

1 **SERVICE DISTRICT MODIFICATIONS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jerry W. Stevenson**

5 House Sponsor: Stephen G. Handy

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to local districts.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ provides that a board of trustees shall hold a public hearing on a proposed
- 13 withdrawal with certain exceptions;
- 14 ▶ clarifies language related to the time in which a board of trustees adopts a
- 15 withdrawal resolution;
- 16 ▶ authorizes combining a notice on a budget hearing with notice to increase or impose
- 17 a new fee;
- 18 ▶ amends provisions related to the preparation of a tentative budget;
- 19 ▶ authorizes a local district to combine certain notices of fees; and
- 20 ▶ makes technical and conforming amendments.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **17B-1-508**, as renumbered and amended by Laws of Utah 2007, Chapter 329

28 **17B-1-510**, as last amended by Laws of Utah 2011, Chapter 297

29 **17B-1-607**, as last amended by Laws of Utah 2011, Chapter 297

30 **17B-1-609**, as last amended by Laws of Utah 2014, Chapter 377
31 **17B-1-643**, as last amended by Laws of Utah 2011, Chapters 47 and 106
32 **53-13-103**, as last amended by Laws of Utah 2014, Chapters 290 and 300

33

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

35 Section 1. Section **17B-1-508** is amended to read:

36 **17B-1-508. Public hearing -- Quorum of board required to be present.**

37 (1) A public hearing on the proposed withdrawal shall be held by the board of trustees
38 of a local district that:

39 (a) certifies a petition under Subsection **17B-1-507(1)(b)(i)** unless the petition was
40 signed by all of the owners of private land within the area proposed to be withdrawn or all of
41 the registered voters residing within the area proposed to be withdrawn; or

42 (b) adopts a resolution under Subsection **17B-1-504(1)(a)(iii)** unless another local
43 district provides to the area proposed to be withdrawn the same retail or wholesale service as
44 provided by the local district that adopted the resolution.

45 (2) The public hearing required by Subsection (1) for a petition certified by the board
46 of trustees of a local district under Subsection **17B-1-507(1)(b)(i)**, other than a petition filed in
47 accordance with Subsection **17B-1-504(1)(a)(iv)**, may be held as an agenda item of a meeting
48 of the board of trustees of the local district without complying with the requirements of
49 Subsection (3)(b), (3)(c), or Section **17B-1-509**.

50 (3) Except as provided in Subsection (2), the public hearing required by Subsection (1)
51 shall be held:

52 (a) no later than 90 days after:

53 (i) certification of the petition under Subsection **17B-1-507(1)(b)(i)**; or

54 (ii) adoption of a resolution under Subsection **17B-1-504(1)(a)(iii)**;

55 (b) (i) for a local district located entirely within a single county:

56 (A) within or as close as practicable to the area proposed to be withdrawn; or

57 (B) at the local district office; or

- 58 (ii) for a local district located in more than one county:
- 59 (A) (I) within the county in which the area proposed to be withdrawn is located; and
- 60 (II) within or as close as practicable to the area proposed to be withdrawn; or
- 61 (B) if the local district office is reasonably accessible to all residents within the area
- 62 proposed to be annexed, at the local district office;
- 63 (c) on a weekday evening other than a holiday beginning no earlier than 6:00 p.m.; and
- 64 (d) for the purpose of allowing:
- 65 (i) the public to ask questions and obtain further information about the proposed
- 66 withdrawal and issues raised by it; and
- 67 (ii) any interested person to address the board of trustees concerning the proposed
- 68 withdrawal.
- 69 (4) A quorum of the board of trustees of the local district shall be present throughout
- 70 the public hearing provided for under this section.
- 71 (5) A public hearing under this section may be postponed or continued to a new time,
- 72 date, and place without further notice by a resolution of the board of trustees adopted at the
- 73 public hearing held at the time, date, and place specified in the published notice; provided,
- 74 however, that the public hearing may not be postponed or continued to a date later than 15 days
- 75 after the 90-day period under Subsection (3).

