, as enacted by Laws of Utah 2008, Chapters 61, 231, and 236

57 REPEALS:

58 **17-50-324**, as enacted by Laws of Utah 2008, Chapter 117



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

61 Section 1. Section **10-2-406** is amended to read:

62 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

63 (1) After receipt of the notice of certification from the city recorder or town clerk under
64 Subsection 10-2-405(2)(c)(i), the municipal legislative body shall:

65 (a) (i) publish a notice at least once a week for three successive weeks, beginning no
66 later than ten days after receipt of the notice of certification, in a newspaper of general
67 circulation within:

68 (A) the area proposed for annexation; and

69 (B) the unincorporated area within 1/2 mile of the area proposed for annexation; or

70 (ii) if there is no newspaper of general circulation within those areas, post written
71 notices in conspicuous places within those areas that are most likely to give notice to residents
72 within those areas; and

73 (b) within 20 days of receipt of the notice of certification under Subsection
74 10-2-405(2)(c)(i), mail written notice to each affected entity.

75 (2) (a) The notice under Subsections (1)(a) and (b) shall:

76 (i) state that a petition has been filed with the municipality proposing the annexation of
77 an area to the municipality;

78 (ii) state the date of the municipal legislative body's receipt of the notice of certification
79 under Subsection 10-2-405(2)(c)(i);

80 (iii) describe the area proposed for annexation in the annexation petition;

81 (iv) state that the complete annexation petition is available for inspection and copying
82 at the office of the city recorder or town clerk;

83 (v) state in conspicuous and plain terms that the municipality may grant the petition
84 and annex the area described in the petition unless, within the time required under Subsection
85 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission
86 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
87 municipality;

88 (vi) state the address of the commission or, if a commission has not yet been created in
89 the county, the county clerk, where a protest to the annexation petition may be filed;

90 (vii) state that the area proposed for annexation to the municipality will also
91 automatically be annexed to a local district providing fire protection, paramedic, and
92 emergency services or a local district providing law enforcement service, as the case may be, as
93 provided in Section 17B-1-416, if:

94 (A) the proposed annexing municipality is entirely within the boundaries of a local
95 district:

96 (I) that provides fire protection, paramedic, and emergency services or law enforcement
97 service, respectively; and

98 (II) in the creation of which an election was not required because of Subsection
99 17B-1-214(3)(c); and

100 (B) the area proposed to be annexed to the municipality is not already within the
101 boundaries of the local district; and

102 (viii) state that the area proposed for annexation to the municipality will be
103 automatically withdrawn from a local district providing fire protection, paramedic, and
104 emergency services or a local district providing law enforcement service, as the case may be, as
105 provided in Subsection 17B-1-502(2), if:

106 (A) the petition proposes the annexation of an area that is within the boundaries of a
107 local district:

108 (I) that provides fire protection, paramedic, and emergency services or law enforcement
109 service, respectively; and

110 (II) in the creation of which an election was not required because of Subsection
111 17B-1-214(3)(c); and

112 (B) the proposed annexing municipality is not within the boundaries of the local
113 district.

114 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a
115 written protest in terms of the actual date rather than by reference to the statutory citation.

116 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection
117 (1)(a) for a proposed annexation of an area within a county of the first class shall include a
118 statement that a protest to the annexation petition may be filed with the commission by

119 property owners if it contains the signatures of the owners of private real property that:

120 (i) is located in the unincorporated area within 1/2 mile of the area proposed for
121 annexation;

122 (ii) covers at least 25% of the private land area located in the unincorporated area
123 within 1/2 mile of the area proposed for annexation; and

124 (iii) is equal in value to at least 15% of all real property located in the unincorporated
125 area within 1/2 mile of the area proposed for annexation.

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

127 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

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

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

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

138 (B) if there is no newspaper of general circulation within the municipality, post at least
139 one notice per 1,000 population in places within the municipality that are most likely to give
140 notice to residents of the municipality.

