

HB0250S01 compared with HB0250

~~{deleted text}~~ shows text that was in HB0250 but was deleted in HB0250S01.

inserted text shows text that was not in HB0250 but was inserted into HB0250S01.

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 bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Michael S. Kennedy proposes the following substitute bill:

SPECIAL SERVICE DISTRICTS AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael S. Kennedy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill ~~{amends provisions}~~ enacts language related to ~~{the creation of and}~~ an enhanced services ~~{provided by a}~~ special service district.

Highlighted Provisions:

This bill:

- ▶ ~~{prohibits, in certain circumstances, a municipality from creating a special service district;~~
- ▶ ~~requires the legislative body of}~~ defines terms:
- ▶ requires a municipality that ~~{is creating a}~~ creates an enhanced services special service district to ~~{certify to the lieutenant governor certain information;~~
- ▶ ~~prohibits, in certain circumstances, a municipality from adding a service to the area of an existing}~~ conduct a study; and

HB0250S01 compared with HB0250

▶ authorizes a municipal legislative body to impose or increase a fee or tax to offset the enhanced special service ~~{district, and~~

—————▶ ~~makes technical and conforming amendments}~~ district's cost of providing an enhanced level of service only if the cost is demonstrated in the study.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

~~{AMENDS}~~ ENACTS:

~~{17D-1-202, as enacted by Laws of Utah 2008, Chapter 360~~

—————~~17D-1-209, as last amended by Laws of Utah 2009, Chapter 350~~

—————~~17D-1-401, as last amended by Laws of Utah 2009, Chapter 92}~~ 17D-1-213, Utah Code Annotated 1953

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

Section 1. Section ~~{17D-1-202}~~ 17D-1-213 is ~~{amended}~~ enacted to read:

~~17D-1-202. Limitations on the creation of a~~ 17D-1-213. Special service district for enhanced services -- Study -- Limitation on fee or tax for enhanced service.

(1) As used in this section, "enhanced services special service district ~~;~~

—————(1) Subject to [Subsection] Subsections (2) and (4), the boundary of a proposed special service district may include all or part of the area within the boundary of the county or municipality that creates the special service district.

—————(2) (a) The boundary of a proposed special service district may not include an area included within the boundary of an existing special service district that provides the same service that the proposed special service district is proposed to provide.

—————(b) The boundary of a proposed special service district may not include an area included within the boundary of an existing local district that provides the same service that the proposed special service district is proposed to provide, unless the local district consents.

—————(c) A proposed special service district may not include land that will not be benefitted by the service that the special service district is proposed to provide, unless the owner of the

HB0250S01 compared with HB0250

~~nonbenefitted land consents to the inclusion:~~

~~(d) A county may not create a special service district that includes some or all of the area within a municipality unless the legislative body of that municipality adopts a resolution or ordinance consenting to the inclusion:~~

~~(3) All areas included within a special service district need not be contiguous:~~

~~(4) A municipality may not create} " means a special service district:~~

~~(a) created and governed by a municipality;~~

~~(b) that in a resolution or petition creating the special service district under Section 17D-1-203 is authorized to provide a service already provided by the municipality but at an enhanced level within the special service district; and~~

~~(c) whose geographic boundaries {would} encompass an area located wholly within the municipality but smaller than the entire geographic area of the municipality {; or~~

~~(b) to provide a service that the municipality currently provides throughout the municipality if the municipality plans to continue to provide the service outside of the special service district:~~

~~Section 2. Section 17D-1-209 is amended to read:~~

~~**17D-1-209. Notice and plat to lieutenant governor -- Recording requirements -- Effective date:**~~

~~(1) The legislative body adopting}:~~

~~(2) (a) At the time a municipality adopts a resolution or ordinance approving the creation of {a} an enhanced services special service district {shall:~~

~~(a) within 30 days after adopting the resolution or ordinance, file with the lieutenant governor:~~

~~(i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5; that meets the requirements of Subsection 67-1a-6.5(3); [and]~~

~~(ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and~~

~~(iii) if the} under Section 17D-1-208, the municipal legislative body shall conduct a study to determine and demonstrate the cost of the enhanced service.~~

~~(b) The study conducted under Subsection (2)(a) shall:~~

~~(i) examine and demonstrate whether providing the service already provided by the municipality to customers within the enhanced services special service district is {being created~~

HB0250S01 compared with HB0250

~~by a municipality, a written certification that states the following:~~

~~—— "We, the legislative body of [name of municipality], certify that:~~

~~—— 1. [name of]; disproportionately more expensive; and~~

~~(ii) if the cost is disproportionately more expensive, examine and recommend actions the municipality or enhanced services special service district ~~{}~~ either encompasses the entire geographic area of [name of creating municipality] or the ~~}~~ can take to reduce the cost of providing the enhanced level of service.~~

