

**LAW ENFORCEMENT DISTRICTS**

2007 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Mark W. Walker**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to special districts and local districts to establish a separate process for the creation of a county service area to provide extended police protection services.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the creation of a county service area and a local district for extended police protection service by resolution of the legislative body of the participating county and the legislative body of participating municipalities without the necessity of voter approval under certain circumstances;
- ▶ adds extended police protection as a service that a local district may provide;
- ▶ provides for the composition of the board of trustees of a county service area for extended police protection services;
- ▶ authorizes law enforcement duties to be performed by law enforcement officers, rather than the county sheriff, operating under the direction of an interlocal entity or county service area in which the county is a participant;
- ▶ requires the county sheriff to establish service levels and service priorities for law enforcement services provided by a county service area or interlocal entity to the unincorporated area of the county;
- ▶ requires an interlocal agreement that creates an interlocal entity to provide law



28 enforcement services to an unincorporated area of a county to provide that the county sheriff be  
29 a member of the local entity's governing body;

30       ▶ establishes a higher tax rate limit than other county service areas for a county  
31 service area that provides extended police protection service;

32       ▶ requires the county and the municipalities included within a county service area for  
33 extended police protection to reduce their certified tax rate to offset the cost of  
34 extended police protection services;

35       ▶ imputes a tax imposed by a police district to the county or municipality included  
36 within the district for purposes of the county or municipality's tax limit;

37       ▶ adds police districts to provisions that provide for:

38           • automatic annexation to the district when an area is annexed to a municipality  
39 within the district;

40           • automatic withdrawal from the district when an area within the district is  
41 annexed to a municipality that is not within the district; and

42           • an alternate method of withdrawing an area within a municipality from the  
43 district upon resolution of the municipal legislative body and a vote of voters

44 within the municipality; and

45       ▶ makes conforming changes.

46 **Monies Appropriated in this Bill:**

47       None

48 **Other Special Clauses:**

49       None

50 **Utah Code Sections Affected:**

51 AMENDS:

52       **10-2-406**, as last amended by Chapters 211 and 257, Laws of Utah 2003

53       **10-2-419**, as last amended by Chapter 233, Laws of Utah 2005

54       **11-13-206**, as renumbered and amended by Chapter 286, Laws of Utah 2002

55       **17-22-2**, as last amended by Chapters 140 and 219, Laws of Utah 2002

56       **17A-2-411**, as last amended by Chapter 257, Laws of Utah 2003

57       **17A-2-414**, as last amended by Chapter 13, Laws of Utah 2005, First Special Session

58       **17B-2-202**, as last amended by Chapter 257, Laws of Utah 2003

59           **17B-2-214**, as last amended by Chapter 6, Laws of Utah 2003, Second Special Session  
60           **17B-2-515.5**, as last amended by Chapters 71 and 233, Laws of Utah 2005  
61           **17B-2-601**, as last amended by Chapters 36 and 233, Laws of Utah 2005  
62           **17B-2-603.5**, as last amended by Chapter 233, Laws of Utah 2005  
63           **59-2-924**, as last amended by Chapters 26, 105 and 359, Laws of Utah 2006

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

66           Section 1. Section **10-2-406** is amended to read:

67           **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

68           (1) After receipt of the notice of certification from the city recorder or town clerk under  
69 Subsection 10-2-405(2)(c)(i), the municipal legislative body shall:

70           (a) (i) publish a notice at least once a week for three successive weeks, beginning no  
71 later than ten days after receipt of the notice of certification, in a newspaper of general  
72 circulation within:

73           (A) the area proposed for annexation; and

74           (B) the unincorporated area within 1/2 mile of the area proposed for annexation; or

75           (ii) if there is no newspaper of general circulation within those areas, post written  
76 notices in conspicuous places within those areas that are most likely to give notice to residents  
77 within those areas; and

78           (b) within 20 days of receipt of the notice of certification under Subsection 10-2-405(2)  
79 (c)(i), mail written notice to each affected entity.

80           (2) (a) The notice under Subsections (1)(a) and (b) shall:

81           (i) state that a petition has been filed with the municipality proposing the annexation of  
82 an area to the municipality;

83           (ii) state the date of the municipal legislative body's receipt of the notice of certification  
84 under Subsection 10-2-405(2)(c)(i);

85           (iii) describe the area proposed for annexation in the annexation petition;

86           (iv) state that the complete annexation petition is available for inspection and copying  
87 at the office of the city recorder or town clerk;

88           (v) state in conspicuous and plain terms that the municipality may grant the petition  
89 and annex the area described in the petition unless, within the time required under Subsection

90 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission  
91 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing  
92 municipality;

93 (vi) state the address of the commission or, if a commission has not yet been created in  
94 the county, the county clerk, where a protest to the annexation petition may be filed;

95 (vii) state that the area proposed for annexation to the municipality will also  
96 automatically be annexed to a local district providing fire protection, paramedic, and  
97 emergency services or extended police protection service, as the case may be, as provided in  
98 Section 17B-2-515.5, if:

99 (A) the proposed annexing municipality is entirely within the boundaries of a local  
100 district:

101 (I) that provides, as the case may be:

102 (Aa) fire protection, paramedic, and emergency services; [~~and~~] or

103 (Bb) extended police protection service; and

104 (II) in the creation of which an election was not required because of Subsection  
105 17B-2-214(3)(c); and

106 (B) the area proposed to be annexed to the municipality is not already within the  
107 boundaries of the local district; and

108 (viii) state that the area proposed for annexation to the municipality will be  
109 automatically withdrawn from a local district providing fire protection, paramedic, and  
110 emergency services or extended police protection service, as the case may be, as provided in  
111 Subsection 17B-2-601(2), if:

112 (A) the petition proposes the annexation of an area that is within the boundaries of a  
113 local district:

114 (I) that provides, as the case may be:

115 (Aa) fire protection, paramedic, and emergency services; [~~and~~] or

116 (Bb) extended police protection service; and

117 (II) in the creation of which an election was not required because of Subsection  
118 17B-2-214(3)(c); and

119 (B) the proposed annexing municipality is not within the boundaries of the local  
120 district.

121 (b) The statement required by Subsection (2)(a)(v) shall state the deadline for filing a  
122 written protest in terms of the actual date rather than by reference to the statutory citation.

123 (c) In addition to the requirements under Subsection (2)(a), a notice under Subsection  
124 (1)(a) for a proposed annexation of an area within a county of the first class shall include a  
125 statement that a protest to the annexation petition may be filed with the commission by  
126 property owners if it contains the signatures of the owners of private real property that:

127 (i) is located in the unincorporated area within 1/2 mile of the area proposed for  
128 annexation;

129 (ii) covers at least 25% of the private land area located in the unincorporated area  
130 within 1/2 mile of the area proposed for annexation; and

131 (iii) is equal in value to at least 15% of all real property located in the unincorporated  
132 area within 1/2 mile of the area proposed for annexation.

133 Section 2. Section **10-2-419** is amended to read:

134 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

135 (1) The legislative bodies of two or more municipalities having common boundaries  
136 may adjust their common boundaries as provided in this section.

