

1 **COMMUNITY DEVELOPMENT AND RENEWAL AGENCY**

2 **AMENDMENTS**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: Rebecca D. Lockhart

8 **LONG TITLE**

9 **General Description:**

10 This bill amends Community Development and Renewal Agencies provisions.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ amends a public entity's authority to assist with a project;
- 15 ▶ amends notice requirements;
- 16 ▶ amends provisions relating to the payment of tax increment;
- 17 ▶ authorizes, in certain circumstances, an agency to loan tax increment from one
- 18 project area fund to another project area fund;
- 19 ▶ amends provisions related to funds allocated for housing;
- 20 ▶ requires, in certain circumstances, a licensed attorney to certify a project area
- 21 budget;
- 22 ▶ prohibits, in certain circumstances, a person from contesting a project area budget
- 23 or an amendment to a project area budget;
- 24 ▶ permits a successor taxing entity to enforce a resolution or interlocal agreement;
- 25 ▶ prohibits, in certain circumstances, a person from contesting a resolution or
- 26 interlocal agreement adopted by a taxing entity or public entity; and
- 27 ▶ makes technical corrections.

28 **Monies Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 **AMENDS:**

34 **9-4-704**, as last amended by Laws of Utah 2008, Chapter 382

35 **10-3-1303**, as last amended by Laws of Utah 2008, Chapter 382

36 **11-25-3**, as last amended by Laws of Utah 2006, Chapter 359

37 **11-27-2**, as last amended by Laws of Utah 2008, Chapter 360

38 **17C-1-101**, as renumbered and amended by Laws of Utah 2006, Chapter 359

39 **17C-1-102**, as last amended by Laws of Utah 2009, Chapter 387

40 **17C-1-207**, as last amended by Laws of Utah 2009, Chapter 387

41 **17C-1-303**, as renumbered and amended by Laws of Utah 2006, Chapter 359

42 **17C-1-401**, as last amended by Laws of Utah 2009, Chapter 387

43 **17C-1-409**, as last amended by Laws of Utah 2009, Chapter 387

44 **17C-1-412**, as last amended by Laws of Utah 2009, Chapter 387

45 **17C-2-108**, as last amended by Laws of Utah 2009, Chapter 388

46 **17C-2-110**, as last amended by Laws of Utah 2009, Chapter 387

47 **17C-2-201**, as last amended by Laws of Utah 2009, Chapter 387

48 **17C-2-206**, as renumbered and amended by Laws of Utah 2006, Chapter 359

49 **17C-2-502**, as renumbered and amended by Laws of Utah 2006, Chapter 359

50 **17C-3-107**, as last amended by Laws of Utah 2009, Chapter 388

51 **17C-3-109**, as last amended by Laws of Utah 2009, Chapter 387

52 **17C-3-201**, as last amended by Laws of Utah 2009, Chapter 387

53 **17C-3-205**, as enacted by Laws of Utah 2006, Chapter 359

54 **17C-3-402**, as enacted by Laws of Utah 2006, Chapter 359

55 **17C-4-201**, as last amended by Laws of Utah 2009, Chapter 387

56 **17C-4-202**, as last amended by Laws of Utah 2009, Chapters 387 and 388

57 **17C-4-402**, as enacted by Laws of Utah 2006, Chapter 359

58 **59-2-924.2**, as last amended by Laws of Utah 2009, Chapter 218

59 **72-1-208**, as last amended by Laws of Utah 2007, Chapter 329



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

62 Section 1. Section **9-4-704** is amended to read:

63 **9-4-704. Distribution of fund moneys.**

64 (1) The executive director shall:

65 (a) make grants and loans from the fund for any of the activities authorized by Section
66 9-4-705, as directed by the board;

67 (b) establish the criteria with the approval of the board by which loans and grants will
68 be made; and

69 (c) determine with the approval of the board the order in which projects will be
70 funded.

71 (2) The executive director shall distribute, as directed by the board, any federal
72 moneys contained in the fund according to the procedures, conditions, and restrictions placed
73 upon the use of those moneys by the federal government.

74 (3) (a) The executive director shall distribute, as directed by the board, any funds
75 received pursuant to Section 17C-1-412 to pay the costs of providing income targeted housing
76 within the community that created the community development and renewal agency under
77 Title 17C, Limited Purpose Local Government Entities - Community Development and
78 Renewal Agencies Act.

79 (b) As used in Subsection (3)(a):

80 (i) "Community" has the meaning as defined in Section 17C-1-102.

81 (ii) "Income targeted housing" has the meaning as defined in Section 17C-1-102.

82 (4) Except federal money and money received under Section 17C-1-412, the
83 executive director shall distribute, as directed by the board, all other moneys from the fund
84 according to the following requirements:

85 (a) Not less than 30% of all fund moneys shall be distributed to rural areas of the state.

86 (b) At least 50% of the moneys in the fund shall be distributed as loans to be repaid to
87 the fund by the entity receiving them.

88 (i) (A) Of the fund moneys distributed as loans, at least 50% shall be distributed to
89 benefit persons whose annual income is at or below 50% of the median family income for the
90 state.

91 (B) The remaining loan moneys shall be distributed to benefit persons whose annual
92 income is at or below 80% of the median family income for the state.

93 (ii) The executive director or the executive director's designee shall lend moneys in
94 accordance with this Subsection (4) at a rate based upon the borrower's ability to pay.

95 (c) Any fund moneys not distributed as loans shall be distributed as grants.

96 (i) At least 90% of the fund moneys distributed as grants shall be distributed to benefit
97 persons whose annual income is at or below 50% of the median family income for the state.

98 (ii) The remaining fund moneys distributed as grants may be used by the executive
99 director to obtain federal matching funds or for other uses consistent with the intent of this
100 part, including the payment of reasonable loan servicing costs, but no more than 3% of the
101 revenues of the fund may be used to offset other department or board administrative expenses.

102 (5) The executive director may with the approval of the board:

103 (a) enact rules to establish procedures for the grant and loan process by following the
104 procedures and requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
105 and

106 (b) service or contract, pursuant to Title 63G, Chapter 6, Utah Procurement Code, for
107 the servicing of loans made by the fund.

108 Section 2. Section **10-3-1303** is amended to read:

109 **10-3-1303. Definitions.**

110 As used in this part:

111 (1) "Appointed officer" means any person appointed to any statutory office or position
112 or any other person appointed to any position of employment with a city or with a community
113 development and renewal agency under Title 17C, Limited Purpose Local Government Entities

114 - Community Development and Renewal Agencies Act. Appointed officers include, but are
115 not limited to, persons serving on special, regular, or full-time committees, agencies, or boards
116 whether or not such persons are compensated for their services. The use of the word "officer"
117 in this part is not intended to make appointed persons or employees "officers" of the
118 municipality.

119 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,
120 aid, advise, furnish information to, or otherwise provide assistance to a person or business
121 entity, believing that such action is of help, aid, advice, or assistance to such person or
122 business entity and with the intent to assist such person or business entity.

123 (3) "Business entity" means a sole proprietorship, partnership, association, joint
124 venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on
125 a business.

126 (4) "Compensation" means anything of economic value, however designated, which is
127 paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone
128 other than the governmental employer for or in consideration of personal services, materials,
129 property, or any other thing whatsoever.

130 (5) "Elected officer" means any person elected or appointed to the office of mayor,
131 commissioner, or council member.

132 (6) "Improper disclosure" means disclosure of private, controlled, or protected
133 information to any person who does not have both the right and the need to receive the
134 information.

135 (7) "Municipal employee" means a person who is not an elected or appointed officer
136 who is employed on a full or part-time basis by a municipality or by a community
137 development and renewal agency under Title 17C, Limited Purpose Local Government Entities
138 - Community Development and Renewal Agencies Act.

139 (8) "Private, controlled, or protected information" means information classified as
140 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
141 Management Act or other applicable provision of law.

142 (9) "Substantial interest" means the ownership, either legally or equitably, by an
143 individual, the individual's spouse, or the individual's minor children, of at least 10% of the
144 outstanding shares of a corporation or 10% interest in any other business entity.

145 Section 3. Section **11-25-3** is amended to read:

146 **11-25-3. Definitions.**

147 As used in this ~~[act]~~ chapter:

148 (1) "Bonds" mean any bonds, notes, interim certificates, debentures, or other
149 obligations issued by an agency pursuant to this part and which are payable exclusively from
150 the revenues, as defined in Subsection (9), and from any other funds specified in this part
151 upon which the bonds may be made a charge and from which they are payable.

152 (2) ~~(a)~~ (a) "Citizen participation" means action by the agency to provide persons who will
153 be affected by residential rehabilitation financed under the provisions of this part with
154 opportunities to be involved in planning and carrying out the residential rehabilitation
155 program. "Citizen participation" shall include, but not be limited to, all of the following:

156 ~~[(a)]~~ (i) Holding a public meeting prior to considering selection of the area for
157 designation.

158 ~~[(b)]~~ (ii) Consultation with representatives of owners of property in, and residents of, a
159 residential rehabilitation area, in developing plans for public improvements and
160 implementation of the residential rehabilitation program.

161 ~~[(c)]~~ (iii) Dissemination of information relating to the time and location of meetings,
162 boundaries of the proposed residential rehabilitation area, and a general description of the
163 proposed residential rehabilitation program.

164 (b) (i) Public meetings and consultations described in Subsection (2)(a) shall be
165 conducted by an official designated by the agency.

166 (ii) Public meetings shall be held at times and places convenient to residents and
167 property owners.

168 (3) "Financing" means the lending of moneys or any other thing of value for the
169 purpose of residential rehabilitation.

170 (4) "Agency" means a community development and renewal agency functioning
171 pursuant to Title 17C, Limited Purpose Local Government Entities - Community Development
172 and Renewal Agencies Act.

173 (5) "Participating party" means any person, company, corporation, partnership, firm,
174 agency, political subdivision of the state, or other entity or group of entities requiring
175 financing for residential rehabilitation pursuant to the provisions of this part. No elective
176 officer of the state or any of its political subdivisions shall be eligible to be a participating
177 party under the provision of this part.

178 (6) "Residential rehabilitation" means the construction, reconstruction, renovation,
179 replacement, extension, repair, betterment, equipping, developing, embellishing, or otherwise
180 improving residences consistent with standards of strength, effectiveness, fire resistance,
181 durability, and safety, so that the structures are satisfactory and safe to occupy for residential
182 purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile
183 delinquency, or crime because of any one or more of the following factors:

- 184 (a) defective design and character of physical construction;
- 185 (b) faulty interior arrangement and exterior spacing;
- 186 (c) high density of population and overcrowding;
- 187 (d) inadequate provision for ventilation, light, sanitation, open spaces, and recreation
188 facilities;
- 189 (e) age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses;
- 190 and
- 191 (f) economic dislocation, deterioration, or disuse, resulting from faulty planning.