76 Section 2. Section **17B-1-510** is amended to read:

77 **17B-1-510. Resolution approving or rejecting withdrawal -- Criteria for approval**
78 **or rejection -- Terms and conditions.**

- 79 (1) (a) [~~On or before the date of the board meeting next following the public hearing~~
- 80 ~~under Section 17B-1-508, but in no case~~] No later than 90 days after the public hearing under
- 81 Section 17B-1-508, or, if no hearing is held, within 90 days after the filing of a petition under
- 82 Section 17B-1-504, the board of trustees of the local district in which the area proposed to be
- 83 withdrawn is located shall adopt a resolution:
- 84 (i) approving the withdrawal of some or all of the area from the local district; or
- 85 (ii) rejecting the withdrawal.

- 86 (b) Each resolution approving a withdrawal shall:
87 (i) include a legal description of the area proposed to be withdrawn;
88 (ii) state the effective date of the withdrawal; and
89 (iii) set forth the terms and conditions under Subsection (5), if any, of the withdrawal.

90 (c) Each resolution rejecting a withdrawal shall include a detailed explanation of the
91 board of trustees' reasons for the rejection.

92 (2) Unless denial of the petition is required under Subsection (3), the board of trustees
93 shall adopt a resolution approving the withdrawal of some or all of the area from the local
94 district if the board of trustees determines that:

95 (a) the area to be withdrawn does not and will not require the service that the local
96 district provides;

97 (b) the local district will not be able to provide service to the area to be withdrawn for
98 the reasonably foreseeable future; or

99 (c) the area to be withdrawn has obtained the same service that is provided by the local
100 district or a commitment to provide the same service that is provided by the local district from
101 another source.

102 (3) The board of trustees shall adopt a resolution denying the withdrawal if it
103 determines that the proposed withdrawal would:

104 (a) result in a breach or default by the local district under:

105 (i) any of its notes, bonds, or other debt or revenue obligations;

106 (ii) any of its agreements with entities which have insured, guaranteed, or otherwise
107 credit-enhanced any debt or revenue obligations of the local district; or

108 (iii) any of its agreements with the United States or any agency of the United States;
109 provided, however, that, if the local district has entered into an agreement with the United
110 States that requires the consent of the United States for a withdrawal of territory from the
111 district, a withdrawal under this part may occur if the written consent of the United States is
112 obtained and filed with the board of trustees;

113 (b) adversely affect the ability of the local district to make any payments or perform

114 any other material obligations under:

115 (i) any of its agreements with the United States or any agency of the United States;

116 (ii) any of its notes, bonds, or other debt or revenue obligations; or

117 (iii) any of its agreements with entities which have insured, guaranteed, or otherwise
118 credit-enhanced any debt or revenue obligations of the local district;

119 (c) result in the reduction or withdrawal of any rating on an outstanding note, bond, or
120 other debt or revenue obligation of the local district;

121 (d) create an island or peninsula of nondistrict territory within the local district or of
122 district territory within nondistrict territory that has a material adverse affect on the local
123 district's ability to provide service or materially increases the cost of providing service to the
124 remainder of the local district;

125 (e) materially impair the operations of the remaining local district; or

126 (f) require the local district to materially increase the fees it charges or property taxes
127 or other taxes it levies in order to provide to the remainder of the district the same level and
128 quality of service that was provided before the withdrawal.

129 (4) In determining whether the withdrawal would have any of the results described in
130 Subsection (3), the board of trustees may consider the cumulative impact that multiple
131 withdrawals over a specified period of time would have on the local district.