137 (2) (a) The legislative body of each municipality intending to adjust a boundary that is  
138 common with another municipality shall:

139 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a  
140 common boundary;

141 (ii) hold a public hearing on the proposed adjustment no less than 60 days after the  
142 adoption of the resolution under Subsection (2)(a)(i); and

143 (iii) (A) publish notice at least once a week for three successive weeks in a newspaper  
144 of general circulation within the municipality; or

145 (B) if there is no newspaper of general circulation within the municipality, post at least  
146 one notice per 1,000 population in places within the municipality that are most likely to give  
147 notice to residents of the municipality.

148 (b) The notice required under Subsection (2)(a)(iii) shall:

149 (i) state that the municipal legislative body has adopted a resolution indicating the  
150 municipal legislative body's intent to adjust a boundary that the municipality has in common  
151 with another municipality;

- 152 (ii) describe the area proposed to be adjusted;
- 153 (iii) state the date, time, and place of the public hearing required under Subsection
- 154 (2)(a)(ii);
- 155 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
- 156 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
- 157 protests to the adjustment are filed by the owners of private real property that:
- 158 (A) is located within the area proposed for adjustment;
- 159 (B) covers at least 25% of the total private land area within the area proposed for
- 160 adjustment; and
- 161 (C) is equal in value to at least 15% of the value of all private real property within the
- 162 area proposed for adjustment; ~~and~~
- 163 (v) state that the area that is the subject of the boundary adjustment will, as provided in
- 164 Section 17B-2-515.5 and because of the boundary adjustment, be automatically annexed to a
- 165 local district providing fire protection, paramedic, and emergency services~~[, as provided in~~
- 166 ~~Section 17B-2-515.5]~~ or extended police protection service, as the case may be, if:
- 167 (A) the municipality to which the area is being added because of the boundary
- 168 adjustment is entirely within the boundaries of a local district:
- 169 (I) that provides, as the case may be:
- 170 (Aa) fire protection, paramedic, and emergency services; ~~and~~ or
- 171 (Bb) extended police protection service; and
- 172 (II) in the creation of which an election was not required because of Subsection
- 173 17B-2-214(3)(c); and
- 174 (B) the municipality from which the area is being taken because of the boundary
- 175 adjustment is not within the boundaries of the local district; and
- 176 (vi) state that the area proposed for annexation to the municipality will, as provided in
- 177 Subsection 17B-2-602(2), be automatically withdrawn from a local district providing fire
- 178 protection, paramedic, and emergency services~~[, as provided in Subsection 17B-2-601(2)] or~~
- 179 extended police protection service, as the case may be, if:
- 180 (A) the municipality to which the area is being added because of the boundary
- 181 adjustment is not within the boundaries of a local district:
- 182 (I) that provides, as the case may be:

183 (Aa) fire protection, paramedic, and emergency services; ~~and~~ or

184 (Bb) extended police protection service; and

185 (II) in the creation of which an election was not required because of Subsection  
186 17B-2-214(3)(c); and

187 (B) the municipality from which the area is being taken because of the boundary  
188 adjustment is entirely within the boundaries of the local district.

189 (c) The first publication of the notice required under Subsection (2)(a)(iii)(A) shall be  
190 within 14 days of the municipal legislative body's adoption of a resolution under Subsection  
191 (2)(a)(i).

192 (3) Upon conclusion of the public hearing under Subsection (2)(a)(ii), the municipal  
193 legislative body may adopt an ordinance adjusting the common boundary unless, at or before  
194 the hearing under Subsection (2)(a)(ii), written protests to the adjustment have been filed with  
195 the city recorder or town clerk, as the case may be, by the owners of private real property that:

196 (a) is located within the area proposed for adjustment;

197 (b) covers at least 25% of the total private land area within the area proposed for  
198 adjustment; and

199 (c) is equal in value to at least 15% of the value of all private real property within the  
200 area proposed for adjustment.

201 (4) The municipal legislative body shall comply with the requirements of Section  
202 10-2-425 as if the boundary change were an annexation.

203 (5) An ordinance adopted under Subsection (3) becomes effective when each  
204 municipality involved in the boundary adjustment has adopted an ordinance under Subsection  
205 (3) and as determined under Subsection 10-2-425(5) if the boundary change were an  
206 annexation.

207 Section 3. Section **11-13-206** is amended to read:

208 **11-13-206. Requirements for agreements for joint or cooperative action.**

209 (1) Each agreement under Section 11-13-202, 11-13-203, or 11-13-205 shall specify:

210 (a) its duration;

211 (b) if the agreement creates an interlocal entity:

212 (i) the precise organization, composition, and nature of the interlocal entity;

213 (ii) the powers delegated to the interlocal entity;

- 214 (iii) the manner in which the interlocal entity is to be governed; and
- 215 (iv) subject to Subsection (2), the manner in which the members of its governing body
- 216 are to be appointed or selected;
- 217 (c) its purpose or purposes;
- 218 (d) the manner of financing the joint or cooperative undertaking and of establishing
- 219 and maintaining a budget for it;
- 220 (e) the permissible method or methods to be employed in accomplishing the partial or
- 221 complete termination of the agreement and for disposing of property upon such partial or
- 222 complete termination; and
- 223 (f) any other necessary and proper matters.

224 (2) Each agreement under Section 11-13-203 or 11-13-205 that creates an interlocal  
225 entity shall require that Utah public agencies that are parties to the agreement have the right to  
226 appoint or select members of the interlocal entity's governing body with a majority of the  
227 voting power.

228 (3) Each agreement under this chapter that creates an interlocal entity to provide law  
229 enforcement services to an area that includes an unincorporated area of a county shall require  
230 the sheriff of that county to be a member of the local entity's governing body.

231 Section 4. Section **17-22-2** is amended to read:

232 **17-22-2. Sheriff -- General duties.**

233 (1) ~~[The]~~ Subject to Subsection (3), the sheriff shall:

- 234 (a) preserve the peace;
- 235 (b) make all lawful arrests;
- 236 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
- 237 required or when the court is held within his county, all courts of record, and court
- 238 commissioner and referee sessions held within his county, obey their lawful orders and
- 239 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
- 240 Administration;
- 241 (d) upon request of the juvenile court, aid the court in maintaining order during
- 242 hearings and transport a minor to and from youth corrections facilities, other institutions, or
- 243 other designated places;
- 244 (e) attend county justice courts if the judge finds that the matter before the court



245 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his  
246 custody, or for the custody of jurors;

247 (f) command the aid of as many inhabitants of his county as he considers necessary in  
248 the execution of these duties;

249 (g) take charge of and keep the county jail and the jail prisoners;

250 (h) receive and safely keep all persons committed to his custody, file and preserve the  
251 commitments of those persons, and record the name, age, place of birth, and description of  
252 each person committed;

253 (i) release on the record all attachments of real property when the attachment he  
254 receives has been released or discharged;

255 (j) endorse on all process and notices the year, month, day, hour, and minute of  
256 reception, and, upon payment of fees, issue a certificate to the person delivering process or  
257 notice showing the names of the parties, title of paper, and the time of receipt;

258 (k) serve all process and notices as prescribed by law;

259 (l) if he makes service of process or notice, certify on the process or notices the  
260 manner, time, and place of service, or, if he fails to make service, certify the reason upon the  
261 process or notice, and return them without delay;

262 (m) extinguish fires occurring in the undergrowth, trees, or wooded areas on the public  
263 land within his county;

264 (n) perform as required by any contracts between the county and private contractors for  
265 management, maintenance, operation, and construction of county jails entered into under the  
266 authority of Section 17-53-311;

267 (o) manage search and rescue services in his county;

268 (p) obtain saliva DNA specimens as required under Section 53-10-404;

269 (q) on or before January 1, 2003, adopt a written policy that prohibits the stopping,  
270 detention, or search of any person when the action is solely motivated by considerations of  
271 race, color, ethnicity, age, or gender; and

272 (r) perform any other duties that are required by law.

