

Representative John G. Mathis proposes the following substitute bill:

FEES IN SPECIAL SERVICE DISTRICTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John G. Mathis

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill prohibits a legislative body from delegating to an administrative control board of a special service district the power to establish or increase a fee.

Highlighted Provisions:

This bill:

- ▶ prohibits, in certain circumstances, a legislative body from delegating to an administrative control board of a special service district the power to establish or increase a fee.; and
- ▶ makes technical corrections.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17D-1-301, as last amended by Laws of Utah 2009, Chapter 356

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



26 Section 1. Section 17D-1-301 is amended to read:

27 **17D-1-301. Governance of a special service district -- Authority to create and**
28 **delegate authority to an administrative control board -- Limitations on authority to**
29 **delegate.**

30 (1) Each special service district shall be governed by the legislative body of the county
31 or municipality that creates the special service district, subject to any delegation under this
32 section of a right, power, or authority to an administrative control board.

33 (2) At the time a special service district is created or at any time thereafter, the
34 legislative body of a county or municipality that creates a special service district may, by
35 resolution or ordinance:

- 36 (a) create an administrative control board for the special service district; and
- 37 (b) subject to Subsection (3), delegate to the administrative control board the exercise
38 of any right, power, or authority that the legislative body possesses with respect to the
39 governance of the special service district.

40 (3) A county or municipal legislative body may not delegate to an administrative
41 control board of a special service district the power to:

- 42 (a) annex an area to an existing special service district or add a service within the area
43 of an existing special service district under Part 4, Annexing a New Area and Adding a New
44 Service;
- 45 (b) designate, under Section 17D-1-107, the classes of special service district contracts
46 that are subject to Title 11, Chapter 39, Building Improvements and Public Works Projects;
- 47 (c) levy a tax on the taxable property within the special service district;
- 48 (d) issue special service district bonds payable from taxes;
- 49 (e) call or hold an election for the authorization of a property tax or the issuance of
50 bonds;
- 51 (f) levy an assessment;
- 52 (g) unless all the members of the administrative control board are elected to the board,
53 establish or increase a fee;
- 54 [~~g~~] (h) issue interim warrants or bonds payable from an assessment; or
55 [~~h~~] (i) appoint a board of equalization under Section 11-42-403.
- 56 (4) (a) A county or municipal legislative body that has delegated a right, power, or

57 authority under this section to an administrative control board may at any time modify, limit, or
58 revoke any right, power, or authority delegated to the administrative control board.

59 (b) A modification, limitation, or revocation under Subsection (4)(a) does not affect the
60 validity of an action taken by an administrative control board before the modification,
61 limitation, or revocation.

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Fiscal Note

2010 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 or businesses. Local governments could experienced reduced fee revenue.
