

28 Commission; and

29 ~~[(v)]~~ (E) services that emulate functions available in customer premises equipment.

30 (b) "Local charge" means one or more of the following charges paid by a public service
 31 provider to a county or municipality:

32 (i) a tax;

33 (ii) a license;

34 (iii) a fee;

35 (iv) a license fee;

36 (v) a license tax; or

37 (vi) a charge similar to Subsections (1)(b)(i) through (v).

38 (c) "Public service provider" means:

39 (i) a public utility; or

40 (ii) a person or entity engaged in the business of supplying:

41 (A) telephone service; or

42 (B) taxable energy as defined in Section 10-1-303.

43 ~~(2) [Counties and municipalities] A county or a municipality may not impose upon,~~
 44 ~~charge, or collect from a public [utility or other person or entity engaged in the business of~~
 45 ~~supplying telephone service, or taxable energy, any tax, license, fee, license fee, license tax, or~~
 46 ~~similar charge, or any combination of any of these, based upon] service provider local charges:~~

47 (a) imposed on the basis of the gross revenues of the [utility, person, or entity] public
 48 service provider;

49 (b) derived from sales [or], use, or both sales and use of the service within the county or
 50 municipality[, which charges total more]; and

51 (c) in a total amount that is greater than 6% of gross revenues.

52 (3) The determination of gross revenues under this section may not include:

53 (a) the sale of gas or electricity as special fuel for motor vehicles; [or]

54 (b) the sale of telephone service provided by a public utility regulated by the Utah Public

55 Service Commission other than:

56 (i) exchange access services;

57 (ii) extended area service;

58 (iii) customer access line charges; and

59 (iv) any services for which a tax or other charge was being paid pursuant to this section
60 as of January 1, 1992[-]; or

61 (c) a local charge.

62 (4) This section may not be construed to:

63 (a) affect or limit the power of counties or municipalities to impose sales and use taxes
64 under Title 59, Chapter 12, Part 2, The Local Sales and Use Tax Act, or Title 10, Chapter 1, Part
65 3, Municipal Energy Sales and Use Tax Act; or

66 (b) grant any county or municipality the power to impose a [~~tax, license, fee, license fee,~~
67 ~~license tax, or similar~~] local charge not otherwise provided for by law.

68 (5) This section takes precedence over any conflicting provision of law.

69 Section 2. Section **11-26-3** is amended to read:

70 **11-26-3. Local charge on certain revenues of public utility or telephone service**

71 **suppliers -- Notice and hearing requirements.**

72 (1) If a municipality seeks to [~~levy~~] impose a new [~~tax or other~~] local charge, or to change
73 an existing [~~tax or other~~] local charge, on the gross revenues of a public [~~utilities~~] utility or other
74 [~~entities~~] entity providing telephone service, [~~which tax or charge~~] and the local charge would
75 apply to extended area service or to customer access line charges, the municipality shall advertise
76 its intention to do so and hold a public hearing on the proposed ordinance.

77 (2) The advertisement under Subsection (1) shall meet the same size, type, placement, and
78 frequency requirements as provided for notices of property tax certified tax rate increases in
79 Section 59-2-919.

Legislative Review Note

as of 2-2-00 5:47 PM

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

Office of Legislative Research and General Counsel