

Representative James A. Dunnigan proposes the following substitute bill:

LIMITED PURPOSE LOCAL GOVERNMENT ENTITY

AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends provisions relating to certain limited purpose local government entities.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ extends the time for a local district board to approve or reject a proposed annexation;
- ▶ prohibits the creation of a new basic local district;
- ▶ repeals provisions requiring certain limited purpose local government entities to provide district contact information to the local telephone directory publisher; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **17B-1-414**, as last amended by Laws of Utah 2011, Chapter 68

28 **17D-1-106**, as last amended by Laws of Utah 2016, Chapter 233

29 **17D-3-105**, as last amended by Laws of Utah 2018, Chapter 115

30 ENACTS:

31 **17B-1-1403**, Utah Code Annotated 1953

32 REPEALS:

33 **17B-1-112**, as enacted by Laws of Utah 2007, Chapter 329



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

36 Section 1. Section **17B-1-414** is amended to read:

37 **17B-1-414. Resolution approving an annexation -- Filing of notice and plat with**
38 **lieutenant governor -- Recording requirements -- Effective date.**

39 (1) (a) Subject to Subsection (1)(b), the local district board shall adopt a resolution
40 approving the annexation of the area proposed to be annexed or rejecting the proposed
41 annexation within [~~30~~] 90 days after:

42 (i) expiration of the protest period under Subsection **17B-1-412**(2), if sufficient protests
43 to require an election are not filed;

44 (ii) for a petition that meets the requirements of Subsection **17B-1-413**(1):

45 (A) a public hearing under Section **17B-1-409** is held, if the board chooses or is
46 required to hold a public hearing under Subsection **17B-1-413**(2)(a)(ii); or

47 (B) expiration of the time for submitting a request for public hearing under Subsection
48 **17B-1-413**(2)(a)(ii)(B), if no request is submitted and the board chooses not to hold a public
49 hearing.

50 (b) If the local district has entered into an agreement with the United States that
51 requires the consent of the United States for an annexation of territory to the district, a
52 resolution approving annexation under this part may not be adopted until the written consent of
53 the United States is obtained and filed with the board of trustees.

54 (2) (a) (i) Within the time specified under Subsection (2)(a)(ii), the board shall file with
55 the lieutenant governor:

56 (A) a copy of a notice of an impending boundary action, as defined in Section

57 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3) and, if applicable,
58 Subsection (2)(b); and

59 (B) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5.

60 (ii) The board shall file the documents listed in Subsection (2)(a)(i) with the lieutenant
61 governor:

62 (A) within 30 days after adoption of a resolution under Subsection (1), Subsection
63 17B-1-412(3)(c)(i), or Section 17B-1-415; and

64 (B) as soon as practicable after receiving the notice under Subsection 10-2-425(2) of a
65 municipal annexation that causes an automatic annexation to a local district under Section
66 17B-1-416.

67 (b) For an automatic annexation to a local district under Section 17B-1-416, the notice
68 of an impending boundary action required under Subsection (2)(a) shall state that an area
69 outside the boundaries of the local district is being automatically annexed to the local district
70 under Section 17B-1-416 because of a municipal annexation under Title 10, Chapter 2, Part 4,
71 Annexation.

72 (c) Upon the lieutenant governor's issuance of a certificate of annexation under Section
73 67-1a-6.5, the board shall:

74 (i) if the annexed area is located within the boundary of a single county, submit to the
75 recorder of that county:

76 (A) the original:

77 (I) notice of an impending boundary action;

78 (II) certificate of annexation; and

79 (III) approved final local entity plat; and

80 (B) a certified copy of the annexation resolution; or

81 (ii) if the annexed area is located within the boundaries of more than a single county:

82 (A) submit to the recorder of one of those counties:

83 (I) the original of the documents listed in Subsections (2)(c)(i)(A)(I), (II), and (III); and

84 (II) a certified copy of the annexation resolution; and

85 (B) submit to the recorder of each other county:

86 (I) a certified copy of the documents listed in Subsection (2)(c)(i)(A)(I), (II), and (III);

87 and

88 (II) a certified copy of the annexation resolution.

89 (3) (a) As used in this Subsection (3), "fire district annexation" means an annexation
90 under this part of an area located in a county of the first class to a local district:

91 (i) created to provide fire protection, paramedic, and emergency services; and

92 (ii) in the creation of which an election was not required because of Subsection
93 [17B-1-214\(3\)\(d\)](#).