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

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

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

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

148 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
149 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written

150 protests to the adjustment are filed by the owners of private real property that:

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

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

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

156 (v) state that the area that is the subject of the boundary adjustment will, because of the
157 boundary adjustment, be automatically annexed to a local district providing fire protection,
158 paramedic, and emergency services or a local district providing law enforcement service, as the
159 case may be, as provided in Section 17B-1-416, if:

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

162 (I) that provides fire protection, paramedic, and emergency services or law enforcement
163 service, respectively; and

164 (II) in the creation of which an election was not required because of Subsection
165 17B-1-214(3)(c); and

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

168 (vi) state that the area proposed for annexation to the municipality will be
169 automatically withdrawn from a local district providing fire protection, paramedic, and
170 emergency services, as provided in Subsection 17B-1-502(2), if:

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

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

174 (II) in the creation of which an election was not required because of Subsection
175 17B-1-214(3)(c); and

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

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

181 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal
182 legislative body may adopt an ordinance adjusting the common boundary unless, at or before
183 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with
184 the city recorder or town clerk, as the case may be, by the owners of private real property that:

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

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

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

190 (4) The municipal legislative body shall comply with the requirements of Section
191 10-2-425 as if the boundary change were an annexation.

192 (5) An ordinance adopted under Subsection (3) becomes effective when each
193 municipality involved in the boundary adjustment has adopted an ordinance under Subsection
194 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an
195 annexation.

196 Section 3. Section **11-13-202** is amended to read:

197 **11-13-202. Agreements for joint or cooperative action, for providing or**
198 **exchanging services, or for law enforcement services -- Effective date of agreement --**
199 **Public agencies may restrict their authority or exempt each other regarding permits and**
200 **fees.**

201 (1) Any two or more public agencies may enter into an agreement with one another
202 under this chapter:

203 (a) for joint or cooperative action;

204 (b) to provide services that they are each authorized by statute to provide;

205 (c) to exchange services that they are each authorized by statute to provide;

206 (d) for a public agency to provide law enforcement services to one or more other public
207 agencies, if the public agency providing law enforcement services under the interlocal
208 agreement is authorized by law to provide those services, or to provide joint or cooperative law
209 enforcement services between or among public agencies that are each authorized by law to
210 provide those services; or

211 (e) to do anything else that they are each authorized by statute to do.

212 (2) An agreement under Subsection (1) does not take effect until it has been approved,
213 as provided in Section 11-13-202.5, by each public agency that is a party to it.

214 (3) (a) In an agreement under Subsection (1), a public agency that is a party to the
215 agreement may agree:

216 (i) to restrict its authority to issue permits to or assess fees from another public agency
217 that is a party to the agreement; and

218 (ii) to exempt another public agency that is a party to the agreement from permit or fee
219 requirements.

220 (b) A provision in an agreement under Subsection (1) whereby the parties agree as
221 provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement,
222 including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or
223 enforce the provision.

224 (4) An interlocal agreement between a county and one or more municipalities for law
225 enforcement service within an area that includes some or all of the unincorporated area of the
226 county shall require the law enforcement service provided under the agreement to be provided
227 by or under the direction of the county sheriff.

228 Section 4. Section 17-22-2 is amended to read:

229 **17-22-2. Sheriff -- General duties.**

230 (1) The sheriff shall:

231 (a) preserve the peace;

232 (b) make all lawful arrests;

233 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
234 required or when the court is held within his county, all courts of record, and court
235 commissioner and referee sessions held within his county, obey their lawful orders and
236 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
237 Administration;

238 (d) upon request of the juvenile court, aid the court in maintaining order during
239 hearings and transport a minor to and from youth corrections facilities, other institutions, or
240 other designated places;

241 (e) attend county justice courts if the judge finds that the matter before the court
242 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his

243 custody, or for the custody of jurors;

244 (f) command the aid of as many inhabitants of his county as he considers necessary in
245 the execution of these duties;

246 (g) take charge of and keep the county jail and the jail prisoners;

247 (h) receive and safely keep all persons committed to his custody, file and preserve the
248 commitments of those persons, and record the name, age, place of birth, and description of
249 each person committed;

250 (i) release on the record all attachments of real property when the attachment he
251 receives has been released or discharged;

252 (j) endorse on all process and notices the year, month, day, hour, and minute of
253 reception, and, upon payment of fees, issue a certificate to the person delivering process or
254 notice showing the names of the parties, title of paper, and the time of receipt;

255 (k) serve all process and notices as prescribed by law;

256 (l) if he makes service of process or notice, certify on the process or notices the
257 manner, time, and place of service, or, if he fails to make service, certify the reason upon the
258 process or notice, and return them without delay;

259 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public
260 land within his county;

261 (n) perform as required by any contracts between the county and private contractors for
262 management, maintenance, operation, and construction of county jails entered into under the
263 authority of Section 17-53-311;

264 (o) for the sheriff of a [first-class] county that enters into an interlocal agreement for
265 law enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, [~~as authorized~~
266 ~~in Section 17-50-324: (i)~~] provide law enforcement service as provided in the interlocal
267 agreement; [~~or~~]

268 [~~(ii) provide law enforcement service to an unincorporated area of the county to the~~
269 ~~extent that the law enforcement service is not provided to the area by a local district or~~
270 ~~interlocal entity, as defined in Section 11-13-103, established to provide law enforcement~~
271 ~~service or extended police protection to the area;]~~

272 (p) manage search and rescue services in his county;

273 (q) obtain saliva DNA specimens as required under Section 53-10-404;

274 (r) on or before January 1, 2003, adopt a written policy that prohibits the stopping,
275 detention, or search of any person when the action is solely motivated by considerations of
276 race, color, ethnicity, age, or gender; and

277 (s) perform any other duties that are required by law.

278 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
279 subsection under Subsection (1) is a class A misdemeanor.

280 (3) (a) As used in this Subsection (3):

281 (i) "Police interlocal entity" has the same meaning as defined in Section 17-30-3.

282 (ii) "Police local district" has the same meaning as defined in Section 17-30-3.

283 (b) A sheriff in a county which includes within its boundary a police local district or
284 police interlocal entity, or both:

285 (i) serves as the chief executive officer of each police local district and police interlocal
286 entity within the county with respect to the provision of law enforcement service within the
287 boundary of the police local district or police interlocal entity, respectively; and

288 (ii) is subject to the direction of the police local district board of trustees or police
289 interlocal entity governing body, as the case may be, as and to the extent provided by
290 agreement between the police local district or police interlocal entity, respectively, and the
291 sheriff.

291a **§→ (c) If a police interlocal entity or police local district enters an interlocal agreement with a**
291b **public agency, as defined in Section 11-13-103, for the provision of law enforcement service,**
291c **the sheriff:**

291d **(i) does not serve as the chief executive officer of any interlocal entity created under that**
291e **interlocal agreement, unless the agreement provides for the sheriff to serve as the chief**
291f **executive officer; and**

291g **(ii) shall provide law enforcement service under that interlocal agreement as provided**
291h **in the agreement. ←§**

292 Section 5. Section 17-30-1 is amended to read:

293 **17-30-1. Definitions.**

294 (1) "Governing body" means the county legislative body.

295 (2) "Appointing authority" means the sheriff of a county having jurisdiction over any
296 peace officer.

297 (3) "Peace officer" means any paid deputy sheriff, other than a chief deputy designated
298 by the sheriff, who is in the continuous employ of a county.

299 (4) "Commission" means the ~~personal~~ merit system commission consisting of three
300 persons appointed ~~by the governing body~~ as provided in Section 17-30-3 and having the duty,
301 power, and responsibility for the discharge of the functions of this chapter.

302 (5) "Department of Public Safety" means the department created in Section 53-1-103.

303 Section 6. Section 17-30-3 is amended to read:

304 **17-30-3. Establishment of merit system commission -- Appointment,**

305 **qualifications, and compensation of members.**

306 (1) (a) Each county with a population of 20,000 [~~people~~] or more shall establish a merit
 307 system commission consisting of three members appointed as provided in Subsection (1)(b).

308 (b) (i) As used in this Subsection (1)(b):

309 (A) "Police interlocal entity" means an interlocal entity, as defined in Section
 310 11-13-103, that is created:

311 (I) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a
 312 county ~~§~~→ of the first class ←~~§~~ is a party; and

313 (II) to provide law enforcement service to an area that includes the unincorporated part
 314 of the county.

315 (B) "Police local district" means a local district, as defined in Section 17B-1-102:

316 (I) whose creation was initiated by the adoption of a resolution under Section
 317 17B-1-203 by the legislative body of a county ~~§~~→ of the first class ←~~§~~ , alone or with one or more
 317a other legislative
 318 bodies; and

319 (II) that is created to provide law enforcement service to an area that includes the
 320 unincorporated part of the county.

321 (ii) For a county in which a police interlocal entity is created, whether or not a police
 322 local district is also created in the county:

323 (A) two members shall be appointed by the legislative body of the county; and

324 (B) one member shall be appointed by the governing body of the interlocal entity.

325 (iii) For a county in which a police local district is created but in which a police
 326 interlocal entity has not been created:

327 (A) two members shall be appointed by the legislative body of the county; and

328 (B) one member shall be appointed by the board of trustees of the police local district.

329 (iv) For each other county, all three members shall be appointed by the county
 330 legislative body.

331 (c) Not more than two members of the commission shall be affiliated with or members
 332 of the same political party.

333 (d) Of the original appointees, one member shall be appointed for a term ending
 334 February 1 of the first odd-numbered year after the date of appointment, and one each for terms
 335 ending two and four years thereafter.

