

Senator Curtis S. Bramble proposes the following substitute bill:

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

AMENDMENTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Rebecca D. Lockhart

LONG TITLE

General Description:

This bill amends Community Development and Renewal Agencies provisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends a public entity's authority to assist with a project;
- ▶ amends notice requirements;
- ▶ amends provisions relating to the payment of tax increment;
- ▶ authorizes, in certain circumstances, an agency to loan tax increment from one project area fund to another project area fund;
- ▶ amends provisions related to funds allocated for housing;
- ▶ requires, in certain circumstances, a licensed attorney to certify a project area budget;
- ▶ prohibits, in certain circumstances, a person from contesting a project area budget or an amendment to a project area budget;
- ▶ permits a successor taxing entity to enforce a resolution or interlocal agreement;
- ▶ 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 funded.

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

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

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

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

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

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

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

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

87 (i) (A) Of the fund moneys distributed as loans, at least 50% shall be distributed to

88 benefit persons whose annual income is at or below 50% of the median family income for the
89 state.

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

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

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

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

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

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

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

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

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

108 **10-3-1303. Definitions.**

109 As used in this part:

110 (1) "Appointed officer" means any person appointed to any statutory office or position
111 or any other person appointed to any position of employment with a city or with a community
112 development and renewal agency under Title 17C, Limited Purpose Local Government Entities
113 - Community Development and Renewal Agencies Act. Appointed officers include, but are
114 not limited to, persons serving on special, regular, or full-time committees, agencies, or boards
115 whether or not such persons are compensated for their services. The use of the word "officer"
116 in this part is not intended to make appointed persons or employees "officers" of the
117 municipality.

118 (2) "Assist" means to act, or offer or agree to act, in such a way as to help, represent,

119 aid, advise, furnish information to, or otherwise provide assistance to a person or business
120 entity, believing that such action is of help, aid, advice, or assistance to such person or business
121 entity and with the intent to assist such person or business entity.

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

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

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

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

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

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

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

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

145 **11-25-3. Definitions.**

146 As used in this [æ] chapter:

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

150 which the bonds may be made a charge and from which they are payable.

151 (2) ~~(a)~~ "Citizen participation" means action by the agency to provide persons who will
152 be affected by residential rehabilitation financed under the provisions of this part with
153 opportunities to be involved in planning and carrying out the residential rehabilitation program.

154 "Citizen participation" shall include, but not be limited to, all of the following:

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

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

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

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

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

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

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

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

177 (6) "Residential rehabilitation" means the construction, reconstruction, renovation,
178 replacement, extension, repair, betterment, equipping, developing, embellishing, or otherwise
179 improving residences consistent with standards of strength, effectiveness, fire resistance,
180 durability, and safety, so that the structures are satisfactory and safe to occupy for residential

181 purposes and are not conducive to ill health, transmission of disease, infant mortality, juvenile
182 delinquency, or crime because of any one or more of the following factors:

- 183 (a) defective design and character of physical construction;
- 184 (b) faulty interior arrangement and exterior spacing;
- 185 (c) high density of population and overcrowding;
- 186 (d) inadequate provision for ventilation, light, sanitation, open spaces, and recreation
187 facilities;

188 (e) age, obsolescence, deterioration, dilapidation, mixed character, or shifting of uses;
189 and

190 (f) economic dislocation, deterioration, or disuse, resulting from faulty planning.

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

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

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

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

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

207 **11-27-2. Definitions.**

208 As used in this chapter:

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

211 (2) "Assessments" means a special tax levied against property within a special

212 improvement district to pay all or a portion of the costs of making improvements in the district.

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

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

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

224 (6) "Government obligations" means:

225 (a) direct obligations of the United States of America, or other securities, the principal
226 of and interest on which are unconditionally guaranteed by the United States of America; or

227 (b) obligations of any state, territory, or possession of the United States, or of any of
228 the political subdivisions of any state, territory, or possession of the United States, or of the
229 District of Columbia described in Section 103(a), Internal Revenue Code of 1986.

230 (7) "Issuer" means the public body issuing any bond or bonds.

231 (8) "Public body" means the state or any agency, authority, instrumentality, or
232 institution of the state, or any municipal or quasi-municipal corporation, political subdivision,
233 agency, school district, local district, special service district, or other governmental entity now
234 or hereafter existing under the laws of the state.

235 (9) "Refunding bonds" means bonds issued under the authority of this chapter for the
236 purpose of refunding outstanding bonds.

237 (10) "Resolution" means a resolution of the governing body of a public body taking
238 formal action under this chapter.

239 (11) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or
240 other obligation for the payment of money issued by a public body or any predecessor of any
241 public body and that is payable from designated revenues not derived from ad valorem taxes or
242 from a special fund composed of revenues not derived from ad valorem taxes, but excluding all

243 of the following:

244 (a) any obligation constituting an indebtedness within the meaning of any applicable
245 constitutional or statutory debt limitation;

246 (b) any obligation issued in anticipation of the collection of taxes, where the entire
247 issue matures not later than one year from the date of the issue; and

248 (c) any special improvement bond.

249 (12) "Special improvement bond" means any bond, note, warrant, certificate of
250 indebtedness, or other obligation of a public body or any predecessor of any public body that is
251 payable from assessments levied on benefitted property and from any special improvement
252 guaranty fund.

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

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

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

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

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

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

266 **17C-1-102. Definitions.**

267 As used in this title:

268 (1) "Adjusted tax increment" means:

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

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

273 (2) "Affordable housing" means housing to be owned or occupied by persons and

274 families of low or moderate income, as determined by resolution of the agency.

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

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

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

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

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

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

286 (6) "Base taxable value" means:

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

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

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

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

293 or

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

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

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

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

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

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

302 and

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

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

307 (7) "Basic levy" means the portion of a school district's tax levy constituting the
308 minimum basic levy under Section 59-2-902.

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

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

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

316 (11) "Board" means the governing body of an agency, as provided in Section
317 17C-1-203.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

355 (i) consists of at least 100 acres;

356 (ii) is occupied by an airport:

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

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

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

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

361 (iii) requires remediation because:

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

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

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

- 367 (23) (a) "Inactive industrial site" means land that:
368 (i) consists of at least 1,000 acres;
369 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
370 facility; and
371 (iii) requires remediation because of the presence of hazardous waste or solid waste.
372 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
373 described in Subsection (23)(a).
- 374 (24) "Income targeted housing" means housing to be owned or occupied by a family
375 whose annual income is at or below 80% of the median annual income for the county in which
376 the housing is located.
- 377 (25) "Incremental value" means a figure derived by multiplying the marginal value of
378 the property located within an urban renewal project area on which tax increment is collected
379 by a number that represents the percentage of adjusted tax increment from that project area that
380 is paid to the agency.
- 381 (26) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
382 established under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.
- 383 (27) "Marginal value" means the difference between actual taxable value and base
384 taxable value.
- 385 (28) "Military installation project area" means a project area or a portion of a project
386 area located within a federal military installation ordered closed by the federal Defense Base
387 Realignment and Closure Commission.
- 388 (29) "Plan hearing" means the public hearing on a draft project area plan required
389 under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
390 17C-3-102(1)(d) for an economic development project area plan, and Subsection
391 17C-4-102(1)(d) for a community development project area plan.
- 392 (30) "Post-June 30, 1993 project area plan" means a project area plan adopted on or
393 after July 1, 1993, whether or not amended subsequent to its adoption.
- 394 (31) "Pre-July 1, 1993 project area plan" means a project area plan adopted before July
395 1, 1993, whether or not amended subsequent to its adoption.
- 396 (32) "Private," with respect to real property, means:
397 (a) not owned by the United States or any agency of the federal government, a public

398 entity, or any other governmental entity; and

399 (b) not dedicated to public use.

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

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

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

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

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

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

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

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

418 (i) the tax identification numbers of the parcels from which tax increment will be
419 collected; or

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

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

424 (h) (i) for an urban renewal project area, the information required under Subsection
425 17C-2-201(1)(b); and

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

428 (35) "Project area plan" means a written plan under Chapter 2, Part 1, Urban Renewal

429 Project Area Plan, Chapter 3, Part 1, Economic Development Project Area Plan, or Chapter 4,
430 Part 1, Community Development Project Area Plan, as the case may be, that, after its effective
431 date, guides and controls the urban renewal, economic development, or community
432 development activities within a project area.

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

435 (37) "Public entity" means:

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

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

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

444 (39) "Record property owner" or "record owner of property" means the owner of real
445 property as shown on the records of the recorder of the county in which the property is located
446 and includes a purchaser under a real estate contract if the contract is recorded in the office of
447 the recorder of the county in which the property is located or the purchaser gives written notice
448 of the real estate contract to the agency.

449 (40) "Superfund site":

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

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

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

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

459 (43) "Taxable value" means the value of property as shown on the last equalized

460 assessment roll as certified by the county assessor.

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

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

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

468 (b) "Tax increment" does not include taxes levied and collected under Section
469 59-2-1602 on or after January 1, 1994 upon the taxable property in the project area unless:

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

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

474 (45) "Taxing entity" means a public entity that levies a tax on a parcel or parcels of
475 property located within a community.

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

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

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

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

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

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

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

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

490 and

491 (vi) providing improvements of public or private recreation areas and other public
492 grounds.

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

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

496 **17C-1-207. Public entities may assist with urban renewal, economic development,**
497 **or community development project.**

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

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

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

503 (B) community, educational, water, sewer, or drainage facilities; or

504 (C) any other works which the public entity is otherwise empowered to undertake;

505 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
506 replan streets, roads, roadways, alleys, sidewalks, or other places;

507 (iii) in any part of the project area:

508 [~~(iii)~~] (A) (I) plan or replan[;];

509 (II) plat or replat;

510 (III) vacate a plat;

511 (IV) amend a plat; or

512 (V) zone or rezone [~~any part of a project area~~]; and

513 (B) make any legal exceptions from building regulations and ordinances;

514 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
515 rights of any holder of the bonds;

516 (v) enter into an agreement with another public entity concerning action to be taken
517 pursuant to any of the powers granted in this title;

518 (vi) do any and all things necessary to aid or cooperate in the planning or carrying out
519 of the urban renewal, economic development, or community development;

520 (vii) in connection with the project area plan, become obligated to the extent
521 authorized and funds have been made available to make required improvements or construct

522 required structures; and

523 (viii) lend, grant, or contribute funds to an agency for an urban renewal, economic
524 development, or community development project; and

525 (b) 15 days after posting public notice:

526 (i) purchase or otherwise acquire property or lease property from an agency; or

527 (ii) sell, grant, convey, or otherwise dispose of the public entity's property or lease the
528 public entity's property to an agency.

529 (2) Notwithstanding any law to the contrary, an agreement under Subsection (1)(a)(v)
530 may extend over any period.

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

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

535 **17C-1-303. Summary of sale or other disposition of agency property --**

536 **Publication of summary.**

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

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

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

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

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

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

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

549 **17C-1-401. Agency receipt and use of tax increment and sales tax -- Distribution**
550 **of tax increment and sales tax.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

582 (5) Each county that collects property tax on property within a project area shall pay
583 and distribute to the agency the tax increment that the agency is entitled to collect under this

584 title, in the manner and at the time provided in Section 59-2-1365.

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

586 **17C-1-409. Allowable uses of tax increment and sales tax.**

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

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

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

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

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

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

600 (C) housing expenditures, projects, or programs as provided in Section 17C-1-411 or
601 17C-1-412;

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

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

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

614 (A) construction of a public road, bridge, or overpass;

615 (B) relocation of a railroad track within the urban renewal project area; or

616 (C) relocation of a railroad facility within the urban renewal project area.

617 (b) The determination of the agency board and the community legislative body under
618 Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.

619 (c) An agency may not use tax increment or sales tax proceeds received from a taxing
620 entity for the purposes stated in Subsection (1)(a)(iii)(D) under an urban renewal or economic
621 development project area plan without the consent of the community legislative body.

622 (d) An agency may not use tax increment or sales tax proceeds received from a taxing
623 entity for the purposes stated in Subsection (1)(a)(iii)(E) under an urban renewal or economic
624 development project area plan without the consent of the community legislative body and the
625 taxing entity committee.

626 (e) (i) Subject to Subsection (1)(e)(ii), an agency may loan tax increment or sales tax
627 proceeds, or a combination of tax increment and sales tax proceeds, from a project area fund to
628 another project area fund if:

629 (A) the agency's board approves; and

630 (B) the legislative body of each community that created the agency approves.

631 (ii) An agency may not loan tax increment or sales tax proceeds, or a combination of
632 tax increment and sales tax proceeds, under Subsection (1)(e)(i) unless the projections for the
633 future tax increment or sales tax proceeds of the borrowing project area are sufficient to repay
634 the loan amount prior to when the tax increment or sales tax proceeds are intended for use
635 under the loaning project area's plan.

636 (iii) If a borrowing project area's funds are not sufficient to repay a loan made under
637 Subsection (1)(e)(i) prior to when the tax increment or sales tax proceeds are intended for use
638 under the loaning project area's plan, the community that created the agency shall repay the
639 loan to the loaning project area's fund prior to when the tax increment or sales tax proceeds are
640 intended for use under the loaning project area's plan.

641 (f) Before an agency may pay any tax increment or sales tax revenue under Subsection
642 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the
643 reimbursement with:

644 (i) the Department of Transportation; or

645 (ii) a public transit district.

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

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

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

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

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

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

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

669 (6) Notwithstanding any other provision of this title, an agency may not use tax
670 increment to construct municipal buildings, courts or other judicial buildings, or fire stations.

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

676 (8) (a) An agency may not use tax increment to pay the debt service of or any other

677 amount related to a bond issued or other obligation incurred if the bond was issued or the
678 obligation was incurred:

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

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

682 (iii) to finance a telecommunication facility.

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

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

686 **17C-1-412. Use of funds allocated for housing -- Separate accounting required --**
687 **Issuance of bonds for housing -- Action to compel agency to provide housing funds.**

688 (1) (a) Each agency shall use all funds allocated for housing under [~~this section~~]

689 Section 17C-2-203 or 17C-3-202 to:

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

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

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

697 (iv) plan or otherwise promote income targeted housing within the boundary of the
698 agency;

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

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

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

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

707 (B) all or part of the proceeds of which are used within the community for the purposes

708 stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);

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

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

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

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

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

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

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

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

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

728 (3) An agency may:

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

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

734 (4) An agency:

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

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

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

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

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

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

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

749 **17C-2-108. Notice of urban renewal project area plan adoption -- Effective date**
 750 **of plan -- Contesting the formation of the plan.**

751 (1) (a) ~~[(1)]~~ Upon the community legislative body's adoption of an urban renewal
 752 project area plan, or an amendment to a project area plan under Section 17C-2-110, the
 753 legislative body shall provide notice as provided in Subsection (1)(b) by [~~publishing or causing~~
 754 ~~to be published a notice~~]:

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

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

759 ~~[(ii) as required in Section 45-1-101.]~~

760 (ii) posting a notice on the Utah Public Notice Website described in Section
 761 63F-1-701.

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

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

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

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

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

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

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

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

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

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

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

781 **17C-2-110. Amending an urban renewal project area plan.**

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

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

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

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

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

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

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

798 (d) the agency shall make a finding regarding the existence of blight in the area
799 proposed to be added to the project area by following the procedure set forth in Subsections
800 17C-2-102(1)(a)(i) and (ii); and

801 (e) the agency need not make a finding regarding the existence of blight in the project
802 area as described in the original project area plan, if the agency made a finding of the existence
803 of blight regarding that project area in connection with adoption of the original project area
804 plan.

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

808 (a) the agency gives notice, as provided in Section 17C-2-502, of the proposed
809 amendment and of the public hearing required by Subsection (3)(b);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

847 **17C-2-201. Project area budget -- Requirements for adopting -- Contesting the**
848 **budget or procedure -- Time limit.**

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

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

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

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

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

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

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

862 (c) provide notice of the budget hearing as required by Part 5, Urban Renewal Notice

863 Requirements;

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

866 (i) the draft project area budget; and

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

868 (e) (i) if required under Subsection 17C-2-204(1), obtain the approval of the taxing
869 entity committee on the draft project area budget or a revised version of the draft project area
870 budget; or

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

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

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

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

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

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

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

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

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

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

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

893 **17C-2-206. Amending an urban renewal project area budget.**

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

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

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

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

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

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

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

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

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

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

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

919 (ii) may not contest:

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

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

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

923 **17C-2-502. Requirements for notice provided by agency.**

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

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

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

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

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

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

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

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

939 (ii) mailing notice to:

940 (A) the State Tax Commission;

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

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

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

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

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

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

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

955 (a) (i) a specific description of the boundaries of the project area or proposed project

956 area; or

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

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

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

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

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

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

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

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

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

971 (b) an invitation to the recipient of the notice to submit to the agency comments

972 concerning the subject matter of the hearing before the date of the hearing.

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

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

977 **17C-3-107. Notice of economic development project area plan adoption --**

978 **Effective date of plan -- Contesting the formation of the plan.**

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

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

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

984 (II) if there is no newspaper of general circulation within the agency's boundaries,

985 causing a notice to be posted in at least three public places within the agency's boundaries; and

986 ~~[(B) as required in Section 45-1-101.]~~

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

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

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

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

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

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

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

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

1000 (b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
1001 project area plan or procedure used to adopt the project area plan for any cause.

1002 (4) Upon adoption of the economic development project area plan by the community's
1003 legislative body, the agency may carry out the project area plan.

1004 (5) Each agency shall make the adopted economic development project area plan
1005 available to the general public at its offices during normal business hours.

1006 Section 18. Section **17C-3-109** is amended to read:

1007 **17C-3-109. Amending an economic development project area plan.**

1008 (1) An adopted economic development project area plan may be amended as provided
1009 in this section.

1010 (2) If an agency proposes to amend an adopted economic development project area
1011 plan to enlarge the project area:

1012 (a) the requirements under this part that apply to adopting a project area plan apply
1013 equally to the proposed amendment as if it were a proposed project area plan;

1014 (b) the base year taxable value for the new area added to the project area shall be
1015 determined under Subsection 17C-1-102(6)(a)(ii) using the date of the taxing entity
1016 committee's consent referred to in Subsection (2)(c); and

1017 (c) the agency shall obtain the consent of the taxing entity committee before the agency

1018 may collect tax increment from the area added to the project area by the amendment.

1019 (3) If a proposed amendment does not propose to enlarge an economic development
1020 project area, an agency board may adopt a resolution approving an amendment to an adopted
1021 project area plan after:

1022 (a) the agency gives notice, as provided in Section 17C-3-402, of the proposed
1023 amendment and of the public hearing required by Subsection (3)(b);

1024 (b) the agency board holds a public hearing on the proposed amendment that meets the
1025 requirements of a plan hearing;

1026 (c) the agency obtains the taxing entity committee's consent to the amendment, if the
1027 amendment proposes:

1028 (i) to enlarge the area within the project area from which tax increment is collected; or

1029 (ii) to permit the agency to receive a greater percentage of tax increment or to receive
1030 tax increment for a longer period of time than allowed under the adopted project area plan; and

1031 (d) the agency obtains the consent of the legislative body or governing board of each
1032 taxing entity affected, if the amendment proposes to permit the agency to receive, from less
1033 than all taxing entities, a greater percentage of tax increment or to receive tax increment for a
1034 longer period of time, or both, than allowed under the adopted project area plan.

1035 (4) (a) An adopted project area plan may be amended without complying with the
1036 notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without
1037 obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:

1038 (i) makes a minor adjustment in the legal description of a project area boundary
1039 requested by a county assessor or county auditor to avoid inconsistent property boundary lines;
1040 or

1041 (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area
1042 because the agency determines that inclusion of the parcel is no longer necessary or desirable to
1043 the project area.

1044 (b) An amendment removing a parcel of real property from a project area under
1045 Subsection (4)(a) may not be made without the consent of the record property owner of the
1046 parcel being removed.

1047 (5) (a) An amendment approved by board resolution under this section may not take
1048 effect until adopted by ordinance of the legislative body of the community in which the project

1049 area that is the subject of the project area plan being amended is located.

1050 (b) Upon a community legislative body passing an ordinance adopting an amendment
1051 to a project area plan, the agency whose project area plan was amended shall comply with the
1052 requirements of [~~Section~~] Sections 17C-3-107 and 17C-3-108 to the same extent as if the
1053 amendment were a project area plan.

1054 Section 19. Section **17C-3-201** is amended to read:

1055 **17C-3-201. Economic development project area budget -- Requirements for**
1056 **adopting -- Contesting the budget or procedure -- Time limit.**

1057 (1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993
1058 economic development project area plan with tax increment, the agency shall, subject to
1059 Section 17C-3-202, adopt a project area budget as provided in this part.

1060 (b) An economic development project area budget adopted on or after March 30, 2009
1061 shall specify:

1062 (i) the number of tax years for which the agency will be allowed to receive tax
1063 increment from the project area; and

1064 (ii) the percentage of tax increment or maximum cumulative dollar amount of tax
1065 increment the agency is entitled to receive from the project area under the project area budget.

1066 (2) To adopt an economic development project area budget, the agency shall:

1067 (a) prepare a draft of an economic development project area budget;

1068 (b) make a copy of the draft project area budget available to the public at the agency's
1069 offices during normal business hours;

1070 (c) provide notice of the budget hearing as required by Part 4, Economic Development
1071 Notice Requirements;

1072 (d) hold a public hearing on the draft project area budget and, at that public hearing,
1073 allow public comment on:

1074 (i) the draft project area budget; and

1075 (ii) whether the draft project area budget should be revised, adopted, or rejected;

1076 (e) (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing
1077 entity committee on the draft project area budget or a revised version of the draft project area
1078 budget; or

1079 (ii) if applicable, comply with the requirements of Subsection 17C-3-203(2); [~~and~~]

1080 (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i),
1081 obtain a written certification, signed by an attorney licensed to practice law in this state, stating
1082 that the taxing entity committee followed the appropriate procedures to approve the project
1083 area budget; and

1084 [~~f~~] (g) after the budget hearing, hold a board meeting in the same meeting as the
1085 public hearing or in a subsequent meeting to:

1086 (i) consider comments made and information presented at the public hearing relating to
1087 the draft project area budget; and

1088 (ii) adopt by resolution the draft project area budget, with any revisions, as the project
1089 area budget.

1090 (3) (a) For a period of 30 days after the agency's adoption of the project area budget
1091 under Subsection (2)[~~f~~](g), any person in interest may contest the project area budget or the
1092 procedure used to adopt the project area budget if the budget or procedure fails to comply with
1093 applicable statutory requirements.

1094 (b) After the 30-day period under Subsection (3)(a) expires, [~~n~~] a person, for any
1095 cause, may not contest;

1096 (i) the project area budget or procedure used [~~t~~] by either the taxing entity committee
1097 or the agency to approve and adopt the project area budget [for any cause.];

1098 (ii) a payment to the agency under the project area budget; or

1099 (iii) the agency's use of tax increment under the project area budget.

1100 Section 20. Section **17C-3-205** is amended to read:

1101 **17C-3-205. Amending an economic development project area budget.**

1102 (1) An agency may by resolution amend an economic development project area budget
1103 as provided in this section.

1104 (2) To amend an adopted economic development project area budget, the agency shall:

1105 (a) advertise and hold one public hearing on the proposed amendment as provided in
1106 Subsection (3);

1107 (b) obtain the approval of the taxing entity committee if the agency was required under
1108 Section 17C-3-203 to obtain the consent of the taxing entity committee for the project area
1109 budget as originally adopted; [~~and~~]

1110 (c) if approval of the taxing entity committee is required under Subsection (2)(b),

1111 obtain a written certification, signed by an attorney licensed to practice law in this state, stating
 1112 that the taxing entity committee followed the appropriate procedures to approve the project
 1113 area budget; and

1114 [~~(c)~~] (d) adopt a resolution amending the project area budget.

1115 (3) The public hearing required under Subsection (2)(a) shall be conducted according
 1116 to the procedures and requirements of Section 17C-3-201, except that if the amended project
 1117 area budget proposes that the agency be paid a greater proportion of tax increment from a
 1118 project area than was to be paid under the previous project area budget, the notice shall state
 1119 the percentage paid under the previous project area budget and the percentage proposed under
 1120 the amended project area budget.

1121 (4) If a proposed amendment is not adopted, the agency shall continue to operate under
 1122 the previously adopted economic development project area budget without the proposed
 1123 amendment.

1124 (5) (a) A person may contest the agency's adoption of a budget amendment within 30
 1125 days after the day on which the agency adopts the amendment.

1126 (b) A person who fails to contest a budget amendment under Subsection (5)(a):

1127 (i) forfeits any claim against an agency's adoption of the amendment; and

1128 (ii) may not contest:

1129 (A) a payment to the agency under the budget amendment; or

1130 (B) an agency's use of a tax increment under a budget amendment.

1131 Section 21. Section **17C-3-402** is amended to read:

1132 **17C-3-402. Requirements for notice provided by agency.**

1133 (1) The notice required by Section 17C-3-401 shall be given by:

1134 (a) (i) publishing one notice, excluding the map [~~referred to~~] described in Subsection

1135 (3)(b), in a newspaper of general circulation within the county in which the project area or
 1136 proposed project area is located, at least 14 days before the hearing; [~~or~~]

1137 (ii) if there is no newspaper of general circulation, posting notice in at least three
 1138 conspicuous places within the county in which the project area or proposed project area is
 1139 located; [~~and~~] or

1140 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
 1141 before the day on which the hearing is held on;

- 1142 (A) the Utah Public Notice Website described in Section 63F-1-701; and
1143 (B) the public website of a community located within the boundaries of the project
1144 area; and
- 1145 (b) at least 30 days before the hearing, mailing notice to:
- 1146 (i) each record owner of property located within the project area or proposed project
1147 area;
- 1148 (ii) the State Tax Commission;
- 1149 (iii) the assessor and auditor of the county in which the project area or proposed project
1150 area is located; and
- 1151 (iv) (A) each member of the taxing entity committee; or
- 1152 (B) if a taxing entity committee has not yet been formed, the State Board of Education
1153 and the legislative body or governing board of each taxing entity.
- 1154 (2) The mailing of notice to record property owners required under Subsection (1)(b)(i)
1155 shall be conclusively considered to have been properly completed if:
- 1156 (a) the agency mails the notice to the property owners as shown in the records,
1157 including an electronic database, of the county recorder's office and at the addresses shown in
1158 those records; and
- 1159 (b) the county recorder's office records used by the agency in identifying owners to
1160 whom the notice is mailed and their addresses were obtained or accessed from the county
1161 recorder's office no earlier than 30 days before the mailing.
- 1162 (3) The agency shall include in each notice required under Section 17C-3-401:
- 1163 (a) (i) a specific description of the boundaries of the economic development project
1164 area or proposed project area; or
- 1165 (ii) (A) a mailing address or telephone number where a person may request that a copy
1166 of the description be sent at no cost to the person by mail or facsimile transmission; and
- 1167 (B) if the agency has an Internet website, an Internet address where a person may gain
1168 access to an electronic, printable copy of the description;
- 1169 (b) a map of the boundaries of the project area or proposed project area;
- 1170 (c) an explanation of the purpose of the hearing; and
- 1171 (d) a statement of the date, time, and location of the hearing.
- 1172 (4) The agency shall include in each notice under Subsections (1)(b)(ii), (iii), and (iv):

1173 (a) a statement that property tax revenues resulting from an increase in valuation of
1174 property within the economic development project area or proposed project area will be paid to
1175 the agency for economic development purposes rather than to the taxing entity to which the tax
1176 revenues would otherwise have been paid if:

1177 (i) ~~a majority of~~ the taxing entity committee consents to the project area budget; and
1178 (ii) the project area plan provides for the agency to receive tax increment; and
1179 (b) an invitation to the recipient of the notice to submit to the agency comments
1180 concerning the subject matter of the hearing before the date of the hearing.

1181 (5) An agency may include in a notice under Subsection (1) any other information the
1182 agency considers necessary or advisable, including the public purpose served by the project and
1183 any future tax benefits expected to result from the project.

1184 Section 22. Section **17C-4-201** is amended to read:

1185 **17C-4-201. Consent of a taxing entity or public entity to an agency receiving tax**
1186 **increment or sales tax funds for community development project.**

1187 (1) An agency may negotiate with a taxing entity and public entity for the taxing
1188 entity's or public entity's consent to the agency receiving the entity's or public entity's tax
1189 increment or sales tax revenues, or both, for the purpose of providing funds to carry out a
1190 proposed or adopted community development project area plan.