94 (b) An annexation under this part is complete and becomes effective:

95 (i) (A) on July 1 for a fire district annexation, if the lieutenant governor issues the
96 certificate of annexation under Section [67-1a-6.5](#) from January 1 through June 30; or

97 (B) on January 1 for a fire district annexation, if the lieutenant governor issues the
98 certificate of annexation under Section [67-1a-6.5](#) from July 1 through December 31; or

99 (ii) upon the lieutenant governor's issuance of the certificate of annexation under
100 Section [67-1a-6.5](#), for any other annexation.

101 (c) (i) The effective date of a local district annexation for purposes of assessing
102 property within the annexed area is governed by Section [59-2-305.5](#).

103 (ii) Until the documents listed in Subsection (2)(c) are recorded in the office of the
104 recorder of each county in which the property is located, a local district may not:

105 (A) levy or collect a property tax on property within the annexed area;

106 (B) levy or collect an assessment on property within the annexed area; or

107 (C) charge or collect a fee for service provided to property within the annexed area.

108 (iii) Subsection (3)(c)(ii)(C):

109 (A) may not be construed to limit a local district's ability before annexation to charge
110 and collect a fee for service provided to property that is outside the local district's boundary;
111 and

112 (B) does not apply until 60 days after the effective date, under Subsection (3)(b), of the
113 local district's annexation, with respect to a fee that the local district was charging for service
114 provided to property within the annexed area immediately before the area was annexed to the
115 local district.

116 Section 2. Section **17B-1-1403** is enacted to read:

117 **17B-1-1403. Prohibition against creating new basic local districts.**

118 A person may not create a basic local district on or after May 12, 2020.

119 Section 3. Section 17D-1-106 is amended to read:

120 **17D-1-106. Special service districts subject to other provisions.**

121 (1) A special service district is, to the same extent as if it were a local district, subject
122 to and governed by:

123 (a) (i) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, 17B-1-111,
124 [~~17B-1-112~~], 17B-1-113, 17B-1-116, 17B-1-118, 17B-1-119, 17B-1-120, 17B-1-121,
125 17B-1-304, 17B-1-307, 17B-1-310, 17B-1-311, 17B-1-312, 17B-1-313, and 17B-1-314; and

126 (ii) Sections 17B-1-305 and 17B-1-306, to the extent that a county legislative body or a
127 municipal legislative body, as applicable, has delegated authority to an administrative control
128 board with elected members, under Section 17D-1-301.

129 (b) Subsections:

130 (i) 17B-1-301(3) and (4); and

131 (ii) 17B-1-303(1), (2)(a) and (b), (3), (4), (5), (6), (7), and (9);

132 (c) Section 20A-1-512;

133 (d) Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts;

134 (e) Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports;

135 (f) Title 17B, Chapter 1, Part 8, Local District Personnel Management; and

136 (g) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

137 (2) For purposes of applying the provisions listed in Subsection (1) to a special service
138 district, each reference in those provisions to the local district board of trustees means the
139 governing body.

140 Section 4. Section 17D-3-105 is amended to read:

141 **17D-3-105. Conservation districts subject to other provisions.**

142 (1) Subject to Subsection (3), a conservation district is, to the same extent as if it were
143 a local district, subject to and governed by:

144 (a) Sections 17B-1-105, 17B-1-107, 17B-1-108, 17B-1-110, [~~17B-1-112~~], 17B-1-113,
145 17B-1-116, 17B-1-121, 17B-1-307, 17B-1-311, 17B-1-313, and 17B-1-314;

146 (b) Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local Districts;

147 (c) Title 17B, Chapter 1, Part 7, Local District Budgets and Audit Reports;

148 (d) Title 17B, Chapter 1, Part 8, Local District Personnel Management; and

149 (e) Title 17B, Chapter 1, Part 9, Collection of Service Fees and Charges.

150 (2) For purposes of applying the provisions listed in Subsection (1) to a conservation
151 district, each reference in those provisions to the local district board of trustees means the
152 board of supervisors described in Section [17D-3-301](#).

153 (3) A conservation district may not exercise taxing authority.

154 Section 5. **Repealer.**

155 This bill repeals:

156 Section [17B-1-112](#), **Publishing district information in telephone directory.**