336 (e) Upon the expiration of any of the terms, a successor shall be appointed for a full
337 term of six years.

338 (f) Appointment to fill a vacancy resulting other than from expiration of term shall be
339 for the unexpired portion of the term only. ~~[Each legislative body charged by this act with the~~
340 ~~appointment of a personnel merit system commission shall make such appointments within 90~~
341 ~~days after the effective date of this act.]~~

342 (2) Members of a commission shall be citizens of the state, shall have been residents of
343 the area embraced by the governmental unit from which appointed not less than five years next
344 preceding the date of appointment, and shall hold no other office or employment under the
345 governmental unit for which appointed.

346 (3) The county legislative body may compensate a member for service on the
347 commission and reimburse the member for necessary expenses incurred in the performance of
348 the member's duties.

349 Section 7. Section **17B-1-202** is amended to read:

350 **17B-1-202. Local district may be created -- Services that may be provided --**
351 **Limitations.**

352 (1) (a) A local district may be created as provided in this part to provide within its
353 boundaries service consisting of:

- 354 (i) the operation of an airport;
- 355 (ii) the operation of a cemetery;
- 356 (iii) fire protection, paramedic, and emergency services;
- 357 (iv) garbage collection and disposal;
- 358 (v) health care, including health department or hospital service;
- 359 (vi) the operation of a library;
- 360 (vii) abatement or control of mosquitos and other insects;
- 361 (viii) the operation of parks or recreation facilities or services;
- 362 (ix) the operation of a sewage system;
- 363 (x) street lighting;
- 364 (xi) the construction and maintenance of curb, gutter, and sidewalk;
- 365 (xii) transportation, including public transit and providing streets and roads;
- 366 (xiii) the operation of a system, or one or more components of a system, for the

367 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
368 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
369 the system is operated on a wholesale or retail level or both;

370 (xiv) [~~extended police protection~~] law enforcement service; or

371 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
372 or the conversion to underground of an existing electric utility line.

373 (b) Each local district that provides the service of the underground installation of an
374 electric utility line or the conversion to underground of an existing electric utility line shall, in
375 installing or converting the line, provide advance notice to and coordinate with the utility that
376 owns the line.

377 (2) For purposes of this section:

378 (a) "Operation" means all activities involved in providing the indicated service
379 including acquisition and ownership of property reasonably necessary to provide the indicated
380 service and acquisition, construction, and maintenance of facilities and equipment reasonably
381 necessary to provide the indicated service.

382 (b) "System" means the aggregate of interrelated components that combine together to
383 provide the indicated service including, for a sewage system, collection and treatment.

384 (3) (a) A local district may not be created to provide and may not after its creation
385 provide more than four of the services listed in Subsection (1).

386 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing
387 more than four services if, before April 30, 2007, the local district was authorized to provide
388 those services.

389 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to
390 provide and may not after its creation provide to an area the same service already being
391 provided to that area by another political subdivision, unless the other political subdivision
392 gives its written consent.

393 (b) For purposes of Subsection (4)(a), a local district does not provide the same service
394 as another political subdivision if it operates a component of a system that is different from a
395 component operated by another political subdivision but within the same:

396 (i) sewage system; or

397 (ii) water system.

398 (5) (a) Except for a local district in the creation of which an election is not required
399 under Subsection 17B-1-214(3)(c), the area of a local district may include all or part of the
400 unincorporated area of one or more counties and all or part of one or more municipalities.

401 (b) The area of a local district need not be contiguous.

402 (6) For a local district created before May 5, 2008, the authority to provide fire
403 protection service also includes the authority to provide:

404 (a) paramedic service; and

405 (b) emergency service, including hazardous materials response service.

406 Section 8. Section **17B-1-214** is amended to read:

407 **17B-1-214. Election -- Exceptions.**

408 (1) (a) Except as provided in Subsection (3) and in Subsection 17B-1-213(2)(a), an
409 election on the question of whether the local district should be created shall be held by:

410 (i) if the proposed local district is located entirely within a single county, the
411 responsible clerk; or

412 (ii) except as provided under Subsection (1)(b), if the proposed local district is located
413 within more than one county, the clerk of each county in which part of the proposed local
414 district is located, in cooperation with the responsible clerk.

415 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed local district is located
416 within more than one county and the only area of a county that is included within the proposed
417 local district is located within a single municipality, the election for that area shall be held by
418 the municipal clerk or recorder, in cooperation with the responsible clerk.