273 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other  
274 Subsection under Subsection (1) is a class A misdemeanor.

275 (3) (a) Subject to Subsection (3)(b), law enforcement duties under this section may be

276 performed in a county of the first class by law enforcement officers operating under the  
277 direction of:

278 (i) an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act,  
279 pursuant to an interlocal agreement to which the county is a party, to provide extended police  
280 protection service; or

281 (ii) a county service area under Title 17A, Chapter 2, Part 4, County Service Area Act,  
282 created to provide extended police protection service and in the creation of which an election  
283 was not required under Subsection 17B-2-214(3)(c).

284 (b) The county sheriff shall establish service levels and service priorities for law  
285 enforcement services provided under Subsection (3)(a) within the unincorporated area of the  
286 county.

287 Section 5. Section **17A-2-411** is amended to read:

288 **17A-2-411. Board of trustees -- Selection procedures -- Surety bonds -- Other**  
289 **provisions applicable -- Board membership for certain service areas providing fire**  
290 **protection, paramedic, and emergency services or extended police protection service.**

291 (1) Each service area authorized under this part shall be governed by a board of  
292 trustees.

293 (2) (a) Except as provided in [~~Subsection~~] Subsections (11) and (12), upon the creation  
294 of a county service area, the county legislative body may adopt an ordinance declaring that the  
295 county legislative body of the county shall act as the trustees of the service area.

296 (b) Upon passage of the ordinance, the county legislative body of the county shall act  
297 as trustees of the service area with all the powers, authority, and responsibility vested in the  
298 trustees under this part.

299 (c) (i) The county legislative body, when acting as trustees, may use any existing  
300 county offices, officers, or employees for the purposes of the service area.

301 (ii) The county legislative body shall charge costs of those services to the service area  
302 and require them to be paid to the county treasurer for the general fund of the county.

303 (3) Except as provided in [~~Subsection~~] Subsections (11) and (12), at any time after the  
304 creation of a board of trustees as provided in Subsection (1), if no elected board has been  
305 established as provided in this section, the county legislative body of the county in which the  
306 service area is located may:

307 (a) by ordinance, delegate its powers to an appointed or elected board of trustees as  
308 provided in Chapter 1, Part 3, Special District Board Selection Procedures; and

309 (b) provide for the appointment or election of the board by following the procedures  
310 and requirements of Chapter 1, Part 3, Special District Board Selection Procedures.

311 (4) Except as provided in [~~Subsection~~] Subsections (11) and (12), at any time after the  
312 creation of a board of trustees as provided in Subsections (2) and (3), the county legislative  
313 body shall hold an election for trustees by following the procedures and requirements of  
314 Chapter 1, Part 3, Special District Board Selection Procedures, if:

315 (a) the county legislative body receives a petition requesting that an election for  
316 trustees be held that is:

317 (i) signed by at least 10% of persons eligible to vote in an election in a service area  
318 authorized under this part; and

319 (ii) filed with the county legislative body at least 30 days before the date set for a bond  
320 election or 90 days before the date set for any municipal election; or

321 (b) territory located within a municipality is annexed into the county service area under  
322 Title 17B, Chapter 2, Part 5, Annexation.

323 (5) (a) If there is no elected board of trustees at the time of the first bond election,  
324 trustees shall be elected in conjunction with that bond election, except as provided in  
325 [~~Subsection~~] Subsections (11) and (12).

326 (b) Candidates for election to the board of trustees shall be taxpayers and qualified  
327 voters in the service area.

328 (c) At any time within 30 days after the county legislative body has called a bond  
329 election, but not less than 15 days before the day of election, any person who is qualified to  
330 vote in the service area may file a signed statement with the county clerk announcing the  
331 person's candidacy to be one of the first elected trustees of the service area.

332 (d) The board of trustees shall provide a ballot separate from the bond ballot that  
333 contains the names of the candidates and blanks in which the voters may write in additional  
334 names.

335 (e) A voter at the election may vote for the number of trustee positions to be filled.

336 (f) The persons receiving the highest number of votes at the election are members of  
337 the board of trustees.

338 (6) (a) Each member of the board of trustees may vote on all questions, orders,  
339 resolutions, and ordinances coming before the board.

340 (b) Notwithstanding Section 17B-2-404, if the county legislative body acts as the board  
341 of trustees, no compensation may be paid to them as trustees.

342 (c) Each trustee who is also a member of the county legislative body shall take the oath  
343 of office and shall give the bond that is required by law for members of the county legislative  
344 body.

345 (7) All qualified voters in the service area may vote in elections to select trustees and in  
346 elections to approve the issuance of bonds.

347 (8) Following the election or appointment of the first trustees, each elected trustee shall  
348 be elected according to the procedures and requirements of Chapter 1, Part 3, Special District  
349 Board Selection Procedures.

350 (9) Each vacancy of an elected trustee in office shall be filled according to the  
351 procedures and requirements of Chapter 1, Part 3, Special District Board Selection Procedures.

352 (10) (a) Except as provided in ~~[Subsection]~~ Subsections (11) and (12), the provisions  
353 of Title 17B, Chapter 2, Part 4, Board of Trustees, apply to each county service area to the  
354 same extent as if the county service area were a local district under Title 17B, Chapter 2, Local  
355 Districts.

356 (b) (i) If a change in the number of board of trustees members is necessary to comply  
357 with the requirements of Subsection 17B-2-402(1), the board of trustees may by majority vote,  
358 notwithstanding Subsection 17B-2-402(3), change the number of board members to the next  
359 odd number higher or lower than the number of current board members.

360 (ii) If a change under Subsection (10)(b)(i) decreases the number of board members,  
361 the change may not take effect until the expiration of the term of the member whose term next  
362 expires.

363 (iii) If a change in the number of board members necessitated by Subsection  
364 17B-2-402(1) would cause the district to violate a provision of bonds issued by the district, the  
365 number of board members may be modified to the extent necessary to avoid a violation.

366 (c) (i) If a change in the expiration date of the term of a board of trustees member is  
367 necessary to comply with the requirements of Subsection 17B-2-403(1), the term of each board  
368 member whose term expires on a day other than the first Monday in January shall be extended

369 to the first Monday in January after the normal expiration date next following the special  
370 district election date under Section 17A-1-305.