132 (5) (a) Despite the presence of one or more of the conditions listed in Subsection (3),
133 the board of trustees may approve a resolution withdrawing an area from the local district
134 imposing terms or conditions that mitigate or eliminate the conditions listed in Subsection (3),
135 including:

136 (i) a requirement that the owners of property located within the area proposed to be
137 withdrawn or residents within that area pay their proportionate share of any outstanding district
138 bond or other obligation as determined pursuant to Subsection (5)(b);

139 (ii) a requirement that the owners of property located within the area proposed to be
140 withdrawn or residents within that area make one or more payments in lieu of taxes, fees, or
141 assessments;

142 (iii) a requirement that the board of trustees and the receiving entity agree to reasonable
143 payment and other terms in accordance with Subsections (5)(f) through (g) regarding the
144 transfer to the receiving entity of district assets that the district used before withdrawal to
145 provide service to the withdrawn area but no longer needs because of the withdrawal; provided
146 that, if those district assets are allocated in accordance with Subsections (5)(f) through (g), the
147 district shall immediately transfer to the receiving entity on the effective date of the
148 withdrawal, all title to and possession of district assets allocated to the receiving entity; or

149 (iv) any other reasonable requirement considered to be necessary by the board of
150 trustees.

151 (b) Other than as provided for in Subsection 17B-1-511(2), and except as provided in
152 Subsection (5)(e), in determining the proportionate share of outstanding bonded indebtedness
153 or other obligations under Subsection (5)(a)(i) and for purposes of determining the allocation
154 and transfer of district assets under Subsection (5)(a)(iii), the board of trustees and the
155 receiving entity, or in cases where there is no receiving entity, the board and the sponsors of the
156 petition shall:

157 (i) engage engineering and accounting consultants chosen by the procedure provided in
158 Subsection (5)(d); provided however, that if the withdrawn area is not receiving service, an
159 engineering consultant need not be engaged; and

160 (ii) require the engineering and accounting consultants engaged under Subsection
161 (5)(b)(i) to communicate in writing to the board of trustees and the receiving entity, or in cases
162 where there is no receiving entity, the board and the sponsors of the petition the information
163 required by Subsections (5)(f) through (h).

164 (c) For purposes of this Subsection (5):

165 (i) "accounting consultant" means a certified public accountant or a firm of certified
166 public accountants with the expertise necessary to make the determinations required under
167 Subsection (5)(h); and

168 (ii) "engineering consultant" means a person or firm that has the expertise in the
169 engineering aspects of the type of system by which the withdrawn area is receiving service that

170 is necessary to make the determination required under Subsections (5)(f) and (g).

171 (d) (i) Unless the board of trustees and the receiving entity, or in cases where there is
172 no receiving entity, the board and the sponsors of the petition agree on an engineering
173 consultant and an accounting consultant, each consultant shall be chosen from a list of
174 consultants provided by the Consulting Engineers Council of Utah and the Utah Association of
175 Certified Public Accountants, respectively, as provided in this Subsection (5)(d).

176 (ii) A list under Subsection (5)(d)(i) may not include a consultant who has had a
177 contract for services with the district or the receiving entity during the two-year period
178 immediately before the list is provided to the local district.

179 (iii) Within 20 days of receiving the lists described in Subsection (5)(d)(i), the board of
180 trustees shall eliminate the name of one engineering consultant from the list of engineering
181 consultants and the name of one accounting consultant from the list of accounting consultants
182 and shall notify the receiving entity, or in cases where there is no receiving entity, the sponsors
183 of the petition in writing of the eliminations.

184 (iv) Within three days of receiving notification under Subsection (5)(d), the receiving
185 entity, or in cases where there is no receiving entity, the sponsors of the petition shall eliminate
186 another name of an engineering consultant from the list of engineering consultants and another
187 name of an accounting consultant from the list of accounting consultants and shall notify the
188 board of trustees in writing of the eliminations.

189 (v) The board of trustees and the receiving entity, or in cases where there is no
190 receiving entity, the board and the sponsors of the petition shall continue to alternate between
191 them, each eliminating the name of one engineering consultant from the list of engineering
192 consultants and the name of one accounting consultant from the list of accounting consultants
193 and providing written notification of the eliminations within three days of receiving
194 notification of the previous notification, until the name of only one engineering consultant
195 remains on the list of engineering consultants and the name of only one accounting consultant
196 remains on the list of accounting consultants.