419 (2) Each election under Subsection (1) shall be held at the next special or regular
420 general election date that is:

421 (a) for an election pursuant to a property owner or registered voter petition, more than
422 45 days after certification of the petition under Subsection 17B-1-209(3)(b)(i); or

423 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing
424 required under Section 17B-1-210.

425 (3) The election requirement of Subsection (1) does not apply to:

426 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of the
427 owners of private real property that:

428 (i) is located within the proposed local district;

429 (ii) covers at least 67% of the total private land area within the proposed local district
430 as a whole and within each applicable area; and

431 (iii) is equal in value to at least 50% of the value of all private real property within the
432 proposed local district as a whole and within each applicable area;

433 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of
434 registered voters residing within the proposed local district as a whole and within each
435 applicable area, equal in number to at least 67% of the number of votes cast in the proposed
436 local district as a whole and in each applicable area, respectively, for the office of governor at
437 the last general election prior to the filing of the petition;

438 (c) a resolution adopted under Subsection 17B-1-203(1)(c) on or after May 5, 2003 that
439 proposes the creation of a local district to provide fire protection, paramedic, and emergency
440 services or law enforcement service, if the proposed local district includes a majority of the
441 unincorporated area of one or more counties; or

442 (d) a resolution adopted under Subsection 17B-1-203(1)(c) or (d) if the resolution
443 proposes the creation of a local district that has no registered voters within its boundaries.

444 (4) (a) If the proposed local district is located in more than one county, the responsible
445 clerk shall coordinate with the clerk of each other county and the clerk or recorder of each
446 municipality involved in an election under Subsection (1) so that the election is held on the
447 same date and in a consistent manner in each jurisdiction.

448 (b) The clerk of each county and the clerk or recorder of each municipality involved in
449 an election under Subsection (1) shall cooperate with the responsible clerk in holding the
450 election.

451 (c) Except as otherwise provided in this part, each election under Subsection (1) shall
452 be governed by Title 20A, Election Code.

453 Section 9. Section **17B-1-416** is amended to read:

454 **17B-1-416. Automatic annexation to a district providing fire protection,**
455 **paramedic, and emergency services or law enforcement service.**

456 (1) An area outside the boundaries of a local district that is annexed to a municipality
457 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,
458 Annexation, is automatically annexed to the local district if:

459 (a) the local district provides;

460 (i) fire protection, paramedic, and emergency services; or

461 (ii) law enforcement service;

462 (b) an election for the creation of the local district was not required because of

463 Subsection 17B-1-214(3)(c); and

464 (c) before the municipal annexation or boundary adjustment, the entire municipality
465 that is annexing the area or adding the area by boundary adjustment was included within the
466 local district.

467 (2) The effective date of an annexation under this section is governed by Subsection
468 17B-1-414(3)(b)(ii).

469 Section 10. Section **17B-1-502** is amended to read:

470 **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**
471 **certain circumstances -- Definitions.**

472 (1) (a) An area within the boundaries of a local district may be withdrawn from the
473 local district only as provided in this part.

474 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local
475 district within a municipality because of a municipal incorporation under Title 10, Chapter 2,
476 Part 1, Incorporation, or a municipal annexation or boundary adjustment under Title 10,
477 Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process
478 of withdrawing that area from the local district.

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

482 (i) the local district provides;

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

484 (B) law enforcement service;

485 (ii) an election for the creation of the local district was not required because of

486 Subsection 17B-1-214(3)(c); and

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

489 (b) The effective date of a withdrawal under this Subsection (2) is governed by

490 Subsection 17B-1-512(2)(b).

491 (3) (a) An area within the boundaries of a local district located in a county of the first
492 class is automatically withdrawn from the local district by the incorporation of a municipality
493 whose boundaries include the area if:

494 (i) the local district provides:

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

496 (B) law enforcement service;

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

499 (iii) the legislative body of the newly incorporated municipality:

500 (A) adopts a resolution approving the withdrawal that includes the legal description of
501 the area to be withdrawn; and

502 (B) delivers a copy of the resolution to the board of trustees of the local district.

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

505 Section 11. Section **17B-1-505** is amended to read:

506 **17B-1-505. Withdrawal of municipality in certain districts providing fire**
507 **protection, paramedic, and emergency services or law enforcement service.**

508 (1) (a) The process to withdraw an area from a local district may be initiated by a
509 resolution adopted by the legislative body of a municipality that is entirely within the
510 boundaries of a local district:

511 (i) that provides:

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

513 (B) law enforcement service; and

514 (ii) in the creation of which an election was not required because of Subsection
515 17B-1-214(3)(c).

