

POLITICAL SUBDIVISIONS REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Eric K. Hutchings

LONG TITLE

General Description:

This bill enacts language related to political subdivisions.

Highlighted Provisions:

This bill:

- ▶ suspends certain township incorporation and township annexation procedures;
- ▶ requires a county of the first class to study the governance of, delivery of services to, and other issues related to the unincorporated county;
- ▶ amends provisions authorizing a county to provide municipal services;
- ▶ exempts the creation of a municipal services district from election requirements;
- ▶ amends provisions related to the withdrawal of an area from a local district;
- ▶ enacts the "Municipal Services District Act," including the following provisions:
 - definitions;
 - applicability of existing law;
 - additional district powers;
 - creation of a municipal services district;
 - board of trustees membership and powers;
 - exclusion of rural real property;
 - remittance of sales tax by certain municipalities; and
 - providing and sharing of funds;
- ▶ provides repeal dates; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **17-34-1**, as last amended by Laws of Utah 2003, Chapter 275

36 **17B-1-213**, as last amended by Laws of Utah 2013, Chapter 265

37 **17B-1-214**, as last amended by Laws of Utah 2013, Chapters 70 and 265

38 **17B-1-215**, as last amended by Laws of Utah 2013, Chapter 265

39 **17B-1-502**, as last amended by Laws of Utah 2013, Chapter 141

40 **63I-2-210**, as last amended by Laws of Utah 2009, Chapter 205

41 **63I-2-217**, as last amended by Laws of Utah 2012, Chapter 17

42 ENACTS:

43 **10-2-130**, Utah Code Annotated 1953

44 **17-15-30**, Utah Code Annotated 1953

45 **17B-2a-1101**, Utah Code Annotated 1953

46 **17B-2a-1102**, Utah Code Annotated 1953

47 **17B-2a-1103**, Utah Code Annotated 1953

48 **17B-2a-1104**, Utah Code Annotated 1953

49 **17B-2a-1105**, Utah Code Annotated 1953

50 **17B-2a-1106**, Utah Code Annotated 1953

51 **17B-2a-1107**, Utah Code Annotated 1953

52 **17B-2a-1108**, Utah Code Annotated 1953

53 **17B-2a-1109**, Utah Code Annotated 1953

54

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

56 Section 1. Section **10-2-130** is enacted to read:

57 **10-2-130. Suspension of township incorporation and annexation procedures on or**

58 after January 1, 2014 -- Exceptions.

59 (1) As used in this section:

60 (a) "Township incorporation procedure" means the following actions, the subject of
61 which includes an area located in whole or in part in a township:

62 (i) a request for incorporation described in Section 10-2-103;

63 (ii) a feasibility study described in Section 10-2-106;

64 (iii) a modified request and a supplemental feasibility study described in Section
65 10-2-107; or

66 (iv) an incorporation petition described in Section 10-2-109 that is not certified under
67 Section 10-2-110.

68 (b) "Township annexation procedure" means one or more of the following actions, the
69 subject of which includes an area located in whole or in part in a township:

70 (i) a petition to annex described in Section 10-2-403;

71 (ii) a feasibility study described in Section 10-2-413;

72 (iii) a modified annexation petition or supplemental feasibility study described in
73 Section 10-2-414;

74 (iv) a boundary commission decision described in Section 10-2-416; or

75 (v) any action described in Section 10-2-418 before the adoption of an ordinance to
76 approve annexation under Subsection 10-2-418(3)(b).

77 (2) (a) Except as provided in Subsections (3) and (4):

78 (i) if a request for incorporation described in Section 10-2-103 is filed with the clerk of
79 the county on or after January 1, 2014, a township incorporation procedure that is the subject of
80 or otherwise relates to that request is suspended until November 15, 2015; and

81 (ii) if a petition to annex described in Section 10-2-403 is filed with the city recorder or
82 town clerk on or after January 1, 2014, a township annexation procedure that is the subject of
83 or otherwise relates to that petition is suspended until November 15, 2015.