371 (ii) If a change in the length of the term of a board of trustees member is necessary to  
372 comply with the requirements of Subsection 17B-2-403(2), the change may not take effect until  
373 the expiration of the term of the member whose term length is to be changed.

374 (11) (a) This Subsection (11) applies to a county service area created on or after May 5,  
375 2003 if:

376 (i) the county service area was created to provide fire protection, paramedic, and  
377 emergency services; and

378 (ii) in the creation of the county service area, an election was not required under  
379 Subsection 17B-2-214(3)(c).

380 (b) (i) Each county whose unincorporated area is partially or fully included within the  
381 county service area, whether in conjunction with the creation of the county service area or by  
382 later annexation, shall appoint three members to the board of trustees.

383 (ii) Each municipality whose area is included within the county service area, whether  
384 in conjunction with the creation of the county service area or by later annexation, shall appoint  
385 one member to the board of trustees.

386 (iii) Each member appointed by a county under Subsection (11)(b)(i) shall be an  
387 elected official of the appointing county, and each member appointed by a municipality under  
388 Subsection (11)(b)(ii) shall be an elected official of the appointing municipality.

389 (c) The number of members of a board of trustees of a county service area to which this  
390 Subsection (11) applies shall be the number resulting from application of Subsection (11)(b).

391 (d) An employee of the county service area may not serve as a member of the board of  
392 trustees.

393 (12) (a) As used in this Subsection (12):

394 (i) "Jurisdictional boundaries" means:

395 (A) for a county that is a police district participant, the unincorporated area of the  
396 county that is included within the police district; and

397 (B) for a municipality that is a police district participant, the area within the boundaries  
398 of the municipality.

399 (ii) "Police district" means a county service area:

- 400           (A) created on or after April 30, 2007;
- 401           (B) created to provide extended police protection service; and
- 402           (C) in the creation of which an election was not required under Subsection
- 403 17B-2-214(3)(c).
- 404           (iii) "Police district participant" means:
- 405           (A) a county whose unincorporated area is partially or fully included within a police
- 406 district, whether in conjunction with the creation of the police district or by later annexation; or
- 407           (B) a municipality whose area is included within the police district, whether in
- 408 conjunction with the creation of the police district or by later annexation.
- 409           (b) Each police district participant shall appoint to the board of trustees of the police
- 410 district:
- 411           (i) one member, if the population within the jurisdictional boundaries of the police
- 412 district participant does not exceed 50,000;
- 413           (ii) two members, if the population within the jurisdictional boundaries of the police
- 414 district participant exceeds 50,000 but does not exceed 100,000; and
- 415           (iii) three members, if the population within the jurisdictional boundaries of the police
- 416 district participant exceeds 100,000.
- 417           (c) One of the members appointed under Subsection (12)(b) by a county that is a police
- 418 district participant shall be the county sheriff.
- 419           (d) Notwithstanding Subsection 17B-2-402(1), the number of members of a police
- 420 district board of trustees shall be the number resulting from application of Subsection (12)(b).
- 421           (e) An employee of the police district may not serve as a member of the board of
- 422 trustees.

423           Section 6. Section **17A-2-414** is amended to read:

424           **17A-2-414. Tax rate -- Limitation.**

425           (1) Each year prior to the time the county legislative body fixes and levies taxes for  
426 county purposes, the board of trustees of each county service area within the county shall fix  
427 the rate of county service area taxes or charges or combination of both and shall certify the rate  
428 to the county legislative body.

429           (2) Except as provided in Section 17A-2-424, a tax levy rate certified for a county  
430 service area under Subsection (1) may not in any year exceed:

431 (a) .0023 per dollar of taxable value of taxable property located in the county service  
432 area, if the county service area:

433 (i) is located in a county of the first class; and

434 (ii) provides:

435 (A) fire protection, paramedic, and emergency services; or

436 (B) extended police protection service; or

437 (b) for each other county service area, .0014 per dollar of taxable value of taxable  
438 property located in the county service area.

439 Section 7. Section **17B-2-202** is amended to read:

440 **17B-2-202. Local district may be created -- Services that may be provided --**

441 **Limitations -- Name.**

442 (1) A local district may be created as provided in this part to provide within its  
443 boundaries service consisting of:

444 (a) the operation of an airport;

445 (b) the operation of a cemetery;

446 (c) the operation of a system for the generation or distribution of electricity;

447 (d) the operation of a system for the transmission of natural or manufactured gas that  
448 is:

449 (i) connected to a gas plant, as defined in Section 54-2-1, of a gas corporation, as  
450 defined in Section 54-2-1, that is regulated under Section 54-4-1; and

451 (ii) to be used to facilitate gas utility service within the district if such gas utility  
452 service is not available within the district prior to the acquisition or construction of such a  
453 system;

454 (e) fire protection, paramedic, and emergency services;

455 (f) garbage collection and disposal;

456 (g) health care;

457 (h) the operation of a library;

458 (i) abatement or control of mosquitos and other insects;

459 (j) the operation of parks or recreation facilities;

460 (k) the operation of a sewage system;

461 (l) street lighting;

462 (m) the construction and maintenance of curb, gutter, and sidewalk;

463 (n) transportation;

464 (o) the operation of a system for the control of storm or flood waters;

465 (p) the operation of an irrigation water system;

466 (q) the operation of a culinary water system; ~~or~~

467 (r) the underground installation of an electric utility line or the conversion to

468 underground of an existing electric utility line~~[-]; or~~

469 (s) extended police protection.

470 (2) For purposes of this section:

471 (a) "Operation" means all activities involved in providing the indicated service  
472 including acquisition and ownership of property reasonably necessary to provide the indicated  
473 service and acquisition, construction, and maintenance of facilities and equipment reasonably  
474 necessary to provide the indicated service.

475 (b) "System" means the aggregate of interrelated components that combine together to  
476 provide the indicated service including:

477 (i) for a sewage system, collection and treatment; and

478 (ii) for an irrigation or culinary water system, collection, retention, treatment, and  
479 distribution to either the end user or another that in turn distributes to the end user.

480 (3) (a) Except as provided in Subsection (3)(b), a local district may be created to  
481 provide and may after its creation provide no more than two of the services listed in Subsection  
482 (1).

483 (b) Notwithstanding Subsection (3)(a), a local district may be created to provide and  
484 may after its creation provide services consisting of:

485 (i) the operation of some or all of the components of a sewage system;

486 (ii) the operation of some or all of the components of an irrigation water system; and

487 (iii) the operation of some or all of the components of a culinary water system.

488 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to  
489 provide and may not after its creation provide to an area the same service already being  
490 provided to that area by another political subdivision.

491 (b) For purposes of Subsection (4)(a), a local district does not provide the same service  
492 as another political subdivision if it operates a component of a system that is different from a



493 component operated by another political subdivision but within the same:

494 (i) sewage system;

495 (ii) irrigation water system; or

496 (iii) culinary water system.

497 (5) Except for a local district in the creation of which an election is not required under  
498 Subsection 17B-2-214(3)(c), the area of a local district may include all or part of the  
499 unincorporated area of one or more counties and all or part of one or more municipalities.

