

LOCAL DISTRICT SERVICES AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Clark

Senate Sponsor: _____

LONG TITLE

General Description:

This bill authorizes a local district or a special service district to provide control or abatement of earth movement or a landslide.

Highlighted Provisions:

This bill:

- ▶ authorizes a local district or a special service district to provide control or abatement of earth movement or a landslide; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17B-1-202, as last amended by Laws of Utah 2010, Chapters 150 and 159

17D-1-201, as last amended by Laws of Utah 2009, First Special Session, Chapter 4

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

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

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



28 **Limitations.**

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

- 31 (i) the operation of an airport;
- 32 (ii) the operation of a cemetery;
- 33 (iii) fire protection, paramedic, and emergency services;
- 34 (iv) garbage collection and disposal;
- 35 (v) health care, including health department or hospital service;
- 36 (vi) the operation of a library;
- 37 (vii) abatement or control of mosquitos and other insects;
- 38 (viii) the operation of parks or recreation facilities or services;
- 39 (ix) the operation of a sewage system;
- 40 (x) street lighting;
- 41 (xi) the construction and maintenance of a right-of-way, including:
 - 42 (A) a curb;
 - 43 (B) a gutter;
 - 44 (C) a sidewalk;
 - 45 (D) a street;
 - 46 (E) a road;
 - 47 (F) a water line;
 - 48 (G) a sewage line;
 - 49 (H) a storm drain;
 - 50 (I) an electricity line;
 - 51 (J) a communications line; or
 - 52 (K) a natural gas line;
- 53 (xii) transportation, including public transit and providing streets and roads;
- 54 (xiii) the operation of a system, or one or more components of a system, for the
55 collection, storage, retention, control, conservation, treatment, supplying, distribution, or
56 reclamation of water, including storm, flood, sewage, irrigation, and culinary water, whether
57 the system is operated on a wholesale or retail level or both;
- 58 (xiv) in accordance with Subsection (1)(c), the development and execution of a

59 groundwater management plan in cooperation with and approved by the state engineer in
60 accordance with Section 73-5-15;

61 (xv) law enforcement service; [~~or~~]

62 (xvi) subject to Subsection (1)(b), the underground installation of an electric utility line
63 or the conversion to underground of an existing electric utility line[~~;~~]; or

64 (xvii) the control or abatement of earth movement or a landslide.

65 (b) Each local district that provides the service of the underground installation of an
66 electric utility line or the conversion to underground of an existing electric utility line shall, in
67 installing or converting the line, provide advance notice to and coordinate with the utility that
68 owns the line.

69 (c) A groundwater management plan described in Subsection (1)(a)(xiv) may include
70 the banking of groundwater rights by a local district in a critical management area as defined in
71 Section 73-5-15 following the adoption of a groundwater management plan by the state
72 engineer under Section 73-5-15.

73 (i) A local district may manage the groundwater rights it acquires under Subsection
74 17B-1-103(2)(a) or (b) consistent with the provisions of a groundwater management plan
75 described in Subsection (1)(c).

76 (ii) A groundwater right held by a local district to satisfy the provisions of a
77 groundwater management plan is not subject to the forfeiture provisions of Section 73-1-4.

78 (iii) (A) A local district may divest itself of a groundwater right subject to a
79 determination that the groundwater right is not required to facilitate the groundwater
80 management plan described in Subsection (1)(c).

81 (B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section
82 73-1-4 beginning on the date of divestiture.

83 (iv) Upon a determination by the state engineer that an area is no longer a critical
84 management area, a water right held by the local district is subject to Section 73-1-4.

85 (2) For purposes of this section:

86 (a) "Operation" means all activities involved in providing the indicated service
87 including acquisition and ownership of property reasonably necessary to provide the indicated
88 service and acquisition, construction, and maintenance of facilities and equipment reasonably
89 necessary to provide the indicated service.

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

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

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

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

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

- 104 (i) sewage system; or
- 105 (ii) water system.

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

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

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

- 112 (a) paramedic service; and
- 113 (b) emergency service, including hazardous materials response service.

114 (7) A local district created before May 11, 2010, authorized to provide the construction
115 and maintenance of curb, gutter, or sidewalk may provide a service described in Subsection
116 (1)(a)(xi) on or after May 11, 2010.

117 Section 2. Section **17D-1-201** is amended to read:

118 **17D-1-201. Services that a special service district may be created to provide.**

119 As provided in this part, a county or municipality may create a special service district to
120 provide any combination of the following services:

- 121 (1) water;
- 122 (2) sewerage;
- 123 (3) drainage;
- 124 (4) flood control;
- 125 (5) garbage collection and disposal;
- 126 (6) health care;
- 127 (7) transportation, including the receipt of federal secure rural school funds under
- 128 Section 51-9-603 for the purposes of constructing, improving, repairing, or maintaining public
- 129 roads;
- 130 (8) recreation;
- 131 (9) fire protection, including:
- 132 (a) emergency medical services, ambulance services, and search and rescue services, if
- 133 fire protection service is also provided;
- 134 (b) Firewise Communities programs and the development of community wildfire
- 135 protection plans; and
- 136 (c) the receipt of federal secure rural school funds as provided under Section 51-9-603
- 137 for the purposes of carrying out Firewise Communities programs, developing community
- 138 wildfire protection plans, and performing emergency services, including firefighting on federal
- 139 land and other services authorized under this Subsection (9);
- 140 (10) providing, operating, and maintaining correctional and rehabilitative facilities and
- 141 programs for municipal, state, and other detainees and prisoners;
- 142 (11) street lighting;
- 143 (12) consolidated 911 and emergency dispatch;
- 144 (13) animal shelter and control;
- 145 (14) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease
- 146 Funds, and expending those funds to provide construction and maintenance of public facilities,
- 147 traditional governmental services, and planning, as a means for mitigating impacts from
- 148 extractive mineral industries; ~~and~~
- 149 (15) in a county of the first class, extended police protection[-]; or
- 150 (16) control or abatement of earth movement or a landslide.

Legislative Review Note
as of 1-31-11 10:11 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 263

SHORT TITLE: **Local District Services Amendments**

SPONSOR: **Clark, D.**

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 likely will not result in direct, measurable costs and/or benefits for local governments.

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

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.