84 (b) (i) If a township incorporation procedure or township annexation procedure is
85 suspended under Subsection (2)(a), any applicable deadline or timeline is suspended before and

86 on November 15, 2015.

87 (ii) On November 16, 2015, the applicable deadline or timeline described in Subsection
88 (2)(b)(i):

89 (A) may proceed and the period of time during the suspension does not toll against that
90 deadline or timeline; and

91 (B) does not start over.

92 (3) Subsection (2) does not apply to a township annexation procedure that:

93 (a) includes any land area located in whole or in part in a township that is:

94 (i) 50 acres or more; and

95 (ii) primarily owned or controlled by a government entity; or

96 (b) is the subject of or otherwise relates to a petition to annex that is filed in accordance
97 with Subsection 10-2-403(3) before January 1, 2014.

98 (4) (a) For an incorporation petition suspended in accordance with Subsection (2), the
99 petition sponsors may continue to gather petition signatures and file them with the county clerk
100 as provided in Section 10-2-103.

101 (b) The county clerk shall process the petition in accordance with Section 10-2-105 and
102 may issue a certification or rejection of the petition as provided in Section 10-2-105.

103 (c) Notwithstanding any other provision of Chapter 2, Incorporation, Classification,
104 Boundaries, Consolidation, and Dissolution of Municipalities, any further processing,
105 including a feasibility study, public hearing, or an incorporation election, is suspended until
106 November 15, 2015.

107 Section 2. Section 17-15-30 is enacted to read:

108 **17-15-30. Unincorporated county and services study.**

109 No later than December 1, 2014, a county of the first class shall study the governance
110 of, delivery of services to, and other issues related to the unincorporated county.

111 Section 3. Section 17-34-1 is amended to read:

112 **17-34-1. Counties may provide municipal services -- Limitation -- First-class**
113 **counties to provide certain services -- Counties allowed to provide certain services in**

114 recreational areas.

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

116 (a) "Greater than class C radioactive waste" has the same meaning as in Section

117 19-3-303.

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

119 (c) "Municipal-type services" means:

120 (i) fire protection service;

121 (ii) waste and garbage collection and disposal;

122 (iii) planning and zoning;

123 (iv) street lighting;

124 (v) animal services;

125 (vi) storm drains;

126 (vii) traffic engineering;

127 (viii) code enforcement;

128 (ix) business licensing;

129 (x) building permits and inspections;

130 [~~v~~] (xi) in a county of the first class:

131 (A) advanced life support and paramedic services; and

132 (B) detective investigative services; and

133 [~~vi~~] (xii) all other services and functions that are required by law to be budgeted,

134 appropriated, and accounted for from a municipal services fund or a municipal capital projects

135 fund as defined under Chapter 36, Uniform Fiscal Procedures Act for Counties.

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

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

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

139 (2) A county may:

140 (a) provide municipal-type services to areas of the county outside the limits of cities

141 and towns without providing the same services to cities or towns; and

- 142 (b) fund those services by:
- 143 (i) levying a tax on taxable property in the county outside the limits of cities and towns;
- 144 [or]
- 145 (ii) charging a service charge or fee to persons benefitting from the municipal-type
- 146 services[-]; or
- 147 (iii) providing funds to a municipal services district in accordance with Section
- 148 [17B-2a-1109](#).
- 149 (3) A county may not:
- 150 (a) provide, contract to provide, or agree in any manner to provide municipal-type
- 151 services, as these services are defined in Section [19-3-303](#), to any area under consideration for
- 152 a storage facility or transfer facility for the placement of high-level nuclear waste, or greater
- 153 than class C radioactive waste; or
- 154 (b) seek to fund services for these facilities by:
- 155 (i) levying a tax; or
- 156 (ii) charging a service charge or fee to persons benefitting from the municipal-type
- 157 services.
- 158 (4) Each county of the first class shall provide to the area of the county outside the
- 159 limits of cities and towns:
- 160 (a) advanced life support and paramedic services; and
- 161 (b) detective investigative services.
- 162 (5) (a) A county may provide fire, paramedic, and police protection services in any area
- 163 of the county outside the limits of cities and towns that is designated as a recreational area in
- 164 accordance with the provisions of this Subsection (5).
- 165 (b) A county legislative body may designate any area of the county outside the limits of
- 166 cities and towns as a recreational area if:
- 167 (i) the area has fewer than 1,500 residents and is primarily used for recreational
- 168 purposes, including canyons, ski resorts, wilderness areas, lakes and reservoirs, campgrounds,
- 169 or picnic areas; and