500 (6) The name of a local district:

501 (a) may include words descriptive of the type of service provided by the local district;

502 and

503 (b) may not include the name of a county or municipality.

504 Section 8. Section **17B-2-214** is amended to read:

505 **17B-2-214. Election -- Exceptions.**

506 (1) (a) Except as provided in Subsection (3) and in Subsection 17B-2-213(2)(a), an  
507 election on the question of whether the local district should be created shall be held by:

508 (i) if the proposed local district is located entirely within a single county, the  
509 responsible clerk; or

510 (ii) except as provided under Subsection (1)(b), if the proposed local district is located  
511 within more than one county, the clerk of each county in which part of the proposed local  
512 district is located, in cooperation with the responsible clerk.

513 (b) Notwithstanding Subsection (1)(a)(ii), if the proposed local district is located  
514 within more than one county and the only area of a county that is included within the proposed  
515 local district is located within a single municipality, the election for that area shall be held by  
516 the municipal clerk or recorder, in cooperation with the responsible clerk.

517 (2) Each election under Subsection (1) shall be held at the next special or regular  
518 general election date that is:

519 (a) for an election pursuant to a property owner or registered voter petition, more than  
520 45 days after certification of the petition under Subsection 17B-2-209(3)(b)(i); or

521 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing  
522 required under Section 17B-2-210.

523 (3) The election requirement of Subsection (1) does not apply to:

524 (a) ~~[to]~~ a petition filed under Subsection 17B-2-203(1)(a) if it contains the signatures of  
525 the owners of private real property that:

526 (i) is located within the proposed local district;

527 (ii) covers at least 67% of the total private land area within the proposed local district  
528 as a whole and within each applicable area; and

529 (iii) is equal in value to at least 50% of the value of all private real property within the  
530 proposed local district as a whole and within each applicable area;

531 (b) ~~[to]~~ a petition filed under Subsection 17B-2-203(1)(b) if it contains the signatures  
532 of registered voters residing within the proposed local district as a whole and within each  
533 applicable area, equal in number to at least 67% of the number of votes cast in the proposed  
534 local district as a whole and in each applicable area, respectively, for the office of governor at  
535 the last general election prior to the filing of the petition; or

536 (c) ~~[to]~~ a resolution ~~[adopted]~~ under Subsection 17B-2-203(1)(c) ~~[on or after May 5,~~  
537 ~~2003]~~ that:

538 (i) (A) proposes the creation of a local district to provide fire protection, paramedic,  
539 and emergency services, if the proposed local district includes a majority of the unincorporated  
540 area of one or more counties[-]; and

541 (B) was adopted on or after May 3, 2003; or

542 (ii) (A) proposes the creation of a local district to provide extended police protection  
543 service, if the proposed local district includes:

544 (I) a majority of the unincorporated area of a single county; and

545 (II) no area of any other county, unless that area is entirely within a municipality whose  
546 boundaries are included in the local district and a majority of whose land area is located within  
547 the county whose unincorporated area is included in the local district; and

548 (B) was adopted on or after April 30, 2007.

549 (4) (a) If the proposed local district is located in more than one county, the responsible  
550 clerk shall coordinate with the clerk of each other county and the clerk or recorder of each  
551 municipality involved in an election under Subsection (1) so that the election is held on the  
552 same date and in a consistent manner in each jurisdiction.

553 (b) The clerk of each county and the clerk or recorder of each municipality involved in  
554 an election under Subsection (1) shall cooperate with the responsible clerk in holding the

555 election.

556 (c) Except as otherwise provided in this part, each election under Subsection (1) shall  
557 be governed by Title 20A, Election Code.

558 Section 9. Section **17B-2-515.5** is amended to read:

559 **17B-2-515.5. Automatic annexation to a district providing fire protection,**  
560 **paramedic, and emergency services.**

561 (1) An area outside the boundaries of a local district that is annexed to a municipality  
562 or added to a municipality by a boundary adjustment under Title 10, Chapter 2, Part 4,  
563 Annexation, is automatically annexed to the local district if:

564 (a) the local district provides:

565 (i) fire protection, paramedic, and emergency services; or

566 (ii) extended police protection service;

567 (b) an election for the creation of the local district was not required because of  
568 Subsection 17B-2-214(3)(c); and

569 (c) before the municipal annexation or boundary adjustment, the entire municipality  
570 that is annexing the area or adding the area by boundary adjustment was included within the  
571 local district.

572 (2) The effective date of an annexation under this section is governed by Subsection  
573 17B-2-514(3)(b).

574 Section 10. Section **17B-2-601** is amended to read:

575 **17B-2-601. Withdrawal of area from local district -- Automatic withdrawal in**  
576 **certain circumstances -- Definitions.**

577 (1) An area within the boundaries of a local district may be withdrawn from the local  
578 district as provided in this part.

579 (2) (a) An area within the boundaries of a local district is automatically withdrawn  
580 from the local district by the annexation of the area to a municipality or the adding of the area  
581 to a municipality by boundary adjustment under Title 10, Chapter 2, Part 4, Annexation, if:

582 (i) the local district:

583 (A) provides fire protection, paramedic, and emergency services; or

584 (B) extended police protection service;

585 (ii) an election for the creation of the local district was not required because of

586 Subsection 17B-2-214(3)(c); and

587 (iii) before annexation or boundary adjustment, the boundaries of the local district do  
588 not include any of the annexing municipality.

589 (b) The effective date of a withdrawal under this Subsection (2) is governed by  
590 Subsection 17B-2-610(2)(b).

591 (3) (a) An area within the boundaries of a local district located in a county of the first  
592 class is automatically withdrawn from the local district by the incorporation of a municipality  
593 whose boundaries include the area if:

594 (i) the local district provides fire protection, paramedic, and emergency services;

595 (ii) an election for the creation of the local district was not required because of

596 Subsection 17B-2-214(3)(c); and

597 (iii) the legislative body of the newly incorporated municipality:

598 (A) adopts a resolution approving the withdrawal that includes the legal description of  
599 the area to be withdrawn; and

600 (B) delivers a copy of the resolution to the board of trustees of the local district.

601 (b) The effective date of a withdrawal under this Subsection (3) is governed by

602 Subsection 17B-2-610(2)(a).

603 (4) In addition to those definitions in Section 17B-2-101, as used in this part,  
604 "receiving entity" means an entity that will, following a withdrawal, provide to the withdrawn  
605 area the service previously provided by the local district.

606 Section 11. Section **17B-2-603.5** is amended to read:

607 **17B-2-603.5. Withdrawal of municipality in certain districts providing fire**  
608 **protection, paramedic, and emergency services.**

609 (1) (a) The process to withdraw an area from a local district may be initiated by a  
610 resolution adopted by the legislative body of a municipality that is entirely within the  
611 boundaries of a local district:

612 (i) that provides:

613 (A) fire protection, paramedic, and emergency services; [~~and~~] or

614 (B) extended police protection service; and

615 (ii) in the creation of which an election was not required because of Subsection

616 17B-2-214(3)(c).

617 (b) Within ten days after adopting a resolution under Subsection (1)(a), the municipal  
618 legislative body shall submit to the board of trustees of the local district written notice of the  
619 adoption of the resolution, accompanied by a copy of the resolution.

620 (2) If a resolution is adopted under Subsection (1)(a), the municipal legislative body  
621 shall hold an election at the next municipal general election that is more than 60 days after  
622 adoption of the resolution on the question of whether the municipality should withdraw from  
623 the local district.

624 (3) If a majority of those voting on the question of withdrawal at an election held under  
625 Subsection (2) vote in favor of withdrawal, the municipality shall be withdrawn from the local  
626 district.

627 (4) (a) Within ten days after the canvass of an election at which a withdrawal under this  
628 section is submitted to voters, the municipal legislative body shall send written notice to the  
629 board of the local district from which the municipality is proposed to withdraw.

630 (b) Each notice under Subsection (4)(a) shall:

631 (i) state the results of the withdrawal election; and

632 (ii) if the withdrawal was approved by voters, be accompanied by a map or legal  
633 description of the area to be withdrawn, adequate for purposes of the county assessor and  
634 recorder.

635 (5) The effective date of a withdrawal under this section is governed by Subsection  
636 17B-2-610(2)(a).

637 Section 12. Section **59-2-924** is amended to read:

638 **59-2-924. Report of valuation of property to county auditor and commission --**  
639 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**  
640 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

641 (1) (a) Before June 1 of each year, the county assessor of each county shall deliver to  
642 the county auditor and the commission the following statements:

643 (i) a statement containing the aggregate valuation of all taxable property in each taxing  
644 entity; and

645 (ii) a statement containing the taxable value of any additional personal property  
646 estimated by the county assessor to be subject to taxation in the current year.

647 (b) The county auditor shall, on or before June 8, transmit to the governing body of

648 each taxing entity:

649 (i) the statements described in Subsections (1)(a)(i) and (ii);

650 (ii) an estimate of the revenue from personal property;

651 (iii) the certified tax rate; and

652 (iv) all forms necessary to submit a tax levy request.

653 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad  
654 valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the  
655 prior year.

656 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not  
657 include:

658 (A) collections from redemptions;

659 (B) interest; and

660 (C) penalties.

661 (iii) (A) Except as provided in Subsection (2)(a)(v), the certified tax rate shall be  
662 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the  
663 taxing entity by the amount calculated under Subsection (2)(a)(iii)(B).

664 (B) For purposes of Subsection (2)(a)(iii)(A), the legislative body of a taxing entity  
665 shall calculate an amount as follows:

666 (I) calculate for the taxing entity the difference between:

667 (Aa) the aggregate taxable value of all property taxed; and

668 (Bb) any redevelopment adjustments for the current calendar year;

669 (II) after making the calculation required by Subsection (2)(a)(iii)(B)(I), calculate an  
670 amount determined by increasing or decreasing the amount calculated under Subsection  
671 (2)(a)(iii)(B)(I) by the average of the percentage net change in the value of taxable property for  
672 the equalization period for the three calendar years immediately preceding the current calendar  
673 year;

674 (III) after making the calculation required by Subsection (2)(a)(iii)(B)(II), calculate the  
675 product of:

676 (Aa) the amount calculated under Subsection (2)(a)(iii)(B)(II); and

677 (Bb) the percentage of property taxes collected for the five calendar years immediately  
678 preceding the current calendar year; and

679 (IV) after making the calculation required by Subsection (2)(a)(iii)(B)(III), calculate an  
680 amount determined by subtracting from the amount calculated under Subsection  
681 (2)(a)(iii)(B)(III) any new growth as defined in this section:

682 (Aa) within the taxing entity; and

683 (Bb) for the current calendar year.

684 (C) For purposes of Subsection (2)(a)(iii)(B)(I), the aggregate taxable value of all  
685 property taxed includes:

686 (I) the total taxable value of the real and personal property contained on the tax rolls;

687 and

688 (II) the taxable value of any additional personal property estimated by the county  
689 assessor to be subject to taxation in the current year.

690 (D) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,  
691 the commission may prescribe rules for calculating redevelopment adjustments for a calendar  
692 year.

693 (iv) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking  
694 Act, the commission shall make rules determining the calculation of ad valorem property tax  
695 revenues budgeted by a taxing entity.

696 (B) For purposes of Subsection (2)(a)(iv)(A), ad valorem property tax revenues  
697 budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax  
698 revenues are calculated for purposes of Section 59-2-913.

699 (v) The certified tax rates for the taxing entities described in this Subsection (2)(a)(v)  
700 shall be calculated as follows:

701 (A) except as provided in Subsection (2)(a)(v)(B), for new taxing entities the certified  
702 tax rate is zero;

703 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

704 (I) in a county of the first, second, or third class, the levy imposed for municipal-type  
705 services under Sections 17-34-1 and 17-36-9; and

706 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county  
707 purposes and such other levies imposed solely for the municipal-type services identified in  
708 Section 17-34-1 and Subsection 17-36-3(22); and

709 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy

710 imposed by that section, except that the certified tax rates for the following levies shall be  
711 calculated in accordance with Section 59-2-913 and this section:

712 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,  
713 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

714 (II) levies to pay for the costs of state legislative mandates or judicial or administrative  
715 orders under Section 59-2-906.3.

716 (vi) (A) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be  
717 established at that rate which is sufficient to generate only the revenue required to satisfy one  
718 or more eligible judgments, as defined in Section 59-2-102.

719 (B) The ad valorem property tax revenue generated by the judgment levy shall not be  
720 considered in establishing the taxing entity's aggregate certified tax rate.

721 (b) (i) For the purpose of calculating the certified tax rate, the county auditor shall use  
722 the taxable value of property on the assessment roll.

723 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the  
724 assessment roll does not include new growth as defined in Subsection (2)(b)(iii).

725 (iii) "New growth" means:

726 (A) the difference between the increase in taxable value of the taxing entity from the  
727 previous calendar year to the current year; minus

728 (B) the amount of an increase in taxable value described in Subsection (2)(b)(iv).

729 (iv) Subsection (2)(b)(iii)(B) applies to the following increases in taxable value:

730 (A) the amount of increase to locally assessed real property taxable values resulting  
731 from factoring, reappraisal, or any other adjustments; or

732 (B) the amount of an increase in the taxable value of property assessed by the  
733 commission under Section 59-2-201 resulting from a change in the method of apportioning the  
734 taxable value prescribed by:

735 (I) the Legislature;

736 (II) a court;

737 (III) the commission in an administrative rule; or

738 (IV) the commission in an administrative order.

739 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from  
740 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,



741 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter  
742 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax  
743 rate to offset the increased revenues.

744 (d) (i) Beginning July 1, 1997, if a county has imposed a sales and use tax under  
745 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

746 (A) decreased on a one-time basis by the amount of the estimated sales and use tax  
747 revenue to be distributed to the county under Subsection 59-12-1102(3); and

748 (B) increased by the amount necessary to offset the county's reduction in revenue from  
749 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,  
750 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection  
751 (2)(d)(i)(A).