192 (7) "Residence" means a residential structure in residential rehabilitation areas. It also
193 means a commercial structure which, in the judgment of the agency, is an integral part of a
194 residential neighborhood.

195 (8) "Rehabilitation standards" mean the applicable local or state standards for the
196 rehabilitation of buildings located in residential rehabilitation areas, including any higher
197 standards adopted by the agency as part of its residential rehabilitation financing program.

198 (9) "Revenues" mean all amounts received as repayment of principal, interest, and all
199 other charges received for, and all other income and receipts derived by, the agency from the
200 financing of residential rehabilitation, including moneys deposited in a sinking, redemption, or
201 reserve fund or other fund to secure the bonds or to provide for the payment of the principal
202 of, or interest on, the bonds and such other moneys as the legislative body may, in its
203 discretion, make available therefor.

204 (10) "Residential rehabilitation area" means the geographical area designated by the
205 agency as one for inclusion in a comprehensive residential rehabilitation financing program
206 pursuant to the provisions of this [act] chapter.

207 Section 4. Section **11-27-2** is amended to read:

208 **11-27-2. Definitions.**

209 As used in this chapter:

210 (1) "Advance refunding bonds" means refunding bonds issued for the purpose of
211 refunding outstanding bonds in advance of their maturity.

212 (2) "Assessments" means a special tax levied against property within a special
213 improvement district to pay all or a portion of the costs of making improvements in the
214 district.

215 (3) "Bond" means any revenue bond, general obligation bond, tax increment bond,
216 special improvement bond, local building authority bond, or refunding bond.

217 (4) "General obligation bond" means any bond, note, warrant, certificate of
218 indebtedness, or other obligation of a public body payable in whole or in part from revenues
219 derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any
220 applicable constitutional or statutory debt limitation.

221 (5) "Governing body" means the council, commission, county legislative body, board
222 of directors, board of trustees, board of education, board of regents, or other legislative body of
223 a public body designated in this chapter that is vested with the legislative powers of the public
224 body, and, with respect to the state, the State Bonding Commission created by Section
225 63B-1-201.

- 226 (6) "Government obligations" means:
- 227 (a) direct obligations of the United States of America, or other securities, the principal
- 228 of and interest on which are unconditionally guaranteed by the United States of America; or
- 229 (b) obligations of any state, territory, or possession of the United States, or of any of
- 230 the political subdivisions of any state, territory, or possession of the United States, or of the
- 231 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.
- 232 (7) "Issuer" means the public body issuing any bond or bonds.
- 233 (8) "Public body" means the state or any agency, authority, instrumentality, or
- 234 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,
- 235 agency, school district, local district, special service district, or other governmental entity now
- 236 or hereafter existing under the laws of the state.
- 237 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
- 238 purpose of refunding outstanding bonds.
- 239 (10) "Resolution" means a resolution of the governing body of a public body taking
- 240 formal action under this chapter.
- 241 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
- 242 other obligation for the payment of money issued by a public body or any predecessor of any
- 243 public body and that is payable from designated revenues not derived from ad valorem taxes
- 244 or from a special fund composed of revenues not derived from ad valorem taxes, but excluding
- 245 all of the following:
- 246 (a) any obligation constituting an indebtedness within the meaning of any applicable
- 247 constitutional or statutory debt limitation;
- 248 (b) any obligation issued in anticipation of the collection of taxes, where the entire
- 249 issue matures not later than one year from the date of the issue; and
- 250 (c) any special improvement bond.
- 251 (12) "Special improvement bond" means any bond, note, warrant, certificate of
- 252 indebtedness, or other obligation of a public body or any predecessor of any public body that
- 253 is payable from assessments levied on benefitted property and from any special improvement

254 guaranty fund.

255 (13) "Special improvement guaranty fund" means any special improvement guaranty
256 fund established under Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities;
257 Title 11, Chapter 42, Assessment Area Act; or any predecessor or similar statute.

258 (14) "Tax increment bond" means any bond, note, warrant, certificate of indebtedness,
259 or other obligation of a public body issued under authority of Title 17C, Limited Purpose
260 Local Government Entities - Community Development and Renewal Agencies Act.

261 Section 5. Section **17C-1-101** is amended to read:

262 **TITLE 17C. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES -**
263 **COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES ACT**
264 **17C-1-101. Title.**

265 This title is known as the "Limited Purpose Local Government Entities - Community
266 Development and Renewal Agencies Act."

267 Section 6. Section **17C-1-102** is amended to read:

268 **17C-1-102. Definitions.**

269 As used in this title:

270 (1) "Adjusted tax increment" means:

271 (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under
272 Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

273 (b) for tax increment under a post-June 30, 1993 project area plan, tax increment
274 under Section 17C-1-404, excluding tax increment under Section 17C-1-406.

275 (2) "Affordable housing" means housing to be owned or occupied by persons and
276 families of low or moderate income, as determined by resolution of the agency.

277 (3) "Agency" or "community development and renewal agency" means a separate body
278 corporate and politic, created under Section 17C-1-201 or as a redevelopment agency under
279 previous law, that is a political subdivision of the state, that is created to undertake or promote
280 urban renewal, economic development, or community development, or any combination of
281 them, as provided in this title, and whose geographic boundaries are coterminous with:

282 (a) for an agency created by a county, the unincorporated area of the county; and

283 (b) for an agency created by a city or town, the boundaries of the city or town.

284 (4) "Annual income" has the meaning as defined under regulations of the U.S.

285 Department of Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as
286 superseded by replacement regulations.

287 (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

288 (6) "Base taxable value" means:

289 (a) for an urban renewal or economic development project area, the taxable value of
290 the property within a project area from which tax increment will be collected, as shown upon
291 the assessment roll last equalized before:

292 (i) for a pre-July 1, 1993 project area plan, the effective date of the project area plan;

293 (ii) for a post-June 30, 1993 project area plan:

294 (A) the date of the taxing entity committee's approval of the first project area budget;

295 or

296 (B) if no taxing entity committee approval is required for the project area budget, the
297 later of:

298 (I) the date the project area plan is adopted by the community legislative body; and

299 (II) the date the agency adopts the first project area budget;

300 (iii) for a project on an inactive industrial site, a year after the date on which the
301 inactive industrial site is sold for remediation and development; or

302 (iv) for a project on an inactive airport site, a year after the later of:

303 (A) the date on which the inactive airport site is sold for remediation and
304 development; and

305 (B) the date on which the airport that had been operated on the inactive airport site
306 ceased operations; and

307 (b) for a community development project area, the agreed value specified in a
308 resolution or interlocal agreement under Subsection 17C-4-201(2).

309 (7) "Basic levy" means the portion of a school district's tax levy constituting the

310 minimum basic levy under Section 59-2-902.

311 (8) "Blight" or "blighted" means the condition of an area that meets the requirements
312 of Subsection 17C-2-303(1).

313 (9) "Blight hearing" means a public hearing under Subsection 17C-2-102(1)(a)(i)(C)
314 and Section 17C-2-302 regarding the existence or nonexistence of blight within the proposed
315 urban renewal project area.

316 (10) "Blight study" means a study to determine the existence or nonexistence of blight
317 within a survey area as provided in Section 17C-2-301.

318 (11) "Board" means the governing body of an agency, as provided in Section
319 17C-1-203.

320 (12) "Budget hearing" means the public hearing on a draft project area budget
321 required under Subsection 17C-2-201(2)(d) for an urban renewal project area budget or
322 Subsection 17C-3-201(2)(d) for an economic development project area budget.

323 (13) "Combined incremental value" means the combined total of all incremental
324 values from all urban renewal project areas, except project areas that contain some or all of a
325 military installation or inactive industrial site, within the agency's boundaries under adopted
326 project area plans and adopted project area budgets at the time that a project area budget for a
327 new urban renewal project area is being considered.

328 (14) "Community" means a county, city, or town.

329 (15) "Community development" means development activities within a community,
330 including the encouragement, promotion, or provision of development.

331 (16) "Economic development" means to promote the creation or retention of public or
332 private jobs within the state through:

333 (a) planning, design, development, construction, rehabilitation, business relocation, or
334 any combination of these, within a community; and

335 (b) the provision of office, industrial, manufacturing, warehousing, distribution,
336 parking, public, or other facilities, or other improvements that benefit the state or a
337 community.

338 (17) "Fair share ratio" means the ratio derived by:

339 (a) for a city or town, comparing the percentage of all housing units within the city or
340 town that are publicly subsidized income targeted housing units to the percentage of all
341 housing units within the whole county that are publicly subsidized income targeted housing
342 units; or

343 (b) for the unincorporated part of a county, comparing the percentage of all housing
344 units within the unincorporated county that are publicly subsidized income targeted housing
345 units to the percentage of all housing units within the whole county that are publicly
346 subsidized income targeted housing units.

347 (18) "Family" has the meaning as defined under regulations of the U.S. Department of
348 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by
349 replacement regulations.

350 (19) "Greenfield" means land not developed beyond agricultural or forestry use.

351 (20) "Hazardous waste" means any substance defined, regulated, or listed as a
352 hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant,
353 contaminant, or toxic substance, or identified as hazardous to human health or the
354 environment, under state or federal law or regulation.

355 (21) "Housing funds" means the funds allocated in an urban renewal project area
356 budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

357 (22) (a) "Inactive airport site" means land that:

358 (i) consists of at least 100 acres;

359 (ii) is occupied by an airport:

360 (A) (I) that is no longer in operation as an airport; or

361 (II) (Aa) that is scheduled to be decommissioned; and

362 (Bb) for which a replacement commercial service airport is under construction; and

363 (B) that is owned or was formerly owned and operated by a public entity; and

364 (iii) requires remediation because:

365 (A) of the presence of hazardous waste or solid waste; or

366 (B) the site lacks sufficient public infrastructure and facilities, including public roads,
367 electric service, water system, and sewer system, needed to support development of the site.

368 (b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
369 described in Subsection (22)(a).

370 (23) (a) "Inactive industrial site" means land that:

371 (i) consists of at least 1,000 acres;

372 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
373 facility; and

374 (iii) requires remediation because of the presence of hazardous waste or solid waste.

375 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
376 described in Subsection (23)(a).

377 (24) "Income targeted housing" means housing to be owned or occupied by a family
378 whose annual income is at or below 80% of the median annual income for the county in which
379 the housing is located.