516 (b) Within ten days after adopting a resolution under Subsection (1)(a), the municipal
517 legislative body shall submit to the board of trustees of the local district written notice of the
518 adoption of the resolution, accompanied by a copy of the resolution.

519 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body
520 shall hold an election at the next municipal general election that is more than 60 days after
521 adoption of the resolution on the question of whether the municipality should withdraw from

522 the local district.

523 (3) If a majority of those voting on the question of withdrawal at an election held under
524 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local
525 district.

526 (4) (a) Within ten days after the canvass of an election at which a withdrawal under this
527 section is submitted to voters, the municipal legislative body shall send written notice to the
528 board of the local district from which the municipality is proposed to withdraw.

529 (b) Each notice under Subsection (4)(a) shall:

530 (i) state the results of the withdrawal election; and

531 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal
532 description of the area to be withdrawn, adequate for purposes of the county assessor and
533 recorder.

534 (5) The effective date of a withdrawal under this section is governed by Subsection
535 17B-1-512(2)(a).

535a **§→ Section 12. Section 17B-2A-903 is amended to read:**

535b **17B-2a-903. Additional service area powers.**

535c **(1) In addition to the powers conferred on a service area under Section 17B-1-103, a**
535d **service area:**

535e **[~~(4)~~] (a) may issue bonds as provided in and subject to Chapter 1, Part 11, Local**
535f **District Bonds, to carry out the purposes of the district;**

535g **[~~(2)~~] (b) that, until April 30, 2007, was a regional service area, may provide park,**
535h **recreation, or parkway services, or any combination of those services; and**

535i **[~~(3)~~] (c) may, with the consent of the county in which the service area is located,**
535j **provide planning and zoning service.**

535k **(2) A service area that provides law enforcement service may not levy a property tax or**
535l **increase its certified tax rate, as defined in Section 59-2-924, without the prior approval of:**

535m **(a)(i) the legislative body of each municipality that is partly or entirely within the**
535n **boundary of the service area; and**

535o **(ii) the legislative body of the county with an unincorporated area within the boundary**
535p **of the service area; or**

535q **(b)(i) a majority of the legislative bodies of all municipalities that are partly or entirely**
535r **within the boundary of the service area; and**

535s **(ii) two-thirds of the legislative body of the county with an unincorporated area within**
535t **the boundary of the service area. ←§**

536 Section 12. Section 17B-2a-905 is amended to read:

537 **17B-2a-905. Service area board of trustees.**

538 (1) (a) Except as provided in Subsection (2):

539 (i) the initial board of trustees of a service area located entirely within the
540 unincorporated area of a single county may, as stated in the petition or resolution that initiated
541 the process of creating the service area:

- 542 (A) consist of the county legislative body;
- 543 (B) be appointed, as provided in Section 17B-1-304; or
- 544 (C) be elected, as provided in Section 17B-1-306;
- 545 (ii) if the board of trustees of a service area consists of the county legislative body, the
- 546 board may adopt a resolution providing for future board members to be appointed, as provided
- 547 in Section 17B-1-304, or elected, as provided in Section 17B-1-306; and
- 548 (iii) members of the board of trustees of a service area shall be elected, as provided in
- 549 Section 17B-1-306, if:
- 550 (A) the service area is not entirely within the unincorporated area of a single county;
- 551 (B) a petition is filed with the board of trustees requesting that board members be
- 552 elected, and the petition is signed by registered voters within the service area equal in number

553 to at least 10% of the number of registered voters within the service area who voted at the last
554 gubernatorial election; or

555 (C) an election is held to authorize the service area's issuance of bonds.

556 (b) If members of the board of trustees of a service area are required to be elected
557 under Subsection (1)(a)(iii)(C) because of a bond election:

558 (i) board members shall be elected in conjunction with the bond election;

559 (ii) the board of trustees shall:

560 (A) establish a process to enable potential candidates to file a declaration of candidacy
561 sufficiently in advance of the election; and

562 (B) provide a ballot for the election of board members separate from the bond ballot;
563 and

564 (iii) except as provided in this Subsection (1)(b), the election shall be held as provided
565 in Section 17B-1-306.

566 (2) (a) This Subsection (2) applies to a service area created on or after May 5, 2003 if:

567 (i) the service area was created to provide;

568 (A) fire protection, paramedic, and emergency services; [~~and~~] or

569 (B) law enforcement service; and

570 (ii) in the creation of the service area, an election was not required under Subsection
571 17B-1-214(3)(c).