752 (ii) The commission shall determine estimates of sales and use tax distributions for  
753 purposes of Subsection (2)(d)(i).

754 (e) Beginning January 1, 1998, if a municipality has imposed an additional resort  
755 communities sales tax under Section 59-12-402, the municipality's certified tax rate shall be  
756 decreased on a one-time basis by the amount necessary to offset the first 12 months of  
757 estimated revenue from the additional resort communities sales and use tax imposed under  
758 Section 59-12-402.

759 (f) For the calendar year beginning on January 1, 1999, and ending on December 31,  
760 1999, a taxing entity's certified tax rate shall be adjusted by the amount necessary to offset the  
761 adjustment in revenues from uniform fees on tangible personal property under Section  
762 59-2-405.1 as a result of the adjustment in uniform fees on tangible personal property under  
763 Section 59-2-405.1 enacted by the Legislature during the 1998 Annual General Session.

764 (g) For purposes of Subsections (2)(h) through (j):

765 (i) "1998 actual collections" means the amount of revenues a taxing entity actually  
766 collected for the calendar year beginning on January 1, 1998, under Section 59-2-405 for:

767 (A) motor vehicles required to be registered with the state that weigh 12,000 pounds or  
768 less; and

769 (B) state-assessed commercial vehicles required to be registered with the state that  
770 weigh 12,000 pounds or less.

771 (ii) "1999 actual collections" means the amount of revenues a taxing entity actually

772 collected for the calendar year beginning on January 1, 1999, under Section 59-2-405.1.

773 (h) For the calendar year beginning on January 1, 2000, the commission shall make the  
774 following adjustments:

775 (i) the commission shall make the adjustment described in Subsection (2)(i)(i) if, for  
776 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
777 greater than the sum of:

778 (A) the taxing entity's 1999 actual collections; and

779 (B) any adjustments the commission made under Subsection (2)(f);

780 (ii) the commission shall make the adjustment described in Subsection (2)(i)(ii) if, for  
781 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
782 greater than the taxing entity's 1999 actual collections, but the taxing entity's 1998 actual  
783 collections were less than the sum of:

784 (A) the taxing entity's 1999 actual collections; and

785 (B) any adjustments the commission made under Subsection (2)(f); and

786 (iii) the commission shall make the adjustment described in Subsection (2)(i)(iii) if, for  
787 the calendar year beginning on January 1, 1999, a taxing entity's 1998 actual collections were  
788 less than the taxing entity's 1999 actual collections.

789 (i) (i) For purposes of Subsection (2)(h)(i), the commission shall increase a taxing  
790 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
791 Section 59-2-906.1 by the amount necessary to offset the difference between:

792 (A) the taxing entity's 1998 actual collections; and

793 (B) the sum of:

794 (I) the taxing entity's 1999 actual collections; and

795 (II) any adjustments the commission made under Subsection (2)(f).

796 (ii) For purposes of Subsection (2)(h)(ii), the commission shall decrease a taxing  
797 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
798 Section 59-2-906.1 by the amount necessary to offset the difference between:

799 (A) the sum of:

800 (I) the taxing entity's 1999 actual collections; and

801 (II) any adjustments the commission made under Subsection (2)(f); and

802 (B) the taxing entity's 1998 actual collections.

803 (iii) For purposes of Subsection (2)(h)(iii), the commission shall decrease a taxing  
804 entity's certified tax rate under this section and a taxing entity's certified revenue levy under  
805 Section 59-2-906.1 by the amount of any adjustments the commission made under Subsection  
806 (2)(f).

807 (j) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, for  
808 purposes of Subsections (2)(f) through (i), the commission may make rules establishing the  
809 method for determining a taxing entity's 1998 actual collections and 1999 actual collections.

810 (k) (i) (A) For fiscal year 2000, the certified tax rate of each county required under  
811 Subsection 17-34-1(4)(a) to provide advanced life support and paramedic services to the  
812 unincorporated area of the county shall be decreased by the amount necessary to reduce  
813 revenues in that fiscal year by an amount equal to the difference between the amount the county  
814 budgeted in its 2000 fiscal year budget for advanced life support and paramedic services  
815 countywide and the amount the county spent during fiscal year 2000 for those services,  
816 excluding amounts spent from a municipal services fund for those services.

817 (B) For fiscal year 2001, the certified tax rate of each county to which Subsection  
818 (2)(k)(i)(A) applies shall be decreased by the amount necessary to reduce revenues in that fiscal  
819 year by the amount that the county spent during fiscal year 2000 for advanced life support and  
820 paramedic services countywide, excluding amounts spent from a municipal services fund for  
821 those services.

822 (ii) (A) A city or town located within a county of the first class to which Subsection  
823 (2)(k)(i) applies may increase its certified tax rate by the amount necessary to generate within  
824 the city or town the same amount of revenues as the county would collect from that city or  
825 town if the decrease under Subsection (2)(k)(i) did not occur.

826 (B) An increase under Subsection (2)(k)(ii)(A), whether occurring in a single fiscal  
827 year or spread over multiple fiscal years, is not subject to the notice and hearing requirements  
828 of Sections 59-2-918 and 59-2-919.

829 (l) (i) The certified tax rate of each county required under Subsection 17-34-1(4)(b) to  
830 provide detective investigative services to the unincorporated area of the county shall be  
831 decreased:

832 (A) in fiscal year 2001 by the amount necessary to reduce revenues in that fiscal year  
833 by at least \$4,400,000; and

834 (B) in fiscal year 2002 by the amount necessary to reduce revenues in that fiscal year  
835 by an amount equal to the difference between \$9,258,412 and the amount of the reduction in  
836 revenues under Subsection (2)(1)(i)(A).

837 (ii) (A) (I) Beginning with municipal fiscal year 2002, a city or town located within a  
838 county to which Subsection (2)(1)(i) applies may increase its certified tax rate to generate  
839 within the city or town the same amount of revenue as the county would have collected during  
840 county fiscal year 2001 from within the city or town except for Subsection (2)(1)(i)(A).

841 (II) Beginning with municipal fiscal year 2003, a city or town located within a county  
842 to which Subsection (2)(1)(i) applies may increase its certified tax rate to generate within the  
843 city or town the same amount of revenue as the county would have collected during county  
844 fiscal year 2002 from within the city or town except for Subsection (2)(1)(i)(B).

845 (B) (I) Except as provided in Subsection (2)(1)(ii)(B)(II), an increase in the city or  
846 town's certified tax rate under Subsection (2)(1)(ii)(A), whether occurring in a single fiscal year  
847 or spread over multiple fiscal years, is subject to the notice and hearing requirements of  
848 Sections 59-2-918 and 59-2-919.

849 (II) For an increase under this Subsection (2)(1)(ii) that generates revenue that does not  
850 exceed the same amount of revenue as the county would have collected except for Subsection  
851 (2)(1)(i), the requirements of Sections 59-2-918 and 59-2-919 do not apply if the city or town:

852 (Aa) publishes a notice that meets the size, type, placement, and frequency  
853 requirements of Section 59-2-919, reflects that the increase is a shift of a tax from one imposed  
854 by the county to one imposed by the city or town, and explains how the revenues from the tax  
855 increase will be used; and

856 (Bb) holds a public hearing on the tax shift that may be held in conjunction with the  
857 city or town's regular budget hearing.

