

1 **PUBLIC TRANSIT DISTRICTS ANNEXATION**

2 **AMENDMENTS**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David N. Cox**

6 **This act modifies provisions relating to Limited Purpose Local Government Entities and**
7 **to Revenue and Taxation. The act requires voter approval of an annexation to a local**
8 **district in which the counties, cities, and towns impose a sales and use tax for transit**
9 **district purposes and clarifies that the election approving the annexation and imposition**
10 **of the sales and use tax satisfies the voter approval requirement for imposition of the**
11 **sales and use tax. The act makes technical changes.**

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

13 AMENDS:

14 **17B-2-510**, as enacted by Chapter 90, Laws of Utah 2001

15 **17B-2-512**, as enacted by Chapter 90, Laws of Utah 2001

16 **59-12-501**, as last amended by Chapter 253, Laws of Utah 2000

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

18 Section 1. Section **17B-2-510** is amended to read:

19 **17B-2-510. Notice of public hearing.**

20 (1) Before holding a public hearing required under Section 17B-2-509, the board of
21 trustees of each proposed annexing local district shall:

22 (a) mail notice of the public hearing and the proposed annexation to:

23 (i) if the local district is funded predominantly by revenues from a property tax, each
24 owner of private real property located within the area proposed to be annexed, as shown upon
25 the county assessment roll last equalized as of the previous December 31; or

26 (ii) if the local district is not funded predominantly by revenues from a property tax,
27 each registered voter residing within the area proposed to be annexed, as determined by the



28 voter registration list maintained by the county clerk as of a date selected by the board of
29 trustees that is at least 20 but not more than 60 days before the public hearing; and

30 (b) post notice of the public hearing and the proposed annexation in at least four
31 conspicuous places within the area proposed to be annexed, no less than ten and no more than
32 30 days before the public hearing.

33 (2) Each notice required under Subsection (1) shall:

34 (a) describe the area proposed to be annexed;

35 (b) identify the proposed annexing local district;

36 (c) state the date, time, and location of the public hearing;

37 (d) provide a local district telephone number where additional information about the
38 proposed annexation may be obtained; ~~and~~

39 (e) specify the estimated financial impact, in terms of taxes and fees, upon the typical
40 resident and upon the typical property owner within the area proposed to be annexed if the
41 proposed annexation is completed; and

42 ~~[(e)]~~ (f) except for a proposed annexation under a petition that meets the requirements
43 of Subsection 17B-2-513(1), explain that property owners and registered voters within the area
44 proposed to be annexed may protest the annexation by filing a written protest with the local
45 district board of trustees within 30 days after the public hearing.

46 Section 2. Section **17B-2-512** is amended to read:

47 **17B-2-512. Protests -- Election.**

48 (1) (a) ~~[Except as provided in Section 17B-2-513 and except for an annexation under~~
49 ~~Section 17B-2-515, an] An~~ owner of private real property located within or a registered voter
50 residing within an area proposed to be annexed may protest an annexation by filing a written
51 protest with the board of trustees of the proposed annexing local district~~[-], except:~~

52 (i) as provided in Section 17B-2-513;

53 (ii) for an annexation under Section 17B-2-515; and

54 (iii) for an annexation proposed by a local district that receives sales and use tax funds
55 from the counties, cities, and towns within the local district that impose a sales and use tax
56 under Section 59-12-501.

57 (b) A protest of a boundary adjustment is not governed by this section but is governed
58 by Section 17B-2-516.

59 (2) Each protest under Subsection (1)(a) shall be filed within 30 days after the date of
60 the public hearing under Section 17B-2-509.