380 (25) "Incremental value" means a figure derived by multiplying the marginal value of
381 the property located within an urban renewal project area on which tax increment is collected
382 by a number that represents the percentage of adjusted tax increment from that project area
383 that is paid to the agency.

384 (26) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
385 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

386 (27) "Marginal value" means the difference between actual taxable value and base
387 taxable value.

388 (28) "Military installation project area" means a project area or a portion of a project
389 area located within a federal military installation ordered closed by the federal Defense Base
390 Realignment and Closure Commission.

391 (29) "Plan hearing" means the public hearing on a draft project area plan required
392 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
393 17C-3-102(1)(d) for an economic development project area plan, and Subsection

394 17C-4-102(1)(d) for a community development project area plan.

395 (30) "Post-June 30, 1993 project area plan" means a project area plan adopted on or
396 after July 1, 1993, whether or not amended subsequent to its adoption.

397 (31) "Pre-July 1, 1993 project area plan" means a project area plan adopted before July
398 1, 1993, whether or not amended subsequent to its adoption.

399 (32) "Private," with respect to real property, means:

400 (a) not owned by the United States or any agency of the federal government, a public
401 entity, or any other governmental entity; and

402 (b) not dedicated to public use.

403 (33) "Project area" means the geographic area described in a project area plan or draft
404 project area plan where the urban renewal, economic development, or community
405 development, as the case may be, set forth in the project area plan or draft project area plan
406 takes place or is proposed to take place.

407 (34) "Project area budget" means a multiyear projection of annual or cumulative
408 revenues and expenses and other fiscal matters pertaining to a urban renewal or economic
409 development project area that includes:

410 (a) the base taxable value of property in the project area;

411 (b) the projected tax increment expected to be generated within the project area;

412 (c) the amount of tax increment expected to be shared with other taxing entities;

413 (d) the amount of tax increment expected to be used to implement the project area
414 plan, including the estimated amount of tax increment to be used for land acquisition, public
415 improvements, infrastructure improvements, and loans, grants, or other incentives to private
416 and public entities;

417 (e) the tax increment expected to be used to cover the cost of administering the project
418 area plan;

419 (f) if the area from which tax increment is to be collected is less than the entire project
420 area:

421 (i) the tax identification numbers of the parcels from which tax increment will be

422 collected; or

423 (ii) a legal description of the portion of the project area from which tax increment will
424 be collected;

425 (g) for property that the agency owns and expects to sell, the expected total cost of the
426 property to the agency and the expected selling price; and

427 (h) (i) for an urban renewal project area, the information required under Subsection
428 17C-2-201(1)(b); and

429 (ii) for an economic development project area, the information required under
430 Subsection 17C-3-201(1)(b).

431 (35) "Project area plan" means a written plan under Chapter 2, Part 1, Urban Renewal
432 Project Area Plan, Chapter 3, Part 1, Economic Development Project Area Plan, or Chapter 4,
433 Part 1, Community Development Project Area Plan, as the case may be, that, after its effective
434 date, guides and controls the urban renewal, economic development, or community
435 development activities within a project area.

436 (36) "Property tax" includes privilege tax and each levy on an ad valorem basis on
437 tangible or intangible personal or real property.

438 (37) "Public entity" means:

439 (a) the state, including any of its departments or agencies; or

440 (b) a political subdivision of the state, including a county, city, town, school district,
441 local district, special service district, or interlocal cooperation entity.

442 (38) "Publicly owned infrastructure and improvements" means water, sewer, storm
443 drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk,
444 walkways, parking facilities, public transportation facilities, and other facilities, infrastructure,
445 and improvements benefitting the public and to be publicly owned or publicly maintained or
446 operated.

447 (39) "Record property owner" or "record owner of property" means the owner of real
448 property as shown on the records of the recorder of the county in which the property is located
449 and includes a purchaser under a real estate contract if the contract is recorded in the office of

450 the recorder of the county in which the property is located or the purchaser gives written notice
451 of the real estate contract to the agency.

452 (40) "Superfund site":

453 (a) means an area included in the National Priorities List under the Comprehensive
454 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

455 (b) includes an area formerly included in the National Priorities List, as described in
456 Subsection (40)(a), but removed from the list following remediation that leaves on site the
457 waste that caused the area to be included in the National Priorities List.

458 (41) "Survey area" means an area designated by a survey area resolution for study to
459 determine whether one or more urban renewal projects within the area are feasible.

460 (42) "Survey area resolution" means a resolution adopted by the agency board under
461 Subsection 17C-2-101(1)(a) designating a survey area.

462 (43) "Taxable value" means the value of property as shown on the last equalized
463 assessment roll as certified by the county assessor.

464 (44) (a) "Tax increment" means, except as provided in Subsection (44)(b), the
465 difference between:

466 (i) the amount of property tax revenues generated each tax year by all taxing entities
467 from the area within a project area designated in the project area plan as the area from which
468 tax increment is to be collected, using the current assessed value of the property; and

469 (ii) the amount of property tax revenues that would be generated from that same area
470 using the base taxable value of the property.

471 (b) "Tax increment" does not include taxes levied and collected under Section
472 59-2-1602 on or after January 1, 1994 upon the taxable property in the project area unless:

473 (i) the project area plan was adopted before May 4, 1993, whether or not the project
474 area plan was subsequently amended; and

475 (ii) the taxes were pledged to support bond indebtedness or other contractual
476 obligations of the agency.

477 (45) "Taxing entity" means a public entity that levies a tax on a parcel or parcels of

478 property located within a community.

479 (46) "Taxing entity committee" means a committee representing the interests of taxing
480 entities, created as provided in Section 17C-1-402.

481 (47) "Unincorporated" means not within a city or town.

482 (48) (a) "Urban renewal" means the development activities under a project area plan
483 within an urban renewal project area, including:

484 (i) planning, design, development, demolition, clearance, construction, rehabilitation,
485 environmental remediation, or any combination of these, of part or all of a project area;

486 (ii) the provision of residential, commercial, industrial, public, or other structures or
487 spaces, including recreational and other facilities incidental or appurtenant to them;

488 (iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating,
489 or any combination of these, existing structures in a project area;

490 (iv) providing open space, including streets and other public grounds and space
491 around buildings;

492 (v) providing public or private buildings, infrastructure, structures, and improvements;
493 and

494 (vi) providing improvements of public or private recreation areas and other public
495 grounds.

496 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before
497 May 1, 2006, if the context requires.

498 Section 7. Section **17C-1-207** is amended to read:

499 **17C-1-207. Public entities may assist with urban renewal, economic**
500 **development, or community development project.**

501 (1) In order to assist and cooperate in the planning, undertaking, construction, or
502 operation of urban renewal, economic development, or community development within the
503 area in which it is authorized to act, a public entity may:

504 (a) (i) provide or cause to be furnished:

505 (A) parks, playgrounds, or other recreational facilities;

506 (B) community, educational, water, sewer, or drainage facilities; or
507 (C) any other works which the public entity is otherwise empowered to undertake;
508 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
509 replan streets, roads, roadways, alleys, sidewalks, or other places;
510 (iii) in any part of the project area:
511 ~~[(iii)]~~ (A) (I) plan or replan[-];
512 (II) plat or replat;
513 (III) vacate a plat;
514 (IV) amend a plat; or
515 (V) zone or rezone [~~any part of a project area~~]; and
516 (B) make any legal exceptions from building regulations and ordinances;
517 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
518 rights of any holder of the bonds;
519 (v) enter into an agreement with another public entity concerning action to be taken
520 pursuant to any of the powers granted in this title;
521 (vi) do any and all things necessary to aid or cooperate in the planning or carrying out
522 of the urban renewal, economic development, or community development;
523 (vii) in connection with the project area plan, become obligated to the extent
524 authorized and funds have been made available to make required improvements or construct
525 required structures; and
526 (viii) lend, grant, or contribute funds to an agency for an urban renewal, economic
527 development, or community development project; and
528 (b) 15 days after posting public notice:
529 (i) purchase or otherwise acquire property or lease property from an agency; or
530 (ii) sell, grant, convey, or otherwise dispose of the public entity's property or lease the
531 public entity's property to an agency.
532 (2) Notwithstanding any law to the contrary, an agreement under Subsection (1)(a)(v)
533 may extend over any period.

534 (3) A grant or contribution of funds from a public entity to an agency, or from an
535 agency under a project area plan or project area budget, is not subject to the requirements of
536 Section 10-8-2.

537 Section 8. Section **17C-1-303** is amended to read:

538 **17C-1-303. Summary of sale or other disposition of agency property --**
539 **Publication of summary.**

540 (1) Upon the agency's sale, conveyance, grant, or other disposition of real property,
541 the agency shall prepare a summary of the material provisions of the disposition.

542 (2) Each summary under Subsection (1) shall be a matter of public record.

543 (3) The agency shall, no later than one month after the day that the disposition is
544 concluded:

545 (a) post each summary under Subsection (1) on the Utah Public Notice Website
546 described in Section 63F-1-701; and

547 [~~(a)~~] (b) (i) publish each summary under Subsection (1) at least once in a newspaper
548 of general circulation in the agency's boundaries; or

549 [~~(b)~~] (ii) if there is no newspaper of general circulation, post the summary in three
550 conspicuous places within the agency's boundaries.

551 Section 9. Section **17C-1-401** is amended to read:

552 **17C-1-401. Agency receipt and use of tax increment and sales tax -- Distribution**
553 **of tax increment and sales tax.**

554 (1) An agency may receive and use tax increment and sales tax, as provided in this
555 part.

556 (2) (a) The applicable length of time or number of years for which an agency is to be
557 paid tax increment or sales tax under this part shall be measured:

558 (i) for a pre-July 1, 1993 project area plan, from the first tax year regarding which the
559 agency accepts tax increment from the project area;

560 (ii) for a post-June 30, 1993 urban renewal or economic development project area
561 plan, from the first tax year for which the agency receives tax increment under the project area

562 budget; or

563 (iii) for a community development project area plan, as indicated in the resolution or
564 interlocal agreement of a taxing entity that establishes the agency's right to receive tax
565 increment or sales tax.

566 (b) [~~Tax~~] Unless otherwise provided in a project area budget that is approved by a
567 taxing entity committee, or in an interlocal agreement or resolution adopted by a taxing entity,
568 tax increment may not be paid to an agency for a tax year prior to the tax year following:

569 (i) for an urban renewal or economic development project area plan, the effective date
570 of the project area plan; and

571 (ii) for a community development project area plan, the effective date of the interlocal
572 agreement that establishes the agency's right to receive tax increment.

573 (3) With respect to a community development project area plan:

574 (a) a taxing entity or public entity may, by resolution or through interlocal agreement,
575 authorize an agency to be paid any or all of that taxing entity or public entity's tax increment
576 or sales tax for any period of time; and

577 (b) the resolution or interlocal agreement authorizing the agency to be paid tax
578 increment or sales tax shall specify:

579 (i) the base taxable value of the project area; and

580 (ii) the method of calculating the amount of tax increment or sales tax to be paid to the
581 agency.

582 (4) With the written consent of a taxing entity, an agency may be paid tax increment,
583 from that taxing entity's tax revenues only, in a higher percentage or for a longer period of
584 time, or both, than otherwise authorized under this title.

585 (5) Each county that collects property tax on property within a project area shall pay
586 and distribute to the agency the tax increment that the agency is entitled to collect under this
587 title, in the manner and at the time provided in Section 59-2-1365.

588 Section 10. Section **17C-1-409** is amended to read:

589 **17C-1-409. Allowable uses of tax increment and sales tax.**

590 (1) (a) An agency may use tax increment and sales tax proceeds received from a taxing
591 entity:

592 (i) for any of the purposes for which the use of tax increment is authorized under this
593 title;

594 (ii) for administrative, overhead, legal, and other operating expenses of the agency,
595 including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B); [~~or~~]

596 (iii) to pay for, including financing or refinancing, all or part of:

597 (A) urban renewal activities in the project area from which the tax increment funds are
598 collected, including environmental remediation activities occurring before or after adoption of
599 the project area plan;

600 (B) economic development or community development activities, including
601 environmental remediation activities occurring before or after adoption of the project area
602 plan, in the project area from which the tax increment funds are collected;

603 (C) housing expenditures, projects, or programs as provided in Section 17C-1-411 or
604 17C-1-412;

605 (D) subject to Subsections (1)(c) and (6), the value of the land for and the cost of the
606 installation and construction of any publicly owned building, facility, structure, landscaping,
607 or other improvement within the project area from which the tax increment funds were
608 collected; and

609 (E) subject to Subsection (1)(d), the cost of the installation of publicly owned
610 infrastructure and improvements outside the project area from which the tax increment funds
611 were collected if the agency board and the community legislative body determine by resolution
612 that the publicly owned infrastructure and improvements are of benefit to the project area[?];
613 or

614 (iv) in an urban renewal project area that includes some or all of an inactive industrial
615 site and subject to Subsection (1)(f), to reimburse the Department of Transportation created
616 under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8,
617 Public Transit District Act, for the cost of:

- 618 (A) construction of a public road, bridge, or overpass;
- 619 (B) relocation of a railroad track within the urban renewal project area; or
- 620 (C) relocation of a railroad facility within the urban renewal project area.
- 621 (b) The determination of the agency board and the community legislative body under
- 622 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.
- 623 (c) An agency may not use tax increment or sales tax proceeds received from a taxing
- 624 entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal or economic
- 625 development project area plan without the consent of the community legislative body.
- 626 (d) An agency may not use tax increment or sales tax proceeds received from a taxing
- 627 entity for the purposes stated in Subsection (1)(a)(iii)(E) under an urban renewal or economic
- 628 development project area plan without the consent of the community legislative body and the
- 629 taxing entity committee.
- 630 (e) (i) Subject to Subsection (1)(e)(ii), an agency may loan tax increment or sales tax
- 631 proceeds, or a combination of tax increment and sales tax proceeds, from a project area fund to
- 632 another project area fund if:
- 633 (A) the agency's board approves; and
- 634 (B) the legislative body of each community that created the agency approves.
- 635 (ii) An agency may not loan tax increment or sales tax proceeds, or a combination of
- 636 tax increment and sales tax proceeds, under Subsection (1)(e)(i) unless the projections for the
- 637 future tax increment or sales tax proceeds of the borrowing project area are sufficient to repay
- 638 the loan amount prior to when the tax increment or sales tax proceeds are intended for use
- 639 under the loaning project area's plan.
- 640 (iii) If a borrowing project area's funds are not sufficient to repay a loan made under
- 641 Subsection (1)(e)(i) prior to when the tax increment or sales tax proceeds are intended for use
- 642 under the loaning project area's plan, the community that created the agency shall repay the
- 643 loan to the loaning project area's fund prior to when the tax increment or sales tax proceeds are
- 644 intended for use under the loaning project area's plan.
- 645 (f) Before an agency may pay any tax increment or sales tax revenue under Subsection

646 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the
647 reimbursement with:

648 (i) the Department of Transportation; or

649 (ii) a public transit district.

650 (2) Sales tax proceeds that an agency receives from another public entity are not
651 subject to the prohibition or limitations of Title 11, Chapter 41, Prohibition on Sales and Use
652 Tax Incentive Payments Act.

653 (3) An agency may use sales tax proceeds it receives under a resolution or interlocal
654 agreement under Section 17C-4-201 for the uses authorized in the resolution or interlocal
655 agreement.

656 (4) (a) An agency may contract with the community that created the agency or another
657 public entity to use tax increment to reimburse the cost of items authorized by this title to be
658 paid by the agency that have been or will be paid by the community or other public entity.

659 (b) If land has been or will be acquired or the cost of an improvement has been or will
660 be paid by another public entity and the land or improvement has been or will be leased to the
661 community, an agency may contract with and make reimbursement from tax increment funds
662 to the community.

663 (5) An agency created by a city of the first or second class may use tax increment from
664 one project area in another project area to pay all or part of the value of the land for and the
665 cost of the installation and construction of a publicly or privately owned convention center or
666 sports complex or any building, facility, structure, or other improvement related to the
667 convention center or sports complex, including parking and infrastructure improvements, if:

668 (a) construction of the convention center or sports complex or related building,
669 facility, structure, or other improvement is commenced on or before June 30, 2002; and

670 (b) the tax increment is pledged to pay all or part of the value of the land for and the
671 cost of the installation and construction of the convention center or sports complex or related
672 building, facility, structure, or other improvement.

673 (6) Notwithstanding any other provision of this title, an agency may not use tax

674 increment to construct municipal buildings, courts or other judicial buildings, or fire stations.

675 (7) Notwithstanding any other provision of this title, an agency may not use tax
676 increment under an urban renewal or economic development project area plan, to pay any of
677 the cost of the land, infrastructure, or construction of a stadium or arena constructed after
678 March 1, 2005, unless the tax increment has been pledged for that purpose before February 15,
679 2005.

680 (8) (a) An agency may not use tax increment to pay the debt service of or any other
681 amount related to a bond issued or other obligation incurred if the bond was issued or the
682 obligation was incurred:

683 (i) by an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation
684 Act;

685 (ii) on or after March 30, 2009; and

686 (iii) to finance a telecommunication facility.

687 (b) Subsection (8)(a) may not be construed to prohibit the refinancing, restatement, or
688 refunding of a bond issued before March 30, 2009.

689 Section 11. Section **17C-1-412** is amended to read:

690 **17C-1-412. Use of funds allocated for housing -- Separate accounting required --**
691 **Issuance of bonds for housing -- Action to compel agency to provide housing funds.**

692 (1) (a) Each agency shall use all funds allocated for housing under [~~this section~~]
693 Section 17C-2-203 or 17C-3-202 to:

694 (i) pay part or all of the cost of land or construction of income targeted housing within
695 the boundary of the agency, if practicable in a mixed income development or area;

696 (ii) pay part or all of the cost of rehabilitation of income targeted housing within the
697 boundary of the agency;

698 (iii) lend, grant, or contribute money to a person, public entity, housing authority,
699 private entity or business, or nonprofit corporation for income targeted housing within the
700 boundary of the agency;

701 (iv) plan or otherwise promote income targeted housing within the boundary of the

702 agency;

703 (v) pay part or all of the cost of land or installation, construction, or rehabilitation of
704 any building, facility, structure, or other housing improvement, including infrastructure
705 improvements, related to housing located in a project area where blight has been found to
706 exist;

707 (vi) replace housing units lost as a result of the urban renewal, economic development,
708 or community development;

709 (vii) make payments on or establish a reserve fund for bonds:

710 (A) issued by the agency, the community, or the housing authority that provides
711 income targeted housing within the community; and

712 (B) all or part of the proceeds of which are used within the community for the
713 purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

714 (viii) if the community's fair share ratio at the time of the first adoption of the project
715 area budget is at least 1.1 to 1.0, make payments on bonds:

716 (A) that were previously issued by the agency, the community, or the housing
717 authority that provides income targeted housing within the community; and

718 (B) all or part of the proceeds of which were used within the community for the
719 purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi); or

720 (ix) relocate mobile home park residents displaced by an urban renewal, economic
721 development, or community development project.

722 (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all
723 or any portion of housing funds to:

724 (i) the community for use as provided under Subsection (1)(a);

725 (ii) the housing authority that provides income targeted housing within the community
726 for use in providing income targeted housing within the community; or

727 (iii) the Olene Walker Housing Loan Fund, established under Title 9, Chapter 4, Part
728 7, Olene Walker Housing Loan Fund, for use in providing income targeted housing within the
729 community.

730 (2) The agency or community shall separately account for the housing funds, together
731 with all interest earned by the housing funds and all payments or repayments for loans,
732 advances, or grants from the housing funds.

733 (3) An agency may:

734 (a) issue bonds from time to time to finance a housing undertaking under this section,
735 including the payment of principal and interest upon advances for surveys and plans or
736 preliminary loans; and

737 (b) issue refunding bonds for the payment or retirement of bonds under Subsection
738 (3)(a) previously issued by the agency.

739 (4) An agency:

740 (a) shall allocate housing funds each year in which the agency receives sufficient tax
741 increment to make a housing allocation required by the project area budget; and

742 (b) is relieved, to the extent tax increment is insufficient in a year, of an obligation to
743 allocate housing funds for the year tax increment is insufficient.

744 [~~(4)(a) If~~] (5) (a) Except as provided in Subsection (4), if an agency fails to provide
745 housing funds in accordance with the project area budget and, if applicable, the housing plan
746 adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to compel
747 the agency to provide the housing funds.

748 (b) In an action under Subsection [~~(4)~~] (5)(a), the court:

749 (i) shall award the loan fund board [a] reasonable attorney [~~fee~~] fees, unless the court
750 finds that the action was frivolous; and

751 (ii) may not award the agency its attorney fees, unless the court finds that the action
752 was frivolous.