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

172 (c) Fire, paramedic, and police protection services needed to primarily serve those
173 involved in the recreation activities in areas designated as recreational areas by the county
174 legislative body in accordance with Subsection (5)(b) may be funded from the county general
175 fund.

176 Section 4. Section **17B-1-213** is amended to read:

177 **17B-1-213. Protest after adoption of resolution -- Adoption of resolution**
178 **approving creation for certain districts.**

179 (1) For purposes of this section, "adequate protests" means protests that are:

180 (a) filed with the county clerk, municipal clerk or recorder, or local district secretary or
181 clerk, as the case may be, within 60 days after the last public hearing required under Section
182 [17B-1-210](#); and

183 (b) signed by:

184 (i) the owners of private real property that:

185 (A) is located within the proposed local district;

186 (B) covers at least 25% of the total private land area within the applicable area; and

187 (C) is equal in value to at least 15% of the value of all private real property within the
188 applicable area; or

189 (ii) registered voters residing within the applicable area equal in number to at least 25%
190 of the number of votes cast in the applicable area for the office of president of the United States
191 at the most recent election prior to the adoption of the resolution.

192 (2) An owner may withdraw a protest at any time before the expiration of the 60-day
193 period described in Subsection (1)(a).

194 (3) If adequate protests are filed, the governing body that adopted a resolution under
195 Subsection [17B-1-203](#)(1)(d) or (e):

196 (a) may not:

197 (i) hold or participate in an election under Subsection [17B-1-214](#)(1) with respect to the

198 applicable area;

199 (ii) take any further action under the protested resolution to create a local district or
200 include the applicable area in a local district; or

201 (iii) for a period of two years, adopt a resolution under Subsection 17B-1-203(1)(d) or
202 (e) proposing the creation of a local district including substantially the same area as the
203 applicable area and providing the same service as the proposed local district in the protested
204 resolution; and

205 (b) shall, within five days after receiving adequate protests, mail or deliver written
206 notification of the adequate protests to the responsible body.

207 (4) Subsection (3)(a) may not be construed to prevent an election from being held for a
208 proposed local district whose boundaries do not include an applicable area that is the subject of
209 adequate protests.

210 (5) (a) If adequate protests are not filed with respect to a resolution proposing the
211 creation of a local district for which an election is not required under Subsection
212 17B-1-214(3)(d), (e), ~~(f)~~ (f), or (g), a resolution approving the creation of the local district
213 may be adopted by:

214 (i) (A) the legislative body of a county whose unincorporated area is included within
215 the proposed local district; and

216 (B) the legislative body of a municipality whose area is included within the proposed
217 local district; or

218 (ii) the board of trustees of the initiating local district.

219 (b) Each resolution adopted under Subsection (5)(a) shall:

220 (i) describe the area included in the local district;

221 (ii) be accompanied by a map that shows the boundaries of the local district;

222 (iii) describe the service to be provided by the local district;

223 (iv) state the name of the local district; and

224 (v) provide a process for the appointment of the members of the initial board of
225 trustees.