~~(c) An enhanced services special service district may only impose or increase a fee or tax to offset the enhanced services special service district's cost of providing an enhanced level of service that is demonstrated in accordance with Subsection (2)(b)(i).~~

~~(3) A tax or fee collected by the enhanced services special service district may not exceed the costs demonstrated in the study commissioned in accordance with Subsection (2) or (4).~~

~~(4) (a) Except as provided in Subsection (4)(b), the municipal legislative body shall conduct a study described in Subsection (2) five years after the initial study conducted in accordance with Subsection (2) and every five years subsequent until the enhanced services special service district is ~~{not being created to provide a service that the municipality currently provides throughout the municipality; or~~~~

~~—— 2. If [name of creating municipality] currently provides the service throughout the municipality, the municipality will stop providing the service after the creation of the special service district; and~~

~~—— 3. Subsection 17D-1-202(4) of the Utah Code does not preclude the creation of the special service district."; and~~

~~—— (b) upon the lieutenant governor's issuance of a certificate of incorporation under Section 67-1a-6.5, submit to the recorder of the county in which the ~~}~~ dissolved.~~

~~(b) The municipal legislative body may conduct the study sooner than the five-year period described in Subsection (4)(a) if the enhanced services special service district ~~{is~~ located:~~

~~—— (i) the original notice of an impending boundary action;~~

~~—— (ii) the original certificate of incorporation;~~

~~—— (iii) the original approved final local entity plat; and~~

HB0250S01 compared with HB0250

~~—— (iv) a certified copy of the resolution or ordinance approving the creation of the special service district;~~

~~—— (2) (a) Upon the lieutenant governor's issuance of a certificate of creation under Section 67-1a-6.5, the special service district is created and incorporated;~~

~~—— (b) (i) The effective date of a special service district's incorporation for purposes of assessing property within the special service district is governed by Section 59-2-305.5;~~

~~—— (ii) Until the documents listed in Subsection (1)(b) are recorded in the office of the recorder of the county in which the property is located;~~

~~—— (A) the county, city, or town that created the special service district may not levy or collect a property tax for special service district purposes on property within the special service district; and~~

~~—— (B) the special service district may not;~~

~~—— (I) levy or collect an assessment on property within the special service district; or~~

~~—— (II) charge or collect a fee for service provided to property within the special service district;~~

~~—— Section 3. Section 17D-1-401 is amended to read:~~

~~—— **17D-1-401. Annexing an area or adding a service to an existing special service district.**~~

~~—— (1) Except as provided in Subsections (3) [and], (4), and (5), a county or municipal legislative body may, as provided in this part:~~

~~—— (a) annex an area to an existing special service district to provide to that area a service that the special service district is authorized to provide;~~

~~—— (b) add a service under Section 17D-1-201 within the area of an existing special service district that the special service district is not already authorized to provide; or~~

~~—— (c) both annex an area under Subsection (1)(a) and add a service under Subsection (1)(b);~~

~~—— (2) Except for Section 17D-1-209, the provisions of Part 2, Creating a Special Service District, apply to and govern the process of annexing an area to an existing special service district or adding a service that the special service district is not already authorized to provide, to the same extent as if the annexation or addition were the creation of a special service district.~~

~~—— (3) A county or municipal legislative body may not:~~

HB0250S01 compared with HB0250

~~—— (a) annex an area to an existing special service district if a local district provides to that area the same service that the special service district is proposed to provide to the area, unless the local district consents to the annexation; or~~

~~—— (b) add a service within the area of an existing special service district if a local district provides to that area the same service that is proposed to be added, unless the local district consents to the addition.~~

~~—— (4) A municipality may not add a service within the area of an existing special service district:~~

~~—— (a) whose boundaries encompass an area smaller than the entire geographic area of the municipality; and~~

~~—— (b) if the municipality currently provides the service throughout the municipality and plans to continue to provide the service outside of the special service district.~~

~~—— [(4)] (5) A county or municipal legislative body may not annex an area to an existing special service district or add a service within the area of an existing special service district if the creation of a special service district including that area or providing that service would not be allowed under Part 2, Creating a Special Service District.~~

~~—— [(5)] (6) A county or municipal legislative body may not annex an area to an existing special service district or add a service within the area of an existing special service district if the area is located within a project area described in a project area plan adopted by the military installation development authority under Title 63H, Chapter 1, Military Installation Development Authority Act, unless the county or municipal legislative body has first obtained the authority's approval.~~

Legislative Review Note

~~—— as of 2-3-15 4:57 PM~~

Office of Legislative Research and General Counsel ~~proposes imposing or increasing a fee or tax and the most recent study does not demonstrate the need to impose or increase the fee.~~

HB0250S01 compared with HB0250