753 Section 12. Section **17C-2-108** is amended to read:

754 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
755 **of plan -- Contesting the formation of the plan.**

756 (1) (a) [~~(+)~~] Upon the community legislative body's adoption of an urban renewal
757 project area plan, or an amendment to a project area plan under Section 17C-2-110, the

758 legislative body shall provide notice as provided in Subsection (1)(b) by [~~publishing or~~
759 ~~causing to be published a notice~~]:

760 (i) (A) publishing or causing to be published a notice in a newspaper of general
761 circulation within the agency's boundaries; or

762 (B) if there is no newspaper of general circulation within the agency's boundaries,
763 causing a notice to be posted in at least three public places within the agency's boundaries; and
764 [~~(ii) as required in Section 45-1-101.~~]

765 (ii) posting a notice on the Utah Public Notice Website described in Section
766 63F-1-701.

767 (b) Each notice under Subsection (1)(a) shall:

768 (i) set forth the community legislative body's ordinance adopting the project area plan
769 or a summary of the ordinance; and

770 (ii) include a statement that the project area plan is available for general public
771 inspection and the hours for inspection.

772 (2) The project area plan shall become effective on the date of:

773 (a) if notice was published under Subsection (1)(a), publication of the notice; or

774 (b) if notice was posted under Subsection (1)(a), posting of the notice.

775 (3) (a) For a period of 30 days after the effective date of the project area plan under
776 Subsection (2), any person in interest may contest the project area plan or the procedure used
777 to adopt the project area plan if the plan or procedure fails to comply with applicable statutory
778 requirements.

779 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
780 project area plan or procedure used to adopt the project area plan for any cause.

781 (4) Upon adoption of the project area plan by the community's legislative body, the
782 agency may carry out the project area plan.

783 (5) Each agency shall make the adopted project area plan available to the general
784 public at its offices during normal business hours.

785 Section 13. Section **17C-2-110** is amended to read:

786 **17C-2-110. Amending an urban renewal project area plan.**

787 (1) An adopted urban renewal project area plan may be amended as provided in this
788 section.

789 (2) If an agency proposes to amend an adopted urban renewal project area plan to
790 enlarge the project area:

791 (a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
792 a project area plan apply equally to the proposed amendment as if it were a proposed project
793 area plan;

794 (b) for a pre-July 1, 1993 project area plan, the base year taxable value for the new
795 area added to the project area shall be determined under Subsection 17C-1-102(6)(a)(i) using
796 the effective date of the amended project area plan;

797 (c) for a post-June 30, 1993 project area plan:

798 (i) the base year taxable value for the new area added to the project area shall be
799 determined under Subsection 17C-1-102(6)(a)(ii) using the date of the taxing entity
800 committee's consent referred to in Subsection (2)(c)(ii); and

801 (ii) the agency shall obtain the consent of the taxing entity committee before the
802 agency may collect tax increment from the area added to the project area by the amendment;

803 (d) the agency shall make a finding regarding the existence of blight in the area
804 proposed to be added to the project area by following the procedure set forth in Subsections
805 17C-2-102(1)(a)(i) and (ii); and

806 (e) the agency need not make a finding regarding the existence of blight in the project
807 area as described in the original project area plan, if the agency made a finding of the
808 existence of blight regarding that project area in connection with adoption of the original
809 project area plan.

810 (3) If a proposed amendment does not propose to enlarge an urban renewal project
811 area, an agency board may adopt a resolution approving an amendment to an adopted project
812 area plan after:

813 (a) the agency gives notice, as provided in Section 17C-2-502, of the proposed

814 amendment and of the public hearing required by Subsection (3)(b);

815 (b) the agency board holds a public hearing on the proposed amendment that meets the
816 requirements of a plan hearing;

817 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
818 amendment proposes:

819 (i) to enlarge the area within the project area from which tax increment is collected;

820 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
821 tax increment for a longer period of time, or both, than allowed under the adopted project area
822 plan; or

823 (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to
824 expand the area from which tax increment is collected to exceed 100 acres of private property;
825 and

826 (d) the agency obtains the consent of the legislative body or governing board of each
827 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
828 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a
829 longer period of time, or both, than allowed under the adopted project area plan.

830 (4) (a) An adopted urban renewal project area plan may be amended without
831 complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a)
832 and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the
833 amendment:

834 (i) makes a minor adjustment in the legal description of a project area boundary
835 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
836 or

837 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
838 because the agency determines that:

839 (A) the parcel is no longer blighted; or

840 (B) inclusion of the parcel is no longer necessary or desirable to the project area.

841 (b) An amendment removing a parcel of real property from a project area under

842 Subsection (4)(a)(ii) may not be made without the consent of the record property owner of the
843 parcel being removed.

844 (5) (a) An amendment approved by board resolution under this section may not take
845 effect until adopted by ordinance of the legislative body of the community in which the project
846 area that is the subject of the project area plan being amended is located.

847 (b) Upon a community legislative body passing an ordinance adopting an amendment
848 to a project area plan, the agency whose project area plan was amended shall comply with the
849 requirements of [~~Section~~] Sections 17C-2-108 and 17C-2-109 to the same extent as if the
850 amendment were a project area plan.

851 Section 14. Section **17C-2-201** is amended to read:

852 **17C-2-201. Project area budget -- Requirements for adopting -- Contesting the**
853 **budget or procedure -- Time limit.**

854 (1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban
855 renewal project area plan with tax increment, the agency shall, subject to Section 17C-2-202,
856 adopt a project area budget as provided in this part.

857 (b) An urban renewal project area budget adopted on or after March 30, 2009 shall
858 specify:

859 (i) the number of tax years for which the agency will be allowed to receive tax
860 increment from the project area; and

861 (ii) the percentage of tax increment or maximum cumulative dollar amount of tax
862 increment the agency is entitled to receive from the project area under the project area budget.

863 (2) To adopt an urban renewal project area budget, the agency shall:

864 (a) prepare a draft of a project area budget;

865 (b) make a copy of the draft project area budget available to the public at the agency's
866 offices during normal business hours;

867 (c) provide notice of the budget hearing as required by Part 5, Urban Renewal Notice
868 Requirements;

869 (d) hold a public hearing on the draft project area budget and, at that public hearing,

870 allow public comment on:

871 (i) the draft project area budget; and

872 (ii) whether the draft project area budget should be revised, adopted, or rejected;

873 (e) (i) if required under Subsection 17C-2-204(1), obtain the approval of the taxing

874 entity committee on the draft project area budget or a revised version of the draft project area

875 budget; or

876 (ii) if applicable, comply with the requirements of Subsection 17C-2-204(2); ~~and~~

877 (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i),

878 obtain a written certification, signed by an attorney licensed to practice law in this state,

879 stating that the taxing entity committee followed the appropriate procedures to approve the

880 project area budget; and

881 ~~(f)~~ (g) after the budget hearing, hold a board meeting in the same meeting as the

882 public hearing or in a subsequent meeting to:

883 (i) consider comments made and information presented at the public hearing relating

884 to the draft project area budget; and

885 (ii) adopt by resolution the draft project area budget, with any revisions, as the project

886 area budget.

887 (3) (a) For a period of 30 days after the agency's adoption of the project area budget

888 under Subsection (2)~~(f)~~(g), any person in interest may contest the project area budget or the

889 procedure used to adopt the project area budget if the budget or procedure fails to comply with

890 applicable statutory requirements.

891 (b) After the 30-day period under Subsection (3)(a) expires, ~~no~~ a person, for any

892 cause, may not contest:

893 (i) the project area budget or procedure used ~~to~~ by either the taxing entity committee

894 or the agency to approve and adopt the project area budget ~~[for any cause.];~~

895 (ii) a payment to the agency under the project area budget; or

896 (iii) the agency's use of tax increment under the project area budget.

897 Section 15. Section **17C-2-206** is amended to read:

898 **17C-2-206. Amending an urban renewal project area budget.**

899 (1) An agency may by resolution amend an urban renewal project area budget as
900 provided in this section.

901 (2) To amend an adopted urban renewal project area budget, the agency shall:

902 (a) advertise and hold one public hearing on the proposed amendment as provided in
903 Subsection (3);

904 (b) obtain the approval of the taxing entity committee if the agency was required under
905 Section 17C-2-204 to obtain the consent of the taxing entity committee for the project area
906 budget as originally adopted; [~~and~~]

907 (c) if approval of the taxing entity committee is required under Subsection (2)(b),
908 obtain a written certification, signed by an attorney licensed to practice law in this state,
909 stating that the taxing entity committee followed the appropriate procedures to approve the
910 project area budget; and

911 [~~(c)~~] (d) adopt a resolution amending the project area budget.

912 (3) The public hearing required under Subsection (2)(a) shall be conducted according
913 to the procedures and requirements of Subsections 17C-2-201(2)(c) and (d), except that if the
914 amended project area budget proposes that the agency be paid a greater proportion of tax
915 increment from a project area than was to be paid under the previous project area budget, the
916 notice shall state the percentage paid under the previous project area budget and the
917 percentage proposed under the amended project area budget.

918 (4) If a proposed amendment is not adopted, the agency shall continue to operate
919 under the previously adopted project area budget without the proposed amendment.

920 (5) (a) A person may contest the agency's adoption of a budget amendment within 30
921 days after the day on which the agency adopts the amendment.

922 (b) A person who fails to contest a budget amendment under Subsection (5)(a):

923 (i) forfeits any claim against an agency's adoption of the amendment; and

924 (ii) may not contest:

925 (A) a payment to the agency under the budget amendment; or

926 (B) an agency's use of a tax increment under the budget amendment.

927 Section 16. Section **17C-2-502** is amended to read:

928 **17C-2-502. Requirements for notice provided by agency.**

929 (1) The notice required by Section 17C-2-501 shall be given by:

930 (a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
931 newspaper of general circulation within the county in which the project area or proposed
932 project area is located, at least 14 days before the hearing; [~~or~~]

933 (ii) if there is no newspaper of general circulation, posting notice at least 14 days
934 before the day of the hearing in at least three conspicuous places within the county in which
935 the project area or proposed project area is located; [~~and~~] or

936 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
937 before the day on which the hearing is held on:

938 (A) the Utah Public Notice Website described in Section 63F-1-701; and

939 (B) the public website of a community located within the boundaries of the project
940 area; and

941 (b) at least 30 days before the hearing:

942 (i) mailing notice to each record owner of property located within the project area or
943 proposed project area; and

944 (ii) mailing notice to:

945 (A) the State Tax Commission;

946 (B) the assessor and auditor of the county in which the project area or proposed
947 project area is located; and

948 (C) (I) each member of the taxing entity committee; or

949 (II) if a taxing entity committee has not yet been formed, the State Board of Education
950 and the legislative body or governing board of each taxing entity.