61 (3) (a) Except as provided in Subsection (4), the local district shall hold an election on
62 the proposed annexation if:

63 (i) timely protests are filed by:

64 ~~[(i)]~~ (A) the owners of private real property that:

65 ~~[(A)]~~ (I) is located within the area proposed to be annexed;

66 ~~[(B)]~~ (II) covers at least 10% of the total private land area within the entire area

67 proposed to be annexed and within each applicable area; and

68 ~~[(C)]~~ (III) is equal in assessed value to at least 10% of the assessed value of all private
69 real property within the entire area proposed to be annexed and within each applicable area; or

70 ~~[(ii)]~~ (B) registered voters residing within the entire area proposed to be annexed and
71 within each applicable area equal in number to at least 10% of the number of votes cast within
72 the entire area proposed for annexation and within each applicable area, respectively, for the
73 office of governor at the last regular general election before the filing of the petition[-]; or

74 (ii) the proposed annexing local district is one that receives sales and use tax funds
75 from the counties, cities, and towns within the local district that impose a sales and use tax
76 under Section 59-12-501.

77 (b) (i) At each election held under Subsection (3)(a)(ii), the ballot question shall be
78 phrased to indicate that a voter's casting a vote for or against the annexation includes also a
79 vote for or against the imposition of the sales and use tax as provided in Section 59-12-501.

80 ~~[(b)]~~ (ii) Except as otherwise provided in this part, each election under Subsection
81 (3)(a) shall be governed by Title 20A, Election Code.

82 (c) If a majority of registered voters residing within the area proposed to be annexed
83 and voting on the proposal vote:

84 (i) in favor of annexation, the board of trustees shall, subject to Subsections
85 17B-2-514(1)(b), (2), and (3), complete the annexation by adopting a resolution annexing the
86 area; or

87 (ii) against annexation, the annexation process is terminated, the board may not adopt a
88 resolution annexing the area, and the area proposed to be annexed may not for two years be the
89 subject of an effort under this part to annex to the same local district.

90 (4) If sufficient protests are filed under this section to require an election for a
91 proposed annexation to which the protest provisions of this section are applicable, a board of
92 trustees may, notwithstanding Subsection (3), adopt a resolution rejecting the annexation and
93 terminating the annexation process without holding an election.

94 Section 3. Section **59-12-501** is amended to read:

95 **59-12-501. Public transit tax -- Base -- Rate -- Voter approval.**

96 (1) (a) (i) Except as provided in Subsection (1)(a)(ii), in addition to other sales and use
97 taxes, any county, city, or town within a transit district organized under Title 17A, Chapter 2,
98 Part 10, Utah Public Transit District Act, may impose a sales and use tax of 1/4 of 1% on the
99 transactions described in Subsection 59-12-103(1), to fund a public transportation system.

100 (ii) Notwithstanding Subsection (1)(a)(i), a county, city, or town may not impose a tax
101 under this section on:

102 (A) the sales and uses described in Section 59-12-104 to the extent the sales and uses
103 are exempt from taxation under Section 59-12-104; and

104 (B) any amounts paid or charged by a vendor that collects a tax under Subsection
105 59-12-107(1)(b).

106 (b) (i) A county, city, or town may impose a tax under this section only if the governing
107 body of the county, city, or town, by resolution, submits the proposal to all the qualified voters
108 within the county, city, or town for approval at a general or special election conducted in the
109 manner provided by statute.

110 (ii) An election under Subsection 17B-2-512(3)(a)(ii) approving the annexation of an
111 area to a public transit district or local district and approving for that annexed area the sales and
112 use tax authorized by this section satisfies the election requirement of Subsection (1)(b)(i) for
113 the area to be annexed to the public transit district or local district.

114 (2) (a) If only a portion of a county is included within a public transit district, the
115 proposal may be submitted only to the qualified voters residing within the boundaries of the
116 proposed or existing public transit district.

117 (b) Notice of any such election shall be given by the county, city, or town governing
118 body 15 days in advance in the manner prescribed by statute.

119 (c) If a majority of the voters voting in such election approve the proposal, it shall
120 become effective on the date provided by the county, city, or town governing body.

121 (3) This section may not be construed to require an election in jurisdictions where
122 voters have previously approved a public transit sales or use tax.

Legislative Review Note
as of 11-21-02 2:41 PM

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

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-12-02 4:04 PM

The Political Subdivisions Interim Committee recommended this bill.

Fiscal Note**Public Transit Districts Annexation Amendments***09-Jan-03***Bill Number HB0030***4:51 PM*

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst