

1 **LAW ENFORCEMENT SERVICE IN LOCAL**
2 **DISTRICTS AND INTERLOCAL ENTITIES**

3 2009 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Scott K. Jenkins**

6 House Sponsor: Richard A. Greenwood

8 **LONG TITLE**

9 **General Description:**

10 This bill modifies provisions relating to law enforcement services in local districts and
11 interlocal entities.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ replaces "extended police protection" with "law enforcement service" in the list of
15 services that a local district may be created to provide;
- 16 ▶ eliminates the requirement to submit the creation of a local district to voters for
17 their approval if the local district is created to provide law enforcement service;
- 18 ▶ requires county and municipal legislative body approval of a property tax imposed
19 by a police local district;
- 20 ▶ requires counties and municipalities participating in a police local district to reduce
21 their certified tax rate to offset a tax levied by the district;
- 22 ▶ modifies who appoints one member of a merit system commission for a first class
23 county in which a police local district or police interlocal entity is created;
- 24 ▶ expands an exception as to how the board of trustees of a service area is to be
25 constituted to include a service area created to provide law enforcement service;
- 26 ▶ modifies a provision relating to the duties of a sheriff in a first class county that
27 enters into an interlocal agreement for law enforcement services and expands it to
28 apply to all counties;
- 29 ▶ requires interlocal agreements between a county and one or more municipalities for

30 law enforcement service to require the service to be provided by or under the direction of the
31 county sheriff;

32 ▶ specifies that if a police interlocal entity or police local district enters an interlocal
33 agreement for law enforcement service, the sheriff is not the chief executive officer
34 of any entity created under that agreement, unless the agreement so provides, and
35 that the sheriff provides law enforcement service under that agreement as provided
36 in the agreement;

37 ▶ provides that a sheriff is the chief law enforcement officer of a local district or
38 interlocal entity created to provide law enforcement service and is subject to the
39 direction of the local district board or interlocal entity governing body as provided
40 by agreement;

41 ▶ limits application of some provisions to districts in counties of the first class;

42 ▶ expands certain local district annexation and withdrawal provisions to apply to
43 specified local districts that provide law enforcement service; and

44 ▶ repeals a provision relating to a first class county entering an interlocal agreement
45 for law enforcement service.

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 Laws of Utah 2007, Chapter 329

53 **10-2-419**, as last amended by Laws of Utah 2007, Chapter 329

54 **11-13-202**, as last amended by Laws of Utah 2004, Chapter 163

55 **17-22-2**, as last amended by Laws of Utah 2008, Chapter 117

56 **17-30-1**, as last amended by Laws of Utah 1993, Chapters 227 and 234

57 **17-30-3**, as last amended by Laws of Utah 1997, Chapter 177

- 58 **17B-1-202**, as last amended by Laws of Utah 2008, Chapter 360
- 59 **17B-1-214**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 60 **17B-1-416**, as last amended by Laws of Utah 2008, Chapter 118
- 61 **17B-1-502**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 62 **17B-1-505**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 63 **17B-2a-903**, as enacted by Laws of Utah 2007, Chapter 329
- 64 **17B-2a-905**, as enacted by Laws of Utah 2007, Chapter 329
- 65 **59-2-924.2**, as enacted by Laws of Utah 2008, Chapters 61, 231, and 236

66 REPEALS:

- 67 **17-50-324**, as enacted by Laws of Utah 2008, Chapter 117



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

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

71 **10-2-406. Notice of certification -- Publishing and providing notice of petition.**

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

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

77 (A) the area proposed for annexation; and

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

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

82 (b) within 20 days of receipt of the notice of certification under Subsection
83 10-2-405(2)(c)(i), mail written notice to each affected entity.

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

85 (i) state that a petition has been filed with the municipality proposing the annexation

86 of an area to the municipality;

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

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

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

92 (v) state in conspicuous and plain terms that the municipality may grant the petition
93 and annex the area described in the petition unless, within the time required under Subsection
94 10-2-407(2)(a)(i)(A), a written protest to the annexation petition is filed with the commission
95 and a copy of the protest delivered to the city recorder or town clerk of the proposed annexing
96 municipality;

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

99 (vii) state that the area proposed for annexation to the municipality will also
100 automatically be annexed to a local district providing fire protection, paramedic, and
101 emergency services or a local district providing law enforcement service, as the case may be,
102 as provided in Section 17B-1-416, if:

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

105 (I) that provides fire protection, paramedic, and emergency services or law
106 enforcement service, respectively; and

107 (II) in the creation of which an election was not required because of Subsection
108 17B-1-214(3)(c); and

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

111 (viii) state that the area proposed for annexation to the municipality will be
112 automatically withdrawn from a local district providing fire protection, paramedic, and
113 emergency services or a local district providing law enforcement service, as the case may be,

114 as provided in Subsection 17B-1-502(2), if:

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

117 (I) that provides fire protection, paramedic, and emergency services or law
118 enforcement service, respectively; and

119 (II) in the creation of which an election was not required because of Subsection
120 17B-1-214(3)(c); and

121 (B) the proposed annexing municipality is not within the boundaries of the local
122 district.

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

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

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

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

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

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

136 **10-2-419. Boundary adjustment -- Notice and hearing -- Protest.**

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

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

141 (i) adopt a resolution indicating the intent of the municipal legislative body to adjust a

142 common boundary;

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

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

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

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

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

154 (ii) describe the area proposed to be adjusted;

155 (iii) state the date, time, and place of the public hearing required under Subsection
156 (2)(a)(ii);

157 (iv) state in conspicuous and plain terms that the municipal legislative body will adjust
158 the boundaries unless, at or before the public hearing under Subsection (2)(a)(ii), written
159 protests to the adjustment are filed by the owners of private real property that:

160 (A) is located within the area proposed for adjustment;

161 (B) covers at least 25% of the total private land area within the area proposed for
162 adjustment; and

163 (C) is equal in value to at least 15% of the value of all private real property within the
164 area proposed for adjustment; and

165 (v) state that the area that is the subject of the boundary adjustment will, because of
166 the boundary adjustment, be automatically annexed to a local district providing fire protection,
167 paramedic, and emergency services or a local district providing law enforcement service, as
168 the case may be, as provided in Section 17B-1-416, if:

169 (A) the municipality to which the area is being added because of the boundary

170 adjustment is entirely within the boundaries of a local district:

171 (I) that provides fire protection, paramedic, and emergency services or law
172 enforcement service, respectively; and

173 (II) in the creation of which an election was not required because of Subsection
174 17B-1-214(3)(c); and

175 (B) the municipality from which the area is being taken because of the boundary
176 adjustment is not within the boundaries of the local district; and

177 (vi) state that the area proposed for annexation to the municipality will be
178 automatically withdrawn from a local district providing fire protection, paramedic, and
179 emergency services, as provided in Subsection 17B-1-502(2), 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 fire protection, paramedic, and emergency services; and

183 (II) in the creation of which an election was not required because of Subsection
184 17B-1-214(3)(c); and

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

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

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

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

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

197 (c) is equal in value to at least 15% of the value of all private real property within the

198 area proposed for adjustment.

199 (4) The municipal legislative body shall comply with the requirements of Section
200 10-2-425 as if the boundary change were an annexation.

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

205 Section 3. Section **11-13-202** is amended to read:

206 **11-13-202. Agreements for joint or cooperative action, for providing or**
207 **exchanging services, or for law enforcement services -- Effective date of agreement --**
208 **Public agencies may restrict their authority or exempt each other regarding permits and**
209 **fees.**

210 (1) Any two or more public agencies may enter into an agreement with one another
211 under this chapter:

212 (a) for joint or cooperative action;

213 (b) to provide services that they are each authorized by statute to provide;

214 (c) to exchange services that they are each authorized by statute to provide;

215 (d) for a public agency to provide law enforcement services to one or more other
216 public agencies, if the public agency providing law enforcement services under the interlocal
217 agreement is authorized by law to provide those services, or to provide joint or cooperative law
218 enforcement services between or among public agencies that are each authorized by law to
219 provide those services; or

220 (e) to do anything else that they are each authorized by statute to do.

221 (2) An agreement under Subsection (1) does not take effect until it has been approved,
222 as provided in Section 11-13-202.5, by each public agency that is a party to it.

223 (3) (a) In an agreement under Subsection (1), a public agency that is a party to the
224 agreement may agree:

225 (i) to restrict its authority to issue permits to or assess fees from another public agency

226 that is a party to the agreement; and

227 (ii) to exempt another public agency that is a party to the agreement from permit or fee
228 requirements.

229 (b) A provision in an agreement under Subsection (1) whereby the parties agree as
230 provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement,
231 including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or
232 enforce the provision.

233 (4) An interlocal agreement between a county and one or more municipalities for law
234 enforcement service within an area that includes some or all of the unincorporated area of the
235 county shall require the law enforcement service provided under the agreement to be provided
236 by or under the direction of the county sheriff.

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

238 **17-22-2. Sheriff -- General duties.**

239 (1) The sheriff shall:

240 (a) preserve the peace;

241 (b) make all lawful arrests;

242 (c) attend in person or by deputy the Supreme Court and the Court of Appeals when
243 required or when the court is held within his county, all courts of record, and court
244 commissioner and referee sessions held within his county, obey their lawful orders and
245 directions, and comply with the court security rule, Rule 3-414, of the Utah Code of Judicial
246 Administration;

247 (d) upon request of the juvenile court, aid the court in maintaining order during
248 hearings and transport a minor to and from youth corrections facilities, other institutions, or
249 other designated places;

250 (e) attend county justice courts if the judge finds that the matter before the court
251 requires the sheriff's attendance for security, transportation, and escort of jail prisoners in his
252 custody, or for the custody of jurors;

253 (f) command the aid of as many inhabitants of his county as he considers necessary in

254 the execution of these duties;

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

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

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

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

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

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

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

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

273 (o) for the sheriff of a [first class] county that enters into an interlocal agreement for
274 law enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, [as authorized
275 in Section 17-50-324: (i)] provide law enforcement service as provided in the interlocal
276 agreement; [or]

277 [~~(ii) provide law enforcement service to an unincorporated area of the county to the
278 extent that the law enforcement service is not provided to the area by a local district or
279 interlocal entity, as defined in Section 11-13-103, established to provide law enforcement
280 service or extended police protection to the area;~~]

281 (p) manage search and rescue services in his county;

282 (q) obtain saliva DNA specimens as required under Section 53-10-404;

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

286 (s) perform any other duties that are required by law.

287 (2) Violation of Subsection (1)(j) is a class C misdemeanor. Violation of any other
288 subsection under Subsection (1) is a class A misdemeanor.

289 (3) (a) As used in this Subsection (3):

290 (i) "Police interlocal entity" has the same meaning as defined in Section 17-30-3.

291 (ii) "Police local district" has the same meaning as defined in Section 17-30-3.

292 (b) A sheriff in a county which includes within its boundary a police local district or
293 police interlocal entity, or both:

294 (i) serves as the chief executive officer of each police local district and police
295 interlocal entity within the county with respect to the provision of law enforcement service
296 within the boundary of the police local district or police interlocal entity, respectively; and

297 (ii) is subject to the direction of the police local district board of trustees or police
298 interlocal entity governing body, as the case may be, as and to the extent provided by
299 agreement between the police local district or police interlocal entity, respectively, and the
300 sheriff.

301 (c) If a police interlocal entity or police local district enters an interlocal agreement
302 with a public agency, as defined in Section 11-13-103, for the provision of law enforcement
303 service, the sheriff:

304 (i) does not serve as the chief executive officer of any interlocal entity created under
305 that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief
306 executive officer; and

307 (ii) shall provide law enforcement service under that interlocal agreement as provided
308 in the agreement.

309 Section 5. Section **17-30-1** is amended to read:

310 **17-30-1. Definitions.**

311 (1) "Governing body" means the county legislative body.

312 (2) "Appointing authority" means the sheriff of a county having jurisdiction over any
313 peace officer.

314 (3) "Peace officer" means any paid deputy sheriff, other than a chief deputy designated
315 by the sheriff, who is in the continuous employ of a county.

316 (4) "Commission" means the ~~[personal]~~ merit system commission consisting of three
317 persons appointed ~~[by the governing body]~~ as provided in Section 17-30-3 and having the
318 duty, power, and responsibility for the discharge of the functions of this chapter.