226 Section 5. Section 17B-1-214 is amended to read:

227 **17B-1-214. Election -- Exceptions.**

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

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

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

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

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

241 (a) for an election pursuant to a property owner or registered voter petition, more than
242 45 days after certification of the petition under Subsection 17B-1-209(3)(a); or

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

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

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

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

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

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

253 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of

254 registered voters residing within the proposed local district as a whole and within each
255 applicable area, equal in number to at least 67% of the number of votes cast in the proposed
256 local district as a whole and in each applicable area, respectively, for the office of governor at
257 the last general election prior to the filing of the petition;

258 (c) a groundwater right owner petition filed under Subsection 17B-1-203(1)(c) if the
259 petition contains the signatures of the owners of groundwater rights that:

260 (i) are diverted within the proposed local district; and

261 (ii) cover at least 67% of the total amount of groundwater diverted in accordance with
262 groundwater rights within the proposed local district as a whole and within each applicable
263 area;

264 (d) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 5, 2003,
265 that proposes the creation of a local district to provide fire protection, paramedic, and
266 emergency services or law enforcement service, if the proposed local district includes the
267 unincorporated area, whether in whole or in part, of one or more counties;

268 (e) a resolution adopted under Subsection 17B-1-203(1)(d) or (e) if the resolution
269 proposes the creation of a local district that has no registered voters within its boundaries; [or]

270 (f) a resolution adopted under Subsection 17B-1-203(1)(d) on or after May 11, 2010,
271 that proposes the creation of a local district described in Subsection 17B-1-202(1)(a)(xiii)[-]; or

272 (g) a resolution adopted under Section 17B-2a-1105 to create a municipal services
273 district.

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

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

281 (c) Except as otherwise provided in this part, each election under Subsection (1) shall

282 be governed by Title 20A, Election Code.

283 Section 6. Section 17B-1-215 is amended to read:

284 **17B-1-215. Notice and plat to lieutenant governor -- Recording requirements --**
285 **Certificate of incorporation -- Local district incorporated as specialized local district or**
286 **basic local district -- Effective date.**

287 (1) (a) Within the time specified in Subsection (1)(b), the responsible body shall file
288 with the lieutenant governor:

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

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

292 (b) The responsible body shall file the documents listed in Subsection (1)(a) with the
293 lieutenant governor within 10 days after:

294 (i) the canvass of an election under Section 17B-1-214, if a majority of those voting at
295 the election within the proposed local district as a whole vote in favor of the creation of a local
296 district;

297 (ii) certification of a petition as to which the election requirement of Subsection
298 17B-1-214(1) does not apply because of Subsection 17B-1-214(3)(a), (b), or (c); or

299 (iii) adoption of a resolution, under Subsection 17B-1-213(5) approving the creation of
300 a local district for which an election was not required under Subsection 17B-1-214(3)(d), (e),
301 [~~or~~] (f), or (g) by the legislative body of each county whose unincorporated area is included
302 within and the legislative body of each municipality whose area is included within the proposed
303 local district, or by the board of trustees of the initiating local district.

304 (2) Upon the lieutenant governor's issuance of a certificate of incorporation under
305 Section 67-1a-6.5, the responsible body shall:

306 (a) if the local district is located within the boundary of a single county, submit to the
307 recorder of that county:

308 (i) the original:

309 (A) notice of an impending boundary action;

- 310 (B) certificate of incorporation; and
- 311 (C) approved final local entity plat; and
- 312 (ii) if applicable, a certified copy of each resolution adopted under Subsection
- 313 17B-1-213(5); or
- 314 (b) if the local district is located within the boundaries of more than a single county:
- 315 (i) submit to the recorder of one of those counties:
- 316 (A) the original of the documents listed in Subsections (2)(a)(i)(A), (B), and (C); and
- 317 (B) if applicable, a certified copy of each resolution adopted under Subsection
- 318 17B-1-213(5); and
- 319 (ii) submit to the recorder of each other county:
- 320 (A) a certified copy of the documents listed in Subsection (2)(a)(i)(A), (B), and (C);
- 321 and
- 322 (B) if applicable, a certified copy of each resolution adopted under Subsection
- 323 17B-1-213(5).
- 324 (3) The area of each local district consists of:
- 325 (a) if an election was held under Section 17B-1-214, the area of the new local district
- 326 as approved at the election;
- 327 (b) if an election was not required because of Subsection 17B-1-214(3)(a), (b), or (c),
- 328 the area of the proposed local district as described in the petition; or
- 329 (c) if an election was not required because of Subsection 17B-1-214(3)(d), (e), [~~or~~] (f),
- 330 or (g), the area of the new local district as described in the resolution adopted under Subsection
- 331 17B-1-213(5).
- 332 (4) (a) Upon the lieutenant governor's issuance of the certificate of incorporation under
- 333 Section 67-1a-6.5, the local district is created and incorporated as:
- 334 (i) the type of specialized local district that was specified in the petition under
- 335 Subsection 17B-1-203(1)(a), (b), or (c) or resolution under Subsection 17B-1-203(1)(d) or (e),
- 336 if the petition or resolution proposed the creation of a specialized local district; or
- 337 (ii) a basic local district, if the petition or resolution did not propose the creation of a

