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AMENDMENTS TO SPECIAL DISTRICTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: R. Mont Evans

AN ACT RELATING TO SPECIAL DISTRICTS; REQUIRING SPECIAL DISTRICT BOARDS TO HOLD A PUBLIC HEARING BEFORE IMPOSING OR MODIFYING A FEE; REQUIRING NEWLY CREATED SPECIAL DISTRICTS TO NOTIFY STATE AUDITOR; REQUIRING STATE AUDITOR TO KEEP LIST OF SPECIAL DISTRICTS; AND REQUIRING SPECIAL DISTRICTS TO DELIVER PROOF OF LIABILITY INSURANCE.

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

ENACTS:

17A-1-448, Utah Code Annotated 1953

17A-1-504, Utah Code Annotated 1953

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

Section 1. Section **17A-1-448** is enacted to read:

17A-1-448. Imposing or increasing a fee for service provided by special district.

(1) Before imposing a new fee or increasing an existing fee for a service provided by a special district, each special district board shall first hold a public hearing at which any interested person may speak for or against the proposal to impose a fee or to increase an existing fee.

(2) (a) Each special district board shall give reasonable notice of a hearing under Subsection (1) at least 14 days before the date of the hearing.

(b) A special district board meets the requirement of reasonable notice under Subsection (2)(a) if it:

(i) posts notice of the hearing in at least three public places within the boundaries of the special district and publishes notice of the hearing in a newspaper of general circulation within the special district, if there is a newspaper of general circulation; or

(ii) gives actual notice of the hearing.

1 (c) Proof that notice was given as provided in Subsection (2)(b)(i) or (ii) is prima facie
2 evidence that notice was properly given.

3 (d) If no challenge is made to the notice given of a hearing required by Subsection (1)
4 within 30 days after the date of the hearing, the notice is considered adequate and proper.

5 (3) After holding a public hearing under Subsection (1), a special district board may:

6 (a) impose the new fee or increase the existing fee as proposed;

7 (b) adjust the amount of the proposed new fee or the increase of the existing fee and then
8 impose the new fee or increase the existing fee as adjusted; or

9 (c) decline to impose the new fee or increase the existing fee.

10 (4) This section applies to each new fee imposed and each increase of an existing fee that
11 occurs on or after July 1, 1998.

12 Section 2. Section **17A-1-504** is enacted to read:

13 **17A-1-504. Notice to state auditor -- Proof of liability insurance.**

14 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), the legislative body of each county,
15 city, or town that creates a special district after May 4, 1998, shall, within 60 days of the special
16 district's creation, deliver written notification of the creation to the state auditor.

17 (ii) Notwithstanding Subsection (1)(a)(i), each special district created after May 4, 1998,
18 shall, within 60 days of its creation, deliver written notification of its creation to the state auditor,
19 if the special district was created by other than a county, city, or town.

20 (b) The state auditor shall maintain a list of all special districts in the state.

21 (2) Each special district with an annual operating budget of at least \$50,000 shall, upon
22 request from the state auditor, deliver written proof to the state auditor that the special district has
23 obtained liability insurance as considered appropriate by the special district board.

Legislative Review Note
as of 12-15-97 3:59 PM

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

Office of Legislative Research and General Counsel