

SB0043S01 compared with SB0043

~~{deleted text}~~ shows text that was in SB0043 but was deleted in SB0043S01.

inserted text shows text that was not in SB0043 but was inserted into SB0043S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Senator Daniel W. Thatcher proposes the following substitute bill:

LOCAL DISTRICT FEES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel W. Thatcher

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to a fee charged by a ~~{local district or }~~ service area.

Highlighted Provisions:

This bill:

~~{ ————— } amends provisions related to notice requirements for a local district imposing or increasing a fee;~~

- ~~{ }~~ ▶ in certain circumstances, prohibits a ~~{county}~~ service area from charging or collecting a fee ~~{ for a service area }~~; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

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This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

~~{ 17B-1-643, as last amended by Laws of Utah 2009, First Special Session, Chapter 5~~
~~+ 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-1-643}~~ 17B-2a-902 is amended to read:

~~{ 17B-1-643. Imposing or increasing a fee for service provided by local district.~~

~~—— (1) (a) Before imposing a new fee or increasing an existing fee for a service provided by a local district, each local district board of trustees shall first hold a public hearing at which any interested person may speak for or against the proposal to impose a fee or to increase an existing fee.~~

~~—— (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning no earlier than 6 p.m.~~

~~—— (c) A public hearing required under this Subsection (1) may be combined with a public hearing on a tentative budget required under Section 17B-1-610.~~

~~—— (d) Except to the extent that this section imposes more stringent notice requirements, the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act, in holding the public hearing under Subsection (1)(a).~~

~~—— [(2) (a) Each local district board shall give notice of a hearing under Subsection (1) as provided in Subsection (2)(b)(i) or (ii).]~~

~~—— [(b) (i) (A) The notice required under Subsection (2)(a) shall be published:]~~

~~—— [(I) in a newspaper or combination of newspapers of general circulation in the local district, if there is a newspaper or combination of newspapers of general circulation in the local district; or]~~

~~—— [(II) if there is no newspaper or combination of newspapers of general circulation in the local district, the local district board shall post at least one notice per 1,000 population within the local district, at places within the local district that are most likely to provide actual notice to residents within the local district.]~~

~~—— [(B) The notice described in Subsection (2)(b)(i)(A)(I):]~~

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~~——— [(I) shall be no less than 1/4 page in size and the type used shall be no smaller than 18 point, and surrounded by a 1/4-inch border;]~~

~~——— [(II) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear;]~~

~~——— [(III) whenever possible, shall appear in a newspaper that is published at least one day per week;]~~

~~——— [(IV) shall be in a newspaper or combination of newspapers of general interest and readership in the local district, and not of limited subject matter; and]~~

~~——— [(V) shall be run once each week for the two weeks preceding the hearing.]~~

~~——— [(ii) The notice described in Subsection (2)(b)(i)(A) shall state]~~

~~——— (2) (a) Each local district board shall:~~

~~——— (i) give notice of a hearing held in accordance with Subsection (1);~~

~~——— (ii) state in the notice described in Subsection (2)(a)(i) that the local district board intends to impose or increase a fee for a service provided by the local district and will hold a public hearing on a certain day, time, and place fixed in the notice[, which shall be not less than seven days after the day the first notice is published,] for the purpose of hearing comments regarding the proposed imposition or increase of a fee and to explain the reasons for the proposed imposition or increase[.]; and~~

~~——— [(c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of trustees may]~~

~~——— (iii) give the notice required under Subsection (2)(a)(i) by mailing, in accordance with Subsection (2)(c), the notice to those within the district who:~~

~~——— (A) will be charged the fee for a district service, if the fee is being imposed for the first time; or~~

~~——— (B) are being charged a fee, if the fee is proposed to be increased.~~

~~——— [(ii)] (b) Each notice under Subsection (2)[(c)][(a)(i) shall [comply with Subsection (2)(b)(ii).];~~

~~——— [(iii) A notice under Subsection (2)(c)(i)]~~

~~——— (i) be printed in 14 point red font; and~~

~~——— (ii) begin with the following title printed in boldface capital letters: "NOTICE: PROPOSED FEE INCREASE."~~

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- ~~—— (c) A notice mailed in accordance with Subsection (2)(a)(iii):~~
- ~~—— (i) shall be mailed at least seven days before but no sooner than 14 days before the day on which the hearing described in Subsection (1)(a) is held; and~~
- ~~—— (ii) may accompany a district bill for an existing fee or other mailing sent by the district.~~
- ~~—— [(d) If the hearing required under this section is combined with the public hearing required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied if a notice that meets the requirements of Subsection (2)(b)(ii) is combined with the notice required under Section 17B-1-609.]~~
- ~~—— [(e)] (d) Proof that notice was given as provided in Subsection [(2)(b) or (c)] (2)(a) is prima facie evidence that notice was properly given.~~
- ~~—— [(f)] (e) If no challenge is made to the notice given of a hearing required by Subsection (1) within 30 days after the date of the hearing, the notice is considered adequate and proper.~~
- ~~—— (3) After holding a public hearing under Subsection (1), a local district board may:~~
- ~~—— (a) impose the new fee or increase the existing fee as proposed;~~
- ~~—— (b) adjust the amount of the proposed new fee or the increase of the existing fee and then impose the new fee or increase the existing fee as adjusted; or~~
- ~~—— (c) decline to impose the new fee or increase the existing fee.~~
- ~~—— (4) This section applies to each new fee imposed and each increase of an existing fee that occurs on or after July 1, 1998.~~
- ~~—— (5) (a) This section does not apply to an impact fee.~~
- ~~—— (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36, Impact Fees Act.~~

~~—— Section 2. Section 17B-2a-902 is amended to read:~~

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

- (1) Each service area is governed by and has the powers stated in:
- (a) this part; and
- (b) except as provided in Subsection (5), Chapter 1, Provisions Applicable to All Local Districts.
- (2) This part applies only to service areas.
- (3) A service area is not subject to the provisions of any other part of this chapter.

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

(5) (a) ~~{A county}~~ Except as provided in Subsection (5)(b), a service area may not charge or collect a fee under Section 17B-1-643 ~~{for a service area created by the county}~~ for:

(i) law enforcement services;

(ii) fire protection services;

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

(iv) emergency services.

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

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

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

(iii) an impact fee charged or collected for a public safety facility as defined in Section 11-36-102.

Section ~~{3}~~2. **Effective date.**

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

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Legislative Review Note

~~as of 1-7-11 3:35 PM~~

~~Office of Legislative Research and General Counsel}~~