338 specialized local district.

339 (b) (i) The effective date of a local district's incorporation for purposes of assessing
340 property within the local district is governed by Section 59-2-305.5.

341 (ii) Until the documents listed in Subsection (2) are recorded in the office of the
342 recorder of each county in which the property is located, a newly incorporated local district
343 may not:

- 344 (A) levy or collect a property tax on property within the local district;
- 345 (B) levy or collect an assessment on property within the local district; or
- 346 (C) charge or collect a fee for service provided to property within the local district.

347 Section 7. Section 17B-1-502 is amended to read:

348 **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**
349 **certain circumstances.**

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

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

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

360 (i) the local district provides:

- 361 (A) fire protection, paramedic, and emergency services; or
- 362 (B) law enforcement service;

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

365 (iii) before annexation or boundary adjustment, the boundaries of the local district do

366 not include any of the annexing municipality.

367 (b) The effective date of a withdrawal under this Subsection (2) is governed by
368 Subsection [17B-1-512\(2\)\(b\)](#).

369 (3) (a) ~~Am~~ Except as provided in Subsection (3)(c), an area within the boundaries of a
370 local district located in a county of the first class is automatically withdrawn from the local
371 district by the incorporation of a municipality whose boundaries include the area if:

372 (i) the local district provides:

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

374 (B) law enforcement service; or

375 (C) municipal services, as defined in Section [17B-2a-1102](#);

376 (ii) an election for the creation of the local district was not required because of
377 Subsection [17B-1-214\(3\)\(d\)](#); and

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

379 (A) adopts a resolution no later than 180 days after the effective date of incorporation
380 approving the withdrawal that includes the legal description of the area to be withdrawn; and

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

382 (b) The effective date of a withdrawal under this Subsection (3) is governed by
383 Subsection [17B-1-512\(2\)\(a\)](#).

384 (c) Section [17B-1-505](#) shall govern the withdrawal of an incorporated area within a
385 county of the first class if:

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

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

388 (B) law enforcement service; and

389 (ii) an election for the creation of the local district was not required under Subsection
390 [17B-1-214\(3\)\(d\)](#).

391 Section 8. Section **17B-2a-1101** is enacted to read:

392 **Part 11. Municipal Services District Act**

393 **17B-2a-1101. Title.**

394 This part is known as the "Municipal Services District Act."

395 Section 9. Section **17B-2a-1102** is enacted to read:

396 **17B-2a-1102. Definitions.**

397 As used in this part, "municipal services" means:

398 (1) one or more of the services identified in Section [17-34-1](#) or [17-36-3](#); and

399 (2) any other municipal-type service provided in the district that is in the interest of the
400 district.

401 Section 10. Section **17B-2a-1103** is enacted to read:

402 **17B-2a-1103. Limited to counties of the first class -- Provisions applicable to**
403 **municipal services districts.**

404 (1) (a) A municipal services district may be created only in unincorporated areas in a
405 county of the first class.

406 (b) Notwithstanding Subsection (1)(a) and subject to Subsection (1)(c), after the initial
407 creation of a municipal services district, an area may be annexed into the municipal services
408 district in accordance with Chapter 1, Part 4, Annexation, whether that area is unincorporated
409 or incorporated.

410 (c) An area annexed under Subsection (1)(b) may not be located outside of the
411 originating county of the first class.

412 (2) Each municipal services district is governed by the powers stated in:

413 (a) this part; and

414 (b) Chapter 1, Provisions Applicable to All Local Districts.