197 (e) The requirement under Subsection (5)(b) to engage engineering and accounting

198 consultants does not apply if the board of trustees and the receiving entity, or in cases where
199 there is no receiving entity, the board and the sponsors of the petition agree on the allocations
200 that are the engineering consultant's responsibility under Subsection (5)(f) or the
201 determinations that are the accounting consultant's responsibility under Subsection (5)(h);
202 provided however, that if engineering and accounting consultants are engaged, the district and
203 the receiving entity, or in cases where there is no receiving entity, the district and the sponsors
204 of the petition shall equally share the cost of the engineering and accounting consultants.

205 (f) (i) The engineering consultant shall allocate the district assets between the district
206 and the receiving entity as provided in this Subsection (5)(f).

207 (ii) The engineering consultant shall allocate:

208 (A) to the district those assets reasonably needed by the district to provide to the area
209 of the district remaining after withdrawal the kind, level, and quality of service that was
210 provided before withdrawal; and

211 (B) to the receiving entity those assets reasonably needed by the receiving entity to
212 provide to the withdrawn area the kind and quality of service that was provided before
213 withdrawal.

214 (iii) If the engineering consultant determines that both the local district and the
215 receiving entity reasonably need a district asset to provide to their respective areas the kind and
216 quality of service provided before withdrawal, the engineering consultant shall:

217 (A) allocate the asset between the local district and the receiving entity according to
218 their relative needs, if the asset is reasonably susceptible of division; or

219 (B) allocate the asset to the local district, if the asset is not reasonably susceptible of
220 division.

221 (g) All district assets remaining after application of Subsection (5)(f) shall be allocated
222 to the local district.

223 (h) (i) The accounting consultant shall determine the withdrawn area's proportionate
224 share of any redemption premium and the principal of and interest on:

225 (A) the local district's revenue bonds that were outstanding at the time the petition was

226 filed;

227 (B) the local district's general obligation bonds that were outstanding at the time the
228 petition was filed; and

229 (C) the local district's general obligation bonds that:

230 (I) were outstanding at the time the petition was filed; and

231 (II) are treated as revenue bonds under Subsection (5)(i); and

232 (D) the district's bonds that were issued prior to the date the petition was filed to refund
233 the district's revenue bonds, general obligation bonds, or general obligation bonds treated as
234 revenue bonds.

235 (ii) For purposes of Subsection (5)(h)(i), the withdrawn area's proportionate share of
236 redemption premium, principal, and interest shall be the amount that bears the same
237 relationship to the total redemption premium, principal, and interest for the entire district that
238 the average annual gross revenues from the withdrawn area during the three most recent
239 complete fiscal years before the filing of the petition bears to the average annual gross revenues
240 from the entire district for the same period.

241 (i) For purposes of Subsection (5)(h)(i), a district general obligation bond shall be
242 treated as a revenue bond if:

243 (i) the bond is outstanding on the date the petition was filed; and

244 (ii) the principal of and interest on the bond, as of the date the petition was filed, had
245 been paid entirely from local district revenues and not from a levy of ad valorem tax.

246 (j) (i) Before the board of trustees of the local district files a resolution approving a
247 withdrawal, the receiving entity, or in cases where there is no receiving entity, the sponsors of
248 the petition shall irrevocably deposit government obligations, as defined in Subsection
249 11-27-2(6), into an escrow trust fund the principal of and interest on which are sufficient to
250 provide for the timely payment of the amount determined by the accounting consultant under
251 Subsection (5)(h) or in an amount mutually agreeable to the board of trustees of the local
252 district and the receiving entity, or in cases where there is no receiving entity, the board and the
253 sponsors of the petition. Notwithstanding Subsection 17B-1-512(1), the board of trustees may

254 not be required to file a resolution approving a withdrawal until the requirements for
255 establishing and funding an escrow trust fund in this Subsection (5)(j)(i) have been met;
256 provided that, if the escrow trust fund has not been established and funded within 180 days
257 after the board of trustees passes a resolution approving a withdrawal, the resolution approving
258 the withdrawal shall be void.

259 (ii) Concurrently with the creation of the escrow, the receiving entity, or in cases where
260 there is no receiving entity, the sponsors of the petition shall provide to the board of trustees of
261 the local district:

262 (A) a written opinion of an attorney experienced in the tax-exempt status of municipal
263 bonds stating that the establishment and use of the escrow to pay the proportionate share of the
264 district's outstanding revenue bonds and general obligation bonds that are treated as revenue
265 bonds will not adversely affect the tax-exempt status of the bonds; and

266 (B) a written opinion of an independent certified public accountant verifying that the
267 principal of and interest on the deposited government obligations are sufficient to provide for
268 the payment of the withdrawn area's proportionate share of the bonds as provided in Subsection
269 (5)(h).

270 (iii) The receiving entity, or in cases where there is no receiving entity, the sponsors of
271 the petition shall bear all expenses of the escrow and the redemption of the bonds.

272 (iv) The receiving entity may issue bonds under Title 11, Chapter 14, Local
273 Government Bonding Act, and Title 11, Chapter 27, Utah Refunding Bond Act, to fund the
274 escrow.

275 (6) A requirement imposed by the board of trustees as a condition to withdrawal under
276 Subsection (5) shall, in addition to being expressed in the resolution, be reduced to a duly
277 authorized and executed written agreement between the parties to the withdrawal.

278 (7) An area that is the subject of a withdrawal petition under Section 17B-1-504 that
279 results in a board of trustees resolution denying the proposed withdrawal may not be the
280 subject of another withdrawal petition under Section 17B-1-504 for two years after the date of
281 the board of trustees resolution denying the withdrawal.

282 Section 3. Section **17B-1-607** is amended to read:

283 **17B-1-607. Tentative budget to be prepared -- Review by governing body.**

284 (1) On or before the first regularly scheduled meeting of the board of trustees in
285 November for a calendar year entity and May for a fiscal year entity, the budget officer of each
286 local district shall prepare for the ensuing year, [~~on forms provided by the state auditor~~] in a
287 format prescribed by the state auditor, and file with the board of trustees a tentative budget for
288 each fund for which a budget is required.

289 (2) (a) Each tentative budget under Subsection (1) shall provide in tabular form:

290 (i) actual revenues and expenditures for the last completed fiscal year;

291 (ii) estimated total revenues and expenditures for the current fiscal year; and

292 (iii) the budget officer's estimates of revenues and expenditures for the budget year.

293 (b) The budget officer shall estimate the amount of revenue available to serve the needs
294 of each fund, estimate the portion to be derived from all sources other than general property
295 taxes, and estimate the portion that shall be derived from general property taxes.

296 (3) The tentative budget, when filed by the budget officer with the board of trustees,
297 shall contain the estimates of expenditures together with specific work programs and any other
298 supporting data required by this part or requested by the board.

299 (4) The board of trustees shall review, consider, and tentatively adopt the tentative
300 budget in any regular meeting or special meeting called for that purpose and may amend or
301 revise the tentative budget in any manner that the board considers advisable prior to public
302 hearings, but no appropriation required for debt retirement and interest or reduction of any
303 existing deficits under Section **17B-1-613**, or otherwise required by law, may be reduced below
304 the minimums so required.

305 (5) When a new district is created, the board of trustees shall:

306 (a) prepare a budget covering the period from the date of incorporation to the end of
307 the fiscal year;

308 (b) substantially comply with all other provisions of this part with respect to notices
309 and hearings; and

310 (c) pass the budget as soon after incorporation as feasible.

311 Section 4. Section **17B-1-609** is amended to read:

312 **17B-1-609. Hearing to consider adoption -- Notice.**

313 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

314 (a) establish the time and place of a public hearing to consider its adoption; and

315 (b) except as provided in Subsection ~~[(5)]~~ (6), order that notice of the hearing:

316 (i) (A) be published at least seven days before the hearing in at least one issue of a

317 newspaper of general circulation [~~published~~] in the county or counties in which the district is

318 located; or

319 (B) if no newspaper is [~~published~~] circulated generally in the county or counties, be

320 posted in three public places within the district; and

321 (ii) be published at least seven days before the hearing on the Utah Public Notice

322 Website created in Section [63F-1-701](#).

323 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
324 required in Subsection (1)(b):

325 (a) may be combined with the notice required under Section [59-2-919](#); and

326 (b) shall be published in accordance with the advertisement provisions of Section
327 [59-2-919](#).

328 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the
329 notice required in Subsection (1)(b):

330 (a) may be combined with the notice required under Section [17B-1-643](#); and

331 (b) shall be published or mailed in accordance with the notice provisions of Section
332 [17B-1-643](#).

333 ~~[(3)]~~ (4) Proof that notice was given in accordance with Subsection (1)(b), (2), ~~(3)~~, or
334 ~~[(5)]~~ (6) is prima [~~face~~] facie evidence that notice was properly given.

335 ~~[(4)]~~ (5) If a notice required under Subsection (1)(b), (2), ~~(3)~~, or ~~[(5)]~~ (6) is not
336 challenged within 30 days after the day on which the hearing is held, the notice is adequate and
337 proper.

338 ~~[(5)]~~ (6) A board of trustees of a local district with an annual operating budget of less
339 than \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

340 (a) mailing a written notice, postage prepaid, to each voter in the local district [~~or~~
341 ~~special service district~~]; and

342 (b) posting the notice in three public places within the district.

343 Section 5. Section **17B-1-643** is amended to read:

344 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

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

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

351 (c) A public hearing required under this Subsection (1) may be combined with a public
352 hearing on a tentative budget required under Section [17B-1-610](#).

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

356 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
357 provided in Subsection (2)(b)(i) or (c).

358 (b) (i) (A) The notice required under Subsection (2)(a) shall be published:

359 (I) in a newspaper or combination of newspapers of general circulation in the local
360 district, if there is a newspaper or combination of newspapers of general circulation in the local
361 district; or

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

366 (B) The notice described in Subsection (2)(b)(i)(A)(I):
367 (I) shall be no less than 1/4 page in size and the type used shall be no smaller than 18
368 point, and surrounded by a 1/4-inch border;
369 (II) may not be placed in that portion of the newspaper where legal notices and
370 classified advertisements appear;
371 (III) whenever possible, shall appear in a newspaper that is published at least one day
372 per week;
373 (IV) shall be in a newspaper or combination of newspapers of general interest and
374 readership in the local district, and not of limited subject matter; and
375 (V) shall be run once each week for the two weeks preceding the hearing.
376 (ii) The notice described in Subsection (2)(b)(i)(A) shall state that the local district
377 board intends to impose or increase a fee for a service provided by the local district and will
378 hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not
379 less than seven days after the day the first notice is published, for the purpose of hearing
380 comments regarding the proposed imposition or increase of a fee and to explain the reasons for
381 the proposed imposition or increase.
382 (c) (i) In lieu of providing notice under Subsection (2)(b), the local district board of
383 trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
384 within the district who:
385 (A) will be charged the fee for a district service, if the fee is being imposed for the first
386 time; or
387 (B) are being charged a fee, if the fee is proposed to be increased.
388 (ii) Each notice under Subsection (2)(c)(i) shall comply with Subsection (2)(b)(ii).
389 (iii) A notice under Subsection (2)(c)(i) may accompany a district bill for an existing
390 fee.
391 (d) If the hearing required under this section is combined with the public hearing
392 required under Section 17B-1-610, the notice ~~[requirement]~~ required under this Subsection (2)
393 ~~[is satisfied if a notice that meets the requirements of Subsection (2)(b)(ii) is combined with];~~

394 (i) may be combined with the notice required under Section 17B-1-609[-]; and
395 (ii) shall be published or mailed in accordance with the notice provisions of Subsection
396 (2)(c).

397 (e) Proof that notice was given as provided in Subsection (2)(b) or (c) is prima facie
398 evidence that notice was properly given.

399 (f) If no challenge is made to the notice given of a hearing required by Subsection (1)
400 within 30 days after the date of the hearing, the notice is considered adequate and proper.

401 (3) After holding a public hearing under Subsection (1), a local district board may:

402 (a) impose the new fee or increase the existing fee as proposed;

403 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
404 then impose the new fee or increase the existing fee as adjusted; or

405 (c) decline to impose the new fee or increase the existing fee.

406 (4) This section applies to each new fee imposed and each increase of an existing fee
407 that occurs on or after July 1, 1998.

408 (5) (a) This section does not apply to an impact fee.

409 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
410 Impact Fees Act.

411 Section 6. Section **53-13-103** is amended to read:

412 **53-13-103. Law enforcement officer.**

413 (1) (a) "Law enforcement officer" means a sworn and certified peace officer who is an
414 employee of a law enforcement agency that is part of or administered by the state or any of its
415 political subdivisions, and whose primary and principal duties consist of the prevention and
416 detection of crime and the enforcement of criminal statutes or ordinances of this state or any of
417 its political subdivisions.

418 (b) "Law enforcement officer" [~~specifically~~] includes the following:

419 (i) any sheriff or deputy sheriff, chief of police, police officer, or marshal of any
420 county, city, or town;

421 (ii) the commissioner of public safety and any member of the Department of Public

422 Safety certified as a peace officer;

423 (iii) all persons specified in Sections [23-20-1.5](#) and [79-4-501](#);

424 (iv) any police officer employed by any college or university;

425 (v) investigators for the Motor Vehicle Enforcement Division;

426 (vi) investigators for the Department of Insurance, Fraud Division;

427 (vii) special agents or investigators employed by the attorney general, district attorneys,

428 and county attorneys;

429 (viii) employees of the Department of Natural Resources designated as peace officers

430 by law;

431 (ix) school district police officers as designated by the board of education for the

432 school district;

433 (x) the executive director of the Department of Corrections and any correctional

434 enforcement or investigative officer designated by the executive director and approved by the

435 commissioner of public safety and certified by the division;

436 (xi) correctional enforcement, investigative, or adult probation and parole officers

437 employed by the Department of Corrections serving on or before July 1, 1993;

438 (xii) members of a law enforcement agency established by a private college or

439 university provided that the college or university has been certified by the commissioner of

440 public safety according to rules of the Department of Public Safety;

441 (xiii) airport police officers of any airport owned or operated by the state or any of its

442 political subdivisions; and

443 (xiv) transit police officers designated under Section [~~17B-2a-823~~] [17B-2a-822](#).

444 (2) Law enforcement officers may serve criminal process and arrest violators of any

445 law of this state and have the right to require aid in executing their lawful duties.

446 (3) (a) A law enforcement officer has statewide full-spectrum peace officer authority,

447 but the authority extends to other counties, cities, or towns only when the officer is acting

448 under Title 77, Chapter 9, Uniform Act on Fresh Pursuit, unless the law enforcement officer is

449 employed by the state.

450 (b) (i) A local law enforcement agency may limit the jurisdiction in which its law
451 enforcement officers may exercise their peace officer authority to a certain geographic area.

452 (ii) Notwithstanding Subsection (3)(b)(i), a law enforcement officer may exercise
453 authority outside of the limited geographic area, pursuant to Title 77, Chapter 9, Uniform Act
454 on Fresh Pursuit, if the officer is pursuing an offender for an offense that occurred within the
455 limited geographic area.

456 (c) The authority of law enforcement officers employed by the Department of
457 Corrections is regulated by Title 64, Chapter 13, Department of Corrections - State Prison.

458 (4) A law enforcement officer shall, prior to exercising peace officer authority:

459 (a) (i) have satisfactorily completed the requirements of Section 53-6-205; or

460 (ii) have met the waiver requirements in Section 53-6-206; and

461 (b) have satisfactorily completed annual certified training of at least 40 hours per year
462 as directed by the director of the division, with the advice and consent of the council.