

Representative Wayne A. Harper proposes the following substitute bill:

LOCAL GOVERNMENT FEE AUTHORITY

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill prohibits, with certain exceptions, a service area from charging or collecting a fee.

Highlighted Provisions:

This bill:

▶ prohibits, with certain exceptions, a service area from charging or collecting a fee;

and

▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-2a-902, as enacted by Laws of Utah 2007, Chapter 329

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

Section 1. Section **17B-2a-902** is amended to read:



26 **17B-2a-902. Provisions applicable to service areas.**

27 (1) Each service area is governed by and has the powers stated in:

28 (a) this part; and

29 (b) except as provided in Subsection (5), Chapter 1, Provisions Applicable to All Local
30 Districts.

31 (2) This part applies only to service areas.

32 (3) A service area is not subject to the provisions of any other part of this chapter.

33 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
34 Local Districts, and a provision in this part, the provision in this part governs.35 (5) (a) Except as provided in Subsection (5)(b), on or after ~~H~~→ [July] ~~S~~→ [January]35a December ~~←H~~ [1] 31, ~~←S~~35a ~~H~~→ [2011] 2012 ~~←H~~ , a service area36 may not charge or collect a fee under Section 17B-1-643 for:37 (i) law enforcement services;38 (ii) fire protection services;39 (iii) 911 ambulance or paramedic services as defined in Section 26-8a-102 that are
40 provided under a contract in accordance with Section 26-8a-405.2; or41 (iv) emergency services.42 (b) Subsection (5)(a) does not apply to:43 (i) a fee charged or collected on an individual basis rather than a general basis ~~S~~→ [and in44 accordance with Section 26-8a-403] ~~←S~~ ;45 (ii) a non-911 service as defined in Section 26-8a-102 that is provided under a contract
46 in accordance with Section 26-8a-405.2; ~~H~~→ [or] ~~←H~~47 (iii) an impact fee charged or collected for a public safety facility as defined in Section48 11-36-102 ~~H~~→ [2] ; or48a (iv) a service area that includes within the boundary of the service area a county of the48b fourth, fifth, or sixth class. ~~←H~~

FISCAL NOTE

H.B. 226 1st Sub. (Buff)

SHORT TITLE: **Local Government Fee Authority**

SPONSOR: **Harper, W.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill could reduce local revenues by \$10,600,000.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Individuals and businesses could benefit from the reduced fee at various amounts between \$162 and \$76,620.