

# H.B. 6

## UTILITY IMPROVEMENT DISTRICTS REVISIONS

Representative **David Ure** proposes the following amendments:

1. Page 1, Lines 22 through 23:

- 22 district and prohibits the creation of the district if adequate protests are filed; ~~{and}~~  
23       ▶       modifies provisions relating to the underground conversion of overhead utility facilities to

2. Page 2, Line 30:

- 30           •       the assessment of costs and expenses of the conversion against the property ~~{-}~~ ;  
      ▶       modifies a provision relating to notice of the levy of an assessment for converting overhead utility facilities to underground;  
      ▶       modifies the type of easement that is created upon the failure to convert overhead utility facilities with the required time;  
      ▶       provides that a construction easement terminates once the conversion of overhead utility facilities to underground is completed; and  
      ▶       makes technical changes.

3. Page 2, Line 40:

- 40       54-8-11, as enacted by Chapter 157, Laws of Utah 1969  
      =       54-8-19, as enacted by Chapter 157, Laws of Utah 1969  
              \* \* \* *Some lines not shown* \* \* \*

4. Page 7, Line 208:

208 district and begin making improvements.

**Section 5. Section 54-8-19 is amended to read:**

**54-8-19. Assessments -- Right to levy against property -- Due date -- Notice -- Payment in annual installments.**

(1) The governing body may levy the assessments under the assessment list in whole or in part at any time after the adoption of the assessment resolution, but if not levied as a whole, any partial levies shall be made on the basis of completed improvements and the property benefited

~~{thereby}~~ by the improvements .

(2) The amount of the assessment will become due and collectible immediately upon the levying of the assessment and ; if it is not paid within ~~{thirty}~~ 30 days from the date of ~~{such}~~ the levy ; it shall, at the expiration of ~~{such thirty}~~ the 30 days,

commence to bear interest at a rate fixed by the governing body but not to exceed 7% per annum.

(3) (a) Notice shall be given in the same manner as provided in Section 54-8-16 ~~{-and}~~ .

(b) The notice under Subsection (3)(a) shall :

(i) specify the date and amount of the levy affecting each tract, block, lot, or parcel, the date when interest will commence, the amount of such interest, and the period of years over which installment payments may be made ~~{-If}~~ ;

= (ii) identify the easement that may be acquired by Subsection 54-8-26(2); and

(iii) be recorded in the office of the recorder of the county in which the tract, block, lot, or parcel is located.

(4) (a) If the assessment is not paid within the ~~{-thirty}~~ 30 days allowed, ~~{it will be presumed that}~~ each owner ~~{-exercises}~~ shall be presumed to exercise the right and option to pay the amount due in equal annual installments bearing interest at the rate specified in the notice and extending over the period of years . not exceeding ~~{-twenty}~~ 20, specified in the notice.

= (b) The first installment shall become due one year from the date when interest commenced . and one installment shall become due on the same day of the same month annually thereafter.

= (c) Any assessment may be prepaid on any annual installment date without interest penalty provided the total balance of the assessment, including accrued interest, costs and penalties, be paid.

#### **Renumber remaining sections accordingly.**

##### 5. Page 8, Lines 230 through 231:

230 (2) (a) Failure to convert the overhead facilities to underground facilities within 60 days  
231 after the date of mailing the notice shall be considered as a consent to and grant of a  
construction easement to

##### 6. Page 9, Line 246:

246 owner's property:]

(b) A construction easement under Subsection (2)(a) terminates upon completion of the conversion of overhead utility facilities to underground.