572 (b) (i) Each county whose unincorporated area is included within a service area
573 described in Subsection (2)(a), whether in conjunction with the creation of the service area or
574 by later annexation, shall appoint three members to the board of trustees.

575 (ii) Each municipality whose area is included within a service area described in
576 Subsection (2)(a), whether in conjunction with the creation of the service area or by later
577 annexation, shall appoint one member to the board of trustees.

578 (iii) Each member appointed by a county or municipality under Subsection (2)(b)(i) or
579 (ii) shall be an elected official of the appointing county or municipality, respectively.

580 (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of
581 trustees of a service area described in Subsection (2)(a) shall be the number resulting from
582 application of Subsection (2)(b).

583 Section 13. Section **59-2-924.2** is amended to read:

584 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

585 (1) For purposes of this section, "certified tax rate" means a certified tax rate calculated
586 in accordance with Section 59-2-924.

587 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from
588 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
589 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter
590 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax
591 rate to offset the increased revenues.

592 (3) (a) Beginning July 1, 1997, if a county has imposed a sales and use tax under
593 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

594 (i) decreased on a one-time basis by the amount of the estimated sales and use tax
595 revenue to be distributed to the county under Subsection 59-12-1102(3); and

596 (ii) increased by the amount necessary to offset the county's reduction in revenue from
597 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
598 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
599 (3)(a)(i).

600 (b) The commission shall determine estimates of sales and use tax distributions for
601 purposes of Subsection (3)(a).

602 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort
603 communities sales and use tax under Section 59-12-402, the municipality's certified tax rate
604 shall be decreased on a one-time basis by the amount necessary to offset the first 12 months of
605 estimated revenue from the additional resort communities sales and use tax imposed under
606 Section 59-12-402.

607 (5) (a) This Subsection (5) applies to each county that:

608 (i) establishes a countywide special service district under Title 17D, Chapter 1, Special
609 Service District Act, to provide jail service, as provided in Subsection 17D-1-201(10); and

610 (ii) levies a property tax on behalf of the special service district under Section
611 17D-1-105.

612 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall be
613 decreased by the amount necessary to reduce county revenues by the same amount of revenues
614 that will be generated by the property tax imposed on behalf of the special service district.

615 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the
616 levy on behalf of the special service district under Section 17D-1-105.

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

618 (i) "Annexing county" means a county whose unincorporated area is included within a
619 ~~[fire]~~ public safety district by annexation.

620 (ii) "Annexing municipality" means a municipality whose area is included within a
621 ~~[fire]~~ public safety district by annexation.

622 (iii) "Equalized ~~[fire]~~ public safety protection tax rate" means the tax rate that results
623 from:

624 (A) calculating, for each participating county and each participating municipality, the
625 property tax revenue necessary ~~Ŝ→~~ :

625a **(I) in the case of a fire district, ←Ŝ** to cover all of the costs associated with providing
625b ~~Ŝ→~~ ~~[f]~~ fire

626 protection, paramedic, and emergency services ~~[f]~~ ~~[public safety service]~~ ~~←Ŝ~~ :

627 ~~Ŝ→~~ ~~[(H)]~~ **(Aa)** ~~←Ŝ~~ for a participating county, in the unincorporated area of the county; and

628 ~~Ŝ→~~ ~~[(H)]~~ **(Bb)** ~~←Ŝ~~ for a participating municipality, in the municipality; ~~Ŝ→~~ ~~[and]~~ or

628a **(II) in the case of a police district, to cover all the costs:**

628b **(Aa) associated with providing law enforcement service:**

628c **(Ii) for a participating county, in the unincorporated area of the county; and**

628d **(Iii) for a participating municipality, in the municipality; and**

628e **(Bb) that the police district board designates as the costs to be funded by a property**

628f **tax; and ←Ŝ**

629 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all
630 participating counties and all participating municipalities and then dividing that sum by the
631 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

632 (I) for participating counties, in the unincorporated area of all participating counties;
633 and

634 (II) for participating municipalities, in all the participating municipalities.

635 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service
636 Area Act~~[;]~~:

637 (A) created to provide fire protection, paramedic, and emergency services; and

638 (B) in the creation of which an election was not required under Subsection
639 17B-1-214(3)(c).

640 (v) "Participating county" means a county whose unincorporated area is included
641 within a ~~[fire]~~ public safety district at the time of the creation of the ~~[fire]~~ public safety district.

642 (vi) "Participating municipality" means a municipality whose area is included within a
643 ~~[fire]~~ public safety district at the time of the creation of the ~~[fire]~~ public safety district.

644 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service
645 Area Act ~~Ŝ→~~ , within a county of the first class ←Ŝ :

646 (A) created to provide law enforcement service; and
647 (B) in the creation of which an election was not required under Subsection
648 17B-1-214(3)(c).

649 (viii) "Public safety district" means a fire district or a police district.

650 (ix) "Public safety service" means:

651 (A) in the case of a public safety district that is a fire district, fire protection,
652 paramedic, and emergency services; and

653 (B) in the case of a public safety district that is a police district, law enforcement
654 service.

655 (b) In the first year following creation of a [fire] public safety district, the certified tax
656 rate of each participating county and each participating municipality shall be decreased by the
657 amount of the equalized [fire protection] public safety tax rate.

658 (c) In the first budget year following annexation to a [fire] public safety district, the
659 certified tax rate of each annexing county and each annexing municipality shall be decreased by
660 an amount equal to the amount of revenue budgeted by the annexing county or annexing
661 municipality:

662 (i) for [~~fire protection, paramedic, and emergency services~~] public safety service; and

663 (ii) in:

664 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,
665 the prior calendar year; or

666 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior
667 fiscal year.

668 (d) Each tax levied under this section by a [fire] public safety district shall be
669 considered to be levied by:

670 (i) each participating county and each annexing county for purposes of the county's tax
671 limitation under Section 59-2-908; and

672 (ii) each participating municipality and each annexing municipality for purposes of the
673 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
674 city.

675 (e) The calculation of a [fire] public safety district's certified tax rate for the year of
676 annexation shall be adjusted to include an amount of revenue equal to one half of the amount

677 of revenue budgeted by the annexing entity for [~~fire protection, paramedic, and emergency~~
678 ~~services~~] public safety service in the annexing entity's prior fiscal year if:

679 (i) the [~~fire~~] public safety district operates on a January 1 through December 31 fiscal
680 year;

681 (ii) the [~~fire~~] public safety district approves an annexation of an entity operating on a
682 July 1 through June 30 fiscal year; and

683 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

684 (7) For the calendar year beginning on January 1, 2007, the calculation of a taxing
685 entity's certified tax rate, calculated in accordance with Section 59-2-924, shall be adjusted by
686 the amount necessary to offset any change in the certified tax rate that may result from
687 excluding the following from the certified tax rate under Subsection 59-2-924(3) enacted by the
688 Legislature during the 2007 General Session:

689 (a) personal property tax revenue:

690 (i) received by a taxing entity;

691 (ii) assessed by a county assessor in accordance with Part 3, County Assessment; and

692 (iii) for personal property that is semiconductor manufacturing equipment; or

693 (b) the taxable value of personal property:

694 (i) contained on the tax rolls of a taxing entity;

695 (ii) assessed by a county assessor in accordance with Part 3, County Assessment; and

696 (iii) that is semiconductor manufacturing equipment.

697 (8) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be
698 reduced for any year to the extent necessary to provide a community development and renewal
699 agency established under Title 17C, Limited Purpose Local Government Entities - Community
700 Development and Renewal Agencies, with approximately the same amount of money the
701 agency would have received without a reduction in the county's certified tax rate, calculated in
702 accordance with Section 59-2-924, if:

703 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or (3)(a);

704 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
705 previous year; and

706 (iii) the decrease results in a reduction of the amount to be paid to the agency under
707 Section 17C-1-403 or 17C-1-404.

708 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any
709 year to the extent necessary to provide a community development and renewal agency with
710 approximately the same amount of money as the agency would have received without an
711 increase in the certified tax rate that year if:

712 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to
713 a decrease in the certified tax rate under Subsection (2) or (3)(a); and

714 (ii) the certified tax rate of a city, school district, local district, or special service
715 district increases independent of the adjustment to the taxable value of the base year.

716 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),
717 the amount of money allocated and, when collected, paid each year to a community
718 development and renewal agency established under Title 17C, Limited Purpose Local
719 Government Entities - Community Development and Renewal Agencies, for the payment of
720 bonds or other contract indebtedness, but not for administrative costs, may not be less than that
721 amount would have been without a decrease in the certified tax rate under Subsection (2) or
722 (3)(a).

723 Section 14. **Repealer.**

724 This bill repeals:

725 Section **17-50-324, First class county may contract to provide law enforcement**
726 **service.**

Fiscal Note

**S.B. 131 2nd Sub. (Salmon) - Law Enforcement Service in Local Districts and
Interlocal Entities**

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