415 (3) This part applies only to a municipal services district.

416 (4) A municipal services district is not subject to the provisions of any other part of this
417 chapter.

418 (5) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
419 Local Districts, and a provision in this part, the provisions in this part govern.

420 Section 11. Section **17B-2a-1104** is enacted to read:

421 **17B-2a-1104. Additional municipal services district powers.**

422 In addition to the powers conferred on a municipal services district under Section
423 17B-1-103, a municipal services district may:

424 (1) notwithstanding Subsection 17B-1-202(3), provide one or multiple municipal
425 services; and

426 (2) issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds,
427 to carry out the purposes of the district.

428 Section 12. Section **17B-2a-1105** is enacted to read:

429 **17B-2a-1105. Creation of municipal services district.**

430 (1) Notwithstanding any other provision of law, the process to create a municipal
431 services district is initiated by a resolution proposing the creation of the municipal services
432 district, adopted by the legislative body of the county whose unincorporated area includes any
433 of the proposed municipal services district.

434 (2) The resolution described in Subsection (1) shall comply, as applicable, with the
435 provisions of Subsection 17B-1-203(2)(a).

436 (3) The legislative body shall comply with the requirements of Sections 17B-1-210
437 through 17B-1-212.

438 Section 13. Section **17B-2a-1106** is enacted to read:

439 **17B-2a-1106. Municipal services district board of trustees -- Governance.**

440 (1) Except as provided in Subsection (2), and notwithstanding any other provision of
441 law regarding the membership of a local district board of trustees, the initial board of trustees
442 of a municipal services district shall consist of the county legislative body.

443 (2) (a) Notwithstanding any provision of law regarding the membership of a local
444 district board of trustees or the governance of a local district, if a municipal services district is
445 created in a county of the first class with the county executive-council form of government, the
446 initial governance of the municipal services district is as follows:

447 (i) subject to Subsection (2)(b), the county council is the municipal services district
448 board of trustees; and

449 (ii) subject to Subsection (2)(c), the county executive is the executive of the municipal

450 services district.

451 (b) Notwithstanding any other provision of law, the board of trustees of a municipal
452 services district described in Subsection (2)(a) shall:

453 (i) act as the legislative body of the district; and

454 (ii) exercise legislative branch powers and responsibilities established for county
455 legislative bodies in:

456 (A) Title 17, Counties; and

457 (B) an optional plan, as defined in Section [17-52-101](#), adopted for a county
458 executive-council form of county government as described in Section [17-52-504](#).

459 (c) Notwithstanding any other provision of law, in a municipal services district
460 described in Subsection (2)(a), the executive of the district shall:

461 (i) act as the executive of the district; and

462 (ii) exercise executive branch powers and responsibilities established for a county
463 executive in:

464 (A) Title 17, Counties; and

465 (B) an optional plan, as defined in Section [17-52-101](#), adopted for a county
466 executive-council form of county government as described in Section [17-52-504](#).

467 (3) If, after the initial creation of a municipal services district, an area within the
468 district is incorporated as a municipality and the area is not withdrawn from the district in
469 accordance with Section [17B-1-502](#), or an area within a municipality is annexed into the
470 municipal services district in accordance with Section [17B-2a-1103](#):

471 (a) the district's board of trustees shall include a member of that municipality's
472 governing body; and

473 (b) the member described in Subsection (3)(a) shall be:

474 (i) designated by the municipality; and

475 (ii) a member with powers and duties of other board of trustees members as described
476 in Subsection (2)(b).

477 (4) The board may adopt a resolution providing for future board members to be

478 appointed, as provided in Section [17B-1-304](#), or elected, as provided in Section [17B-1-306](#).

479 (5) (a) Notwithstanding Subsections [17B-1-309](#)(1) or [17B-1-310](#)(1), the board of
480 trustees may adopt a resolution to determine the internal governance of the board.

481 (b) A resolution adopted under Subsection (5)(a) may not alter or impair the board of
482 trustees' duties, powers, or responsibilities described in Subsection (2)(b) or the executive's
483 duties, powers, or responsibilities described in Subsection (2)(c).