1191 (2) The consent of a taxing entity or public entity under Subsection (1) may be
1192 expressed in:

1193 (a) a resolution adopted by the taxing entity or public entity; or

1194 (b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act,
1195 between the taxing entity or public entity and the agency.

1196 (3) Before an agency may use tax increment or sales tax revenues collected under a
1197 resolution or interlocal agreement adopted for the purpose of providing funds to carry out a
1198 proposed or adopted community development project area plan, the agency shall:

1199 (a) obtain a written certification, signed by an attorney licensed to practice law in this
1200 state, stating that the agency and the taxing entity have each followed all legal requirements
1201 relating to the adoption of the resolution or interlocal agreement, respectively; and

1202 (b) provide a signed copy of the certification described in Subsection (3)(a) to the
1203 appropriate taxing entity.

1204 ~~[(3)]~~ (4) A resolution adopted or interlocal agreement entered under Subsection (2) on
1205 or after March 30, 2009 shall specify:

1206 (a) if the resolution or interlocal agreement provides for the agency to be paid tax
1207 increment:

1208 (i) the method of calculating the amount of the taxing entity's tax increment from the
1209 project area that will be paid to the agency, including the agreed base year and agreed base
1210 taxable value;

1211 (ii) the number of tax years that the agency will be paid the taxing entity's tax
1212 increment from the project area; and

1213 (iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar
1214 amount of the taxing entity's tax increment that the agency will be paid; and

1215 (b) if the resolution or interlocal agreement provides for the agency to be paid a public
1216 entity's sales tax revenue:

1217 (i) the method of calculating the amount of the public entity's sales tax revenue that the
1218 agency will be paid;

1219 (ii) the number of tax years that the agency will be paid the sales tax revenue; and

1220 (iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of
1221 sales tax revenue that the agency will be paid.

1222 ~~[(4)]~~ (5) (a) Unless the taxing entity otherwise agrees, an agency may not be paid a
1223 taxing entity's tax increment:

1224 (i) that exceeds the percentage or maximum cumulative dollar amount of tax increment
1225 specified in the resolution or interlocal agreement under Subsection (2); or

1226 (ii) for more tax years than specified in the resolution or interlocal agreement under
1227 Subsection (2).

1228 (b) Unless the public entity otherwise agrees, an agency may not be paid a public
1229 entity's sales tax revenue:

1230 (i) that exceeds the percentage or maximum cumulative dollar amount of sales tax
1231 revenue specified in the resolution or interlocal agreement under Subsection (2); or

1232 (ii) for more tax years than specified in the resolution or interlocal agreement under
1233 Subsection (2).

1234 ~~[(5)]~~ (6) A school district may consent to an agency receiving tax increment from the

1235 school district's basic levy only to the extent that the school district also consents to the agency
1236 receiving tax increment from the school district's local levy.

1237 ~~[(6)]~~ (7) (a) A resolution or interlocal agreement under this section may be amended
1238 from time to time.

1239 (b) Each amendment of a resolution or interlocal agreement shall be subject to and
1240 receive the benefits of the provisions of this part to the same extent as if the amendment were
1241 an original resolution or interlocal agreement.

1242 ~~[(7)]~~ (8) A taxing entity's or public entity's consent to an agency receiving funds under
1243 this section is not subject to the requirements of Section 10-8-2.

1244 (9) (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing
1245 entity that:

1246 (i) is created after the date of adoption of a resolution or execution of an interlocal
1247 agreement under this section; and

1248 (ii) levies a tax on any parcel of property located within the project area that is the
1249 subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).

1250 (b) A resolution or interlocal agreement executed by a taxing entity under this section
1251 may be enforced by or against any successor taxing entity.

1252 Section 23. Section **17C-4-202** is amended to read:

1253 **17C-4-202. Resolution or interlocal agreement to provide funds for the**
1254 **community development project area plan -- Notice -- Effective date of resolution or**
1255 **interlocal agreement -- Time to contest resolution or interlocal agreement -- Availability**
1256 **of resolution or interlocal agreement.**

1257 (1) The approval and adoption of each resolution or interlocal agreement under
1258 Subsection 17C-4-201(2) shall be in an open and public meeting.

1259 (2) (a) Upon the adoption of a resolution or interlocal agreement under Section
1260 17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:

1261 (i) (A) publishing or causing to be published a notice in a newspaper of general
1262 circulation within the agency's boundaries; or

1263 (B) if there is no newspaper of general circulation within the agency's boundaries,
1264 causing a notice to be posted in at least three public places within the agency's boundaries; and

1265 (ii) publishing or causing to be published in accordance with Section 45-1-101.

- 1266 (b) Each notice under Subsection (2)(a) shall:
- 1267 (i) set forth a summary of the resolution or interlocal agreement; and
- 1268 (ii) include a statement that the resolution or interlocal agreement is available for
- 1269 general public inspection and the hours of inspection.
- 1270 (3) The resolution or interlocal agreement shall become effective on the date of:
- 1271 (a) if notice was published under Subsection (2)(a)(i)(A) or (ii), publication of the
- 1272 notice; or
- 1273 (b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.
- 1274 (4) (a) For a period of 30 days after the effective date of the resolution or interlocal
- 1275 agreement under Subsection (3), any person in interest may contest the resolution or interlocal
- 1276 agreement or the procedure used to adopt the resolution or interlocal agreement if the
- 1277 resolution or interlocal agreement or procedure fails to comply with applicable statutory
- 1278 requirements.
- 1279 (b) After the 30-day period under Subsection (4)(a) expires, ~~[no]~~ a person may not, for
- 1280 any cause, contest:
- 1281 (i) the resolution or interlocal agreement ~~[for any cause.];~~
- 1282 (ii) a payment to the agency under the resolution or interlocal agreement; or
- 1283 (iii) the agency's use of tax increment under the resolution or interlocal agreement.
- 1284 (5) Each agency that is to receive funds under a resolution or interlocal agreement
- 1285 under Section 17C-4-201 and each taxing entity or public entity that approves a resolution or
- 1286 enters into an interlocal agreement under Section 17C-4-201 shall make the resolution or
- 1287 interlocal agreement, as the case may be, available at its offices to the general public for
- 1288 inspection and copying during normal business hours.
- 1289 Section 24. Section **17C-4-402** is amended to read:
- 1290 **17C-4-402. Requirements for notice provided by agency.**
- 1291 (1) The notice required by Section 17C-4-401 shall be given by:
- 1292 (a) (i) publishing one notice, excluding the map referred to in Subsection (2)(b), in a
- 1293 newspaper of general circulation within the county in which the project area or proposed
- 1294 project area is located, at least 14 days before the hearing; ~~[or]~~
- 1295 (ii) if there is no newspaper of general circulation, posting notice, at least 14 days
- 1296 before the hearing, in at least three conspicuous places within the county in which the project

