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LOCAL GOVERNMENT FEE AUTHORITY

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

Senate Sponsor: _____

LONG TITLE

General Description:

This bill prohibits, with certain exceptions, a county on or after January 1, 2011, from charging or collecting a fee for certain service areas created by the county.

Highlighted Provisions:

This bill:

- ▶ prohibits, with certain exceptions, a county on or after January 1, 2011, from charging or collecting a fee for certain service areas created by the county;
- ▶ requires a county to refund certain fees owed and paid beginning on or after January 1, 2011; 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:



28 **17B-2a-902. Provisions applicable to service areas.**

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

30 (a) this part; and

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

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

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

35 (4) If there is a conflict between a provision in Chapter 1, Provisions Applicable to All
36 Local Districts, and a provision in this part, the provision in this part governs.

37 (5) (a) On or after January 1, 2011, a county may not charge or collect a fee under
38 Section 17B-1-643 for a service area created by the county for:

39 (i) law enforcement services;

40 (ii) fire protection services;

41 (iii) except as provided in Subsection (5)(b), 911 ambulance or paramedic services as
42 defined in Section 26-8a-102 that are provided under a contract in accordance with Section
43 26-8a-405.2; or

44 (iv) emergency services.

45 (b) Subsection (5)(a) does not apply to:

46 (i) a fee charged or collected on an individual basis rather than a general countywide
47 basis and in accordance with Section 26-8a-403; or

48 (ii) a non-911 service as defined in Section 26-8a-102 that is provided under a contract
49 in accordance with Section 26-8a-405.2.

50 (c) (i) A county shall:

51 (A) refund a fee described in Subsection (5)(a) that is owed and paid beginning on or
52 after January 1, 2011; and

53 (B) pay a refund described in Subsection (5)(c)(i)(A) on or before July 1, 2011.

54 (ii) A county may not pay interest on a refund described in Subsection (5)(c)(i).

Legislative Review Note
as of 1-19-11 12:25 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 226, 2011 General Session

SHORT TITLE: **Local Government Fee Authority**

SPONSOR: **Harper, W.**

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 approximately \$10,900,000.

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

Individuals and businesses could see a reduction in taxes paid of approximately \$10,900,000.