484 Section 14. Section **17B-2a-1107** is enacted to read:

485 **17B-2a-1107. Exclusion of rural real property.**

486 (1) As used in this section, "rural real property" means an area:

487 (a) zoned primarily for manufacturing, commercial, or agricultural purposes; and

488 (b) that does not include residential units with a density greater than one unit per acre.

489 (2) Unless an owner gives written consent, rural real property may not be included in a
490 municipal services district if the rural real property:

491 (a) consists of 1,500 or more contiguous acres of rural real property consisting of one
492 or more tax parcels;

493 (b) is not contiguous to but is used in connection with rural real property that consists
494 of 1,500 acres or more contiguous acres of real property consisting of one or more tax parcels;

495 (c) is owned, managed, or controlled by a person, company, or association, including a
496 parent, subsidiary, or affiliate related to the owner of 1,500 or more contiguous acres of rural
497 real property consisting of one or more tax parcels; or

498 (d) is located in whole or in part in one of the following as defined in Section
499 [17-41-101](#):

500 (i) an agricultural protection area;

501 (ii) a mining protection area; or

502 (iii) an industrial protection area.

503 Section 15. Section **17B-2a-1108** is enacted to read:

504 **17B-2a-1108. Municipality required to remit local option sales and use tax.**

505 (1) If, after incorporation, a municipal legislative body of a municipality located in

506 whole or in part within a municipal services district does not adopt and deliver a resolution to
507 withdraw in accordance with Subsection 17B-1-502(3)(a)(iii), the municipality shall remit to
508 the municipal services district an amount equal to the amount the municipality receives under
509 Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act.

510 (2) For purposes of Subsection (1), the amount a municipality is required to remit to a
511 municipal services district is an amount:

512 (a) determined after subtracting amounts required under Title 59, Chapter 12, Part 2,
513 Local Sales and Use Tax Act, to be deducted from the amount a municipality would otherwise
514 receive under Title 59, Chapter 12, Part 2, Local Sales and Use Tax Act; and

515 (b) representative of only those taxes collected in the area of the municipality that is
516 also located within the municipal services district.

517 Section 16. Section **17B-2a-1109** is enacted to read:

518 **17B-2a-1109. Counties and municipalities authorized to provide funds to a**
519 **municipal services district.**

520 A county, or, subject to Section 17B-2a-1108, a municipality involved in the
521 establishment and operation of a municipal services district may fund the operation and
522 maintenance of the district through the sharing of sales tax revenue for district purposes.

523 Section 17. Section **63I-2-210** is amended to read:

524 **63I-2-210. Repeal dates -- Title 10.**

525 (1) Section 10-2-130 is repealed July 1, 2016.

526 (2) Subsection 10-9a-305(2) is repealed July 1, 2013.

527 Section 18. Section **63I-2-217** is amended to read:

528 **63I-2-217. Repeal dates -- Title 17.**

529 (1) Subsection 17-8-7(2), the language that states "Sections 17-19-1 to 17-19-28 and"
530 and ", as applicable," is repealed January 1, 2015.

531 (2) Section 17-15-30 is repealed July 1, 2015.

532 ~~[(2)]~~ (3) Title 17, Chapter 19, County Auditor, is repealed January 1, 2015.

533 ~~[(3)]~~ (4) Subsection 17-24-1(4)(b), the language that states ", as applicable, Sections

534 17-19-1, 17-19-3, and 17-19-5 or" is repealed January 1, 2015.

535 [~~4~~] (5) Subsection 17-24-4(2), the language that states ", as applicable, Subsection
536 17-19-3(3)(b) or" is repealed January 1, 2015.

537 [~~5~~] (6) Subsection 17-27a-305(2) is repealed July 1, 2013.

538 [~~6~~] (7) (a) Subsection 17-36-3(5)(a), the language that states "for a county of the
539 second, third, fourth, fifth, or sixth class, the county auditor, county clerk, or county executive
540 as provided in Subsection 17-19-19(1); or" is repealed January 1, 2015.