1297 area or proposed project area is located; ~~and~~ or
1298 (iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
1299 before the day on which the hearing is held on:
1300 (A) the Utah Public Notice Website described in Section 63F-1-701; and
1301 (B) the public website of a community located within the boundaries of a project area;
1302 and
1303 (b) at least 30 days before the hearing, mailing notice to:
1304 (i) each record owner of property located within the project area or proposed project
1305 area;
1306 (ii) the State Tax Commission;
1307 (iii) the assessor and auditor of the county in which the project area or proposed project
1308 area is located; and
1309 (iv) the State Board of Education and the legislative body or governing board of each
1310 taxing entity.
1311 (2) The mailing of the notice to record property owners required under Subsection
1312 (1)(b)(i) shall be conclusively considered to have been properly completed if:
1313 (a) the agency mails the notice to the property owners as shown in the records,
1314 including an electronic database, of the county recorder's office and at the addresses shown in
1315 those records; and
1316 (b) the county recorder's office records used by the agency in identifying owners to
1317 whom the notice is mailed and their addresses were obtained or accessed from the county
1318 recorder's office no earlier than 30 days before the mailing.
1319 (3) The agency shall include in each notice required under Section 17C-4-401:
1320 (a) (i) a specific description of the boundaries of the project area or proposed project
1321 area; or
1322 (ii) (A) a mailing address or telephone number where a person may request that a copy
1323 of the description be sent at no cost to the person by mail or facsimile transmission; and
1324 (B) if the agency has an Internet website, an Internet address where a person may gain
1325 access to an electronic, printable copy of the description;
1326 (b) a map of the boundaries of the project area or proposed project area;
1327 (c) an explanation of the purpose of the hearing;

- 1328 (d) a statement of the date, time, and location of the hearing;
- 1329 (e) an invitation to the recipient of the notice to submit to the agency comments
1330 concerning the subject matter of the hearing before the date of the hearing;
- 1331 (f) a statement that any person objecting to the draft project area plan or contesting the
1332 regularity of any of the proceedings to adopt it may appear before the agency board at the
1333 hearing to show cause why the draft project area plan should not be adopted; and
- 1334 (g) a statement that the proposed project area plan is available for inspection at the
1335 agency offices.
- 1336 (4) An agency may include in a notice under Subsection (1) any other information the
1337 agency considers necessary or advisable, including the public purpose served by the project and
1338 any future tax benefits expected to result from the project.
- 1339 Section 25. Section **59-2-924.2** is amended to read:
- 1340 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**
- 1341 (1) For purposes of this section, "certified tax rate" means a certified tax rate calculated
1342 in accordance with Section 59-2-924.
- 1343 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from
1344 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
1345 59-2-405.2, or 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter
1346 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax
1347 rate to offset the increased revenues.
- 1348 (3) (a) Beginning July 1, 1997, if a county has imposed a sales and use tax under
1349 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:
- 1350 (i) decreased on a one-time basis by the amount of the estimated sales and use tax
1351 revenue to be distributed to the county under Subsection 59-12-1102(3); and
- 1352 (ii) increased by the amount necessary to offset the county's reduction in revenue from
1353 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
1354 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
1355 (3)(a)(i).
- 1356 (b) The commission shall determine estimates of sales and use tax distributions for
1357 purposes of Subsection (3)(a).
- 1358 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort

1359 communities sales and use tax under Section 59-12-402, the municipality's certified tax rate
1360 shall be decreased on a one-time basis by the amount necessary to offset the first 12 months of
1361 estimated revenue from the additional resort communities sales and use tax imposed under
1362 Section 59-12-402.

1363 (5) (a) This Subsection (5) applies to each county that:

1364 (i) establishes a countywide special service district under Title 17D, Chapter 1, Special
1365 Service District Act, to provide jail service, as provided in Subsection 17D-1-201(10); and

1366 (ii) levies a property tax on behalf of the special service district under Section
1367 17D-1-105.

1368 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall be
1369 decreased by the amount necessary to reduce county revenues by the same amount of revenues
1370 that will be generated by the property tax imposed on behalf of the special service district.

1371 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the
1372 levy on behalf of the special service district under Section 17D-1-105.

1373 (6) (a) As used in this Subsection (6):

1374 (i) "Annexing county" means a county whose unincorporated area is included within a
1375 public safety district by annexation.

1376 (ii) "Annexing municipality" means a municipality whose area is included within a
1377 public safety district by annexation.

1378 (iii) "Equalized public safety protection tax rate" means the tax rate that results from:

1379 (A) calculating, for each participating county and each participating municipality, the
1380 property tax revenue necessary:

1381 (I) in the case of a fire district, to cover all of the costs associated with providing fire
1382 protection, paramedic, and emergency services:

1383 (Aa) for a participating county, in the unincorporated area of the county; and

1384 (Bb) for a participating municipality, in the municipality; or

1385 (II) in the case of a police district, to cover all the costs:

1386 (Aa) associated with providing law enforcement service:

1387 (Ii) for a participating county, in the unincorporated area of the county; and

1388 (Iii) for a participating municipality, in the municipality; and

1389 (Bb) that the police district board designates as the costs to be funded by a property

1390 tax; and

1391 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all
1392 participating counties and all participating municipalities and then dividing that sum by the
1393 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

1394 (I) for participating counties, in the unincorporated area of all participating counties;
1395 and

1396 (II) for participating municipalities, in all the participating municipalities.

1397 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service
1398 Area Act:

1399 (A) created to provide fire protection, paramedic, and emergency services; and

1400 (B) in the creation of which an election was not required under Subsection
1401 17B-1-214(3)(c).

1402 (v) "Participating county" means a county whose unincorporated area is included
1403 within a public safety district at the time of the creation of the public safety district.

1404 (vi) "Participating municipality" means a municipality whose area is included within a
1405 public safety district at the time of the creation of the public safety district.

1406 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service
1407 Area Act, within a county of the first class:

1408 (A) created to provide law enforcement service; and

1409 (B) in the creation of which an election was not required under Subsection
1410 17B-1-214(3)(c).

1411 (viii) "Public safety district" means a fire district or a police district.

1412 (ix) "Public safety service" means:

1413 (A) in the case of a public safety district that is a fire district, fire protection,
1414 paramedic, and emergency services; and

1415 (B) in the case of a public safety district that is a police district, law enforcement
1416 service.

1417 (b) In the first year following creation of a public safety district, the certified tax rate of
1418 each participating county and each participating municipality shall be decreased by the amount
1419 of the equalized public safety tax rate.

1420 (c) In the first budget year following annexation to a public safety district, the certified

1421 tax rate of each annexing county and each annexing municipality shall be decreased by an
1422 amount equal to the amount of revenue budgeted by the annexing county or annexing
1423 municipality:

1424 (i) for public safety service; and

1425 (ii) in:

1426 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,
1427 the prior calendar year; or

1428 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior
1429 fiscal year.

1430 (d) Each tax levied under this section by a public safety district shall be considered to
1431 be levied by:

1432 (i) each participating county and each annexing county for purposes of the county's tax
1433 limitation under Section 59-2-908; and

1434 (ii) each participating municipality and each annexing municipality for purposes of the
1435 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a
1436 city.

1437 (e) The calculation of a public safety district's certified tax rate for the year of
1438 annexation shall be adjusted to include an amount of revenue equal to one half of the amount
1439 of revenue budgeted by the annexing entity for public safety service in the annexing entity's
1440 prior fiscal year if:

1441 (i) the public safety district operates on a January 1 through December 31 fiscal year;

1442 (ii) the public safety district approves an annexation of an entity operating on a July 1
1443 through June 30 fiscal year; and

1444 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

1445 (7) For the calendar year beginning on January 1, 2007, the calculation of a taxing
1446 entity's certified tax rate, calculated in accordance with Section 59-2-924, shall be adjusted by
1447 the amount necessary to offset any change in the certified tax rate that may result from
1448 excluding the following from the certified tax rate under Subsection 59-2-924(3) enacted by the
1449 Legislature during the 2007 General Session:

1450 (a) personal property tax revenue:

1451 (i) received by a taxing entity;

1452 (ii) assessed by a county assessor in accordance with Part 3, County Assessment; and
1453 (iii) for personal property that is semiconductor manufacturing equipment; or

1454 (b) the taxable value of personal property:

1455 (i) contained on the tax rolls of a taxing entity;

1456 (ii) assessed by a county assessor in accordance with Part 3, County Assessment; and

1457 (iii) that is semiconductor manufacturing equipment.

1458 (8) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be
1459 reduced for any year to the extent necessary to provide a community development and renewal
1460 agency established under Title 17C, Limited Purpose Local Government Entities - Community
1461 Development and Renewal Agencies Act, with approximately the same amount of money the
1462 agency would have received without a reduction in the county's certified tax rate, calculated in
1463 accordance with Section 59-2-924, if:

1464 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or (3)(a);

1465 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
1466 previous year; and

1467 (iii) the decrease results in a reduction of the amount to be paid to the agency under
1468 Section 17C-1-403 or 17C-1-404.

1469 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any
1470 year to the extent necessary to provide a community development and renewal agency with
1471 approximately the same amount of money as the agency would have received without an
1472 increase in the certified tax rate that year if:

1473 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to
1474 a decrease in the certified tax rate under Subsection (2) or (3)(a); and

1475 (ii) the certified tax rate of a city, school district, local district, or special service
1476 district increases independent of the adjustment to the taxable value of the base year.

1477 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),
1478 the amount of money allocated and, when collected, paid each year to a community
1479 development and renewal agency established under Title 17C, Limited Purpose Local
1480 Government Entities - Community Development and Renewal Agencies Act, for the payment
1481 of bonds or other contract indebtedness, but not for administrative costs, may not be less than
1482 that amount would have been without a decrease in the certified tax rate under Subsection (2)

1483 or (3)(a).

1484 Section 26. Section **72-1-208** is amended to read:

1485 **72-1-208. Cooperation with counties, cities, towns, the federal government, and**
1486 **all state departments -- Inspection of work done by a public transit district.**

1487 (1) The department shall cooperate with the counties, cities, [~~and~~] towns, and
1488 community development and renewal agencies in the construction, maintenance, and use of the
1489 highways and in all related matters, and may provide services to the counties, cities, [~~and~~]
1490 towns, and community development and renewal agencies on terms mutually agreed upon.

1491 (2) The department, with the approval of the governor, shall cooperate with the federal
1492 government in all federal-aid projects and with all state departments in all matters in
1493 connection with the use of the highways.

1494 (3) The department:

1495 (a) shall inspect all work done by a public transit district under Title 17B, Chapter 2a,
1496 Part 8, Public Transit District Act, relating to safety appliances and procedures; and

1497 (b) may make further additions or changes necessary for the purpose of safety to
1498 employees and the general public.