858 (m) (i) This Subsection (2)(m) applies to each county that:

859 (A) establishes a countywide special service district under Title 17A, Chapter 2, Part  
860 13, Utah Special Service District Act, to provide jail service, as provided in Subsection  
861 17A-2-1304(1)(a)(x); and

862 (B) levies a property tax on behalf of the special service district under Section  
863 17A-2-1322.

864 (ii) (A) The certified tax rate of each county to which this Subsection (2)(m) applies

865 shall be decreased by the amount necessary to reduce county revenues by the same amount of  
866 revenues that will be generated by the property tax imposed on behalf of the special service  
867 district.

868 (B) Each decrease under Subsection (2)(m)(ii)(A) shall occur contemporaneously with  
869 the levy on behalf of the special service district under Section 17A-2-1322.

870 (n) (i) As used in this Subsection (2)(n):

871 (A) "Annexing county" means a county whose unincorporated area is partially or fully  
872 included within a fire district or police district by annexation.

873 (B) "Annexing municipality" means a municipality whose area is included within a fire  
874 district by annexation.

875 (C) "Equalized [~~fire protection~~] tax rate" means the tax rate that results from:

876 (I) calculating, for each participating county and each participating municipality, the  
877 property tax revenue necessary to cover all of the costs associated with providing fire  
878 protection, paramedic, and emergency services or extended police protection service, as the  
879 case may be:

880 (Aa) for a participating county, in that part of the unincorporated area of the county that  
881 is included within the fire district or police district, as the case may be; and

882 (Bb) for a participating municipality, in the municipality; and

883 (II) adding all the amounts calculated under Subsection (2)(n)(i)(C)(I) for all  
884 participating counties and all participating municipalities and then dividing that sum by the  
885 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

886 (Aa) for participating counties, in that part of the unincorporated area of all  
887 participating counties that is included within the fire district or police district, as the case may  
888 be; and

889 (Bb) for participating municipalities, in all the participating municipalities.

890 (D) "Fire district" means a county service area under Title 17A, Chapter 2, Part 4,  
891 County Service Area Act, created to provide fire protection, paramedic, and emergency  
892 services and in the creation of which an election was not required under Subsection  
893 17B-2-214(3)(c).

894 (E) "Fire protection tax rate" means:

895 (I) for an annexing county, the property tax rate that, when applied to taxable property

896 in the unincorporated area of the county that is included within the fire district, generates  
897 enough property tax revenue to cover all the costs associated with providing fire protection,  
898 paramedic, and emergency services in ~~[the]~~ that unincorporated area of the county; and

899 (II) for an annexing municipality, the property tax rate that generates enough property  
900 tax revenue in the municipality to cover all the costs associated with providing fire protection,  
901 paramedic, and emergency services in the municipality.

902 (F) "Participating county" means a county whose unincorporated area is included  
903 within a fire district or police district at the time of the creation of the fire district or police  
904 district, respectively.

905 (G) "Participating municipality" means a municipality whose area is included within a  
906 fire district or police district at the time of the creation of the fire district or police district,  
907 respectively.

908 (H) "Police district" means a county service area under Title 17A, Chapter 2, Part 4,  
909 County Service Area Act, created to provide extended police protection service and in the  
910 creation of which an election was not required under Subsection 17B-2-214(3)(c).

911 (I) "Police protection tax rate" means:

912 (I) for an annexing county, the property tax rate that, when applied to the taxable  
913 property in the unincorporated area of the county that is included within the police district,  
914 generates enough property tax revenue to cover all the costs associated with providing  
915 extended police protection service in that unincorporated area of the county; and

916 (II) for an annexing municipality, the property tax rate that generates enough property  
917 tax revenue in the municipality to cover all the costs associated with providing extended police  
918 protection service in the municipality.

919 (ii) (A) In the first year following creation of a fire district, the certified tax rate of each  
920 participating county and each participating municipality shall be decreased by the amount of  
921 the equalized [~~fire protection~~] tax rate.

922 (B) In the first year following creation of a police district, the certified tax rate  
923 applicable to each participating county's unincorporated area that is included within the police  
924 district and the certified tax rate of each participating municipality shall be decreased by the  
925 amount of the equalized tax rate.

926 (iii) (A) In the first year following annexation to a fire district, the certified tax rate of

927 each annexing county and each annexing municipality shall be decreased by the fire protection  
928 tax rate.

929 (B) (I) In the first year following the annexation of some or all of a county's  
930 unincorporated area to a police district, the certified tax rate applicable to that unincorporated  
931 area shall be decreased by the amount of the equalized tax rate.

932 (II) In the first year following a municipality's annexation to a police district, the  
933 certified tax rate of the annexing municipality shall be decreased by the amount of the  
934 equalized tax rate.

935 (iv) Each tax levied under this section by a fire district or police district shall be  
936 considered to be levied by:

937 (A) each participating county and each annexing county for purposes of the county's  
938 tax limitation under Section 59-2-908; and

939 (B) each participating municipality and each annexing municipality for purposes of the  
940 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a  
941 city.

942 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

943 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county  
944 auditor of:

945 (i) its intent to exceed the certified tax rate; and

946 (ii) the amount by which it proposes to exceed the certified tax rate.

947 (c) The county auditor shall notify all property owners of any intent to exceed the  
948 certified tax rate in accordance with Subsection 59-2-919(2).

949 (4) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be  
950 reduced for any year to the extent necessary to provide a community development and renewal  
951 agency established under Title 17C, Limited Purpose Local Government Entities - Community  
952 Development and Renewal Agencies, with approximately the same amount of money the  
953 agency would have received without a reduction in the county's certified tax rate if:

954 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or  
955 (2)(d)(i);

956 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the  
957 previous year; and

958 (iii) the decrease results in a reduction of the amount to be paid to the agency under  
959 Section 17C-1-403 or 17C-1-404.

960 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any  
961 year to the extent necessary to provide a community development and renewal agency with  
962 approximately the same amount of money as the agency would have received without an  
963 increase in the certified tax rate that year if:

964 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to  
965 a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i); and

966 (ii) The certified tax rate of a city, school district, or special district increases  
967 independent of the adjustment to the taxable value of the base year.

968 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or  
969 (2)(d)(i), the amount of money allocated and, when collected, paid each year to a community  
970 development and renewal agency established under Title 17C, Limited Purpose Local  
971 Government Entities - Community Development and Renewal Agencies, for the payment of  
972 bonds or other contract indebtedness, but not for administrative costs, may not be less than that  
973 amount would have been without a decrease in the certified tax rate under Subsection (2)(c) or  
974 (2)(d)(i).

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**Legislative Review Note**  
as of **2-15-07 11:29 AM**

**Office of Legislative Research and General Counsel**



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**H.B. 450 - Law Enforcement Districts**

**Fiscal Note**

2007 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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