

1st Sub. H.B. 190
ASSESSMENT AREA ACT MODIFICATIONS

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

FEBRUARY 19, 2015 11:15 AM

Representative **Mike K. McKell** proposes the following amendments:

1. *Page 3, Lines 57 through 61:*

57 (1) "Adequate protests" means timely filed, written protests under Section 11-42-203
58 that represent at least [50%] ~~{40%}~~ 10% of the frontage, area, taxable value, fair market value, lots,
59 number of connections, or equivalent residential units of the property proposed to be assessed,
60 according to the same assessment method by which the assessment is proposed to be levied,
61 after eliminating:

2. *Page 12, Lines 344 through 352:*

344 assessment may not be commenced, and a court may not inquire into those matters.
345 ~~{(6)(a) This section may not be interpreted to insulate a local entity from a claim of~~
346 ~~misuse of assessment funds after the expiration of the 60-day period described in Subsection~~
347 ~~(2)(b):~~
348 ~~— (b) (i) Except as provided in Subsection (6)(b)(ii), an action in the nature of mandamus~~
349 ~~is the sole form of relief available to a party challenging the misuse of assessment funds.~~
350 ~~— (ii) The limitation in Subsection (6)(b)(i) does not prohibit the filing of criminal~~
351 ~~charges against or the prosecution of a party for the misuse of assessment funds.}~~
352 Section 3. Section **11-42-201** is amended to read: