

**1st Sub. S.B. 84**  
**IMPACT FEES REVISIONS**

Senator **Gregory S. Bell** proposes the following amendments:

1. *Page 1, Lines 12 through 13:*

12            {~~→ modifies the definition of "development approval" for public entities that may~~  
13 ~~develop without written authorization;~~}

2. *Page 2, Lines 33 through 34:*

33 Other Special Clauses:

34            {~~None~~}    **This bill coordinates with H.B. 259, Changes to Impact Fees, by technically superseding and merging amendments.**  
**This bill coordinates with H.B. 274, Local Government Fees and Charges, by technically superseding and merging amendments.**

3. *Page 4, Lines 88 through 92:*

88            (4) "Development approval" means {~~;~~  
89 ~~— (a) except as provided in Subsection (4)(b);~~} any written authorization from a local  
90 political subdivision that authorizes the commencement of development activity {+} . {+} {~~;~~ or  
91 ~~— (b) development activity, for a public entity that may develop without written~~  
92 ~~authorization from a local political subdivision.~~}

4. *Page 17, Line 511:*

511 in the district office.

**Section 9. Coordinating S.B. 84 with H.B. 259 -- Technically superseding and merging amendments.**

**If this S.B. 84 and H.B. 259, Changes to Impact Fees, both pass, it is the intent of the Legislature that:**

**(1) the amendments to Subsections 11-36-201(1)(c) and (d) in this bill supersede the amendments to Subsections 11-36-201(1)(c) and (d) in H.B. 259, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication; and**

**(2) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 11-36-202(6) to read:**

"[(7)] (6) Notwithstanding any other provision of this chapter:

(a) [a municipality imposing impact fees to fund fire trucks as of the effective date of this act may impose

~~impact fees for fire trucks until July 1, 1997; and (b)] an impact fee to pay for a public safety facility that is a fire suppression vehicle may not be imposed [with respect to land that has a zoning designation other than commercial] on residential components of development[-];~~

(b) an impact fee may not be imposed on a school district or charter school for a park, recreation facility, open space, or trail;

(c) an impact fee may not be imposed on development activity that consists of the construction of a school, whether by a school district or a charter school, if:

(i) the school is intended to replace another school, whether on the same or a different parcel; and

(ii) the new school and the school being replaced are both within:

(A) the boundary of the local political subdivision; or

(B) the jurisdiction of the private entity; and

(d) an impact fee may not be imposed on a school district or charter school unless:

(i) the development resulting from the school district or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and

(ii) the impact fee is calculated to cover only the school district or charter school's proportionate share of the cost of those additional system improvements."

**Section 10. Coordinating S.B. 84 with H.B. 274 -- Technically superseding and merging amendments.**

**If this S.B. 84 and H.B. 274, Local Government Fees and Charges, both pass, it is the intent of the Legislature that:**

**(1) the amendments to Subsections 11-36-201(1)(c) and (d) in this bill supersede the amendments to Subsections 11-36-201(1)(c) and (d) in H.B. 274, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication; and**

**(2) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 11-36-202(6) to read:**

"~~(7)~~ (6) Notwithstanding any other provision of this chapter:

~~(a) [a municipality imposing impact fees to fund fire trucks as of the effective date of this act may impose impact fees for fire trucks until July 1, 1997; and (b)] an impact fee to pay for a public safety facility that is a fire suppression vehicle may not be imposed [with respect to land that has a zoning designation other than commercial] on residential components of development[-];~~

(b) an impact fee for a road facility may be imposed on the state only if and to the extent that:

(i) the state's development causes an impact on the road facility; and

(ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government; and

(c) to the extent that the impact fee includes a component for a law enforcement facility, the impact fee may not be imposed on development activity for:

(i) the Utah National Guard;

(ii) the Utah Highway Patrol; or

(iii) a state institution of higher education that has its own police force."