951 (2) The mailing of the notice to record property owners required under Subsection
952 (1)(b)(i) shall be conclusively considered to have been properly completed if:

953 (a) the agency mails the notice to the property owners as shown in the records,

954 including an electronic database, of the county recorder's office and at the addresses shown in
955 those records; and

956 (b) the county recorder's office records used by the agency in identifying owners to
957 whom the notice is mailed and their addresses were obtained or accessed from the county
958 recorder's office no earlier than 30 days before the mailing.

959 (3) The agency shall include in each notice required under Section 17C-2-501:

960 (a) (i) a specific description of the boundaries of the project area or proposed project
961 area; or

962 (ii) (A) a mailing address or telephone number where a person may request that a copy
963 of the description be sent at no cost to the person by mail or facsimile transmission; and

964 (B) if the agency has an Internet website, an Internet address where a person may gain
965 access to an electronic, printable copy of the description;

966 (b) a map of the boundaries of the project area or proposed project area;

967 (c) an explanation of the purpose of the hearing; and

968 (d) a statement of the date, time, and location of the hearing.

969 (4) The agency shall include in each notice under Subsection (1)(b)(ii):

970 (a) a statement that property tax revenues resulting from an increase in valuation of
971 property within the project area or proposed project area will be paid to the agency for urban
972 renewal purposes rather than to the taxing entity to which the tax revenues would otherwise
973 have been paid if:

974 (i) ~~a majority of~~ the taxing entity committee consents to the project area budget; and

975 (ii) the project area plan provides for the agency to receive tax increment; and

976 (b) an invitation to the recipient of the notice to submit to the agency comments
977 concerning the subject matter of the hearing before the date of the hearing.

978 (5) An agency may include in a notice under Subsection (1) any other information the
979 agency considers necessary or advisable, including the public purpose served by the project
980 and any future tax benefits expected to result from the project.

981 Section 17. Section **17C-3-107** is amended to read:

982 **17C-3-107. Notice of economic development project area plan adoption --**
983 **Effective date of plan -- Contesting the formation of the plan.**

984 (1) (a) Upon the community legislative body's adoption of an economic development
985 project area plan, or an amendment to the project area plan under Section 17C-3-109, the
986 legislative body shall provide notice as provided in Subsection (1)(b) by:

987 (i) (A) publishing or causing to be published a notice:

988 (I) in a newspaper of general circulation within the agency's boundaries; or

989 (II) if there is no newspaper of general circulation within the agency's boundaries,
990 causing a notice to be posted in at least three public places within the agency's boundaries; and
991 ~~[(B) as required in Section 45-1-101.]~~

992 (B) on the Utah Public Notice Website described in Section 63F-1-701.

993 (b) Each notice under Subsection (1)(a) shall:

994 (i) set forth the community legislative body's ordinance adopting the project area plan
995 or a summary of the ordinance; and

996 (ii) include a statement that the project area plan is available for general public
997 inspection and the hours for inspection.

998 (2) The project area plan shall become effective on the date of:

999 (a) if notice was published under Subsection (1)(a), publication of the notice; or

1000 (b) if notice was posted under Subsection (1)(a), posting of the notice.

1001 (3) (a) For a period of 30 days after the effective date of the project area plan under
1002 Subsection (2), any person in interest may contest the project area plan or the procedure used
1003 to adopt the project area plan if the plan or procedure fails to comply with applicable statutory
1004 requirements.

1005 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
1006 project area plan or procedure used to adopt the project area plan for any cause.

1007 (4) Upon adoption of the economic development project area plan by the community's
1008 legislative body, the agency may carry out the project area plan.

1009 (5) Each agency shall make the adopted economic development project area plan

1010 available to the general public at its offices during normal business hours.

1011 Section 18. Section **17C-3-109** is amended to read:

1012 **17C-3-109. Amending an economic development project area plan.**

1013 (1) An adopted economic development project area plan may be amended as provided
1014 in this section.

1015 (2) If an agency proposes to amend an adopted economic development project area
1016 plan to enlarge the project area:

1017 (a) the requirements under this part that apply to adopting a project area plan apply
1018 equally to the proposed amendment as if it were a proposed project area plan;

1019 (b) the base year taxable value for the new area added to the project area shall be
1020 determined under Subsection 17C-1-102(6)(a)(ii) using the date of the taxing entity
1021 committee's consent referred to in Subsection (2)(c); and

1022 (c) the agency shall obtain the consent of the taxing entity committee before the
1023 agency may collect tax increment from the area added to the project area by the amendment.

1024 (3) If a proposed amendment does not propose to enlarge an economic development
1025 project area, an agency board may adopt a resolution approving an amendment to an adopted
1026 project area plan after:

1027 (a) the agency gives notice, as provided in Section 17C-3-402, of the proposed
1028 amendment and of the public hearing required by Subsection (3)(b);

1029 (b) the agency board holds a public hearing on the proposed amendment that meets the
1030 requirements of a plan hearing;

1031 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
1032 amendment proposes:

1033 (i) to enlarge the area within the project area from which tax increment is collected; or

1034 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
1035 tax increment for a longer period of time than allowed under the adopted project area plan; and

1036 (d) the agency obtains the consent of the legislative body or governing board of each
1037 taxing entity affected, if the amendment proposes to permit the agency to receive, from less

1038 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a
1039 longer period of time, or both, than allowed under the adopted project area plan.

1040 (4) (a) An adopted project area plan may be amended without complying with the
1041 notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without
1042 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

1043 (i) makes a minor adjustment in the legal description of a project area boundary
1044 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
1045 or

1046 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
1047 because the agency determines that inclusion of the parcel is no longer necessary or desirable
1048 to the project area.

1049 (b) An amendment removing a parcel of real property from a project area under
1050 Subsection (4)(a) may not be made without the consent of the record property owner of the
1051 parcel being removed.

1052 (5) (a) An amendment approved by board resolution under this section may not take
1053 effect until adopted by ordinance of the legislative body of the community in which the project
1054 area that is the subject of the project area plan being amended is located.

1055 (b) Upon a community legislative body passing an ordinance adopting an amendment
1056 to a project area plan, the agency whose project area plan was amended shall comply with the
1057 requirements of [~~Section~~] Sections 17C-3-107 and 17C-3-108 to the same extent as if the
1058 amendment were a project area plan.

1059 Section 19. Section **17C-3-201** is amended to read:

1060 **17C-3-201. Economic development project area budget -- Requirements for**
1061 **adopting -- Contesting the budget or procedure -- Time limit.**

1062 (1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993
1063 economic development project area plan with tax increment, the agency shall, subject to
1064 Section 17C-3-202, adopt a project area budget as provided in this part.

1065 (b) An economic development project area budget adopted on or after March 30, 2009

1066 shall specify:

1067 (i) the number of tax years for which the agency will be allowed to receive tax
1068 increment from the project area; and

1069 (ii) the percentage of tax increment or maximum cumulative dollar amount of tax
1070 increment the agency is entitled to receive from the project area under the project area budget.

1071 (2) To adopt an economic development project area budget, the agency shall:

1072 (a) prepare a draft of an economic development project area budget;

1073 (b) make a copy of the draft project area budget available to the public at the agency's
1074 offices during normal business hours;

1075 (c) provide notice of the budget hearing as required by Part 4, Economic Development
1076 Notice Requirements;

1077 (d) hold a public hearing on the draft project area budget and, at that public hearing,
1078 allow public comment on:

1079 (i) the draft project area budget; and

1080 (ii) whether the draft project area budget should be revised, adopted, or rejected;

1081 (e) (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing
1082 entity committee on the draft project area budget or a revised version of the draft project area
1083 budget; or

1084 (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2); ~~and~~

1085 (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i),
1086 obtain a written certification, signed by an attorney licensed to practice law in this state,
1087 stating that the taxing entity committee followed the appropriate procedures to approve the
1088 project area budget; and

1089 ~~(f)~~ (g) after the budget hearing, hold a board meeting in the same meeting as the
1090 public hearing or in a subsequent meeting to:

1091 (i) consider comments made and information presented at the public hearing relating
1092 to the draft project area budget; and

1093 (ii) adopt by resolution the draft project area budget, with any revisions, as the project

1094 area budget.

1095 (3) (a) For a period of 30 days after the agency's adoption of the project area budget
1096 under Subsection (2)~~(f)~~(g), any person in interest may contest the project area budget or the
1097 procedure used to adopt the project area budget if the budget or procedure fails to comply with
1098 applicable statutory requirements.

1099 (b) After the 30-day period under Subsection (3)(a) expires, ~~no~~ a person, for any
1100 cause, may not contest:

1101 (i) the project area budget or procedure used ~~to~~ by either the taxing entity committee
1102 or the agency to approve and adopt the project area budget ~~[for any cause.];~~

1103 (ii) a payment to the agency under the project area budget; or

1104 (iii) the agency's use of tax increment under the project area budget.

1105 Section 20. Section **17C-3-205** is amended to read:

1106 **17C-3-205. Amending an economic development project area budget.**

1107 (1) An agency may by resolution amend an economic development project area budget
1108 as provided in this section.

1109 (2) To amend an adopted economic development project area budget, the agency shall:

1110 (a) advertise and hold one public hearing on the proposed amendment as provided in
1111 Subsection (3);

1112 (b) obtain the approval of the taxing entity committee if the agency was required under
1113 Section 17C-3-203 to obtain the consent of the taxing entity committee for the project area
1114 budget as originally adopted; ~~and~~

1115 (c) if approval of the taxing entity committee is required under Subsection (2)(b),
1116 obtain a written certification, signed by an attorney licensed to practice law in this state,
1117 stating that the taxing entity committee followed the appropriate procedures to approve the
1118 project area budget; and

1119 ~~(c)~~ (d) adopt a resolution amending the project area budget.

1120 (3) The public hearing required under Subsection (2)(a) shall be conducted according
1121 to the procedures and requirements of Section 17C-3-201, except that if the amended project

1122 area budget proposes that the agency be paid a greater proportion of tax increment from a
1123 project area than was to be paid under the previous project area budget, the notice shall state
1124 the percentage paid under the previous project area budget and the percentage proposed under
1125 the amended project area budget.

1126 (4) If a proposed amendment is not adopted, the agency shall continue to operate
1127 under the previously adopted economic development project area budget without the proposed
1128 amendment.

1129 (5) (a) A person may contest the agency's adoption of a budget amendment within 30
1130 days after the day on which the agency adopts the amendment.

