

LOCAL GOVERNMENT FUNDING AMENDMENTS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to municipal-type services provided by a county in a designated recreational area.

Highlighted Provisions:

This bill:

- ▶ prohibits a county that provides and funds a municipal-type service in a designated recreational area from funding that service from, with certain exceptions, the county general fund and a municipal service fund; and
- ▶ makes technical corrections.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

17-34-1, as last amended by Laws of Utah 2003, Chapter 275

17-34-3, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236

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

Section 1. Section **17-34-1** is amended to read:



28 **17-34-1. Counties may provide municipal services -- Limitation -- First class**
29 **counties to provide certain services -- Counties allowed to provide certain services in**
30 **recreational areas.**

31 (1) For purposes of this chapter, except as otherwise provided in Subsection (3):

32 (a) "Greater than class C radioactive waste" has the same meaning as in Section
33 19-3-303.

34 (b) "High-level nuclear waste" has the same meaning as in Section 19-3-303.

35 (c) "Municipal-type services" means:

36 (i) fire protection service;

37 (ii) waste and garbage collection and disposal;

38 (iii) planning and zoning;

39 (iv) street lighting;

40 (v) in a county of the first class:

41 (A) advanced life support and paramedic services; and

42 (B) detective investigative services; and

43 (vi) all other services and functions that are required by law to be budgeted,
44 appropriated, and accounted for from a municipal services fund or a municipal capital projects
45 fund as defined under Chapter 36, Uniform Fiscal Procedures Act for Counties.

46 (d) "Placement" has the same meaning as in Section 19-3-303.

47 (e) "Storage facility" has the same meaning as in Section 19-3-303.

48 (f) "Transfer facility" has the same meaning as in Section 19-3-303.

49 (2) A county may:

50 (a) provide municipal-type services to areas of the county outside the limits of cities
51 and towns without providing the same services to cities or towns;

52 (b) fund those services by:

53 (i) levying a tax on taxable property in the county outside the limits of cities and towns;

54 or

55 (ii) charging a service charge or fee to persons benefitting from the municipal-type
56 services.

57 (3) A county may not:

58 (a) provide, contract to provide, or agree in any manner to provide municipal-type

59 services, as these services are defined in Section 19-3-303, to any area under consideration for
60 a storage facility or transfer facility for the placement of high-level nuclear waste, or greater
61 than class C radioactive waste; or

62 (b) seek to fund services for these facilities by:

63 (i) levying a tax; or

64 (ii) charging a service charge or fee to persons benefitting from the municipal-type
65 services.

66 (4) Each county of the first class shall provide to the area of the county outside the
67 limits of cities and towns:

68 (a) advanced life support and paramedic services; and

69 (b) detective investigative services.

70 (5) (a) A county may provide fire, paramedic, and police protection services in any area
71 of the county outside the limits of cities and towns that is designated as a recreational area in
72 accordance with the provisions of this Subsection (5).

73 (b) A county legislative body may designate any area of the county outside the limits of
74 cities and towns as a recreational area if:

75 (i) the area has fewer than 1,500 residents and is primarily used for recreational
76 purposes, including canyons, ski resorts, wilderness areas, lakes and reservoirs, campgrounds,
77 or picnic areas; and

78 (ii) the county legislative body makes a finding that the recreational area is used by
79 residents of the county who live both inside and outside the limits of cities and towns.

80 (c) Fire, paramedic, and police protection services needed to primarily serve those
81 involved in the recreation activities in areas designated as recreational areas by the county
82 legislative body in accordance with Subsection (5)(b) may be funded from the county general
83 fund in accordance with Section 17-34-3.

84 Section 2. Section **17-34-3** is amended to read:

85 **17-34-3. Taxes or service charges.**

86 (1) (a) If a county furnishes the municipal-type services and functions described in
87 Section 17-34-1 to areas of the county outside the limits of incorporated cities or towns, the
88 entire cost of the services or functions so furnished shall be defrayed from funds that the county
89 has derived from:

90 (i) taxes that the county may lawfully levy or impose outside the limits of incorporated
91 towns or cities;

92 (ii) service charges or fees the county may impose upon the persons benefited in any
93 way by the services or functions; or

94 (iii) a combination of these sources.

95 (b) As the taxes or service charges or fees are levied and collected, they shall be placed
96 in a special revenue fund of the county and shall be disbursed only for the rendering of the
97 services or functions established in Section 17-34-1 within the unincorporated areas of the
98 county or as provided in Subsection 10-2-121(2).

99 (2) For the purpose of levying taxes, service charges, or fees provided in this section,
100 the county legislative body may establish a district or districts in the unincorporated areas of
101 the county.

102 (3) Nothing contained in this chapter may be construed to authorize counties to impose
103 or levy taxes not otherwise allowed by law.

104 (4) Notwithstanding any other provision of this chapter, a county providing fire,
105 paramedic, and police protection services in a designated recreational area, as provided in
106 Subsection 17-34-1(5), may, subject to Subsection (5), fund those services from the county
107 general fund with revenues derived from both inside and outside the limits of cities and towns,
108 and the funding of those services is not limited to unincorporated area revenues.

109 (5) A county that provides and funds a municipal-type service, including those listed in
110 Subsection (4), in a designated recreational area may not fund the municipal-type service:

111 (a) from the county general fund, unless all revenues collected from the recreational
112 area for the municipal-type service, including revenue from a property tax, a sales tax, or
113 federal payment in lieu of taxes, are collected and deposited into the county general fund; and

114 (b) from a municipal services fund, unless all revenues collected from the recreational
115 area for the municipal-type service, including revenue from a property tax, a sales tax, or
116 federal payment in lieu of taxes, are collected and deposited into the municipal services fund.

Legislative Review Note
as of 2-4-11 9:03 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 158

SHORT TITLE: **Local Government Funding Amendments**

SPONSOR: **Bramble, C.**

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 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.