

1 **WATER CONSERVANCY DISTRICTS TAXING**

2 **AUTHORITY**

3 1998 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Michael G. Waddoups**

6 AN ACT RELATING TO SPECIAL DISTRICTS; MODIFYING THE TAX LEVY LIMIT FOR
7 CERTAIN WATER CONSERVANCY DISTRICTS; PROVIDING AN EXCEPTION TO THE
8 MAXIMUM LEVY; REPEALING AUTHORIZATION TO IMPOSE ADDITIONAL TAXES
9 AND ASSESSMENTS; AND MAKING TECHNICAL CORRECTIONS.

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

11 AMENDS:

12 **17A-2-1423**, as last amended by Chapter 227, Laws of Utah 1993

13 REPEALS:

14 **17A-2-1427**, as renumbered and amended by Chapter 186, Laws of Utah 1990

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

16 Section 1. Section **17A-2-1423** is amended to read:

17 **17A-2-1423. Levy and collection of taxes under class A -- Rate of levy.**

18 (1) To levy and collect taxes under class A as provided in this part, the board shall
19 annually:

20 (a) determine the amount of money necessary to be raised by taxation, taking into
21 consideration other sources of revenue of the district; and

22 (b) fix a rate of levy which when levied upon every dollar of taxable value of property
23 within the district, and with other revenues, will raise the amount required by the district to supply
24 funds for:

25 (i) expenses of organization;

26 (ii) surveys and plans;

27 (iii) the cost of construction; and

(iv) operating and maintaining the works of the district.

(2) (a) The rate of levy shall not exceed .0001 per dollar of taxable value of taxable property within the district, prior to the commencement of construction of the works, and thereafter shall not exceed .0002 per dollar of taxable value of taxable property within the district except:

[~~(a)~~] (i) in districts to be served by water apportioned by the Colorado River Compact to the Lower Basin, the levy after commencement of construction of the works may be increased to a maximum of .001 per dollar of taxable value of taxable property within the district; and

[~~(b)~~] (ii) in districts to be served under a contract, a water appropriation, a water allotment, or otherwise by water apportioned by the Colorado River Compact to the Upper Basin, the levy after commencement of construction of the works may be increased to a maximum of [~~.0004~~] .0003 per dollar of taxable value of taxable property within the district[~~;~~and], except as provided in Subsection (2)(b).

[~~(c)~~ in the event of accruing defaults or deficiencies an additional levy may be made in any district as provided in Section 17A-2-1427.]

(b) If a district described in Subsection (2)(a)(ii) has, before May 4, 1998, issued general obligation bonds dependent for the payment of their principal or interest upon a levy by the district exceeding the maximum levy under Subsection (2)(a)(ii), the district may continue to exceed the maximum levy in the amount and for the period of time necessary to prevent a default in payment of the bonds that would result if the levy were reduced to the maximum levy under Subsection (2)(a)(ii).

(3) The board shall, before June 22 of each year, certify to the county legislative body of each county within the district or having a portion of its territory within the district, the rate fixed with directions that at the time and in the manner required by law for levying of taxes for county purposes, the county legislative body shall levy the tax upon the taxable value of all property within the district, in addition to any other taxes as may be levied by the county legislative body at the rate so fixed and determined.

Section 2. Repealer.

This act repeals:

Section 17A-2-1427, Additional taxes and assessments to pay deficiencies.

Legislative Review Note
as of 12-18-97 8:20 AM

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

Office of Legislative Research and General Counsel