319 (5) "Department of Public Safety" means the department created in Section 53-1-103.
320 Section 6. Section **17-30-3** is amended to read:

321 **17-30-3. Establishment of merit system commission -- Appointment,**
322 **qualifications, and compensation of members.**

323 (1) (a) Each county with a population of 20,000 ~~[people]~~ or more shall establish a
324 merit system commission consisting of three members appointed as provided in Subsection
325 (1)(b).

326 (b) (i) As used in this Subsection (1)(b):

327 (A) "Police interlocal entity" means an interlocal entity, as defined in Section
328 11-13-103, that is created:

329 (I) under Title 11, Chapter 13, Interlocal Cooperation Act, by an agreement to which a
330 county of the first class is a party; and

331 (II) to provide law enforcement service to an area that includes the unincorporated part
332 of the county.

333 (B) "Police local district" means a local district, as defined in Section 17B-1-102:

334 (I) whose creation was initiated by the adoption of a resolution under Section
335 17B-1-203 by the legislative body of a county of the first class, alone or with one or more
336 other legislative bodies; and

337 (II) that is created to provide law enforcement service to an area that includes the

338 unincorporated part of the county.

339 (ii) For a county in which a police interlocal entity is created, whether or not a police
340 local district is also created in the county:

341 (A) two members shall be appointed by the legislative body of the county; and

342 (B) one member shall be appointed by the governing body of the interlocal entity.

343 (iii) For a county in which a police local district is created but in which a police
344 interlocal entity has not been created:

345 (A) two members shall be appointed by the legislative body of the county; and

346 (B) one member shall be appointed by the board of trustees of the police local district.

347 (iv) For each other county, all three members shall be appointed by the county
348 legislative body.

349 (c) Not more than two members of the commission shall be affiliated with or members
350 of the same political party.

351 (d) Of the original appointees, one member shall be appointed for a term ending
352 February 1 of the first odd-numbered year after the date of appointment, and one each for
353 terms ending two and four years thereafter.

354 (e) Upon the expiration of any of the terms, a successor shall be appointed for a full
355 term of six years.

356 (f) Appointment to fill a vacancy resulting other than from expiration of term shall be
357 for the unexpired portion of the term only. ~~[Each legislative body charged by this act with the~~
358 ~~appointment of a personnel merit system commission shall make such appointments within 90~~
359 ~~days after the effective date of this act.]~~

360 (2) Members of a commission shall be citizens of the state, shall have been residents
361 of the area embraced by the governmental unit from which appointed not less than five years
362 next preceding the date of appointment, and shall hold no other office or employment under
363 the governmental unit for which appointed.

364 (3) The county legislative body may compensate a member for service on the
365 commission and reimburse the member for necessary expenses incurred in the performance of

366 the member's duties.

367 Section 7. Section **17B-1-202** is amended to read:

368 **17B-1-202. Local district may be created -- Services that may be provided --**

369 **Limitations.**

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

- 372 (i) the operation of an airport;
- 373 (ii) the operation of a cemetery;
- 374 (iii) fire protection, paramedic, and emergency services;
- 375 (iv) garbage collection and disposal;
- 376 (v) health care, including health department or hospital service;
- 377 (vi) the operation of a library;
- 378 (vii) abatement or control of mosquitos and other insects;
- 379 (viii) the operation of parks or recreation facilities or services;
- 380 (ix) the operation of a sewage system;
- 381 (x) street lighting;
- 382 (xi) the construction and maintenance of curb, gutter, and sidewalk;
- 383 (xii) transportation, including public transit and providing streets and roads;
- 384 (xiii) the operation of a system, or one or more components of a system, for the
385 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
386 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
387 the system is operated on a wholesale or retail level or both;
- 388 (xiv) ~~extended police protection~~ law enforcement service; or
- 389 (xv) subject to Subsection (1)(b), the underground installation of an electric utility line
390 or the conversion to underground of an existing electric utility line.

391 (b) Each local district that provides the service of the underground installation of an
392 electric utility line or the conversion to underground of an existing electric utility line shall, in
393 installing or converting the line, provide advance notice to and coordinate with the utility that

394 owns the line.

395 (2) For purposes of this section:

396 (a) "Operation" means all activities involved in providing the indicated service
397 including acquisition and ownership of property reasonably necessary to provide the indicated
398 service and acquisition, construction, and maintenance of facilities and equipment reasonably
399 necessary to provide the indicated service.

400 (b) "System" means the aggregate of interrelated components that combine together to
401 provide the indicated service including, for a sewage system, collection and treatment.

402 (3) (a) A local district may not be created to provide and may not after its creation
403 provide more than four of the services listed in Subsection (1).

404 (b) Subsection (3)(a) may not be construed to prohibit a local district from providing
405 more than four services if, before April 30, 2007, the local district was authorized to provide
406 those services.

407 (4) (a) Except as provided in Subsection (4)(b), a local district may not be created to
408 provide and may not after its creation provide to an area the same service already being
409 provided to that area by another political subdivision, unless the other political subdivision
410 gives its written consent.

411 (b) For purposes of Subsection (4)(a), a local district does not provide the same service
412 as another political subdivision if it operates a component of a system that is different from a
413 component operated by another political subdivision but within the same:

414 (i) sewage system; or

415 (ii) water system.

416 (5) (a) Except for a local district in the creation of which an election is not required
417 under Subsection 17B-1-214(3)(c), the area of a local district may include all or part of the
418 unincorporated area of one or more counties and all or part of one or more municipalities.

419 (b) The area of a local district need not be contiguous.

420 (6) For a local district created before May 5, 2008, the authority to provide fire
421 protection service also includes the authority to provide:

422 (a) paramedic service; and

423 (b) emergency service, including hazardous materials response service.

424 Section 8. Section **17B-1-214** is amended to read:

425 **17B-1-214. Election -- Exceptions.**

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

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

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

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

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

439 (a) for an election pursuant to a property owner or registered voter petition, more than
440 45 days after certification of the petition under Subsection 17B-1-209(3)(b)(i); or

441 (b) for an election pursuant to a resolution, more than 60 days after the latest hearing
442 required under Section 17B-1-210.

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

444 (a) a petition filed under Subsection 17B-1-203(1)(a) if it contains the signatures of
445 the owners of private real property that:

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

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

449 (iii) is equal in value to at least 50% of the value of all private real property within the

450 proposed local district as a whole and within each applicable area;

451 (b) a petition filed under Subsection 17B-1-203(1)(b) if it contains the signatures of
452 registered voters residing within the proposed local district as a whole and within each
453 applicable area, equal in number to at least 67% of the number of votes cast in the proposed
454 local district as a whole and in each applicable area, respectively, for the office of governor at
455 the last general election prior to the filing of the petition;

456 (c) a resolution adopted under Subsection 17B-1-203(1)(c) on or after May 5, 2003
457 that proposes the creation of a local district to provide fire protection, paramedic, and
458 emergency services or law enforcement service, if the proposed local district includes a
459 majority of the unincorporated area of one or more counties; or

460 (d) a resolution adopted under Subsection 17B-1-203(1)(c) or (d) if the resolution
461 proposes the creation of a local district that has no registered voters within its boundaries.

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

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

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

471 Section 9. Section **17B-1-416** is amended to read:

472 **17B-1-416. Automatic annexation to a district providing fire protection,**
473 **paramedic, and emergency services or law enforcement service.**

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

477 (a) the local district provides:

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

479 (ii) law enforcement service;

480 (b) an election for the creation of the local district was not required because of

481 Subsection 17B-1-214(3)(c); and

482 (c) before the municipal annexation or boundary adjustment, the entire municipality

483 that is annexing the area or adding the area by boundary adjustment was included within the

484 local district.

485 (2) The effective date of an annexation under this section is governed by Subsection

486 17B-1-414(3)(b)(ii).

487 Section 10. Section **17B-1-502** is amended to read:

488 **17B-1-502. Withdrawal of area from local district -- Automatic withdrawal in**
489 **certain circumstances -- Definitions.**

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

492 (b) Except as provided in Subsections (2) and (3), the inclusion of an area of a local
493 district within a municipality because of a municipal incorporation under Title 10, Chapter 2,
494 Part 1, Incorporation, or a municipal annexation or boundary adjustment under Title 10,
495 Chapter 2, Part 4, Annexation, does not affect the requirements under this part for the process
496 of withdrawing that area from the local district.

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

500 (i) the local district provides;

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

502 (B) law enforcement service;

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

504 Subsection 17B-1-214(3)(c); and

505 (iii) before annexation or boundary adjustment, the boundaries of the local district do

506 not include any of the annexing municipality.

507 (b) The effective date of a withdrawal under this Subsection (2) is governed by
508 Subsection 17B-1-512(2)(b).

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

512 (i) the local district provides;

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

514 (B) law enforcement service;

515 (ii) an election for the creation of the local district was not required because of
516 Subsection 17B-1-214(3)(c); and

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

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

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

521 (b) The effective date of a withdrawal under this Subsection (3) is governed by
522 Subsection 17B-1-512(2)(a).

523 Section 11. Section **17B-1-505** is amended to read:

524 **17B-1-505. Withdrawal of municipality in certain districts providing fire**
525 **protection, paramedic, and emergency services or law enforcement service.**

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

529 (i) that provides;

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

531 (B) law enforcement service; and

532 (ii) in the creation of which an election was not required because of Subsection
533 17B-1-214(3)(c).

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

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

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

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

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

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

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

552 (5) The effective date of a withdrawal under this section is governed by Subsection
553 17B-1-512(2)(a).

554 Section 12. Section **17B-2a-903** is amended to read:

555 **17B-2a-903. Additional service area powers -- Property tax limitation for service**
556 **area providing law enforcement service.**

557 (1) In addition to the powers conferred on a service area under Section 17B-1-103, a
558 service area:

559 ~~[(+)]~~ (a) may issue bonds as provided in and subject to Chapter 1, Part 11, Local
560 District Bonds, to carry out the purposes of the district;

561 ~~[(2)]~~ (b) that, until April 30, 2007, was a regional service area, may provide park,

562 recreation, or parkway services, or any combination of those services; and

563 ~~[(3)]~~ (c) may, with the consent of the county in which the service area is located,
564 provide planning and zoning service.

565 (2) A service area that provides law enforcement service may not levy a property tax or
566 increase its certified tax rate, as defined in Section 59-2-924, without the prior approval of:

567 (a) (i) the legislative body of each municipality that is partly or entirely within the
568 boundary of the service area; and

569 (ii) the legislative body of the county with an unincorporated area within the boundary
570 of the service area; or

571 (b) (i) a majority of the legislative bodies of all municipalities that are partly or
572 entirely within the boundary of the service area; and

573 (ii) two-thirds of the legislative body of the county with an unincorporated area within
574 the boundary of the service area.

575 Section 13. Section **17B-2a-905** is amended to read:

576 **17B-2a-905. Service area board of trustees.**

577 (1) (a) Except as provided in Subsection (2):

578 (i) the initial board of trustees of a service area located entirely within the
579 unincorporated area of a single county may, as stated in the petition or resolution that initiated
580 the process of creating the service area:

581 (A) consist of the county legislative body;

582 (B) be appointed, as provided in Section 17B-1-304; or

583 (C) be elected, as provided in Section 17B-1-306;

584 (ii) if the board of trustees of a service area consists of the county legislative body, the
585 board may adopt a resolution providing for future board members to be appointed, as provided
586 in Section 17B-1-304, or elected, as provided in Section 17B-1-306; and

587 (iii) members of the board of trustees of a service area shall be elected, as provided in
588 Section 17B-1-306, if:

589 (A) the service area is not entirely within the unincorporated area of a single county;

590 (B) a petition is filed with the board of trustees requesting that board members be
591 elected, and the petition is signed by registered voters within the service area equal in number
592 to at least 10% of the number of registered voters within the service area who voted at the last
593 gubernatorial election; or

594 (C) an election is held to authorize the service area's issuance of bonds.

595 (b) If members of the board of trustees of a service area are required to be elected
596 under Subsection (1)(a)(iii)(C) because of a bond election:

597 (i) board members shall be elected in conjunction with the bond election;

598 (ii) the board of trustees shall:

599 (A) establish a process to enable potential candidates to file a declaration of candidacy
600 sufficiently in advance of the election; and

601 (B) provide a ballot for the election of board members separate from the bond ballot;
602 and

603 (iii) except as provided in this Subsection (1)(b), the election shall be held as provided
604 in Section 17B-1-306.

605 (2) (a) This Subsection (2) applies to a service area created on or after May 5, 2003 if:

606 (i) the service area was created to provide;

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

608 (B) law enforcement service; and

609 (ii) in the creation of the service area, an election was not required under Subsection
610 17B-1-214(3)(c).

611 (b) (i) Each county whose unincorporated area is included within a service area
612 described in Subsection (2)(a), whether in conjunction with the creation of the service area or
613 by later annexation, shall appoint three members to the board of trustees.

614 (ii) Each municipality whose area is included within a service area described in
615 Subsection (2)(a), whether in conjunction with the creation of the service area or by later
616 annexation, shall appoint one member to the board of trustees.

617 (iii) Each member appointed by a county or municipality under Subsection (2)(b)(i) or

618 (ii) shall be an elected official of the appointing county or municipality, respectively.

619 (c) Notwithstanding Subsection 17B-1-302(2), the number of members of a board of
620 trustees of a service area described in Subsection (2)(a) shall be the number resulting from
621 application of Subsection (2)(b).

622 Section 14. Section **59-2-924.2** is amended to read:

623 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

624 (1) For purposes of this section, "certified tax rate" means a certified tax rate
625 calculated in accordance with Section 59-2-924.

626 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from
627 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
628 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under
629 Chapter 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its
630 certified tax rate to offset the increased revenues.

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

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

635 (ii) increased by the amount necessary to offset the county's reduction in revenue from
636 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
637 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
638 (3)(a)(i).

639 (b) The commission shall determine estimates of sales and use tax distributions for
640 purposes of Subsection (3)(a).

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

646 (5) (a) This Subsection (5) applies to each county that:
647 (i) establishes a countywide special service district under Title 17D, Chapter 1,
648 Special Service District Act, to provide jail service, as provided in Subsection 17D-1-201(10);
649 and
650 (ii) levies a property tax on behalf of the special service district under Section
651 17D-1-105.
652 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall
653 be decreased by the amount necessary to reduce county revenues by the same amount of
654 revenues that will be generated by the property tax imposed on behalf of the special service
655 district.
656 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the
657 levy on behalf of the special service district under Section 17D-1-105.
658 (6) (a) As used in this Subsection (6):
659 (i) "Annexing county" means a county whose unincorporated area is included within a
660 ~~[fire]~~ public safety district by annexation.
661 (ii) "Annexing municipality" means a municipality whose area is included within a
662 ~~[fire]~~ public safety district by annexation.
663 (iii) "Equalized ~~[fire]~~ public safety protection tax rate" means the tax rate that results
664 from:
665 (A) calculating, for each participating county and each participating municipality, the
666 property tax revenue necessary:
667 (I) in the case of a fire district, to cover all of the costs associated with providing fire
668 protection, paramedic, and emergency services:
669 ~~[(F)]~~ (Aa) for a participating county, in the unincorporated area of the county; and
670 ~~[(H)]~~ (Bb) for a participating municipality, in the municipality; ~~[and]~~ or
671 (II) in the case of a police district, to cover all the costs:
672 (Aa) associated with providing law enforcement service:
673 (Ii) for a participating county, in the unincorporated area of the county; and

674 (Iii) for a participating municipality, in the municipality; and
675 (Bb) that the police district board designates as the costs to be funded by a property
676 tax; and
677 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all
678 participating counties and all participating municipalities and then dividing that sum by the
679 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:
680 (I) for participating counties, in the unincorporated area of all participating counties;
681 and
682 (II) for participating municipalities, in all the participating municipalities.
683 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service
684 Area Act[;]:
685 (A) created to provide fire protection, paramedic, and emergency services; and
686 (B) in the creation of which an election was not required under Subsection
687 17B-1-214(3)(c).
688 (v) "Participating county" means a county whose unincorporated area is included
689 within a [~~fire~~] public safety district at the time of the creation of the [~~fire~~] public safety
690 district.
691 (vi) "Participating municipality" means a municipality whose area is included within a
692 [~~fire~~] public safety district at the time of the creation of the [~~fire~~] public safety district.
693 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service
694 Area Act, within a county of the first class:
695 (A) created to provide law enforcement service; and
696 (B) in the creation of which an election was not required under Subsection
697 17B-1-214(3)(c).
698 (viii) "Public safety district" means a fire district or a police district.
699 (ix) "Public safety service" means:
700 (A) in the case of a public safety district that is a fire district, fire protection,
701 paramedic, and emergency services; and

702 (B) in the case of a public safety district that is a police district, law enforcement
703 service.

704 (b) In the first year following creation of a [~~fire~~] public safety district, the certified tax
705 rate of each participating county and each participating municipality shall be decreased by the
706 amount of the equalized [~~fire protection~~] public safety tax rate.

707 (c) In the first budget year following annexation to a [~~fire~~] public safety district, the
708 certified tax rate of each annexing county and each annexing municipality shall be decreased
709 by an amount equal to the amount of revenue budgeted by the annexing county or annexing
710 municipality:

711 (i) for [~~fire protection, paramedic, and emergency services~~] public safety service; and

712 (ii) in:

713 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,
714 the prior calendar year; or

715 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior
716 fiscal year.

717 (d) Each tax levied under this section by a [~~fire~~] public safety district shall be
718 considered to be levied by:

719 (i) each participating county and each annexing county for purposes of the county's
720 tax limitation under Section 59-2-908; and

721 (ii) each participating municipality and each annexing municipality for purposes of
722 the municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
723 city.

724 (e) The calculation of a [~~fire~~] public safety district's certified tax rate for the year of
725 annexation shall be adjusted to include an amount of revenue equal to one half of the amount
726 of revenue budgeted by the annexing entity for [~~fire protection, paramedic, and emergency~~
727 ~~services~~] public safety service in the annexing entity's prior fiscal year if:

728 (i) the [~~fire~~] public safety district operates on a January 1 through December 31 fiscal
729 year;

730 (ii) the ~~[fire]~~ public safety district approves an annexation of an entity operating on a
731 July 1 through June 30 fiscal year; and

732 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

733 (7) For the calendar year beginning on January 1, 2007, the calculation of a taxing
734 entity's certified tax rate, calculated in accordance with Section 59-2-924, shall be adjusted by
735 the amount necessary to offset any change in the certified tax rate that may result from
736 excluding the following from the certified tax rate under Subsection 59-2-924(3) enacted by
737 the Legislature during the 2007 General Session:

738 (a) personal property tax revenue:

739 (i) received by a taxing entity;

740 (ii) assessed by a county assessor in accordance with Part 3, County Assessment; and

741 (iii) for personal property that is semiconductor manufacturing equipment; or

742 (b) the taxable value of personal property:

743 (i) contained on the tax rolls of a taxing entity;

744 (ii) assessed by a county assessor in accordance with Part 3, County Assessment; and

745 (iii) that is semiconductor manufacturing equipment.

746 (8) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be
747 reduced for any year to the extent necessary to provide a community development and renewal
748 agency established under Title 17C, Limited Purpose Local Government Entities - Community
749 Development and Renewal Agencies, with approximately the same amount of money the
750 agency would have received without a reduction in the county's certified tax rate, calculated in
751 accordance with Section 59-2-924, if:

752 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or
753 (3)(a);

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

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

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

762 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due
763 to a decrease in the certified tax rate under Subsection (2) or (3)(a); and

764 (ii) the certified tax rate of a city, school district, local district, or special service
765 district increases independent of the adjustment to the taxable value of the base year.

766 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),
767 the amount of money allocated and, when collected, paid each year to a community
768 development and renewal agency established under Title 17C, Limited Purpose Local
769 Government Entities - Community Development and Renewal Agencies, for the payment of
770 bonds or other contract indebtedness, but not for administrative costs, may not be less than
771 that amount would have been without a decrease in the certified tax rate under Subsection (2)
772 or (3)(a).

773 **Section 15. Repealer.**

774 This bill repeals:

775 **Section 17-50-324, First class county may contract to provide law enforcement**
776 **service.**