541 (b) Subsection 17-36-3(5)(b), the language that states "for a county of the first class," is
542 repealed January 1, 2015.

543 (c) Subsection 17-36-3(7), the language that states "17-19-3," and ", or 17-24-1.1, as
544 applicable" is repealed January 1, 2015.

545 [~~7~~] (8) Subsection 17-36-9(1)(a)(iii), the language that states "17-36-10.1, as
546 applicable, or" is repealed January 1, 2015.

547 [~~8~~] (9) Subsection 17-36-10(1), the language that states the following is repealed
548 January 1, 2015:

549 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
550 sixth class is not subject to the provisions of this section; and

551 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
552 is subject to the provisions of this section."

553 [~~9~~] (10) Section 17-36-10.1 is repealed January 1, 2015.

554 [~~10~~] (11) Subsection 17-36-11(1), the language that states the following is repealed
555 January 1, 2015:

556 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
557 sixth class is not subject to the provisions of this section; and

558 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
559 is subject to the provisions of this section."

560 [~~11~~] (12) Section 17-36-11.1 is repealed January 1, 2015.

561 [~~12~~] (13) Subsection 17-36-15(1), the language that states the following is repealed

562 January 1, 2015:

563 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
564 sixth class is not subject to the provisions of this section; and

565 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
566 is subject to the provisions of this section."

567 [~~(13)~~] (14) Section 17-36-15.1 is repealed January 1, 2015.

568 [~~(14)~~] (15) Subsection 17-36-20(1), the language that states the following is repealed
569 January 1, 2015:

570 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
571 sixth class is not subject to the provisions of this section; and

572 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
573 is subject to the provisions of this section."

574 [~~(15)~~] (16) Section 17-36-20.1 is repealed January 1, 2015.

575 [~~(16)~~] (17) Subsection 17-36-32(4), the language that states "or 17-36-20.1, as
576 applicable, and" is repealed January 1, 2015.

577 [~~(17)~~] (18) Subsection 17-36-43(1), the language that states the following is repealed
578 January 1, 2015:

579 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
580 sixth class is not subject to the provisions of this section; and

581 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
582 is subject to the provisions of this section."

583 [~~(18)~~] (19) Section 17-36-43.1 is repealed January 1, 2015.

584 [~~(19)~~] (20) Section 17-36-44, the language that states "or 17-36-43.1, as applicable" is
585 repealed January 1, 2015.

586 [~~(20)~~] (21) Subsection 17-50-401(1), the language that states the following is repealed
587 January 1, 2015:

588 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
589 sixth class is not subject to the provisions of this section; and

590 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
591 is subject to the provisions of this section."

592 [~~(21)~~] (22) Section 17-50-401.1 is repealed January 1, 2015.

593 [~~(22)~~] (23) Subsection 17-52-101(2), the language that states "or 17-52-401.1, as
594 applicable" is repealed January 1, 2015.

595 [~~(23)~~] (24) Subsection 17-52-401(1), the language that states the following is repealed
596 January 1, 2015:

597 "(1)(a) On or before December 31, 2014, a county of the second, third, fourth, fifth, or
598 sixth class is not subject to the provisions of this section; and

599 (b) on or after January 1, 2015, a county of the second, third, fourth, fifth, or sixth class
600 is subject to the provisions of this section."

601 [~~(24)~~] (25) Section 17-52-401.1 is repealed January 1, 2015.

602 [~~(25)~~] (26) Subsection 17-52-403(1)(a), the language that states "or 17-52-401.1(2)(c),
603 as applicable" is repealed January 1, 2015.

604 [~~(26)~~] (27) On January 1, 2015, when making the changes in this section, the Office of
605 Legislative Research and General Counsel shall:

606 (a) in addition to its authority under Subsection 36-12-12(3), make corrections
607 necessary to ensure that sections and subsections identified in this section are complete
608 sentences and accurately reflect the office's perception of the Legislature's intent; and

609 (b) identify the text of the affected sections and subsections based upon the section and
610 subsection numbers used in Laws of Utah 2012, Chapter 17.