

## SB0139S01 compared with SB0139

~~deleted text~~ shows text that was in SB0139 but was deleted in SB0139S01.

inserted text shows text that was not in SB0139 but was inserted into SB0139S01.

**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.

Senator Jerry W. Stevenson proposes the following substitute bill:

### SERVICE DISTRICT AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jerry W. Stevenson**

House Sponsor: \_\_\_\_\_

---

#### LONG TITLE

##### General Description:

This bill amends provisions related to a special service district.

##### Highlighted Provisions:

This bill:

- ▶ amends provisions related to the creation ~~and appointment~~ of a special service district administrative control board;
- ▶ amends provisions governing the annexation of an area into or addition of a service provided by a special service district; and
- ▶ makes technical and conforming amendments.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

## SB0139S01 compared with SB0139

None

### Utah Code Sections Affected:

AMENDS:

17D-1-301, as last amended by Laws of Utah 2009, Chapter 356

~~{ 17D-1-303, as last amended by Laws of Utah 2014, Chapter 377~~

‡ 17D-1-401, as last amended by Laws of Utah 2009, Chapter 92

---

---

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

Section 1. Section 17D-1-301 is amended to read:

**17D-1-301. Governance of a special service district -- Authority to create and delegate authority to an administrative control board -- Limitations on authority to delegate.**

(1) Each special service district shall be governed by the legislative body of the county or municipality that creates the special service district, subject to any delegation under this section of a right, power, or authority to an administrative control board.

(2) At the time a special service district is created or at any time thereafter, the legislative body of a county or municipality that creates a special service district may, by resolution or ordinance:

(a) create an administrative control board for the special service district; ~~and~~

(b) subject to Subsection (3), delegate to the administrative control board the exercise of any right, power, or authority that the legislative body possesses with respect to the governance of the special service district~~[-]; and~~

(c) specify the members of the initial administrative control board by name or other designation that clearly identifies each member of the initial administrative control board.

(3) A county or municipal legislative body may not delegate to an administrative control board of a special service district the power to:

(a) annex an area to an existing special service district or add a service within the area of an existing special service district under Part 4, Annexing a New Area and Adding a New Service;

(b) designate, under Section 17D-1-107, the classes of special service district contracts that are subject to Title 11, Chapter 39, Building Improvements and Public Works Projects;

## SB0139S01 compared with SB0139

(c) levy a tax on the taxable property within the special service district;  
(d) issue special service district bonds payable from taxes;  
(e) call or hold an election for the authorization of a property tax or the issuance of bonds;

- (f) levy an assessment;  
(g) issue interim warrants or bonds payable from an assessment; or  
(h) appoint a board of equalization under Section 11-42-403.

(4) (a) A county or municipal legislative body that has delegated a right, power, or authority under this section to an administrative control board may at any time modify, limit, or revoke any right, power, or authority delegated to the administrative control board.

(b) A modification, limitation, or revocation under Subsection (4)(a) does not affect the validity of an action taken by an administrative control board before the modification, limitation, or revocation.

Section 2. Section ~~{17D-1-303}~~ 17D-1-401 is amended to read:

~~{~~ ~~17D-1-303. Election or appointment of administrative control board members.~~

~~———— (1) Except as provided in Subsection (5), a county or municipal legislative body that creates an administrative control board may provide for board members to be elected or appointed, or for some members to be elected and some appointed.~~

~~———— (2) Except as provided in Subsection (3), each member of an administrative control board shall be elected or appointed as provided for the election or appointment, respectively, of a member of a board of trustees of a local district under Title 17B, Chapter 1, Part 3, Board of Trustees.~~

~~———— (3) A municipality or improvement district under Title 17B, Chapter 2a, Part 4, Improvement District Act, may appoint one member to represent it on an administrative control board created for a special service district if:~~

~~———— (a) the special service district was created by a county;~~

~~———— (b) the municipality or improvement district:~~

~~———— (i) provides the same service as the special service district; or~~

~~———— (ii) provided the same service as the special service district;~~

~~———— (A) prior to the creation of the special service district, if all or part of the municipality or improvement district was then included in the special service district; or~~

## SB0139S01 compared with SB0139

~~—— (B) prior to all or part of the municipality or improvement district being annexed into the special service district; and~~

~~—— (c) subject to Subsection (6):~~

~~—— (i) the special service district includes [some] a significant portion or all of the area included within the municipality or improvement district[.]; or~~

~~—— (ii) the municipality constitutes a significant portion of the area of the special service district.~~

~~—— (4) An institution of higher education for which a special service district provides commodities, services, or facilities may appoint the number of members of an administrative control board of that special service district that are equal in number to at least 1/3 of the total number of board members.~~

~~—— (5) With respect to an administrative control board created for a special service district created by a county of the first class to provide jail service as provided in Subsection 17D-1-201(10), the county legislative body shall appoint:~~

~~—— (a) three members from a list of at least six recommendations from the county sheriff;~~

~~—— (b) three members from a list of at least six recommendations from municipalities within the county; and~~

~~—— (c) three members from a list of at least six recommendations from the county executive.~~

~~—— (6) For purposes of Subsection (3)(c):~~

~~—— (a) an area encompassing at least 5% of the taxable value of taxable property within the municipality or improvement district constitutes a significant portion of the municipality or improvement district; and~~

~~—— (b) an area encompassing at least 5% of the taxable value of the taxable property within the special service district constitutes a significant portion of 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), a county or municipal legislative body acting as the governing body of the special service district may, as provided in this part:

(a) annex an area to an existing special service district to provide to that area a service

## **SB0139S01 compared with SB0139**

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:

(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 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) 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**

**SB0139S01 compared with SB0139**

~~as of 2-2-15 9:21 AM~~

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