1131 (b) A person who fails to contest a budget amendment under Subsection (5)(a):

1132 (i) forfeits any claim against an agency's adoption of the amendment; and

1133 (ii) may not contest:

1134 (A) a payment to the agency under the budget amendment; or

1135 (B) an agency's use of a tax increment under a budget amendment.

1136 Section 21. Section **17C-3-402** is amended to read:

1137 **17C-3-402. Requirements for notice provided by agency.**

1138 (1) The notice required by Section 17C-3-401 shall be given by:

1139 (a) (i) publishing one notice, excluding the map [~~referred to~~] described in Subsection

1140 (3)(b), in a newspaper of general circulation within the county in which the project area or

1141 proposed project area is located, at least 14 days before the hearing; [~~or~~]

1142 (ii) if there is no newspaper of general circulation, posting notice in at least three

1143 conspicuous places within the county in which the project area or proposed project area is

1144 located; [~~and~~] or

1145 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days

1146 before the day on which the hearing is held on:

1147 (A) the Utah Public Notice Website described in Section 63F-1-701; and

1148 (B) the public website of a community located within the boundaries of the project

1149 area; and

- 1150 (b) at least 30 days before the hearing, mailing notice to:
- 1151 (i) each record owner of property located within the project area or proposed project
1152 area;
- 1153 (ii) the State Tax Commission;
- 1154 (iii) the assessor and auditor of the county in which the project area or proposed
1155 project area is located; and
- 1156 (iv) (A) each member of the taxing entity committee; or
- 1157 (B) if a taxing entity committee has not yet been formed, the State Board of Education
1158 and the legislative body or governing board of each taxing entity.
- 1159 (2) The mailing of notice to record property owners required under Subsection
1160 (1)(b)(i) shall be conclusively considered to have been properly completed if:
- 1161 (a) the agency mails the notice to the property owners as shown in the records,
1162 including an electronic database, of the county recorder's office and at the addresses shown in
1163 those records; and
- 1164 (b) the county recorder's office records used by the agency in identifying owners to
1165 whom the notice is mailed and their addresses were obtained or accessed from the county
1166 recorder's office no earlier than 30 days before the mailing.
- 1167 (3) The agency shall include in each notice required under Section 17C-3-401:
- 1168 (a) (i) a specific description of the boundaries of the economic development project
1169 area or proposed project area; or
- 1170 (ii) (A) a mailing address or telephone number where a person may request that a copy
1171 of the description be sent at no cost to the person by mail or facsimile transmission; and
- 1172 (B) if the agency has an Internet website, an Internet address where a person may gain
1173 access to an electronic, printable copy of the description;
- 1174 (b) a map of the boundaries of the project area or proposed project area;
- 1175 (c) an explanation of the purpose of the hearing; and
- 1176 (d) a statement of the date, time, and location of the hearing.
- 1177 (4) The agency shall include in each notice under Subsections (1)(b)(ii), (iii), and (iv):

1178 (a) a statement that property tax revenues resulting from an increase in valuation of
1179 property within the economic development project area or proposed project area will be paid
1180 to the agency for economic development purposes rather than to the taxing entity to which the
1181 tax revenues would otherwise have been paid if:

- 1182 (i) ~~a majority of~~ the taxing entity committee consents to the project area budget; and
- 1183 (ii) the project area plan provides for the agency to receive tax increment; and
- 1184 (b) an invitation to the recipient of the notice to submit to the agency comments
1185 concerning the subject matter of the hearing before the date of the hearing.

1186 (5) An agency may include in a notice under Subsection (1) any other information the
1187 agency considers necessary or advisable, including the public purpose served by the project
1188 and any future tax benefits expected to result from the project.

1189 Section 22. Section **17C-4-201** is amended to read:

1190 **17C-4-201. Consent of a taxing entity or public entity to an agency receiving tax**
1191 **increment or sales tax funds for community development project.**

1192 (1) An agency may negotiate with a taxing entity and public entity for the taxing
1193 entity's or public entity's consent to the agency receiving the entity's or public entity's tax
1194 increment or sales tax revenues, or both, for the purpose of providing funds to carry out a
1195 proposed or adopted community development project area plan.

1196 (2) The consent of a taxing entity or public entity under Subsection (1) may be
1197 expressed in:

- 1198 (a) a resolution adopted by the taxing entity or public entity; or
- 1199 (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act,
1200 between the taxing entity or public entity and the agency.

1201 (3) Before an agency may use tax increment or sales tax revenues collected under a
1202 resolution or interlocal agreement adopted for the purpose of providing funds to carry out a
1203 proposed or adopted community development project area plan, the agency shall:

- 1204 (a) obtain a written certification, signed by an attorney licensed to practice law in this
1205 state, stating that the agency and the taxing entity have each followed all legal requirements

1206 relating to the adoption of the resolution or interlocal agreement, respectively; and

1207 (b) provide a signed copy of the certification described in Subsection (3)(a) to the
1208 appropriate taxing entity.

1209 ~~[(3)]~~ (4) A resolution adopted or interlocal agreement entered under Subsection (2) on
1210 or after March 30, 2009 shall specify:

1211 (a) if the resolution or interlocal agreement provides for the agency to be paid tax
1212 increment:

1213 (i) the method of calculating the amount of the taxing entity's tax increment from the
1214 project area that will be paid to the agency, including the agreed base year and agreed base
1215 taxable value;

1216 (ii) the number of tax years that the agency will be paid the taxing entity's tax
1217 increment from the project area; and

1218 (iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar
1219 amount of the taxing entity's tax increment that the agency will be paid; and

1220 (b) if the resolution or interlocal agreement provides for the agency to be paid a public
1221 entity's sales tax revenue:

1222 (i) the method of calculating the amount of the public entity's sales tax revenue that
1223 the agency will be paid;

1224 (ii) the number of tax years that the agency will be paid the sales tax revenue; and

1225 (iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of
1226 sales tax revenue that the agency will be paid.

1227 ~~[(4)]~~ (5) (a) Unless the taxing entity otherwise agrees, an agency may not be paid a
1228 taxing entity's tax increment:

1229 (i) that exceeds the percentage or maximum cumulative dollar amount of tax
1230 increment specified in the resolution or interlocal agreement under Subsection (2); or

1231 (ii) for more tax years than specified in the resolution or interlocal agreement under
1232 Subsection (2).

1233 (b) Unless the public entity otherwise agrees, an agency may not be paid a public

1234 entity's sales tax revenue:

1235 (i) that exceeds the percentage or maximum cumulative dollar amount of sales tax
1236 revenue specified in the resolution or interlocal agreement under Subsection (2); or

1237 (ii) for more tax years than specified in the resolution or interlocal agreement under
1238 Subsection (2).

1239 ~~[(5)]~~ (6) A school district may consent to an agency receiving tax increment from the
1240 school district's basic levy only to the extent that the school district also consents to the agency
1241 receiving tax increment from the school district's local levy.

1242 ~~[(6)]~~ (7) (a) A resolution or interlocal agreement under this section may be amended
1243 from time to time.

1244 (b) Each amendment of a resolution or interlocal agreement shall be subject to and
1245 receive the benefits of the provisions of this part to the same extent as if the amendment were
1246 an original resolution or interlocal agreement.

1247 ~~[(7)]~~ (8) A taxing entity's or public entity's consent to an agency receiving funds under
1248 this section is not subject to the requirements of Section 10-8-2.

1249 (9) (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing
1250 entity that:

1251 (i) is created after the date of adoption of a resolution or execution of an interlocal
1252 agreement under this section; and

1253 (ii) levies a tax on any parcel of property located within the project area that is the
1254 subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).

1255 (b) A resolution or interlocal agreement executed by a taxing entity under this section
1256 may be enforced by or against any successor taxing entity.

1257 Section 23. Section **17C-4-202** is amended to read:

1258 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
1259 **community development project area plan -- Notice -- Effective date of resolution or**
1260 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
1261 **of resolution or interlocal agreement.**

1262 (1) The approval and adoption of each resolution or interlocal agreement under
1263 Subsection 17C-4-201(2) shall be in an open and public meeting.

1264 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
1265 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

1266 (i) (A) publishing or causing to be published a notice in a newspaper of general
1267 circulation within the agency's boundaries; or

1268 (B) if there is no newspaper of general circulation within the agency's boundaries,
1269 causing a notice to be posted in at least three public places within the agency's boundaries; and

1270 (ii) publishing or causing to be published in accordance with Section 45-1-101.

1271 (b) Each notice under Subsection (2)(a) shall:

1272 (i) set forth a summary of the resolution or interlocal agreement; and

1273 (ii) include a statement that the resolution or interlocal agreement is available for
1274 general public inspection and the hours of inspection.

1275 (3) The resolution or interlocal agreement shall become effective on the date of:

1276 (a) if notice was published under Subsection (2)(a)(i)(A) or (ii), publication of the
1277 notice; or

1278 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.

1279 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
1280 agreement under Subsection (3), any person in interest may contest the resolution or interlocal
1281 agreement or the procedure used to adopt the resolution or interlocal agreement if the
1282 resolution or interlocal agreement or procedure fails to comply with applicable statutory
1283 requirements.

1284 (b) After the 30-day period under Subsection (4)(a) expires, ~~[no]~~ a person may not, for
1285 any cause, contest:

1286 (i) the resolution or interlocal agreement ~~[for any cause.];~~

1287 (ii) a payment to the agency under the resolution or interlocal agreement; or

1288 (iii) the agency's use of tax increment under the resolution or interlocal agreement.

1289 (5) Each agency that is to receive funds under a resolution or interlocal agreement

1290 under Section 17C-4-201 and each taxing entity or public entity that approves a resolution or
1291 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or
1292 interlocal agreement, as the case may be, available at its offices to the general public for
1293 inspection and copying during normal business hours.

1294 Section 24. Section **17C-4-402** is amended to read:

1295 **17C-4-402. Requirements for notice provided by agency.**

1296 (1) The notice required by Section 17C-4-401 shall be given by:

1297 (a) (i) publishing one notice, excluding the map referred to in Subsection (2)(b), in a
1298 newspaper of general circulation within the county in which the project area or proposed
1299 project area is located, at least 14 days before the hearing; [~~or~~]

1300 (ii) if there is no newspaper of general circulation, posting notice, at least 14 days
1301 before the hearing, in at least three conspicuous places within the county in which the project
1302 area or proposed project area is located; [~~and~~] or

1303 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
1304 before the day on which the hearing is held on:

1305 (A) the Utah Public Notice Website described in Section 63F-1-701; and

1306 (B) the public website of a community located within the boundaries of a project area;

1307 and

1308 (b) at least 30 days before the hearing, mailing notice to:

1309 (i) each record owner of property located within the project area or proposed project
1310 area;

1311 (ii) the State Tax Commission;

1312 (iii) the assessor and auditor of the county in which the project area or proposed
1313 project area is located; and

1314 (iv) the State Board of Education and the legislative body or governing board of each
1315 taxing entity.

1316 (2) The mailing of the notice to record property owners required under Subsection

1317 (1)(b)(i) shall be conclusively considered to have been properly completed if:

1318 (a) the agency mails the notice to the property owners as shown in the records,
1319 including an electronic database, of the county recorder's office and at the addresses shown in
1320 those records; and

1321 (b) the county recorder's office records used by the agency in identifying owners to
1322 whom the notice is mailed and their addresses were obtained or accessed from the county
1323 recorder's office no earlier than 30 days before the mailing.

1324 (3) The agency shall include in each notice required under Section 17C-4-401:

1325 (a) (i) a specific description of the boundaries of the project area or proposed project
1326 area; or

1327 (ii) (A) a mailing address or telephone number where a person may request that a copy
1328 of the description be sent at no cost to the person by mail or facsimile transmission; and

1329 (B) if the agency has an Internet website, an Internet address where a person may gain
1330 access to an electronic, printable copy of the description;

1331 (b) a map of the boundaries of the project area or proposed project area;

1332 (c) an explanation of the purpose of the hearing;

1333 (d) a statement of the date, time, and location of the hearing;

1334 (e) an invitation to the recipient of the notice to submit to the agency comments
1335 concerning the subject matter of the hearing before the date of the hearing;

1336 (f) a statement that any person objecting to the draft project area plan or contesting the
1337 regularity of any of the proceedings to adopt it may appear before the agency board at the
1338 hearing to show cause why the draft project area plan should not be adopted; and

1339 (g) a statement that the proposed project area plan is available for inspection at the
1340 agency offices.

1341 (4) An agency may include in a notice under Subsection (1) any other information the
1342 agency considers necessary or advisable, including the public purpose served by the project
1343 and any future tax benefits expected to result from the project.

1344 Section 25. Section **59-2-924.2** is amended to read:

1345 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

1346 (1) For purposes of this section, "certified tax rate" means a certified tax rate
1347 calculated in accordance with Section 59-2-924.

1348 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from
1349 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
1350 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under
1351 Chapter 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its
1352 certified tax rate to offset the increased revenues.

1353 (3) (a) Beginning July 1, 1997, if a county has imposed a sales and use tax under
1354 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

1355 (i) decreased on a one-time basis by the amount of the estimated sales and use tax
1356 revenue to be distributed to the county under Subsection 59-12-1102(3); and

1357 (ii) increased by the amount necessary to offset the county's reduction in revenue from
1358 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
1359 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
1360 (3)(a)(i).

1361 (b) The commission shall determine estimates of sales and use tax distributions for
1362 purposes of Subsection (3)(a).

1363 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort
1364 communities sales and use tax under Section 59-12-402, the municipality's certified tax rate
1365 shall be decreased on a one-time basis by the amount necessary to offset the first 12 months of
1366 estimated revenue from the additional resort communities sales and use tax imposed under
1367 Section 59-12-402.

1368 (5) (a) This Subsection (5) applies to each county that:

1369 (i) establishes a countywide special service district under Title 17D, Chapter 1,
1370 Special Service District Act, to provide jail service, as provided in Subsection 17D-1-201(10);
1371 and

1372 (ii) levies a property tax on behalf of the special service district under Section
1373 17D-1-105.

1374 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall
1375 be decreased by the amount necessary to reduce county revenues by the same amount of
1376 revenues that will be generated by the property tax imposed on behalf of the special service
1377 district.

1378 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the
1379 levy on behalf of the special service district under Section 17D-1-105.

1380 (6) (a) As used in this Subsection (6):

1381 (i) "Annexing county" means a county whose unincorporated area is included within a
1382 public safety district by annexation.

1383 (ii) "Annexing municipality" means a municipality whose area is included within a
1384 public safety district by annexation.

1385 (iii) "Equalized public safety protection tax rate" means the tax rate that results from:

1386 (A) calculating, for each participating county and each participating municipality, the
1387 property tax revenue necessary:

1388 (I) in the case of a fire district, to cover all of the costs associated with providing fire
1389 protection, paramedic, and emergency services:

1390 (Aa) for a participating county, in the unincorporated area of the county; and

1391 (Bb) for a participating municipality, in the municipality; or

1392 (II) in the case of a police district, to cover all the costs:

1393 (Aa) associated with providing law enforcement service:

1394 (Ii) for a participating county, in the unincorporated area of the county; and

1395 (Iiii) for a participating municipality, in the municipality; and

1396 (Bb) that the police district board designates as the costs to be funded by a property
1397 tax; and

1398 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all
1399 participating counties and all participating municipalities and then dividing that sum by the
1400 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

1401 (I) for participating counties, in the unincorporated area of all participating counties;

1402 and

1403 (II) for participating municipalities, in all the participating municipalities.

1404 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service

1405 Area Act:

1406 (A) created to provide fire protection, paramedic, and emergency services; and

1407 (B) in the creation of which an election was not required under Subsection

1408 17B-1-214(3)(c).

1409 (v) "Participating county" means a county whose unincorporated area is included

1410 within a public safety district at the time of the creation of the public safety district.

1411 (vi) "Participating municipality" means a municipality whose area is included within a

1412 public safety district at the time of the creation of the public safety district.

1413 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service

1414 Area Act, within a county of the first class:

1415 (A) created to provide law enforcement service; and

1416 (B) in the creation of which an election was not required under Subsection

1417 17B-1-214(3)(c).

1418 (viii) "Public safety district" means a fire district or a police district.

1419 (ix) "Public safety service" means:

1420 (A) in the case of a public safety district that is a fire district, fire protection,

1421 paramedic, and emergency services; and

1422 (B) in the case of a public safety district that is a police district, law enforcement

1423 service.

1424 (b) In the first year following creation of a public safety district, the certified tax rate

1425 of each participating county and each participating municipality shall be decreased by the

1426 amount of the equalized public safety tax rate.

1427 (c) In the first budget year following annexation to a public safety district, the certified

1428 tax rate of each annexing county and each annexing municipality shall be decreased by an

1429 amount equal to the amount of revenue budgeted by the annexing county or annexing

1430 municipality:

1431 (i) for public safety service; and

1432 (ii) in:

1433 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,
1434 the prior calendar year; or

1435 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior
1436 fiscal year.

1437 (d) Each tax levied under this section by a public safety district shall be considered to
1438 be levied by:

1439 (i) each participating county and each annexing county for purposes of the county's
1440 tax limitation under Section 59-2-908; and

1441 (ii) each participating municipality and each annexing municipality for purposes of
1442 the municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
1443 city.

1444 (e) The calculation of a public safety district's certified tax rate for the year of
1445 annexation shall be adjusted to include an amount of revenue equal to one half of the amount
1446 of revenue budgeted by the annexing entity for public safety service in the annexing entity's
1447 prior fiscal year if:

1448 (i) the public safety district operates on a January 1 through December 31 fiscal year;

1449 (ii) the public safety district approves an annexation of an entity operating on a July 1
1450 through June 30 fiscal year; and

1451 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

1452 (7) For the calendar year beginning on January 1, 2007, the calculation of a taxing
1453 entity's certified tax rate, calculated in accordance with Section 59-2-924, shall be adjusted by
1454 the amount necessary to offset any change in the certified tax rate that may result from
1455 excluding the following from the certified tax rate under Subsection 59-2-924(3) enacted by
1456 the Legislature during the 2007 General Session:

1457 (a) personal property tax revenue:

- 1458 (i) received by a taxing entity;
- 1459 (ii) assessed by a county assessor in accordance with Part 3, County Assessment; and
- 1460 (iii) for personal property that is semiconductor manufacturing equipment; or
- 1461 (b) the taxable value of personal property:
- 1462 (i) contained on the tax rolls of a taxing entity;
- 1463 (ii) assessed by a county assessor in accordance with Part 3, County Assessment; and
- 1464 (iii) that is semiconductor manufacturing equipment.

1465 (8) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be
1466 reduced for any year to the extent necessary to provide a community development and renewal
1467 agency established under Title 17C, Limited Purpose Local Government Entities - Community
1468 Development and Renewal Agencies Act, with approximately the same amount of money the
1469 agency would have received without a reduction in the county's certified tax rate, calculated in
1470 accordance with Section 59-2-924, if:

- 1471 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or
- 1472 (3)(a);
- 1473 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of
- 1474 the previous year; and
- 1475 (iii) the decrease results in a reduction of the amount to be paid to the agency under
- 1476 Section 17C-1-403 or 17C-1-404.

1477 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any
1478 year to the extent necessary to provide a community development and renewal agency with
1479 approximately the same amount of money as the agency would have received without an
1480 increase in the certified tax rate that year if:

- 1481 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due
1482 to a decrease in the certified tax rate under Subsection (2) or (3)(a); and
- 1483 (ii) the certified tax rate of a city, school district, local district, or special service
1484 district increases independent of the adjustment to the taxable value of the base year.

1485 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),

1486 the amount of money allocated and, when collected, paid each year to a community
1487 development and renewal agency established under Title 17C, Limited Purpose Local
1488 Government Entities - Community Development and Renewal Agencies Act, for the payment
1489 of bonds or other contract indebtedness, but not for administrative costs, may not be less than
1490 that amount would have been without a decrease in the certified tax rate under Subsection (2)
1491 or (3)(a).

1492 Section 26. Section **72-1-208** is amended to read:

1493 **72-1-208. Cooperation with counties, cities, towns, the federal government, and**
1494 **all state departments -- Inspection of work done by a public transit district.**

1495 (1) The department shall cooperate with the counties, cities, [~~and~~] towns, and
1496 community development and renewal agencies in the construction, maintenance, and use of
1497 the highways and in all related matters, and may provide services to the counties, cities, [~~and~~]
1498 towns, and community development and renewal agencies on terms mutually agreed upon.

1499 (2) The department, with the approval of the governor, shall cooperate with the federal
1500 government in all federal-aid projects and with all state departments in all matters in
1501 connection with the use of the highways.

1502 (3) The department:

1503 (a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a,
1504 Part 8, Public Transit District Act, relating to safety appliances and procedures; and

1505 (b) may make further additions or changes necessary for the purpose of safety to
1506 employees and the general public.