1	COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES
2	ACT AMENDMENTS
3	2016 GENERAL SESSION
4	STATE OF UTAH
56	LONG TITLE
7	General Description:
8	This bill amends provisions related to community development and renewal agencies.
9	Highlighted Provisions:
0	This bill:
1	defines terms;
2	► beginning May 10, 2016:
3	 renames a community development and renewal agency to be a community
4	reinvestment agency;
5	• allows an agency to create a community reinvestment project area; and
6	• prohibits an agency from creating an urban renewal project area, an economic
7	development project area, or a community development project area;
8	amends the requirements for an agency's annual report;
9	for an agency that adopts a community reinvestment project area plan:
0	• provides the agency the option to fund a community reinvestment project area
1	with tax increment that is subject to a taxing entity committee, or with tax
2	increment or sales and use tax revenue that is subject to an interlocal agreement
3	with a taxing entity;
4	• requires the agency to conduct a blight study, make a blight determination, and
5	create a taxing entity committee if the agency anticipates using eminent domain
6	to acquire property within the community reinvestment project area;
7	• removes the requirement that the agency hold an election if 2/3 of the property
8	owners within a proposed community reinvestment project area plan object to
)	the creation of the community reinvestment project area plan;
)	• requires that the agency adopt a community reinvestment project area budget;
1	 clarifies how a project area's incremental value is factored into the new growth

32	calculation once the project area dissolves; and
33	 makes technical and conforming changes.
34	Money Appropriated in this Bill:
35	None
36	Other Special Clauses:
37	None
38	Utah Code Sections Affected:
39	AMENDS:
40	17C-1-101, as last amended by Laws of Utah 2010, Chapter 279
41	17C-1-102, as last amended by Laws of Utah 2015, Chapter 397
42	17C-1-103, as renumbered and amended by Laws of Utah 2006, Chapter 359
43	17C-1-201, as last amended by Laws of Utah 2012, Chapter 235
44	17C-1-202, as renumbered and amended by Laws of Utah 2006, Chapter 359
45	17C-1-203, as last amended by Laws of Utah 2008, Chapter 125
46	17C-1-204, as last amended by Laws of Utah 2012, Chapter 212
47	17C-1-205, as renumbered and amended by Laws of Utah 2006, Chapter 359
48	17C-1-206, as last amended by Laws of Utah 2007, Chapter 379
49	17C-1-207, as last amended by Laws of Utah 2012, Chapter 235
50	17C-1-208, as renumbered and amended by Laws of Utah 2006, Chapter 359
51	17C-1-301, as renumbered and amended by Laws of Utah 2006, Chapter 359
52	17C-1-302, as renumbered and amended by Laws of Utah 2006, Chapter 359
53	17C-1-401, as last amended by Laws of Utah 2012, Chapter 235
54	17C-1-402, as last amended by Laws of Utah 2013, Chapter 80
55	17C-1-403, as last amended by Laws of Utah 2013, Chapter 80
56	17C-1-404, as renumbered and amended by Laws of Utah 2006, Chapter 359
57	17C-1-405, as last amended by Laws of Utah 2009, Chapter 387
58	17C-1-406, as enacted by Laws of Utah 2006, Chapter 359
59	17C-1-407, as last amended by Laws of Utah 2013, Chapter 80
60	17C-1-408, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
61	17C-1-409, as last amended by Laws of Utah 2011, Chapter 43
62	17C-1-410, as last amended by Laws of Utah 2007, Chapter 364

63	17C-1-411, as last amended by Laws of Utah 2009, Chapter 387
64	17C-1-412, as last amended by Laws of Utah 2012, Chapter 212
65	17C-1-413, as renumbered and amended by Laws of Utah 2006, Chapter 359
66	17C-1-501, as renumbered and amended by Laws of Utah 2006, Chapter 359
67	17C-1-502, as renumbered and amended by Laws of Utah 2006, Chapter 359
68	17C-1-504, as renumbered and amended by Laws of Utah 2006, Chapter 359
69	17C-1-505, as renumbered and amended by Laws of Utah 2006, Chapter 359
70	17C-1-506, as renumbered and amended by Laws of Utah 2006, Chapter 359
71	17C-1-507, as renumbered and amended by Laws of Utah 2006, Chapter 359
72	17C-1-508, as renumbered and amended by Laws of Utah 2006, Chapter 359
73	17C-1-601, as last amended by Laws of Utah 2010, Chapter 90
74	17C-1-602, as renumbered and amended by Laws of Utah 2006, Chapter 359
75	17C-1-603, as last amended by Laws of Utah 2011, Chapter 43
76	17C-1-605, as renumbered and amended by Laws of Utah 2006, Chapter 359
77	17C-1-606, as renumbered and amended by Laws of Utah 2006, Chapter 359
78	17C-1-607, as enacted by Laws of Utah 2006, Chapter 359
79	17C-1-701, as last amended by Laws of Utah 2009, Chapter 350
80	17C-2-102, as last amended by Laws of Utah 2008, Chapter 125
81	17C-2-103, as last amended by Laws of Utah 2006, Chapters 254, 292 and renumbered
82	and amended by Laws of Utah 2006, Chapter 359
83	17C-2-105, as renumbered and amended by Laws of Utah 2006, Chapter 359
84	17C-2-106, as last amended by Laws of Utah 2007, Chapter 364
85	17C-2-108, as last amended by Laws of Utah 2010, Chapter 279
86	17C-2-109, as renumbered and amended by Laws of Utah 2006, Chapter 359
87	17C-2-110, as last amended by Laws of Utah 2010, Chapter 279
88	17C-2-201, as last amended by Laws of Utah 2013, Chapter 80
89	17C-2-204, as renumbered and amended by Laws of Utah 2006, Chapter 359
90	17C-2-207, as enacted by Laws of Utah 2011, Chapter 43
91	17C-2-303, as last amended by Laws of Utah 2011, Chapter 43
92	17C-2-601, as last amended by Laws of Utah 2012, Chapter 235

93	17C-2-603, as enacted by Laws of Utah 2007, Chapter 379
94	17C-3-102, as enacted by Laws of Utah 2006, Chapter 359
95	17C-3-103, as enacted by Laws of Utah 2006, Chapter 359
96	17C-3-105, as enacted by Laws of Utah 2006, Chapter 359
97	17C-3-107, as last amended by Laws of Utah 2010, Chapter 279
98	17C-3-108, as enacted by Laws of Utah 2006, Chapter 359
99	17C-3-109, as last amended by Laws of Utah 2010, Chapter 279
100	17C-3-201, as last amended by Laws of Utah 2013, Chapter 80
101	17C-3-203, as last amended by Laws of Utah 2009, Chapter 387
102	17C-3-206, as enacted by Laws of Utah 2011, Chapter 43
103	17C-4-102, as enacted by Laws of Utah 2006, Chapter 359
104	17C-4-103, as enacted by Laws of Utah 2006, Chapter 359
105	17C-4-104, as enacted by Laws of Utah 2006, Chapter 359
106	17C-4-106, as last amended by Laws of Utah 2009, Chapter 388
107	17C-4-107, as enacted by Laws of Utah 2006, Chapter 359
108	17C-4-108, as last amended by Laws of Utah 2015, Chapter 302
109	17C-4-109, as enacted by Laws of Utah 2015, Chapter 302
110	17C-4-201, as last amended by Laws of Utah 2010, Chapter 279
111	17C-4-202, as last amended by Laws of Utah 2014, Chapter 189
112	17C-4-203, as last amended by Laws of Utah 2009, Chapter 387
113	17C-4-204, as last amended by Laws of Utah 2011, Chapter 43
114	59-2-924 , as last amended by Laws of Utah 2014, Chapter 270
115	ENACTS:
116	17C-1-102.5, Utah Code Annotated 1953
117	17C-1-209, Utah Code Annotated 1953
118	17C-1-702, Utah Code Annotated 1953
119	17C-1-801, Utah Code Annotated 1953
120	17C-2-101.1, Utah Code Annotated 1953
121	17C-2-101.2, Utah Code Annotated 1953
122	17C-3-101.1, Utah Code Annotated 1953
123	17C-3-101.2, Utah Code Annotated 1953

124	17C-4-101.1 , Utah Code Annotated 1953
125	17C-4-101.2 , Utah Code Annotated 1953
126	17C-5-101 , Utah Code Annotated 1953
127	17C-5-102 , Utah Code Annotated 1953
128	17C-5-103 , Utah Code Annotated 1953
129	17C-5-104 , Utah Code Annotated 1953
130	17C-5-105 , Utah Code Annotated 1953
131	17C-5-106 , Utah Code Annotated 1953
132	17C-5-107 , Utah Code Annotated 1953
133	17C-5-108 , Utah Code Annotated 1953
134	17C-5-109 , Utah Code Annotated 1953
135	17C-5-110 , Utah Code Annotated 1953
136	17C-5-111 , Utah Code Annotated 1953
137	17C-5-112 , Utah Code Annotated 1953
138	17C-5-113 , Utah Code Annotated 1953
139	17C-5-201 , Utah Code Annotated 1953
140	17C-5-202 , Utah Code Annotated 1953
141	17C-5-203 , Utah Code Annotated 1953
142	17C-5-204 , Utah Code Annotated 1953
143	17C-5-205 , Utah Code Annotated 1953
144	17C-5-206 , Utah Code Annotated 1953
145	17C-5-207 , Utah Code Annotated 1953
146	17C-5-301 , Utah Code Annotated 1953
147	17C-5-302 , Utah Code Annotated 1953
148	17C-5-303 , Utah Code Annotated 1953
149	17C-5-304 , Utah Code Annotated 1953
150	17C-5-305 , Utah Code Annotated 1953
151	17C-5-306 , Utah Code Annotated 1953
152	17C-5-307 , Utah Code Annotated 1953
153	17C-5-401 , Utah Code Annotated 1953

154	17C-5-402 , Utah Code Annotated 1953
155	17C-5-403 , Utah Code Annotated 1953
156	17C-5-404 , Utah Code Annotated 1953
157	17C-5-405 , Utah Code Annotated 1953
158	17C-5-406 , Utah Code Annotated 1953
159	17C-5-407 , Utah Code Annotated 1953
160	17C-5-408 , Utah Code Annotated 1953
161	17C-5-409 , Utah Code Annotated 1953
162	17C-5-410 , Utah Code Annotated 1953
163	RENUMBERS AND AMENDS:
164	17C-1-802, (Renumbered from 17C-2-401, as renumbered and amended by Laws of
165	Utah 2006, Chapter 359)
166	17C-1-803, (Renumbered from 17C-2-402, as renumbered and amended by Laws of
167	Utah 2006, Chapter 359)
168	17C-1-804, (Renumbered from 17C-2-403, as last amended by Laws of Utah 2010,
169	Chapter 90)
170	17C-1-805, (Renumbered from 17C-2-501, as renumbered and amended by Laws of
171	Utah 2006, Chapter 359)
172	17C-1-806, (Renumbered from 17C-2-502, as last amended by Laws of Utah 2010,
173	Chapter 279)
174	17C-1-807, (Renumbered from 17C-2-503, as last amended by Laws of Utah 2007,
175	Chapter 379)
176	17C-1-808, (Renumbered from 17C-2-504, as renumbered and amended by Laws of
177	Utah 2006, Chapter 359)
178	17C-1-809, (Renumbered from 17C-2-505, as renumbered and amended by Laws of
179	Utah 2006, Chapter 359)
180	17C-2-101.5, (Renumbered from 17C-2-101, as renumbered and amended by Laws of
181	Utah 2006, Chapter 359)
182	17C-3-101.5 , (Renumbered from 17C-3-101, as enacted by Laws of Utah 2006,
183	Chapter 359)
184	17C-4-101.5 , (Renumbered from 17C-4-101, as enacted by Laws of Utah 2006,

185	Chapter 359)
186	REPEALS:
187	17C-1-303, as last amended by Laws of Utah 2010, Chapter 279
188	17C-3-301, as enacted by Laws of Utah 2006, Chapter 359
189	17C-3-302, as enacted by Laws of Utah 2006, Chapter 359
190	17C-3-303, as last amended by Laws of Utah 2009, Chapter 388
191	17C-3-401, as enacted by Laws of Utah 2006, Chapter 359
192	17C-3-402, as last amended by Laws of Utah 2010, Chapter 279
193	17C-3-403, as enacted by Laws of Utah 2006, Chapter 359
194	17C-3-404, as enacted by Laws of Utah 2006, Chapter 359
195	17C-4-301, as enacted by Laws of Utah 2006, Chapter 359
196	17C-4-302, as last amended by Laws of Utah 2010, Chapter 90
197	17C-4-401, as enacted by Laws of Utah 2006, Chapter 359
198	17C-4-402, as last amended by Laws of Utah 2010, Chapter 279
199	
200	Be it enacted by the Legislature of the state of Utah:
201	Section 1. Section 17C-1-101 is amended to read:
202	TITLE 17C. LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES -
203	COMMUNITY REINVESTMENT AGENCY ACT
204	CHAPTER 1. AGENCY OPERATIONS
205	17C-1-101. Title.
206	(1) This title is known as the "Limited Purpose Local Government Entities -
207	Community [Development and Renewal Agencies] Reinvestment Agency Act."
208	(2) This chapter is known as "Agency Operations."
209	Section 2. Section 17C-1-102 is amended to read:
210	17C-1-102. Definitions.
211	As used in this title:
212	(1) "Active project area" means a project area that has not been dissolved in accordance
213	with Section 17C-1-702.
214	[(1)] (2) "Adjusted tax increment" means:

215	(a) for tax increment under a pre-July 1, 1993, project area plan, tax increment under
216	Section 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and
217	(b) for tax increment under a post-June 30, 1993, project area plan, tax increment under
218	Section 17C-1-404, excluding tax increment under Section 17C-1-406[-]; and
219	(c) for tax increment under a community reinvestment project area plan, tax increment
220	under Section 17C-5-203.
221	[(2)] (3) "Affordable housing" means housing [to be] owned or occupied by [persons
222	and families of low or moderate income] a low or moderate income individual or family, as
223	determined by resolution of the agency.
224	[(3)] (4) "Agency" or "community [development and renewal] reinvestment agency"
225	means a separate body corporate and politic, created under Section 17C-1-201 or as a
226	redevelopment agency or community development and renewal agency under previous law[5]:
227	(a) that is a political subdivision of the state[-,];
228	(b) that is created to undertake or promote [urban renewal, economic development, or
229	community development, or any combination of them,] project area development as provided
230	in this title[;]; and
231	(c) whose geographic boundaries are coterminous with:
232	[(a)] (i) for an agency created by a county, the unincorporated area of the county; and
233	[(b)] (ii) for an agency created by a [city or town] municipality, the boundaries of the
234	[city or town] municipality.
235	(5) "Agency funds" means funds that an agency collects or receives for the purpose of
236	implementing a project area plan, including:
237	(a) project area funds;
238	(b) income, proceeds, revenues, property, and project area funds of the agency derived
239	from or held in connection with the agency's undertaking and carrying out of project area
240	development; or
241	(c) a contribution, loan, grant, or other financial assistance from a public entity to assist
242	with project area development.
243	[(4)] (6) "Annual income" [has the meaning as] means the same as that term is defined
244	[under] in regulations of the United States Department of Housing and Urban Development, 24
245	C.F.R. Sec. 5.609, as amended or as superseded by replacement regulations.

246	[(5)] (7) "Assessment roll" [has the meaning as] means the same as that term is defined
247	in Section 59-2-102.
248	[(6)] (8) "Base taxable value" means:
249	(a) unless otherwise designated by the taxing entity committee in accordance with
250	Subsection 17C-1-402(4)(b)(ix), for an urban renewal or economic development project area,
251	the taxable value of the property within a project area from which tax increment will be
252	collected, as shown upon the assessment roll last equalized before:
253	(i) for a pre-July 1, 1993, project area plan, the effective date of the project area plan;
254	(ii) for a post-June 30, 1993, project area plan:
255	(A) the date of the taxing entity committee's approval of the first project area budget;
256	or
257	(B) if no taxing entity committee approval is required for the project area budget, the
258	later of:
259	(I) the date the project area plan is adopted by the community legislative body; and
260	(II) the date the agency adopts the first project area budget;
261	(iii) for a project on an inactive industrial site, a year after the date on which the
262	inactive industrial site is sold for remediation and development; or
263	(iv) for a project on an inactive airport site, a year after the later of:
264	(A) the date on which the inactive airport site is sold for remediation and development;
265	and
266	(B) the date on which the airport that had been operated on the inactive airport site
267	ceased operations; [and]
268	(b) for a community development project area, the agreed value specified in a
269	resolution or interlocal agreement under Subsection 17C-4-201(2)[-];
270	(c) unless otherwise designated by the taxing entity committee in accordance with
271	Subsection 17C-1-403(4)(b)(ix), for a community reinvestment project area that is subject to a
272	taxing entity committee, the taxable value of the property within a project area from which tax
273	increment will be collected, as shown upon the assessment roll last equalized before:
274	(i) the date of the taxing entity committee's approval of the first project area budget; or
275	(ii) if no taxing entity committee approval is required for the project area budget, the
276	later of:

277	(A) the date the project area plan is adopted by the community legislative body; and
278	(B) the date the agency adopts the first project area budget; and
279	(d) for a community reinvestment project area that is subject to an interlocal
280	agreement, the agreed value specified in the interlocal agreement under Section 17C-5-205.
281	[(7)] <u>(9)</u> "Basic levy" means the portion of a school district's tax levy constituting the
282	minimum basic levy under Section 59-2-902.
283	[8] (10) "Blight" or "blighted" means the condition of an area that meets the
284	requirements [of] described in Subsection 17C-2-303(1) for an urban renewal project area or
285	Section 17C-5-409 for community reinvestment project area.
286	[(9)] (11) "Blight hearing" means a public hearing regarding whether blight exists
287	within a proposed:
288	(a) urban renewal project area under Subsection 17C-2-102(1)(a)(i)(C) and Section
289	17C-2-302; or [regarding the existence or nonexistence of blight within the proposed urban
290	renewal project area.]
291	(b) community reinvestment project area under 17C-5-408.
292	[(10)] (12) "Blight study" means a study to determine [the existence or nonexistence of
293	blight] whether blight exists within a survey area as provided in Section 17C-2-301 for an
294	urban renewal project area and Section 17C-5-407 for a community reinvestment project area.
295	[(11)] (13) "Board" means the governing body of an agency, as [provided] described in
296	Section [17C-1-203] <u>17C-1-204</u> .
297	[(12)] (14) "Budget hearing" means the public hearing on a [draft] proposed project
298	area budget required under Subsection 17C-2-201(2)(d) for an urban renewal project area
299	budget [or], Subsection 17C-3-201(2)(d) for an economic development project area budget, or
300	Subsection 17C-5-202 for a community reinvestment project area budget.
301	$[\frac{(13)}{(15)}]$ "Closed military base" means land within a former military base that the
302	Defense Base Closure and Realignment Commission has voted to close or realign when that
303	action has been sustained by the President of the United States and Congress.
304	[(14)] (16) "Combined incremental value" means the combined total of all incremental
305	values from all urban renewal project areas, except project areas that contain some or all of a
306	military installation or inactive industrial site, within the agency's boundaries under adopted
307	project area plans and adopted project area budgets at the time that a project area budget for a

308	new urban renewal project area is being considered.
309	[(15)] (17) "Community" means a county[, city, or town] or municipality.
310	[(16) "Community development" means development activities within a community,
311	including the encouragement, promotion, or provision of development.]
312	(18) "Community development project area plan" means a project area plan adopted
313	under Chapter 4, Part 1, Community Development Project Area Plan.
314	(19) "Community reinvestment project area plan" means a project area plan adopted
315	under Chapter 5, Part 1, Community Reinvestment Project Area Plan.
316	[(17)] (20) "Contest" means to file a written complaint in the district court of the
317	county in which [the person filing the complaint resides] a parcel is located.
318	[(18) "Economic development" means to promote the creation or retention of public or
319	private jobs within the state through:
320	[(a) planning, design, development, construction, rehabilitation, business relocation, or
321	any combination of these, within a community; and]
322	[(b) the provision of office, industrial, manufacturing, warehousing, distribution,
323	parking, public, or other facilities, or other improvements that benefit the state or a
324	community.]
325	(21) "Economic development project area plan" means a project area plan adopted
326	under Chapter 2, Part 1, Economic Development Project Area Plan.
327	$[\frac{(19)}{(22)}]$ "Fair share ratio" means the ratio derived by:
328	(a) for a [city or town] municipality, comparing the percentage of all housing units
329	within the [city or town] municipality that are publicly subsidized income targeted housing
330	units to the percentage of all housing units within the whole county that are publicly subsidized
331	income targeted housing units; or
332	(b) for the unincorporated part of a county, comparing the percentage of all housing
333	units within the unincorporated county that are publicly subsidized income targeted housing
334	units to the percentage of all housing units within the whole county that are publicly subsidized
335	income targeted housing units.
336	[(20)] (23) "Family" [has the meaning as] means the same as that term is defined
337	[under] in regulations of the United States Department of Housing and Urban Development, 24
338	C.F.R. Section 5.403, as amended or as superseded by replacement regulations.

339	[(21)] (24) "Greenfield" means land not developed beyond agricultural, range, or
340	forestry use.
341	[(22)] (25) "Hazardous waste" means any substance defined, regulated, or listed as a
342	hazardous substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant
343	or toxic substance, or identified as hazardous to human health or the environment, under state
344	or federal law or regulation.
345	[(23) "Housing funds" means the funds allocated in an urban renewal project area
346	budget under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).
347	(26) "Housing allocation" means tax increment allocated for housing under Sections
348	17C-2-203 or 17C-3-202 for the purposes described in Section 17C-1-412.
349	[(24) (a) "Inactive airport site" means land that:]
350	[(i) consists of at least 100 acres;]
351	[(ii) is occupied by an airport:]
352	[(A) (I) that is no longer in operation as an airport; or]
353	[(II) (Aa) that is scheduled to be decommissioned; and]
354	[(Bb) for which a replacement commercial service airport is under construction; and]
355	[(B) that is owned or was formerly owned and operated by a public entity; and]
356	[(iii) requires remediation because:]
357	[(A) of the presence of hazardous waste or solid waste; or]
358	[(B) the site lacks sufficient public infrastructure and facilities, including public roads,
359	electric service, water system, and sewer system, needed to support development of the site.]
360	[(b) "Inactive airport site" includes a perimeter of up to 2,500 feet around the land
361	described in Subsection (24)(a).]
362	[(25) (a) "Inactive industrial site" means land that:]
363	[(i) consists of at least 1,000 acres;]
364	[(ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial
365	facility; and]
366	[(iii) requires remediation because of the presence of hazardous waste or solid waste.]
367	[(b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
368	described in Subsection (25)(a).]
369	(27) "Housing fund" means a fund created by an agency for purposes described in

370	Sections 17C-1-411 or 17C-1-412 that is comprised of:
371	(a) project area funds allocated under Section 17C-1-411; or
372	(b) an agency's housing allocation.
373	[(26)] (28) "Income targeted housing" means housing [to be] that is owned or occupied
374	by an individual or a family whose annual income is at or below 80% of the median annual
375	income for an individual or family within the county in which the housing is located.
376	[(27)] (29) "Incremental value" means a figure derived by multiplying the marginal
377	value of the property located within [an urban renewal] a project area on which tax increment
378	is collected by a number that represents the percentage of adjusted tax increment from that
379	project area that is paid to the agency.
880	[(28)] (30) "Loan fund board" means the Olene Walker Housing Loan Fund Board,
881	established under Title 35A, Chapter 8, Part 5, Olene Walker Housing Loan Fund.
882	[(29)] (31) "Marginal value" means the difference between actual taxable value and
883	base taxable value.
884	[(30)] (32) "Military installation project area" means a project area or a portion of a
885	project area located within a federal military installation ordered closed by the federal Defense
886	Base Realignment and Closure Commission.
887	[(31)] (33) (a) "Municipal building" means a building owned and operated by a
888	municipality for the purpose of providing one or more primary municipal functions, including:
889	(i) a fire station;
390	(ii) a police station;
891	(iii) a city hall; or
392	(iv) a court or other judicial building.
393	(b) "Municipal building" does not include a building the primary purpose of which is
394	cultural or recreational in nature.
395	(34) "Municipality" means a city, town, or metro township as defined in Section
396	<u>10-2a-403.</u>
397	(35) "Participant" means one or more person that enters into a participation agreement
398	with an agency.
399	(36) "Participation agreement" means a written agreement between a person and an
100	agency that:

401	(a) includes a description of:
402	(i) the project area development that a person will undertake; and
403	(ii) (A) the amount of project area funds a person may receive; and
404	(B) any conditions under which a person may receive the described in this Subsection
405	(36)(a)(ii) project area funds; and
406	(b) is approved by resolution of the board.
407	[(32)] (37) "Plan hearing" means the public hearing on a [draft] proposed project area
408	plan required under Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan,
409	Subsection 17C-3-102(1)(d) for an economic development project area plan, [and] Subsection
410	17C-4-102(1)(d) for a community development project area plan, and Subsection 17C-5-104
411	for a community reinvestment project area plan.
412	[(33)] (38) "Post-June 30, 1993, project area plan" means a project area plan adopted
413	on or after July 1, 1993, and before May 10, 2016, whether or not amended subsequent to [its]
414	the project area plan's adoption.
415	[(34)] (39) "Pre-July 1, 1993, project area plan" means a project area plan adopted
416	before July 1, 1993, whether or not amended subsequent to [its] the project area plan's
417	adoption.
418	[(35)] (40) "Private," with respect to real property, means:
419	(a) not owned by [the United States or any agency of the federal government,] a public
420	entity[,] or any other governmental entity; and
421	(b) not dedicated to public use.
422	[(36)] (41) "Project area" means the geographic area described in a project area plan [or
423	draft project area plan where the urban renewal, economic development, or community
424	development, as the case may be, set forth in the project area plan or draft project area plan
425	takes place or is proposed to take place] within which the project area development described
426	in the project area plan takes place or is proposed to take place.
427	[(37)] (42) "Project area budget" means a multiyear projection of annual or cumulative
428	revenues and expenses and other fiscal matters pertaining to a [urban renewal or economic
429	development] project area prepared in accordance with:
430	(a) for an urban renewal project area, Section 17C-2-202;
431	(b) for an economic development project area, Section 17C-3-202; or

132	(c) for a community reinvestment project area, Section 17C-5-302. [that includes:]
133	[(a) the base taxable value of property in the project area;]
134	[(b) the projected tax increment expected to be generated within the project area;]
435	[(c) the amount of tax increment expected to be shared with other taxing entities;]
436	[(d) the amount of tax increment expected to be used to implement the project area
137	plan, including the estimated amount of tax increment to be used for land acquisition, public
438	improvements, infrastructure improvements, and loans, grants, or other incentives to private
139	and public entities;]
140	[(e) the tax increment expected to be used to cover the cost of administering the project
14 1	area plan;]
142	[(f) if the area from which tax increment is to be collected is less than the entire project
143	area:]
144	[(i) the tax identification numbers of the parcels from which tax increment will be
145	collected; or]
146	[(ii) a legal description of the portion of the project area from which tax increment will
147	be collected;]
148	[(g) for property that the agency owns and expects to sell, the expected total cost of the
149	property to the agency and the expected selling price; and]
450	[(h) (i) for an urban renewal project area, the information required under Subsection
451	17C-2-201(1)(b); and]
152	[(ii) for an economic development project area, the information required under
453	Subsection 17C-3-201(1)(b).]
154	(43) "Project area development" means activities within a project area that encourage,
155	promote, or provide development or redevelopment for the purpose of implementing a project
4 56	area plan, including:
157	(a) promoting, creating, or retaining public or private jobs within the state or a
458	community, including business relocation;
159	(b) providing office, manufacturing, warehousing, distribution, parking, or other
460	facilities or improvements;
461	(c) planning, designing, demolishing, clearing, constructing, rehabilitating, or
162	remediating environmental issues, or any combination of these;

163	(d) providing residential, commercial, industrial, public, or other structures or spaces,
164	including recreational and other facilities incidental or appurtenant to the structures or spaces;
165	(e) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating
166	existing structures;
167	(f) providing open space, including streets and other public grounds and space around
468	buildings;
169	(g) providing public or private buildings, infrastructure, structures, and improvements:
470	(h) improving public or private recreation areas and other public grounds; or
471	(i) eliminating blight or the causes of blight;
172	(j) redevelopment as defined under the law in effect before May 1, 2006 or prior law;
173	<u>or</u>
174	(k) any activity described in Subsections (a) through (j) outside of a project area that
175	provides a benefit to the project area.
476	(44) "Project area funds" means tax increment or sales and use tax revenue that an
177	agency receives for project area development under a project area plan budget.
1 78	[(38)] (45) "Project area plan" means [a written plan under Chapter 2, Part 1, Urban
179	Renewal Project Area Plan, Chapter 3, Part 1, Economic Development Project Area Plan, or
480	Chapter 4, Part 1, Community Development Project Area Plan, as the case may be,] an urban
481	renewal project area plan, an economic development project area plan, a community
182	development project area plan, or a community reinvestment project area plan that, after [its]
183	the project area plan's effective date, guides and controls the [urban renewal, economic
184	development, or community development activities within a project area] project area
185	development.
486	(46) "Property" means real property.
187	[(39)] (47) "Property tax" [includes] means a privilege tax and each levy on an ad
188	valorem basis on tangible or intangible personal or real property.
189	[(40)] <u>(48)</u> "Public entity" means:
190	(a) the United States or an agency of the United States;
491	[(a)] (b) the state, including any of [its] the state's departments or agencies; or
192	[(b)] (c) a political subdivision of the state, including a county, city, town, metro
193	township, school district, local district, special service district, or interlocal cooperation entity.

494	[(41)] (49) "Publicly owned infrastructure and improvements" means water, sewer,
495	storm drainage, electrical, and other similar systems and lines, streets, roads, curb, gutter,
496	sidewalk, walkways, parking facilities, public transportation facilities, and other facilities,
497	infrastructure, and improvements benefitting the public and to be publicly owned or publicly
498	maintained or operated.
499	$\left[\frac{(42)}{(50)}\right]$ "Record property owner" or "record owner of property" means the owner of
500	real property as shown on the records of the recorder of the county in which the property is
501	located and includes a purchaser under a real estate contract if the contract is recorded in the
502	office of the recorder of the county in which the property is located or the purchaser gives
503	written notice of the real estate contract to the agency.
504	(51) "Sales and use tax revenue" means revenue generated from a tax imposed by a
505	taxing entity under Title 59, Chapter 12, Sales and Use Tax Act.
506	[(43)] <u>(52)</u> "Superfund site":
507	(a) means an area included in the National Priorities List under the Comprehensive
508	Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and
509	(b) includes an area formerly included in the National Priorities List, as described in
510	Subsection $[(43)]$ (52) (a), but removed from the list following remediation that leaves on site
511	the waste that caused the area to be included in the National Priorities List.
512	[(44)] (53) "Survey area" means [an] a geographic area designated by a survey area
513	resolution for study to determine whether one or more [urban renewal projects] project areas
514	within the area are feasible.
515	$[\frac{(45)}{(54)}]$ "Survey area resolution" means a resolution adopted by $[\frac{(54)}{(54)}]$ a
516	board under Subsection 17C-2-101(1)(a) designating a survey area.
517	[(46)] (55) "Taxable value" means the value of property as shown on the last equalized
518	assessment roll as certified by the county assessor.
519	[(47)] (56) (a) Except as provided in Subsection $[(47)]$ (56)(b), "tax increment" means
520	the difference between:
521	(i) the amount of property tax [revenues] revenue generated each tax year by all taxing
522	entities from the area within a project area designated in the project area plan as the area from
523	which tax increment is to be collected $[:(A)]_2$ using the current assessed value of the property;
524	and

525	[(B) that are paid to the agency from funds from all of the tax levies used in
526	establishing the certified tax rate in accordance with Section 59-2-924 of the taxing entity
527	within which the agency is located, including funds that are restricted for a particular use by
528	statute to the extent bond covenants are not impaired; and]
529	(ii) the amount of property tax [revenues] revenue that would be generated from that
530	same area using the base taxable value of the property.
531	(b) "Tax increment" does not include taxes levied and collected under Section
532	59-2-1602 on or after January 1, 1994, upon the taxable property in the project area unless:
533	(i) the project area plan was adopted before May 4, 1993, whether or not the project
534	area plan was subsequently amended; and
535	(ii) the taxes were pledged to support bond indebtedness or other contractual
536	obligations of the agency.
537	[(48)] (57) "Taxing entity" means a public entity that [levies] is authorized to:
538	(a) levy a tax on [a parcel or parcels of] property located within a [community.] project
539	area; or
540	(b) receive sales and use tax revenue under Title 59, Chapter 12, Sales and Use Tax
541	Act.
542	[(49)] (58) "Taxing entity committee" means a committee representing the interests of
543	taxing entities, created as provided in Section 17C-1-402.
544	[(50)] (59) "Unincorporated" means not within a [city or town] municipality.
545	[(51) (a) "Urban renewal" means the development activities under a project area plan
546	within an urban renewal project area, including:
547	[(i) planning, design, development, demolition, clearance, construction, rehabilitation,
548	environmental remediation, or any combination of these, of part or all of a project area;]
549	[(ii) the provision of residential, commercial, industrial, public, or other structures or
550	spaces, including recreational and other facilities incidental or appurtenant to them;]
551	[(iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating,
552	or any combination of these, existing structures in a project area;]
553	[(iv) providing open space, including streets and other public grounds and space
554	around buildings;]
555	[(v) providing public or private buildings, infrastructure, structures, and improvements;

556	and]
557	[(vi) providing improvements of public or private recreation areas and other public
558	grounds.]
559	[(b) "Urban renewal" means "redevelopment," as defined under the law in effect before
560	May 1, 2006, if the context requires.
561	(60) "Urban renewal project area plan" means a project area plan adopted under
562	Chapter 2, Part 1, Urban Renewal Project Area Plan.
563	Section 3. Section 17C-1-102.5 is enacted to read:
564	17C-1-102.5. Project area created after May 10, 2016.
565	Beginning on May 10, 2016, an agency:
566	(1) may create a community reinvestment project area under Chapter 5, Community
567	Reinvestment Project Areas; and
568	(2) may not create:
569	(a) an urban renewal project area under Chapter 2, Urban Renewal Project Areas;
570	(b) an economic development project area under Chapter 3, Economic Development
571	Project Areas; or
572	(c) a community development project area under Chapter 4, Community Development
573	Project Areas.
574	Section 4. Section 17C-1-103 is amended to read:
575	17C-1-103. Limitations on applicability of title Amendment of previously
576	adopted project area plan.
577	(1) [Nothing] Except as provided in Subsection (3), nothing in this title may be
578	construed to:
579	(a) impose a requirement or obligation on an agency, with respect to a project area plan
580	adopted or an agency action taken, that was not imposed by the law in effect at the time the
581	project area plan was adopted or the action taken;
582	(b) prohibit an agency from taking an action that:
583	(i) was allowed by the law in effect immediately before an applicable amendment to
584	this title;
585	(ii) is permitted or required under the project area plan adopted before the amendment;
586	and

587	(iii) is not explicitly prohibited under this title;
588	(c) revive any right to challenge any action of the agency that had already expired; or
589	(d) require a project area plan to contain a provision that was not required by the law in
590	effect at the time the project area plan was adopted.
591	(2) (a) A project area plan adopted before an amendment to this title becomes effective
592	may be amended as provided in this title.
593	(b) Unless explicitly prohibited by this title, an amendment under Subsection (2)(a)
594	may include a provision that is allowed under this title but that was not required or allowed by
595	the law in effect before the applicable amendment.
596	(3) An agency shall prepare and submit an annual report in accordance with Section
597	<u>17C-1-603.</u>
598	Section 5. Section 17C-1-201 is amended to read:
599	17C-1-201. Creation of agency Name change.
600	(1) A community may, by ordinance adopted by [its] the community's legislative body,
601	approve the creation of a community [development and renewal] reinvestment agency.
602	(2) (a) The community legislative body shall:
603	(i) after adopting an ordinance under Subsection (1), file with the lieutenant governor a
604	copy of a notice, subject to Subsection (2)(b), of an impending boundary action, as defined in
605	Section 67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
606	(ii) upon the lieutenant governor's issuance of a certificate of creation under Section
607	67-1a-6.5, submit to the recorder of the county in which the agency is located:
608	(A) the original notice of an impending boundary action;
609	(B) the original certificate of creation; and
610	(C) a certified copy of the ordinance approving the creation of the community
611	[development and renewal] reinvestment agency.
612	(b) The notice required under Subsection (2)(a)(i) shall state that the agency's
613	boundaries are, and shall always be, coterminous with the boundaries of the community that
614	created the agency.
615	(c) Upon the lieutenant governor's issuance of the certificate of creation under Section
616	67-1a-6.5, the agency is created and incorporated.
617	(d) Until the documents listed in Subsection (2)(a)(ii) are recorded in the office of the

618	recorder of the county in which the [property] agency is located, an agency may not receive or
619	spend [tax increment] project area funds.
620	(3) (a) An agency may approve a change in [its] the agency's name, whether to indicate
621	it is a community [development and renewal] reinvestment agency or otherwise, by:
622	(i) adopting a resolution approving a name change; and
623	(ii) filing with the lieutenant governor a copy of a notice of an impending name
624	change, as defined in Section 67-1a-6.7, that meets the requirements of Subsection
625	67-1a-6.7(3).
626	(b) (i) Upon the lieutenant governor's issuance of a certificate of name change under
627	Section 67-1a-6.7, the agency shall file with the recorder of the county in which the agency is
628	located:
629	(A) the original notice of an impending name change;
630	(B) the original certificate of name change; and
631	(C) a certified copy of the resolution approving a name change.
632	(ii) Until the documents listed in Subsection (3)(b)(i) are recorded in the office of the
633	county recorder, the agency may not operate under the new name.
634	Section 6. Section 17C-1-202 is amended to read:
635	17C-1-202. Agency powers.
636	(1) [A community development and renewal] An agency may:
637	(a) sue and be sued;
638	(b) enter into contracts generally;
639	(c) buy, obtain an option upon, or otherwise acquire any interest in real or personal
640	property;
641	(d) sell, convey, grant, dispose of by gift, or otherwise dispose of any interest in real or
642	personal property;
643	(e) enter into a lease agreement on real or personal property, either as lessee or lessor;
644	(f) provide for [urban renewal, economic development, and community] project area
645	development as provided in this title;
646	(g) receive [tax increment] and use agency funds as provided in this title;
647	(h) if disposing of or leasing land, retain controls or establish restrictions and
648	covenants running with the land consistent with the project area plan;

649 (i) accept financial or other assistance from any public or private source for the 650 agency's activities, powers, and duties, and expend any funds [so received for any of the 651 purposes of the agency receives for any purpose described in this title; 652 (i) borrow money or accept financial or other assistance from [the federal government,] 653 a public entity, or any other source for any of the purposes of this title and comply with any 654 conditions of [the] any loan or assistance; 655 (k) issue bonds to finance the undertaking of any [urban renewal, economic 656 development, or community project area development or for any of the agency's other 657 purposes, including: 658 (i) reimbursing an advance made by the agency or by a public entity or the federal 659 government] to the agency; 660 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and 661 (iii) refunding bonds to pay or retire bonds previously issued by the community that 662 created the agency for expenses associated with [an urban renewal, economic development, or 663 community development project; and] project area development; (1) pay an impact fee, exaction, or other fee imposed by a community for the purpose of 664 665 developing land; or 666 (H) (m) transact other business and exercise all other powers provided for in this title. 667 (2) The establishment of controls or restrictions and covenants under Subsection (1)(h) 668 is a public purpose. 669 Section 7. Section 17C-1-203 is amended to read: 670 17C-1-203. Agency board -- Quorum. 671 (1) The governing body of an agency is a board consisting of the current members of 672 the legislative body of the community that created the agency. 673 (2) A majority of board members constitutes a quorum for the transaction of agency 674 business. 675 (3) [An agency] A board may not adopt a resolution, pass a motion, or take any other 676 official board action without the concurrence of at least a majority of the board members 677 present at a meeting at which a quorum is present. 678 (4) (a) The mayor or the mayor's designee of a municipality operating under a 679 council-mayor form of government, as defined in Section 10-3b-102:

580	$\left[\frac{(a)}{(a)}\right]$ (i) serves as the executive director of an agency created by the municipality; and
581	[(b)] (ii) exercises the [executive powers of the agency] agency's executive powers.
682	(b) The county executive or the county executive's designee of a county operating
583	under a county executive-council form of government, as described in Section 17-41-504:
584	(i) serves as the executive director of an agency created by the county; and
585	(ii) exercises the agency's executive powers.
686	Section 8. Section 17C-1-204 is amended to read:
587	17C-1-204. Project area development by an adjoining agency Requirements.
688	[(1) An agency or community may, by resolution of its board or legislative body,
589	respectively, authorize an agency to conduct urban renewal, economic development, or
590	community development activities in a project area that includes an area within the authorizing
591	agency's boundaries or within the boundaries of the authorizing community if the project area
592	or community is contiguous to the boundaries of the other agency.]
593	[(2) If an agency board or community legislative body adopts a resolution under
594	Subsection (1) authorizing another agency to undertake urban renewal, economic development,
595	or community development activities in the authorizing agency's project area or within the
596	boundaries of the authorizing community:
597	(1) (a) A community that has not created an agency and has an agency located within
598	the same county as the community may enter into an interlocal agreement that authorizes the
599	agency to exercise all powers granted under this title within the community.
700	(b) The agency and the community shall adopt an interlocal agreement described in
701	Subsection (1)(a) by resolution.
702	(2) If an agency and a community enter into an interlocal agreement under Subsection
703	<u>(1):</u>
704	(a) the [other] agency may act in all respects as if [the] a project area within the
705	community were within [its own] the agency's boundaries;
706	(b) the board of the [other] agency has all the rights, powers, and privileges with
707	respect to [the] a project area within the community as if it were within [its own] the agency's
708	boundaries; and
709	(c) the [other] agency may be paid [tax increment] project area funds to the same extent
710	as if [the] a project area within the community were within [its own] the agency's boundaries

711	(3) Each project area plan approved by the [other] agency for [the] a project area within
712	the community that is the subject of [a resolution] an interlocal agreement under Subsection (1)
713	shall be adopted by ordinance of the legislative body of the community in which the project
714	area is located.
715	(4) If an agency's project area abuts another agency's project area, the agency may
716	coordinate with the other agency in order to assist and cooperate in the planning, undertaking,
717	construction, or operation of project area development located within the other agency's project
718	area.
719	$\left[\frac{4}{3}\right]$ (a) As used in this Subsection $\left[\frac{4}{3}\right]$ (5):
720	(i) "County agency" means an agency that was created by a county.
721	(ii) "Industrial property" means private real property:
722	(A) over half of which is located within the boundary of a town, as defined in Section
723	10-1-104; and
724	(B) comprises some or all of an inactive industrial site.
725	(iii) "Perimeter portion" means the portion of an inactive industrial site that is:
726	(A) part of the inactive industrial site because it lies within the perimeter described in
727	Subsection 17C-1-102[(24)(b)]; and
728	(B) located within the boundary of a city, as defined in Section 10-1-104.
729	(b) (i) Subject to Subsection [(4)] (5)(b)(ii), a county agency may undertake [urban
730	renewal, economic development, or community] project area development on industrial
731	property if the record property owner of the industrial property submits a written request to the
732	county agency to do so.
733	(ii) A county agency may not include a perimeter portion within a project area without
734	the approval of the city in which the perimeter portion is located.
735	(c) If a county agency undertakes [urban renewal, economic development, or
736	community] project area development on industrial property:
737	(i) the county agency may act in all respects as if the project area that includes the
738	industrial property were within the county agency's boundary;
739	(ii) the board of the county agency has each right, power, and privilege with respect to
740	the project area as if the project area were within the county agency's boundary; and
741	(iii) the county agency may be paid [tax increment] project area funds to the same

742 extent as if the project area were within the county agency's boundary. (d) A project area plan for a project on industrial property that is approved by the 743 744 county agency shall be adopted by ordinance of the legislative body of the county in which the 745 project area is located. 746 Section 9. Section 17C-1-205 is amended to read: 747 17C-1-205. Transfer of project area from one community to another. 748 (1) [For purposes of] As used in this section: 749 (a) "New agency" means the agency created by the new community. (b) "New community" means the community in which the relocated project area is 750 751 located after the change in community boundaries takes place. 752 (c) "Original agency" means the agency created by the original community. (d) "Original community" means the community that adopted the project area plan that 753 754 created the project area that has been relocated. 755 (e) "Relocated" means that a project area under a project area plan adopted by the 756 original community has ceased to be located within that community and has become part of a 757 new community because of a change in community boundaries through: 758 (i) a county or municipal annexation; 759 (ii) the creation of a new county; 760 (iii) a municipal incorporation, consolidation, dissolution, or boundary adjustment; or 761 (iv) any other action resulting in a change in community boundaries. 762 (2) If a project area under a project area plan adopted by a community becomes 763 relocated, the project area shall, for purposes of this title, be considered to remain in the 764 original community until[: (a) the new community has created an agency; (b) the original 765 agency has transferred or assigned] the original agency and the new agency enter into an 766 interlocal agreement adopted by resolution of the original agency's and new agency's legislative 767 body that authorizes the original agency to transfer or assign to the new agency the original

[(c) the new agency by resolution approves the original agency's project area plan as the project area plan of the new agency; and]

agency's real property, rights, indebtedness, obligations, tax increment, and other assets and

liabilities [related to] resulting from the relocated project area[;].

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[(d) the new community by ordinance adopts the project area plan that was approved

773	by the new agency.]
774	Section 10. Section 17C-1-206 is amended to read:
775	17C-1-206. Use of eminent domain prohibited Exception.
776	(1) Except as provided in Subsection (2), an agency may not use eminent domain to
777	acquire property.
778	(2) An agency may use eminent domain to acquire:
779	(a) any interest in property within an urban renewal project area, subject to Chapter 2,
780	Part 6, Eminent Domain in an Urban Renewal Project Area; [and]
781	(b) any interest in property within a community reinvestment project area that is
782	subject to a taxing entity committee as provided in Chapter 5, Part 4, Eminent Domain in a
783	Community Reinvestment Project Area; and
784	$[\frac{b}{c}]$ any interest in property that is owned by $[\frac{an agency}{a}]$ a board member or
785	officer and located within a project area, if the board member or officer consents.
786	Section 11. Section 17C-1-207 is amended to read:
787	17C-1-207. Public entities may assist with project area development.
788	(1) In order to assist and cooperate in the planning, undertaking, construction, or
789	operation of [urban renewal, economic development, or community] project area development
790	within [the] an area in which [it] the public entity is authorized to act, a public entity may:
791	(a) (i) provide or cause to be furnished:
792	(A) parks, playgrounds, or other recreational facilities;
793	(B) community, educational, water, sewer, or drainage facilities; or
794	(C) any other works which the public entity is otherwise empowered to undertake;
795	(ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
796	replan streets, roads, roadways, alleys, sidewalks, or other places;
797	(iii) in any part of the project area:
798	(A) (I) plan or replan any property within the project area;
799	(II) plat or replat any property within the project area;
300	(III) vacate a plat;
301	(IV) amend a plat; or
302	(V) zone or rezone any property within the project area; and
303	(B) make any legal exceptions from building regulations and ordinances:

804	(iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
805	rights of any holder of the bonds;
806	(v) enter into an agreement with another public entity concerning action to be taken
807	pursuant to any of the powers granted in this title;
808	(vi) do [any and all things] anything necessary to aid or cooperate in the planning or
809	carrying out of the [urban renewal, economic development, or community] project area
810	development;
811	(vii) in connection with the project area plan, become obligated to the extent
812	authorized and funds have been made available to make required improvements or construct
813	required structures; and
814	(viii) lend, grant, or contribute funds to an agency for an [urban renewal, economic
815	development, or community development project] project area development; and
816	(b) 15 days after posting public notice:
817	(i) purchase or otherwise acquire property or lease property from [an] the agency; or
818	(ii) sell, grant, convey, or otherwise dispose of the public entity's property or lease the
819	public entity's property to [an] the agency.
820	(2) Notwithstanding any law to the contrary, an agreement under Subsection (1)(a)(v)
821	may extend over any period.
822	(3) A grant or contribution of funds from a public entity to an agency, or from an
823	agency under a project area plan or project area budget, is not subject to the requirements of
824	Section 10-8-2.
825	Section 12. Section 17C-1-208 is amended to read:
826	17C-1-208. Agency funds.
827	(1) Agency funds shall be accounted for separately from the funds of the community
828	that created the agency.
829	(2) An agency may accumulate retained earnings or fund balances, as appropriate, in
830	any fund.
831	Section 13. Section 17C-1-209 is enacted to read:
832	17C-1-209. Agency records.
833	An agency shall maintain minutes, resolutions, and other records separate from those of
834	the community that created the agency.

833	Section 14. Section 1/C-1-301 is amended to read:
836	17C-1-301. Agency property exempt from taxation Exception.
837	(1) Agency property acquired or held for purposes of this title is [declared to be] public
838	property used for essential public and governmental purposes and, subject to Subsection (2), is
839	exempt from all taxes of a [public] taxing entity.
840	(2) The exemption in Subsection (1) does not apply to property that the agency leases
841	to a lessee that is not entitled to a tax exemption with respect to the property.
842	Section 15. Section 17C-1-302 is amended to read:
843	17C-1-302. Agency property exempt from levy and execution sale Judgment
844	against community or agency.
845	(1) (a) (i) All agency property, including funds the agency owns or holds for purposes
846	of this title, is exempt from levy and execution sale, and no execution or judicial process may
847	issue against [agency] the property.
848	(ii) A judgment against an agency may not be a charge or lien upon agency property.
849	(b) Subsection (1)(a) does not apply to or limit the right of [obligees] an obligee to
850	pursue any [remedies] remedy for the enforcement of any pledge or lien given by an agency on
851	[its] the agency's funds or revenues.
852	(2) A judgment against the community that created the agency may not be a charge or
853	lien upon agency property.
854	(3) A judgment against an agency may not be a charge or lien upon property of the
855	community that created the agency.
856	Section 16. Section 17C-1-401 is amended to read:
857	17C-1-401. Agency receipt and use of project area funds Distribution of project
858	area funds.
859	(1) (a) An agency may receive and use [tax increment and sales tax] project area funds
860	as provided in this part.
861	(2) (a) The applicable length of time or number of years for which an agency is to be
862	paid [tax increment or sales tax] project area funds under this part shall be measured:
863	(i) for a pre-July 1, 1993, project area plan, from the first tax year regarding which the
864	agency accepts tax increment from the project area;
865	(ii) for a post-June 30, 1993, urban renewal or economic development project area

866	plan:
867	(A) with respect to tax increment, from the first tax year for which the agency receives
868	tax increment under the project area budget; or
869	(B) with respect to sales and use tax revenue, as indicated in the interlocal agreement
870	between the agency and the taxing entity that [established the agency's right to receive sales
871	tax; or] authorizes the agency to collect the taxing entity's sales and use tax revenue;
872	(iii) for a community development project area plan, as indicated in the resolution or
873	interlocal agreement of a taxing entity that establishes the agency's right to receive [tax
874	increment or sales tax.] project area funds;
875	(iv) for a community reinvestment project area plan that is subject to a taxing entity
876	committee:
877	(A) with respect to tax increment, from the first tax year for which the agency receives
878	tax increment under the project area budget; or
879	(B) with respect to sales and use tax revenue, as indicated in the interlocal agreement
880	between the agency and the taxing entity that authorizes the agency to receive the taxing
881	entity's sales and use tax revenue; or
882	(v) for a community reinvestment project area plan that is subject to an interlocal
883	agreement, as described in the interlocal agreement between the agency and the taxing entity
884	that authorizes the agency to receive the taxing entity's project area funds.
885	(b) Unless otherwise provided in a project area budget that is approved by a taxing
886	entity committee, or in an interlocal agreement [or resolution] adopted by a taxing entity, tax
887	increment may not be paid to an agency for a tax year [prior to] before the tax year following:
888	(i) for an urban renewal [or] project area plan, economic development project area
889	plan, or community reinvestment project area plan that is subject to a taxing entity committee,
890	the effective date of the project area plan; and
891	(ii) for a community development project area plan or community reinvestment project
892	area plan that is subject to an interlocal agreement plan, the effective date of the interlocal
893	agreement that establishes the agency's right to receive tax increment.
894	(3) With respect to a community development project area plan or a community
895	reinvestment project area plan that is subject to an interlocal agreement:
896	(a) a taxing entity [or public entity] may, [by resolution or] through interlocal

agreement, authorize an agency to be paid any or all of [that taxing entity or public entity's] the taxing entity's tax increment or sales and use tax revenue for any period of time; and

- (b) the resolution or interlocal agreement authorizing the agency to be paid [tax increment or sales tax] project area funds shall specify:
 - (i) the base taxable value of the project area; and

- (ii) the method of calculating the amount of [tax increment or sales tax] project area funds to be paid to the agency.
- (4) (a) (i) The boundaries of one project area may overlap and include the boundaries of an existing project area.
- (ii) If a taxing entity committee is required to approve the project area budget of an overlapping project area described in Subsection (4)(a)(i), the agency shall, before the first meeting of the taxing entity committee at which the project area budget will be considered, inform each taxing entity of the location of the overlapping boundaries.
- (b) (i) Before an agency may collect tax increment from the newly created overlapping portion of a project area, the agency shall inform the county auditor regarding the respective amount of tax increment that the agency is authorized to receive from the overlapping portion of each of the project areas.
- (ii) The combined amount of tax increment described in Subsection (4)(b)(i) may not exceed 100% of the tax increment generated from a property located within the overlapping boundaries.
- (c) Nothing in this Subsection (4) [shall give] gives an agency a right to collect or receive [tax increment or sales tax] project area funds that [an] the agency is not otherwise entitled to collect under this title.
- (d) The collection of [tax increment or sales tax] project area funds from an overlapping project area described in Subsection (4)(a) does not affect [in any way] an agency's use of [tax increment or sales tax] project area funds within the other overlapping project area.
- (5) With the written consent of a taxing entity, an agency may be paid tax increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this title.
- (6) (a) Subject to Section 17C-1-407, an agency is entitled to receive tax increment as authorized by:

928	(i) for a pre-July 1, 1993, project area plan, Section 17C-1-403;
929	(ii) for a post-June 30, 1993, project area plan:
930	(A) Section 17C-1-404 under a project area budget adopted by the agency in
931	accordance with this title;
932	(B) a project area budget approved by the taxing entity committee and adopted by the
933	agency in accordance with this title; or
934	(C) Section 17C-1-406; or
935	(iii) a resolution or interlocal agreement entered into under Section 17C-2-207,
936	17C-3-206, 17C-4-201, or 17C-4-202[.];
937	(iv) for a community reinvestment project area plan that is subject to a taxing entity
938	committee, a project area budget approved by the taxing entity committee and adopted by the
939	agency in accordance with this title; or
940	(v) for a community reinvestment project area plan that is subject to an interlocal
941	agreement, an interlocal agreement entered into under Section 17C-5-205.
942	(b) A county that collects property tax on property located within a project area shall
943	pay and distribute any tax increment:
944	(i) to an agency that the agency is entitled to collect; and
945	(ii) in accordance with Section 59-2-1365.
946	Section 17. Section 17C-1-402 is amended to read:
947	17C-1-402. Taxing entity committee.
948	[(1) Each agency that adopts or proposes to adopt a post-June 30, 1993, urban renewa
949	or economic development project area plan shall, and any other agency may, cause a taxing
950	entity committee to be created.]
951	(1) The provisions of this section apply to a taxing entity committee that is created by
952	an agency for:
953	(a) a post-June 30, 1993, urban renewal project area plan or economic development
954	project area plan;
955	(b) any other project area plan adopted before May 10, 2016 for which the agency
956	elected to create a taxing entity committee; and
957	(c) a community reinvestment area that is subject to a taxing entity committee.
958	(2) (a) (i) Each taxing entity committee shall be composed of:

959 (A) two school district representatives appointed [as provided in] in accordance with 960 Subsection (2)(a)(ii); 961 (B) (I) in a county of the second, third, fourth, fifth, or sixth class, two representatives 962 appointed by resolution of the legislative body of the county in which the agency is located; or 963 (II) in a county of the first class, one representative appointed by the county executive 964 and one representative appointed by the legislative body of the county in which the agency is 965 located; 966 (C) if the agency [was] is created by a [city or town] municipality, two representatives 967 appointed by resolution of the legislative body of that [city or town] municipality; 968 (D) one representative appointed by the State Board of Education; and 969 (E) one representative selected by majority vote of the legislative bodies or governing 970 boards of all other taxing entities that levy a tax on property within the agency's boundaries, to 971 represent the interests of those taxing entities on the taxing entity committee. 972 (ii) (A) If the agency boundaries include only one school district, that school district 973 shall appoint the two school district representatives under Subsection (2)(a)(i)(A). 974 (B) If the agency boundaries include more than one school district, those school 975 districts shall jointly appoint the two school district representatives under Subsection 976 (2)(a)(i)(A). 977 (b) (i) Each taxing entity committee representative [under] described in Subsection 978 (2)(a) shall be appointed within 30 days after the day on which the agency provides notice of 979 the creation of the taxing entity committee. 980 (ii) If a representative is not appointed within the time required under Subsection 981 (2)(b)(i), the [agency] board may appoint [a person] an individual to serve on the taxing entity 982 committee in the place of the missing representative until that representative is appointed. 983 (c) (i) A taxing entity committee representative may be appointed for a set term or 984 period of time, as determined by the appointing authority under Subsection (2)(a)(i). 985 (ii) Each taxing entity committee representative shall serve until a successor is

(d) (i) Upon the appointment of each representative under Subsection (2)(a)(i), whether an initial appointment or an appointment to replace an already serving representative, the appointing authority shall:

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appointed and qualified.

990	(A) notify the agency in writing of the name and address of the newly appointed
991	representative; and
992	(B) provide the agency a copy of the resolution making the appointment or, if the
993	appointment is not made by resolution, other evidence of the appointment.
994	(ii) Each appointing authority of a taxing entity committee representative under
995	Subsection (2)(a)(i) shall notify the agency in writing of any change of address of a
996	representative appointed by that appointing authority.
997	(3) At [its] a taxing entity committee's first meeting, [a] the taxing entity committee
998	shall adopt an organizing resolution that:
999	(a) [designating] designates a chair and a secretary of the taxing entity committee; and
1000	(b) if the <u>taxing entity</u> committee considers it appropriate, [governing] governs the use
1001	of electronic meetings under Section 52-4-207.
1002	(4) (a) A taxing entity committee represents all taxing entities regarding:
1003	(i) an urban renewal project area <u>plan;</u> [or]
1004	(ii) an economic development project area[-] plan; or
1005	(iii) a community reinvestment project area plan that is subject to a taxing entity
1006	committee.
1007	(b) A taxing entity committee may:
1008	(i) cast votes that [will be] are binding on all taxing entities;
1009	(ii) negotiate with the agency concerning a [draft] proposed project area plan;
1010	(iii) approve or disapprove:
1011	(A) an urban renewal project area budget as [provided] described in Section
1012	17C-2-204; [or]
1013	(B) an economic development project area budget as [provided] described in Section
1014	17C-3-203; <u>or</u>
1015	(C) a community reinvestment project area budget that is subject to a taxing entity
1016	committee as described in Section 17C-5-306;
1017	(iv) approve or disapprove amendments to a project area budget as [provided]
1018	described in:
1019	(A) Section 17C-2-206 for an urban renewal project area budget; [or]
1020	(B) Section 17C-3-205 for an economic development project area budget; or

1021	(C) Section 17C-5-308 for a community reinvestment area budget;
1022	(v) approve exceptions to the limits on the value and size of a project area imposed
1023	under this title;
1024	(vi) approve:
1025	(A) exceptions to the percentage of tax increment to be paid to the agency;
1026	(B) the period of time that tax increment is to be paid to the agency; and
1027	(C) exceptions to the requirement for an urban renewal [or] project area, economic
1028	development project area, or community reinvestment project area budget to include a
1029	maximum cumulative dollar amount of tax increment that the agency may receive;
1030	(vii) approve the use of tax increment for publicly owned infrastructure and
1031	improvements outside of [an urban renewal or economic development] a project area that the
1032	agency and community legislative body determine to be of benefit to the [urban renewal or
1033	economic development] project area, as provided in Subsection 17C-1-409(1)(a)(iii)(D);
1034	(viii) waive the restrictions imposed by Subsection 17C-2-202(1);
1035	(ix) subject to Subsection (4)(c), designate [in an approved urban renewal or economic
1036	development project area budget] the base taxable value for [that] a project area budget; and
1037	(x) give other taxing entity committee approval or consent required or allowed under
1038	this title.
1039	(c) The base year used for calculation of the base taxable value in Subsection (4)(b)(ix)
1040	may not be a year that is earlier than the year during which the project area plan became
1041	effective.
1042	(5) A quorum of a taxing entity committee consists of:
1043	(a) if the project area is located within a [city or town] municipality, five members; or
1044	(b) if the project area is not located within a [city or town] municipality, four members.
1045	(6) Taxing entity committee approval, consent, or other action requires:
1046	(a) the affirmative vote of a majority of all members present at a taxing entity
1047	committee meeting[: (i)] at which a quorum is present; and
1048	[(ii) considering an action relating to a project area budget for, or approval of a finding
1049	of blight within, a project area or proposed project area that contains:
1050	[(A) an inactive industrial site;]
1051	[(B) an inactive airport site; or]

1052	[(C) a closed military base; or]
1053	(b) for any other action not described in Subsection (6)(a)(ii), the affirmative vote of
1054	two-thirds of all members present at a taxing entity committee meeting at which a quorum is
1055	present.
1056	(7) (a) An agency may call a meeting of the taxing entity committee by sending written
1057	notice to the members of the taxing entity committee at least 10 days before the date of the
1058	meeting.
1059	(b) Each notice under Subsection (7)(a) shall be accompanied by:
1060	(i) the proposed agenda for the taxing entity committee meeting; and
1061	(ii) if not previously provided and if [they] the documents exist and are to be
1062	considered at the meeting:
1063	(A) the project area plan or proposed plan;
1064	(B) the project area budget or proposed budget;
1065	(C) the analysis required under Subsection 17C-2-103(2) [or], 17C-3-103(2), or
1066	<u>17C-5-105(2);</u>
1067	(D) the blight study;
1068	(E) the agency's resolution making a finding of blight under Subsection
1069	17C-2-102(1)(a) (ii)(B) or Subsection 17C-5-406(1)(d)(ii); and
1070	(F) other documents to be considered by the taxing entity committee at the meeting.
1071	(c) (i) An agency may not schedule a taxing entity committee meeting [to meet] on a
1072	day on which the Legislature is in session.
1073	(ii) Notwithstanding Subsection $(7)(c)(i)$, [the] <u>a</u> taxing entity committee may, by
1074	unanimous consent, waive the scheduling restriction described in Subsection (7)(c)(i).
1075	(8) (a) A taxing entity committee may not vote on a proposed project area budget or
1076	proposed amendment to a project area budget at the first meeting at which the proposed budget
1077	or amendment is considered unless all members of the taxing entity committee present at the
1078	meeting consent.
1079	(b) A second taxing entity committee meeting to consider a project area budget or a
1080	proposed amendment to a project area budget may not be held within 14 days after the first
1081	meeting unless all members of the taxing entity committee present at the first meeting consent.
1082	(9) (a) Except as provided in Subsection (9)(b), each taxing entity committee shall

1083	meet at least annually during the time that the agency receives tax increment under an urban
1084	renewal [or], economic development, or community reinvestment project area budget in order
1085	to review the status of the project area.
1086	(b) A taxing entity committee is not required under [Subsection $(9)(a)$] to meet \underline{in}
1087	accordance with Subsection (9)(a) if the agency [submits] prepares and distributes on or before
1088	November 1 of each year [to the county auditor, the State Tax Commission, the State Board of
1089	Education, and each taxing entity that levies a tax on property from which the agency collects
1090	tax increment, a report containing the following:] a report as described in Section 17C-1-604.
1091	[(i) an assessment of growth of incremental values for each active project area,
1092	including:]
1093	[(A) the base year assessed value;]
1094	[(B) the prior year's assessed value;]
1095	[(C) the estimated current year assessed value for the project area; and]
1096	[(D) a narrative description of the relative growth in assessed value within the project
1097	area;]
1098	[(ii) a description of the amount of tax increment received by the agency and passed
1099	through to other taxing entities from each active project area, including:
1100	[(A) a comparison of the original forecasted amount of tax increment to actual
1101	receipts;]
1102	[(B) a narrative discussion regarding the use of tax increment; and]
1103	[(C) a description of the benefits derived by the taxing entities;]
1104	[(iii) a description of activity within each active project area, including:]
1105	[(A) a narrative of any significant development activity, including infrastructure
1106	development, site development, and vertical construction within the project area; and]
1107	[(B) a narrative discussion regarding the status of any agreements for development
1108	within the project area;]
1109	[(iv) a revised multi-year tax increment budget related to each active project area,
1110	including:]
1111	[(A) the prior year's tax increment receipts;]
1112	[(B) the base year value and adjusted base year value, as applicable;]
1113	[(C) the applicable tax rates within the project area; and]

1114	[(D) a description of private and public investment within the project area;]
1115	[(v) an estimate of the tax increment to be paid to the agency for the calendar years
1116	ending December 31 and beginning the next January 1; and]
1117	[(vi) any other project highlights included by the agency.]
1118	(10) Each taxing entity committee shall be governed by Title 52, Chapter 4, Open and
1119	Public Meetings Act.
1120	(11) A taxing entity committee's records shall be:
1121	(a) considered the records of the agency that created the taxing entity; and
1122	(b) maintained by the agency in accordance with Section 17C-1-210.
1123	[(11)] (12) Each time a school district representative or a representative of the State
1124	Board of Education votes as a member of a taxing entity committee to allow an agency to be
1125	paid tax increment or to increase the amount or length of time that an agency may be paid tax
1126	increment, that representative shall, within 45 days after the vote, provide to the
1127	representative's respective school board an explanation in writing of the representative's vote
1128	and the reasons for the vote.
1129	$[\frac{(12)}{(13)}]$ (a) The auditor of each county in which $[\frac{\text{the}}{(12)}]$ agency is located shall
1130	provide a written report to the taxing entity committee stating, with respect to property within
1131	each [urban renewal and economic development] project area:
1132	(i) the base taxable value, as adjusted by any adjustments under Section 17C-1-408;
1133	and
1134	(ii) the assessed value.
1135	(b) With respect to the information required under Subsection $[\frac{(12)}{(13)}]$ (13)(a), the
1136	auditor shall provide:
1137	(i) actual amounts for each year from the adoption of the project area plan to the time
1138	of the report; and
1139	(ii) estimated amounts for each year beginning the year after the time of the report and
1140	ending the time that the agency expects no longer to be paid tax increment from property
1141	within the [urban renewal and economic development] project area.
1142	(c) The auditor of the county in which the agency is located shall provide a report
1143	under this Subsection [(12)] <u>(13)</u> :
1144	(i) at least annually; and

1145	(ii) upon request of the taxing entity committee, before a taxing entity committee
1146	meeting at which the committee will consider whether to allow the agency to be paid tax
1147	increment or to increase the amount of tax increment that the agency may be paid or the length
1148	of time that the agency may be paid tax increment.
1149	[(13)] (14) This section does not apply to:
1150	(a) a community development project area plan[-]; or
1151	(b) a community reinvestment project area plan that is subject to an interlocal
1152	agreement.
1153	[(14)] (15) (a) A taxing entity committee resolution[, whether adopted before, on, or
1154	after May 10, 2011,] approving a blight finding, approving a project area budget, or approving
1155	an amendment to a project area budget:
1156	$\left[\frac{a}{a}\right]$ (i) is final; and
1157	[(b)] (ii) is not subject to repeal, amendment, or reconsideration unless the agency first
1158	consents by resolution to the proposed repeal, amendment, or reconsideration.
1159	(b) The provisions of Subsection (15)(a) apply regardless of when the resolution is
1160	adopted.
1161	Section 18. Section 17C-1-403 is amended to read:
1162	17C-1-403. Tax increment under a pre-July 1, 1993, project area plan.
1163	(1) Notwithstanding any other provision of law, this section applies retroactively to tax
1164	increment under all pre-July 1, 1993, project area plans, regardless of when the applicable
1165	project area was created or the applicable project area plan was adopted.
1166	(2) (a) Beginning with the first tax year after April 1, 1983 for which an agency accepts
1167	tax increment, an agency is entitled to be paid:
1168	(i) (A) for the first through the fifth tax years, 100% of tax increment;
1169	(B) for the sixth through the tenth tax years, 80% of tax increment;
1170	(C) for the eleventh through the fifteenth tax years, 75% of tax increment;
1171	(D) for the sixteenth through the twentieth tax years, 70% of tax increment; and
1172	(E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or
1173	(ii) for an agency that has caused a taxing entity committee to be created under
1174	Subsection 17C-1-402(1)(a), any percentage of tax increment up to 100% and for any length of
1175	time that the taxing entity committee approves.

(b) Notwithstanding any other provision of this section:

1177 (i) an agency is entitled to be paid 100% of tax increment from a project area for 32
1178 years after April 1, 1983 to pay principal and interest on agency indebtedness incurred before
1179 April 1, 1983, even though the size of the project area from which tax increment is paid to the
1180 agency exceeds 100 acres of privately owned property under a project area plan adopted on or
1181 before April 1, 1983; and

- (ii) for up to 32 years after April 1, 1983, an agency debt incurred before April 1, 1983 may be refinanced and paid from 100% of tax increment if the principal amount of the debt is not increased in the refinancing.
- (3) (a) For purposes of this Subsection (3), "additional tax increment" means the difference between 100% of tax increment for a tax year and the amount of tax increment an agency is paid for that tax year under the percentages and time periods specified in Subsection (2)(a).
- (b) Notwithstanding the tax increment percentages and time periods in Subsection (2)(a), an agency is entitled to be paid additional tax increment for a period ending 32 years after the first tax year after April 1, 1983, for which the agency receives tax increment from the project area if:
- (i) (A) the additional tax increment is used solely to pay all or part of the value of the land for and the cost of the installation and construction of a publicly or privately owned convention center or sports complex or any building, facility, structure, or other improvement related to the convention center or sports complex, including parking and infrastructure improvements;
- (B) construction of the convention center or sports complex or related building, facility, structure, or other improvement is commenced on or before June 30, 2002;
- (C) the additional tax increment is pledged to pay all or part of the value of the land for and the cost of the installation and construction of the convention center or sports complex or related building, facility, structure, or other improvement; and
- (D) the [agency] board and the community legislative body have determined by resolution that the convention center or sports complex is:
- (I) within and a benefit to a project area;
 - (II) not within but still a benefit to a project area; or

1207	(III) within a project area in which substantially all of the land is publicly owned and a
1208	benefit to the community; or
1209	(ii) (A) the additional tax increment is used to pay some or all of the cost of the land
1210	for and installation and construction of a recreational facility, as defined in Section 59-12-702,
1211	or a cultural facility, including parking and infrastructure improvements related to the
1212	recreational or cultural facility, whether or not the facility is located within a project area;
1213	(B) construction of the recreational or cultural facility is commenced on or before
1214	December 31, 2005; and
1215	(C) the additional tax increment is pledged on or before July 1, 2005, to pay all or part
1216	of the cost of the land for and the installation and construction of the recreational or cultural
1217	facility, including parking and infrastructure improvements related to the recreational or
1218	cultural facility.
1219	(c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without [its] the
1220	school district's consent, be paid less tax increment because of application of Subsection
1221	(3)(b)(ii) than it would have been paid without that subsection.
1222	(4) Notwithstanding any other provision of this section, an agency may use tax
1223	increment received under Subsection (2) for any of the uses indicated in Subsection (3).
1224	Section 19. Section 17C-1-404 is amended to read:
1225	17C-1-404. Tax increment under a post-June 30, 1993 project area plan.
1226	(1) This section applies to tax increment under a post-June 30, 1993 project area plan
1227	adopted before May 1, 2006, only.
1228	(2) [An agency] \underline{A} board may provide in the project area budget for the agency to be
1229	paid:
1230	(a) if 20% of the project area budget is allocated for housing under Section 17C-2-203:
1231	(i) 100% of annual tax increment for 15 years;
1232	(ii) 75% of annual tax increment for 24 years; or
1233	(iii) if approved by the taxing entity committee, any percentage of tax increment up to
1234	100%, or any specified dollar amount, for any period of time; or
1235	(b) if 20% of the project area budget is not allocated for housing under Section
1236	17C-2-203:
1237	(i) 100% of annual tax increment for 12 years;

1238	(ii) 75% of annual tax increment for 20 years; or
1239	(iii) if approved by the taxing entity committee, any percentage of tax increment up to
1240	100%, or any specified dollar amount, for any period of time.
1241	Section 20. Section 17C-1-405 is amended to read:
1242	17C-1-405. Tax increment under a project area plan adopted on or after May 1,
1243	2006.
1244	(1) This section applies to tax increment under a project area plan adopted on or after
1245	May 1, 2006.
1246	(2) Subject to the approval of the taxing entity committee, [an agency] a board may
1247	provide in the urban renewal or economic development project area budget for the agency to be
1248	paid:
1249	(a) for an urban renewal project area plan that proposes development of an inactive
1250	industrial site or inactive airport site, at least 60% of tax increment for at least 20 years; or
1251	(b) for each other project, any percentage of tax increment up to 100% or any specified
1252	dollar amount of tax increment for any period of time.
1253	(3) A resolution or interlocal agreement relating to an agency's use of tax increment for
1254	a community development project area plan may provide for the agency to be paid any
1255	percentage of tax increment up to 100% or any specified dollar amount of tax increment for
1256	any period of time.
1257	Section 21. Section 17C-1-406 is amended to read:
1258	17C-1-406. Additional tax increment under certain post-June 30, 1993 project
1259	area plans.
1260	(1) This section applies to a post-June 30, 1993 project area plan adopted before May
1261	1, 2006.
1262	(2) An agency may, without the approval of the taxing entity committee, elect to be
1263	paid 100% of annual tax increment for each year beyond the periods specified in Subsection
1264	17C-1-404(2) to a maximum of 25 years, including the years the agency is paid tax increment
1265	under Subsection 17C-1-404(2), if:
1266	(a) for an agency in a city in which is located all or a portion of an interchange on I-15
1267	or that would directly benefit from an interchange on I-15:
1268	(i) the tax increment paid to the agency during the additional years is used to pay some

or all of the cost of the installation, construction, or reconstruction of:

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1270 (A) an interchange on I-15, whether or not the interchange is located within a project area; or

- (B) frontage and other roads connecting to the interchange, as determined by the Department of Transportation created under Section 72-1-201 and the Transportation Commission created under Section 72-1-301, whether or not the frontage or other road is located within a project area; and
- (ii) the installation, construction, or reconstruction of the interchange or frontage and other roads has begun on or before June 30, 2002; or
 - (b) for an agency in a city of the first or second class:
- (i) the tax increment paid to the agency during the additional years is used to pay some or all of the cost of the land for and installation and construction of a recreational facility, as defined in Section 59-12-702, or a cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility, whether or not the facility is located within a project area; and
- 1284 (ii) the installation or construction of the recreational or cultural facility has begun on 1285 or before June 30, 2002.
 - (3) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection 17C-1-404(2) for any of the uses indicated in this section.
 - (4) Notwithstanding Subsection (2), a school district may not, without [its] the school district's consent, receive less tax increment because of application of Subsection (2) than it would have received without that subsection.
- Section 22. Section 17C-1-407 is amended to read:

1292 17C-1-407. Limitations on tax increment.

- (1) (a) If the [development of retail sales of goods is the primary objective of an urban renewal project area, tax increment from the] land dedicated to retail sales under a project area plan exceeds 75% of the project area's gross land area, tax increment may not be paid to or used by an agency unless a finding of blight is made under:
- (i) for an urban renewal project area [may not be paid to or used by an agency unless a finding of blight is made under], Chapter 2, Part 3, Blight Determination in Urban Renewal Project Areas[-]; or

1300 (ii) for a community reinvestment project area that is subject to a taxing entity 1301 committee, Chapter 5, Part 4, Eminent Domain in Community Reinvestment Project Areas. 1302 (b) [Development of retail sales of goods] Dedicating land to retail sales does not 1303 disqualify an agency from receiving tax increment. 1304 (c) After July 1, 2005, an agency may not be paid or use tax increment generated from 1305 the value of property within an economic development project area that is attributable to the 1306 development of retail sales [of goods], unless the tax increment was previously pledged to pay 1307 for bonds or other contractual obligations of the agency. 1308 (2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from 1309 an increase in the taxing entity's tax rate that occurs after the taxing entity committee approves 1310 the project area budget unless, at the time the taxing entity committee approves the project area 1311 budget, the taxing entity committee approves payment of those increased taxes to the agency. 1312 (b) If the taxing entity committee does not approve [of] payment of the increased taxes 1313 to the agency under Subsection (2)(a), the county shall distribute to the taxing entity the taxes 1314 attributable to the tax rate increase in the same manner as other property taxes. 1315 (c) Notwithstanding any other provision of this section, if, [prior to] before tax year 1316 2013, increased taxes are paid to an agency without the approval of the taxing entity 1317 committee, and notwithstanding the law at the time that the tax was collected or increased: 1318 (i) the State Tax Commission, the county as the collector of the taxes, a taxing entity, 1319 or any other person or entity may not recover, directly or indirectly, the increased taxes from 1320 the agency by adjustment of a tax rate used to calculate tax increment or otherwise; 1321 (ii) the county is not liable to a taxing entity or any other person or entity for the 1322 increased taxes that were paid to the agency; and 1323 (iii) tax increment, including the increased taxes, shall continue to be paid to the 1324 agency subject to the same number of tax years, percentage of tax increment, and cumulative 1325 dollar amount of tax increment as approved in the project area budget and previously paid to 1326 the agency. 1327 (3) Except as the taxing entity committee otherwise agrees, an agency may not receive 1328 tax increment under an urban renewal or economic development project area budget adopted 1329 on or after March 30, 2009:

(a) that exceeds the percentage of tax increment or cumulative dollar amount of tax

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1331	increment specified in the project area budget; or
1332	(b) for more tax years than specified in the project area budget.
1333	Section 23. Section 17C-1-408 is amended to read:
1334	17C-1-408. Base taxable value to be adjusted to reflect other changes.
1335	(1) (a) (i) As used in this Subsection (1), "qualifying decrease" means:
1336	(A) a decrease of more than 20% from the previous tax year's levy; or
1337	(B) a cumulative decrease over a consecutive five-year period of more than 100% from
1338	the levy in effect at the beginning of the five-year period.
1339	(ii) The year in which a qualifying decrease under Subsection (1)(a)(i)(B) occurs is the
1340	fifth year of the five-year period.
1341	(b) If there is a qualifying decrease in the minimum basic school levy under Section
1342	59-2-902 that would result in a reduction of the amount of tax increment to be paid to an
1343	agency:
1344	(i) the base taxable value of taxable property within the project area shall be reduced in
1345	the year of the qualifying decrease to the extent necessary, even if below zero, to provide the
1346	agency with approximately the same amount of tax increment that would have been paid to the
1347	agency each year had the qualifying decrease not occurred; and
1348	(ii) the amount of tax increment paid to the agency each year for the payment of bonds
1349	and indebtedness may not be less than what would have been paid to the agency if there had
1350	been no qualifying decrease.
1351	(2) (a) The amount of the base taxable value to be used in determining tax increment
1352	shall be:
1353	(i) increased or decreased by the amount of an increase or decrease that results from:
1354	(A) a statute enacted by the Legislature or by the people through an initiative;
1355	(B) a judicial decision;
1356	(C) an order from the State Tax Commission to a county to adjust or factor [its] the
1357	county's assessment rate under Subsection 59-2-704(2);
1358	(D) a change in exemption provided in Utah Constitution Article XIII, Section 2, or
1359	Section 59-2-103; or
1360	(E) an increase or decrease in the percentage of fair market value, as defined under
1361	Section 59-2-102; and

1362	(ii) reduced for any year to the extent necessary, even if below zero, to provide an
1363	agency with approximately the same amount of money the agency would have received without
1364	a reduction in the county's certified tax rate if:
1365	(A) in that year there is a decrease in the county's certified tax rate under Subsection
1366	59-2-924.2(2) or (3)(a);
1367	(B) the amount of the decrease is more than 20% of the county's certified tax rate of the
1368	previous year; and
1369	(C) the decrease would result in a reduction of the amount of tax increment to be paid
1370	to the agency.
1371	(b) Notwithstanding an increase or decrease under Subsection (2)(a), the amount of tax
1372	increment paid to an agency each year for payment of bonds or other indebtedness may not be
1373	less than would have been paid to the agency each year if there had been no increase or
1374	decrease under Subsection (2)(a).
1375	Section 24. Section 17C-1-409 is amended to read:
1376	17C-1-409. Allowable uses of project area funds.
1377	(1) (a) An agency may use [tax increment and sales tax proceeds] project area funds
1378	received from a taxing entity:
1379	(i) for any [of the purposes] purpose for which the use of [tax increment] project area
1380	<u>funds</u> is authorized under this title;
1381	(ii) for administrative, overhead, legal, [and] or other operating expenses of the agency,
1382	including consultant fees and expenses under Subsection 17C-2-102(1)(b)(ii)(B) or funding for
1383	a business resource center; <u>or</u>
1384	(iii) to pay for, including financing or refinancing, all or part of:
1385	(A) [urban renewal activities] project area development in the project area from which
1386	the [tax increment] project area funds are collected, including environmental remediation
1387	activities occurring before or after adoption of the project area plan;
1388	[(B) economic development or community development activities, including
1389	environmental remediation activities occurring before or after adoption of the project area plan,
1390	in the project area from which the tax increment funds are collected;]
1391	[(C)] (B) housing expenditures, projects, or programs as provided in Section
1392	17C-1-411 or 17C-1-412;

1393	(C) an incentive or other consideration to a participant under a participation agreement;
1394	(D) subject to Subsections (1)[(c)] (b) and [(6)] (5) , the value of the land for and the
1395	cost of the installation and construction of any publicly owned building, facility, structure,
1396	landscaping, or other improvement within the project area from which the tax increment funds
1397	[were] are collected; [and]
1398	(E) [subject to Subsection (1)(d),] the cost of the installation of publicly owned
1399	infrastructure and improvements outside the project area from which the tax increment funds
1400	[were] are collected if the [agency] board and the community legislative body determine by
1401	resolution that the publicly owned infrastructure and improvements are of benefit to the project
1402	area; [or] and
1403	(F) the determination of the board and the community legislative body under
1404	Subsection (1)(a)(iii)(E) regarding benefit to the project area is final and conclusive.
1405	[(iv) in an urban renewal project area that includes some or all of an inactive industrial
1406	site and subject to Subsection (1)(f), to reimburse the Department of Transportation created
1407	under Section 72-1-201, or a public transit district created under Title 17B, Chapter 2a, Part 8,
1408	Public Transit District Act, for the cost of:]
1409	[(A) construction of a public road, bridge, or overpass;]
1410	[(B) relocation of a railroad track within the urban renewal project area; or]
1411	[(C) relocation of a railroad facility within the urban renewal project area.]
1412	[(b) The determination of the agency board and the community legislative body under
1413	Subsection (1)(a)(iii)(E) regarding benefit to the project area shall be final and conclusive.]
1414	[(c)] (b) An agency may not use [tax increment or sales tax proceeds] project area
1415	<u>funds</u> received from a taxing entity for the purposes stated in Subsection (1)(a)(iii)(D) under an
1416	urban renewal [or] project plan, economic development project area plan, or a community
1417	reinvestment project area plan without [the consent of] the community legislative [body] body's
1418	consent.
1419	[(d) An agency may not use tax increment or sales tax proceeds received from a taxing
1420	entity for the purposes stated in Subsection (1)(a)(iii)(E) under an urban renewal or economic
1421	development project area plan without the consent of the community legislative body and the
1422	taxing entity committee.]
1423	[(e)] (c) (i) Subject to Subsection (1)[(e)](c)(ii), an agency may loan [tax increment or

1424 sales tax proceeds, or a combination of tax increment and sales tax proceeds,] project area 1425 funds from a project area fund to another project area fund if: 1426 (A) the [agency's] board approves; and 1427 (B) the legislative body of [each] the community that created the agency approves. (ii) An agency may not loan [tax increment or sales tax proceeds, or a combination of 1428 tax increment and sales tax proceeds.] project area funds under Subsection (1)[(e)](c)(i) unless 1429 1430 the projections for the [future tax increment or sales tax proceeds] project area funds of the 1431 borrowing project area are sufficient to repay the loan amount [prior to when the tax increment or sales tax proceeds before the project area funds are intended for use under the loaning 1432 1433 project area's plan. 1434 (iii) If a borrowing project area's funds are not sufficient to repay a loan made under Subsection (1)(e)(i) prior to when the tax increment or sales tax proceeds are intended for use 1435 1436 under the loaning project area's plan, the community that created the agency shall repay the 1437 loan to the loaning project area's fund prior to when the tax increment or sales tax proceeds are intended for use under the loaning project area's plan, unless the taxing entity committee adopts 1438 1439 a resolution to waive this requirement. 1440 (iii) A loan described in this Subsection (1)(c), is not subject to Title 10, Chapter 5, 1441 Uniform Fiscal Procedures Act for Utah Towns, Title 10, Chapter 6, Uniform Fiscal Procedures Act for Utah Cities, or Title 17B, Chapter 1, Part 6, Fiscal Procedures for Local 1442 1443 Districts. 1444 (f) Before an agency may pay any tax increment or sales tax revenue under Subsection 1445 (1)(a)(iv), the agency shall enter into an interlocal agreement defining the terms of the 1446 reimbursement with: 1447 [(i) the Department of Transportation; or] 1448 [(ii) a public transit district.] 1449 (2) [Sales tax proceeds] (a) Sales and use tax revenue that an agency receives from 1450 [another public entity are] a taxing entity is not subject to the prohibition or limitations of Title 1451 11, Chapter 41, Prohibition on Sales and Use Tax Incentive Payments Act. 1452 [(3)] (b) An agency may use [sales tax proceeds] sales and use tax revenue it receives 1453 under [a resolution or] an interlocal agreement under [Section] Sections 17C-4-201 or 1454 17C-5-205 for the uses authorized in the [resolution or] interlocal agreement.

1455 [(4)] (3) (a) An agency may contract with the community that created the agency or 1456 another public entity to use tax increment to reimburse the cost of items authorized by this title 1457 to be paid by the agency that have been or will be paid by the community or other public entity. 1458 (b) If land has been or will be acquired or the cost of an improvement has been or will 1459 be paid by another public entity and the land or improvement has been or will be leased to the 1460 community, an agency may contract with and make reimbursement from tax increment funds to 1461 the community. 1462 (5) An agency created by a city of the first or second class may use tax increment from 1463 one project area in another project area to pay all or part of the value of the land for and the 1464 cost of the installation and construction of a publicly or privately owned convention center or 1465 sports complex or any building, facility, structure, or other improvement related to the 1466 convention center or sports complex, including parking and infrastructure improvements, if: 1467 (a) construction of the convention center or sports complex or related building, 1468 facility, structure, or other improvement is commenced on or before December 31, 2012; and 1469 (b) the tax increment is pledged to pay all or part of the value of the land for and the 1470 cost of the installation and construction of the convention center or sports complex or related 1471 building, facility, structure, or other improvement. 1472 (4) Notwithstanding any other provision of this title, an agency may not use tax 1473 increment to construct a municipal or a county building unless a taxing entity committee or 1474 each taxing entity party to an interlocal agreement with the agency consents. 1475 [(6) Notwithstanding any other provision of this title, an agency may not use tax 1476 increment to construct municipal buildings unless the taxing entity committee adopts a 1477 resolution to waive this requirement. 1478 [(7) Notwithstanding any other provision of this title, an agency may not use tax 1479 increment under an urban renewal or economic development project area plan, to pay any of 1480 the cost of the land, infrastructure, or construction of a stadium or arena constructed after 1481 March 1, 2005, unless the tax increment has been pledged for that purpose before February 15, 1482 2005.] 1483 (8) (a) An agency may not use tax increment to pay the debt service of or any other 1484 amount related to a bond issued or other obligation incurred if the bond was issued or the 1485 obligation was incurred:

1486	[(i) by an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation
1487	Act;]
1488	[(ii) on or after March 30, 2009; and]
1489	[(iii) to finance a telecommunication facility.]
1490	[(b) Subsection (8)(a) may not be construed to prohibit the refinancing, restatement, or
1491	refunding of a bond issued before March 30, 2009.]
1492	Section 25. Section 17C-1-410 is amended to read:
1493	17C-1-410. Agency may make payments to other taxing entities.
1494	(1) Subject to Subsection (3), an agency may grant tax increment or other agency funds
1495	to a taxing entity to offset some or all of the tax revenues that the taxing entity did not receive
1496	because of tax increment paid to the agency.
1497	(2) (a) Subject to Subsection (3), an agency may use tax increment or other agency
1498	funds to pay to a school district an amount of money that the agency determines to be
1499	appropriate to alleviate a financial burden or detriment borne by the school district because of
1500	the [urban renewal, economic development, or community] project area development.
1501	(b) Each agency that agrees to pay money to a school district under [the authority of]
1502	Subsection (2)(a) shall provide a copy of [that] the agreement to the State Board of Education.
1503	(3) (a) If an agency intends to pay agency funds to one or more taxing entities under
1504	Subsection (1) or (2) but does not intend to pay funds to all taxing entities in proportionally
1505	equal amounts, the agency shall provide written notice to each taxing entity of [its] the agency's
1506	intent.
1507	(b) (i) A taxing entity [receiving] that receives notice under Subsection (3)(a) may elect
1508	not to have [its] the taxing entity's tax increment collected and used to pay funds to other taxing
1509	entities under this section.
1510	(ii) Each election under Subsection (3)(b)(i) shall be:
1511	(A) in writing; and
1512	(B) delivered to the agency within 30 days after the taxing entity's receipt of the notice
1513	under Subsection (3)(a).
1514	(c) If a taxing entity makes an election under Subsection (3)(b), the portion of [that] the
1515	taxing entity's tax increment that would have been used by the agency to pay funds under this
1516	section to one or more other taxing entities may not be collected by the agency.

1517	Section 26. Section 17C-1-411 is amended to read:
1518	17C-1-411. Use of project area funds for housing and for relocating mobile home
1519	park residents Funds to be held in separate accounts.
1520	(1) An agency may <u>use project area funds</u> :
1521	(a) [use tax increment from a project area] to pay all or part of the value of the land for
1522	and the cost of installation, construction, and rehabilitation of any building, facility, structure,
1523	or other housing improvement, including infrastructure improvements related to housing,
1524	located in any project area within the agency's boundaries; [and]
1525	(b) [use up to 20% of tax increment: (i)] outside of [project areas] a project area for the
1526	purpose of:
1527	[(A)] (i) replacing housing units lost by [urban renewal, economic development, or
1528	community] project area development; or
1529	[(B)] (ii) increasing, improving, and preserving generally the affordable housing supply
1530	within the boundary of the agency; or
1531	[(ii)] (c) for relocating mobile home park residents displaced by project area
1532	development, whether inside or outside a project area.
1533	(2) (a) Each agency shall <u>create a housing fund and</u> separately account for [funds]
1534	project area funds allocated under this section.
1535	(b) Interest earned by the housing fund and any payments or repayments made to the
1536	agency for loans, advances, or grants of any kind from the housing fund, shall accrue to the
1537	housing fund.
1538	(c) Each agency designating a housing fund under this section shall use the <u>housing</u>
1539	fund for:
1540	(i) the purposes set forth in this section; or
1541	(ii) the purposes set forth in this title relating to the [urban renewal, economic
1542	development, or community development] project area from which the [funds] project area
1543	<u>funds</u> originated.
1544	(3) An agency may lend, grant, or contribute funds from the housing fund to a person,
1545	public entity, housing authority, private entity or business, or nonprofit corporation for
1546	affordable housing.
1547	Section 27. Section 17C-1-412 is amended to read:

1548	17C-1-412. Use of housing allocation Separate accounting required Issuance
1549	of bonds for housing Action to compel agency to provide housing funds.
1550	(1) (a) Each agency shall use [all funds allocated for housing under Section 17C-2-203
1551	or 17C-3-202] the agency's housing allocation, if applicable, to:
1552	(i) pay part or all of the cost of land or construction of income targeted housing within
1553	the boundary of the agency, if practicable in a mixed income development or area;
1554	(ii) pay part or all of the cost of rehabilitation of income targeted housing within the
1555	boundary of the agency;
1556	(iii) lend, grant, or contribute money to a person, public entity, housing authority,
1557	private entity or business, or nonprofit corporation for income targeted housing within the
1558	boundary of the agency;
1559	(iv) plan or otherwise promote income targeted housing within the boundary of the
1560	agency;
1561	(v) pay part or all of the cost of land or installation, construction, or rehabilitation of
1562	any building, facility, structure, or other housing improvement, including infrastructure
1563	improvements, related to housing located in a project area where blight has been found to exist;
1564	(vi) replace housing units lost as a result of the [urban renewal, economic development,
1565	or community] project area development;
1566	(vii) make payments on or establish a reserve fund for bonds:
1567	(A) issued by the agency, the community, or the housing authority that provides
1568	income targeted housing within the community; and
1569	(B) all or part of the proceeds of which are used within the community for the purposes
1570	stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi);
1571	(viii) if the community's fair share ratio at the time of the first adoption of the project
1572	area budget is at least 1.1 to 1.0, make payments on bonds:
1573	(A) that were previously issued by the agency, the community, or the housing authority
1574	that provides income targeted housing within the community; and
1575	(B) all or part of the proceeds of which were used within the community for the
1576	purposes stated in Subsection (1)(a)(i), (ii), (iii), (iv), (v), or (vi); or
1577	(ix) relocate mobile home park residents displaced by [an urban renewal, economic
1578	development, or community development project] project area development.

1579 (b) As an alternative to the requirements of Subsection (1)(a), an agency may pay all or 1580 any portion of the agency's housing [funds] allocation to: 1581 (i) the community for use as provided under Subsection (1)(a); 1582 (ii) the housing authority that provides income targeted housing within the community 1583 for use in providing income targeted housing within the community; or 1584 (iii) the Olene Walker Housing Loan Fund, established under Title 35A, Chapter 8, 1585 Part 5, Olene Walker Housing Loan Fund, for use in providing income targeted housing within 1586 the community. 1587 (2) The agency or community shall create a housing fund and separately account for the 1588 agency's housing [funds] allocation, together with all interest earned by the housing funds and 1589 all payments or repayments for loans, advances, or grants from the housing funds. 1590 (3) An agency may: 1591 (a) issue bonds [from time to time] to finance a housing undertaking under this section, 1592 including the payment of principal and interest upon advances for surveys and plans or 1593 preliminary loans; and 1594 (b) issue refunding bonds for the payment or retirement of bonds under Subsection 1595 (3)(a) previously issued by the agency. 1596 (4) [An agency:] 1597 (a) Subject to Subsection (4)(b), an agency shall allocate [housing funds] money from 1598 the housing fund each year in which the agency receives sufficient tax increment to make a 1599 housing allocation required by the project area budget[; and]. 1600 (b) [is relieved, to the extent tax increment is insufficient in a year, of an obligation to allocate housing funds for the year] Subsection (4)(a) does not apply in a year in which tax 1601 1602 increment is insufficient. 1603 (5) (a) Except as provided in Subsection (4), if an agency fails to provide a housing 1604 [funds] allocation in accordance with the project area budget and, if applicable, the housing 1605 plan adopted under Subsection 17C-2-204(2), the loan fund board may bring legal action to 1606 compel the agency to provide the housing [funds] allocation. 1607 (b) In an action under Subsection (5)(a), the court: 1608 (i) shall award the loan fund board reasonable attorney fees, unless the court finds that

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the action was frivolous; and

1610	(ii) may not award the agency [its] the agency's attorney fees, unless the court finds that
1611	the action was frivolous.
1612	Section 28. Section 17C-1-413 is amended to read:
1613	17C-1-413. Base taxable value for new tax.
1614	For purposes of calculating tax increment with respect to a tax that a taxing entity levies
1615	for the first time after the effective date of [the] a project area plan, the base taxable value shall
1616	be used, subject to any adjustments under Section 17C-1-408.
1617	Section 29. Section 17C-1-501 is amended to read:
1618	17C-1-501. Resolution authorizing issuance of agency bonds Characteristics of
1619	bonds.
1620	(1) An agency may not issue bonds under this part unless the [agency] board first
1621	adopts a resolution authorizing their issuance.
1622	(2) (a) As provided in the agency resolution authorizing the issuance of bonds under
1623	this part or the trust indenture under which the bonds are issued, bonds issued under this part
1624	may be issued in one or more series and may be sold at public or private sale and in the manner
1625	provided in the resolution or indenture.
1626	(b) Bonds issued by an agency under this part shall bear the date, be payable at the
1627	time, bear interest at the rate, be in the denomination and in the form, carry the conversion or
1628	registration privileges, have the rank or priority, be executed in the manner, be subject to the
1629	terms of redemption or tender, with or without premium, be payable in the medium of payment
1630	and at the place, and have other characteristics as provided in the agency resolution authorizing
1631	their issuance or the trust indenture under which they are issued.
1632	Section 30. Section 17C-1-502 is amended to read:
1633	17C-1-502. Sources from which bonds may be made payable Agency powers
1634	regarding bonds.
1635	(1) The principal and interest on [bonds] <u>a bond</u> issued by an agency may be made
1636	payable from:
1637	(a) the income and revenues of the [projects] project area development financed with
1638	the proceeds of the [bonds] bond;
1639	(b) the income and revenues of certain designated [projects whether or not they were]
1640	project area development regardless of whether the project area development was financed in

1641	whole or in part with the proceeds of the bonds;
1642	(c) the income, proceeds, revenues, property, and funds of the agency derived from or
1643	held in connection with [its] the agency's undertaking and carrying out [urban renewal,
1644	economic development, or community] project area development;
1645	(d) tax increment funds;
1646	(e) agency revenues generally;
1647	(f) a contribution, loan, grant, or other financial assistance from [the federal
1648	government or] a public entity in aid of [urban renewal, economic development, or community]
1649	project area development; or
1650	(g) funds derived from any combination of the methods listed in Subsections (1)(a)
1651	through (f).
1652	(2) In connection with the issuance of [agency bonds] an agency bond, an agency may:
1653	(a) pledge all or any part of [its] the agency's gross or net rents, fees, or revenues to
1654	which [its] the agency's right then exists or may thereafter come into existence;
1655	(b) encumber by mortgage, deed of trust, or otherwise all or any part of [its] the
1656	agency's real or personal property, then owned or thereafter acquired; and
1657	(c) make the covenants and take the action that may be necessary, convenient, or
1658	desirable to secure [its bonds] the bond, or, except as otherwise provided in this chapter, that
1659	will tend to make the [bonds] bond more marketable, even though such covenants or actions
1660	are not specifically enumerated in this chapter.
1661	Section 31. Section 17C-1-504 is amended to read:
1662	17C-1-504. Contesting the legality of resolution authorizing bonds Time limit
1663	Presumption.
1664	(1) Any person may contest the legality of the resolution authorizing issuance of the
1665	bonds or any provisions for the security and payment of the bonds for a period of 30 days after:
1666	(a) publication of the resolution authorizing the bonds; or
1667	(b) publication of a notice of bonds containing substantially the items required under
1668	Subsection 11-14-316(2).
1669	(2) After the 30-day period under Subsection (1), no person may bring a lawsuit or
1670	other proceeding [may be brought] contesting the regularity, formality, or legality of the bonds
1671	for any reason.

1672	(3) In a lawsuit or other proceeding involving the question of whether a bond issued
1673	under this part is valid or enforceable or involving the security for a bond, if a bond recites that
1674	the agency issued the bond in connection with [an urban renewal, economic development, or
1675	community development project] project area development:
1676	(a) the bond shall be conclusively presumed to have been issued for that purpose; and
1677	(b) the project area plan and project area shall be conclusively presumed to have been
1678	properly formed, adopted, planned, located, and carried out in accordance with this title.
1679	Section 32. Section 17C-1-505 is amended to read:
1680	17C-1-505. Authority to purchase agency bonds.
1681	(1) Any person, firm, corporation, association, political subdivision of the state, or
1682	other entity or public or private officer may purchase [bonds] a bond issued by an agency under
1683	this part with funds owned or controlled by the purchaser.
1684	(2) Nothing in this section may be construed to relieve a purchaser of [agency bonds]
1685	an agency bond of any duty to exercise reasonable care in selecting securities.
1686	Section 33. Section 17C-1-506 is amended to read:
1687	17C-1-506. Those executing bonds not personally liable Limitation of
1688	obligations under bonds Negotiability.
1689	(1) A member of $[an agency]$ \underline{a} board or other person executing an agency bond is not
1690	liable personally on the bond.
1691	(2) (a) A bond issued by an agency is not a general obligation or liability of the
1692	community, the state, or any of [its] the state's political subdivisions and does not constitute a
1693	charge against their general credit or taxing powers.
1694	(b) A bond issued by an agency is not payable out of any funds or properties other than
1695	those of the agency.
1696	(c) The community, the state, and [its] the state's political subdivisions may not be
1697	liable on a bond issued by an agency.
1698	(d) A bond issued by an agency does not constitute indebtedness within the meaning of
1699	any constitutional or statutory debt limitation.
1700	(3) A bond issued by an agency under this part is fully negotiable.
1701	Section 34. Section 17C-1-507 is amended to read:
1702	17C-1-507. Obligee rights Board may confer other rights.

(1) In addition to all other rights that are conferred on an obligee of a bond issued by an agency under this part and subject to contractual restrictions binding on the obligee, an obligee may:

- (a) by mandamus, suit, action, or other proceeding, compel an agency and [its] the agency's board, officers, agents, or employees to perform every term, provision, and covenant contained in any contract of the agency with or for the benefit of the obligee, and require the agency to carry out the covenants and agreements of the agency and to fulfill all duties imposed on the agency by this part; and
- (b) by suit, action, or <u>other</u> proceeding [in equity], enjoin any acts or things that may be unlawful or violate the rights of the obligee.
- (2) (a) In a board resolution authorizing the issuance of bonds or in a trust indenture, mortgage, lease, or other contract, [an agency] a board may confer upon an obligee holding or representing a specified amount in bonds, the rights described in Subsection (2)(b), to accrue upon the happening of an event or default prescribed in the resolution, indenture, mortgage, lease, or other contract, and to be exercised by suit, action, or proceeding in any court of competent jurisdiction.
 - (b) (i) The rights that the board may confer under Subsection (2)(a) are the rights to:
- (A) cause possession of all or part of [an urban renewal, economic development, or community development project] project area development to be surrendered to an obligee;
- (B) obtain the appointment of a receiver of all or part of an agency's [urban renewal, economic development, or community development project] project area development and of the rents and profits from [it] the project area development; and
- (C) require the agency and [its] the board and employees to account as if the agency and the board and employees were the trustees of an express trust.
- (ii) If a receiver is appointed through the exercise of a right granted under Subsection (2)(b)(i)(B), the receiver:
- (A) may enter and take possession of the [urban renewal, economic development, or community development project] project area development or any part of it, operate and maintain it, and collect and receive all fees, rents, revenues, or other charges arising from it after the receiver's appointment; and
 - (B) shall keep money collected as receiver for the agency in [separate accounts] a

1734	separate account and apply [it] the money pursuant to the agency obligations as the court
1735	directs.
1736	Section 35. Section 17C-1-508 is amended to read:
1737	17C-1-508. Bonds exempt from taxes Agency may purchase an agency's own
1738	bonds.
1739	(1) A bond issued by an agency under this part is issued for an essential public and
1740	governmental purpose and is, together with interest on the bond and income from it, exempt
1741	from all state taxes except the corporate franchise tax.
1742	(2) An agency may purchase [its] the agency's own bonds at a price that [its] the board
1743	determines.
1744	(3) Nothing in this section may be construed to limit the right of an obligee to pursue a
1745	remedy for the enforcement of a pledge or lien given under this part by an agency on [its] the
1746	agency's rents, fees, grants, properties, or revenues.
1747	Section 36. Section 17C-1-601 is amended to read:
1748	Part 6. Agency Annual Report, Budget, and Audit Requirements
1749	17C-1-601. Annual agency budget Fiscal year Public hearing required
1750	Auditor forms Requirement to file form.
1751	(1) Each agency shall prepare [and its board adopt] an annual budget of the agency's
1752	revenues and expenditures [for the agency] for each fiscal year.
1753	(2) [Each annual agency budget shall be adopted] The board shall adopt each agency
1754	budget:
1755	(a) for an agency created by a [city or town] municipality, before June 22; or
1756	(b) for an agency created by a county, before December 15.
1757	(3) The agency's fiscal year shall be the same as the fiscal year of the community that
1758	created the agency.
1759	(4) (a) Before adopting an annual budget, each [agency] board shall hold a public
1760	hearing on the annual budget.
1761	(b) Each agency shall provide notice of the public hearing on the annual budget by:
1762	(i) (A) publishing at least one notice in a newspaper of general circulation within the
1763	agency boundaries, one week before the public hearing; or
1764	(B) if there is no newspaper of general circulation within the agency boundaries,

posting a notice of the public hearing in at least three public places within the agency 1765 1766 boundaries; and (ii) publishing notice on the Utah Public Notice Website created in Section 63F-1-701, 1767 1768 at least one week before the public hearing. 1769 (c) Each agency shall make the annual budget available for public inspection at least 1770 three days before the date of the public hearing. 1771 (5) The state auditor shall prescribe the budget forms and the categories to be contained 1772 in each agency budget, including: 1773 (a) revenues and expenditures for the budget year; 1774 (b) legal fees; and 1775 (c) administrative costs, including rent, supplies, and other materials, and salaries of 1776 agency personnel. 1777 (6) (a) Within 90 days after adopting an annual budget, each [agency] board shall file a 1778 copy of the annual budget with the auditor of the county in which the agency is located, the 1779 State Tax Commission, the state auditor, the State Board of Education, and each taxing entity 1780 [that levies a tax on property] from which the agency collects tax increment. 1781 (b) The requirement of Subsection (6)(a) to file a copy of the annual budget with the 1782 state as a taxing entity is met if the agency files a copy with the State Tax Commission and the 1783 state auditor. 1784 Section 37. Section 17C-1-602 is amended to read: 1785 17C-1-602. Amending the agency annual budget. 1786 (1) [An agency] A board may by resolution amend an annual agency budget. 1787 (2) An amendment of the annual agency budget that would increase the total 1788 expenditures may be made only after public hearing by notice published as required for initial 1789 adoption of the annual budget. 1790 (3) An agency may not make expenditures in excess of the total expenditures 1791 established in the annual budget as [it] the annual budget is adopted or amended. 1792 Section 38. Section 17C-1-603 is amended to read: 1793 17C-1-603. Annual report. 1794 (1) [(a) Unless an agency submits a] An agency shall, on or before November 1 of each 1795 year, prepare and submit an annual report to the county auditor, the State Tax Commission, the

1796	State Board of Education, and each taxing entity [that levies a tax on property from which the
1797	agency collects tax increment] from which the agency collects project area funds. [as provided]
1798	[under Subsection 17C-1-402(9)(b), on or before November 1 of each year, each agency shall
1799	prepare and file a report with the county auditor, the State Tax Commission, the State Board of
1800	Education, and each taxing entity that levies a tax on property from which the agency collects
1801	tax increment.]
1802	[(b) The requirement of Subsection (1)(a) to file a copy of the report with the state as a
1803	taxing entity is met if the agency files a copy with the State Tax Commission and the state
1804	auditor.]
1805	[(2) Each report under Subsection (1) shall contain:]
1806	[(a) an estimate of the tax increment to be paid to the agency for the calendar year
1807	ending December 31;]
1808	[(b) an estimate of the tax increment to be paid to the agency for the calendar year
1809	beginning the next January 1;]
1810	[(c) a narrative description of each active project area within the agency's boundaries;]
1811	[(d) a narrative description of any significant activity related to each active project area
1812	that occurred during the immediately preceding fiscal year;]
1813	[(e) a summary description of the overall project timeline for each active project area;]
1814	[(f) any other information specifically requested by the taxing entity committee or
1815	required by the project area plan or budget; and]
1816	[(g) any other information included by the agency.]
1817	(2) The annual report as described in Subsection (1) shall, for each active project area,
1818	contain the following information:
1819	(a) an assessment of the change in incremental value:
1820	(i) the base year assessed value;
1821	(ii) the prior year assessed value;
1822	(iii) the estimated current year assessed value; and
1823	(iv) a narrative description of the relative growth in assessed value;
1824	(b) the amount of project area funds the agency received and passed through to other
1825	taxing entities, including:
1826	(i) a comparison of the actual tax increment received for the previous year to the

1827	amount of tax increment forecasted when the project area was created, if available;
1828	(ii) (A) a description of historical receipts of tax increment, including the tax year for
1829	which the agency first received tax increment for the project area; or
1830	(B) if the agency has not yet received tax increment from the project area, details of
1831	when the agency expects to receive tax increment;
1832	(iii) a list of each taxing entity that levies or imposes a tax within the project area and a
1833	description of the benefits that each taxing entity receives from the project area; and
1834	(iv) the amount of tax increment that the agency is entitled to receive, including the
1835	number of years for which the agency is entitled to receive tax increment from the project area;
1836	(c) a description of current and anticipated project area development, including:
1837	(i) a narrative of any significant project area development, including infrastructure
1838	development, site development, participation agreements, and vertical construction; and
1839	(ii) other details of development within the project area, including total developed
1840	acreage and total undeveloped acreage;
1841	(d) the project area budget;
1842	(e) an estimate of the tax increment to be paid to the agency for the next calendar year;
1843	(f) a map of the project area; and
1844	(g) any other project information the agency elects to provide.
1845	(3) A report prepared in accordance with this section:
1846	(a) is for informational purposes <u>only</u> ; and
1847	(b) does not alter the amount of tax increment that an agency is entitled to collect from
1848	a project area.
1849	Section 39. Section 17C-1-605 is amended to read:
1850	17C-1-605. Audit report.
1851	(1) Each agency required to be audited under Section 17C-1-604 shall, within 180 days
1852	after the end of the agency's fiscal year, file a copy of the audit report with the county auditor,
1853	the State Tax Commission, the State Board of Education, and each taxing entity that levies a
1854	tax on property from which the agency collects tax increment.
1855	(2) Each audit report under Subsection (1) shall include:
1856	(a) the tax increment collected by the agency for each project area;
1857	(b) the amount of tax increment paid to each taxing entity under Section 17C-1-410;

1858	(c) the outstanding principal amount of bonds issued or other loans incurred to finance
1859	the costs associated with the agency's project areas; and
1860	(d) the actual amount expended for:
1861	(i) acquisition of property;
1862	(ii) site improvements or site preparation costs;
1863	(iii) installation of public utilities or other public improvements; and
1864	(iv) administrative costs of the agency.
1865	Section 40. Section 17C-1-606 is amended to read:
1866	17C-1-606. County auditor report on project areas.
1867	(1) (a) On or before March 31 of each year, the auditor of each county in which an
1868	agency is located shall prepare a report on the project areas within each agency.
1869	(b) The county auditor shall send a copy of each report under Subsection (1)(a) to the
1870	agency that is the subject of the report, the State Tax Commission, the State Board of
1871	Education, and each taxing entity that levies a tax on property from which the agency collects
1872	tax increment.
1873	(2) Each report under Subsection (1)(a) shall report:
1874	(a) the total assessed property value within each project area for the previous tax year;
1875	(b) the base taxable value of property within each project area for the previous tax year;
1876	(c) the tax increment available to be paid to the agency for the previous tax year;
1877	(d) the tax increment requested by the agency for the previous tax year; and
1878	(e) the tax increment paid to the agency for the previous tax year.
1879	(3) Within 30 days after a request by an agency, the State Tax Commission, the State
1880	Board of Education, or any taxing entity that levies a tax on property from which the agency
1881	receives tax increment, the county auditor or the county assessor shall provide access to:
1882	(a) the county auditor's method and calculations used to make adjustments under
1883	Section 17C-1-408;
1884	(b) the unequalized assessed valuation of an existing or proposed project area, or any
1885	parcel or parcels within an existing or proposed project area, if the equalized assessed valuation
1886	has not yet been determined for that year;
1887	(c) the most recent equalized assessed valuation of an existing or proposed project area
1888	or any parcel or parcels within an existing or proposed project area; and

1889	(d) the tax rate of each taxing entity adopted as of November 1 for the previous tax
1890	year.
1891	Section 41. Section 17C-1-607 is amended to read:
1892	17C-1-607. State Tax Commission and county assessor required to account for
1893	new growth.
1894	The State Tax Commission and the assessor of each county in which [an urban renewal,
1895	economic development, or community development] a project area is located shall count as
1896	new growth the assessed value of property with respect to which the taxing entity is receiving
1897	taxes or increased taxes for the first time.
1898	Section 42. Section 17C-1-701 is amended to read:
1899	Part 1. Agency and Project Area Dissolution
1900	17C-1-701. Approval of agency deactivation and dissolution Restrictions
1901	Notice Recording requirements Agency records Dissolution expenses.
1902	(1) (a) Subject to Subsection (1)(b), the legislative body of the community that created
1903	an agency may, by ordinance, approve the deactivation and dissolution of the agency.
1904	(b) An ordinance under Subsection (1)(a) approving the deactivation and dissolution of
1905	an agency may not be adopted unless the agency has no outstanding bonded indebtedness, other
1906	unpaid loans, indebtedness, or advances, and no legally binding contractual obligations with
1907	persons [or entities] other than the community.
1908	(2) (a) The community legislative body shall:
1909	(i) within 10 days after adopting an ordinance under Subsection (1), file with the
1910	lieutenant governor a copy of a notice of an impending boundary action, as defined in Section
1911	67-1a-6.5, that meets the requirements of Subsection 67-1a-6.5(3); and
1912	(ii) upon the lieutenant governor's issuance of a certificate of dissolution under Section
1913	67-1a-6.5, submit to the recorder of the county in which the agency is located:
1914	(A) the original notice of an impending boundary action;
1915	(B) the original certificate of dissolution; and
1916	(C) a certified copy of the ordinance approving the deactivation and dissolution of the
1917	agency.
1918	(b) Upon the lieutenant governor's issuance of the certificate of dissolution under
1919	Section 67-1a-6.5, the agency is dissolved.

1920	(c) Within 10 days after receiving the certificate of dissolution from the lieutenant
1921	governor under Section 67-1a-6.5, the community legislative body shall send a copy of the
1922	certificate of dissolution and the ordinance adopted under Subsection (1) to the State Board of
1923	Education, and each taxing entity.
1924	(d) The community legislative body shall publish a notice of dissolution in a
1925	newspaper of general circulation in the county in which the dissolved agency is located.
1926	(3) The books, documents, records, papers, and seal of each dissolved agency shall be
1927	deposited for safekeeping and reference with the recorder of the community that dissolved the
1928	agency.
1929	(4) The agency shall pay all expenses of the deactivation and dissolution.
1930	Section 43. Section 17C-1-702 is enacted to read:
1931	17C-1-702. Project area dissolution.
1932	(1) Regardless of whether an agency receives project funds from a project area, the
1933	project area remains in existence until:
1934	(a) the agency adopts a resolution of dissolution in accordance with Subsection (2); and
1935	(b) the community legislative body adopts an ordinance in accordance Subsection (2)
1936	that dissolves the project area.
1937	(2) The ordinance described in Subsection (1)(b) shall include:
1938	(a) the name of the project area; and
1939	(b) a map or a description of the project area boundaries.
1940	(2) Within 30 days after the day on which the community legislative body adopts an
1941	ordinance under Subsection (1)(b), the community legislative body shall:
1942	(a) submit a copy of the ordinance for recording with the county recorder of the county
1943	within which the dissolved project area is located; and
1944	(b) mail a copy of the ordinance to each taxing entity from which the agency received
1945	project area funds for the dissolved project area.
1946	Section 44. Section 17C-1-801 is enacted to read:
1947	Part 8. Hearing and Notice Requirements
1948	<u>17C-1-801.</u> Title.
1949	This part is known as "Hearings and Notice Requirements."
1950	Section 45. Section 17C-1-802, which is renumbered from Section 17C-2-401 is

1951	renumbered and amended to read:
1952	[17C-2-401]. <u>17C-1-802.</u> Combining hearings.
1953	A board may combine any combination of a blight hearing, a plan hearing, and a budget
1954	hearing.
1955	Section 46. Section 17C-1-803, which is renumbered from Section 17C-2-402 is
1956	renumbered and amended to read:
1957	[17C-2-402]. <u>17C-1-803.</u> Continuing a hearing.
1958	Subject to Section [17C-2-403] <u>17C-1-804</u> , the board may continue [from time to time
1959	a]:
1960	(1) <u>a</u> blight hearing;
1961	(2) <u>a</u> plan hearing;
1962	(3) \underline{a} budget hearing; or
1963	(4) <u>a</u> combined hearing under Section [17C-2-401] <u>17C-1-802</u> .
1964	Section 47. Section 17C-1-804, which is renumbered from Section 17C-2-403 is
1965	renumbered and amended to read:
1966	[17C-2-403]. <u>17C-1-804.</u> Notice required for continued hearing.
1967	The board shall give notice of a hearing continued under Section [17C-2-402]
1968	17C-1-803 by announcing at the hearing:
1969	(1) the date, time, and place the hearing will be resumed; or
1970	(2) (a) that [it] the hearing is being continued to a later time; and [causing]
1971	(b) that the board will cause a notice of the continued hearing to be[:]
1972	[(a) (i) published once in a newspaper of general circulation within the agency
1973	boundaries at least seven days before the hearing is scheduled to resume; or]
1974	[(ii) if there is no newspaper of general circulation, posted in at least three conspicuous
1975	places within the boundaries of the agency in which the project area or proposed project area is
1976	located; and]
1977	[(b)] published on the Utah Public Notice Website created in Section 63F-1-701, at
1978	least seven days before the hearing is schedule to resume.
1979	Section 48. Section 17C-1-805, which is renumbered from Section 17C-2-501 is
1980	renumbered and amended to read:
1981	[17C-2-501]. <u>17C-1-805.</u> Agency to provide notice of hearings.

1982	(1) Each agency shall provide notice, as provided in this part, of each:
1983	(a) blight hearing;
1984	(b) plan hearing; and
1985	(c) budget hearing.
1986	(2) The notice required under Subsection (1) for any of the hearings listed in that
1987	subsection may be combined with the notice required for any of the other hearings if the
1988	hearings are combined under Section [17C-2-401] <u>17C-1-802</u> .
1989	Section 49. Section 17C-1-806, which is renumbered from Section 17C-2-502 is
1990	renumbered and amended to read:
1991	[17C-2-502]. <u>17C-1-806.</u> Requirements for notice provided by agency.
1992	(1) The notice required by Section [17C-2-501] <u>17C-1-805</u> shall be given by:
1993	(a) (i) publishing one notice, excluding the map referred to in Subsection (3)(b), in a
1994	newspaper of general circulation within the county in which the project area or proposed
1995	project area is located, at least 14 days before the hearing;
1996	(ii) if there is no newspaper of general circulation, posting notice at least 14 days
1997	before the day of the hearing in at least three conspicuous places within the county in which the
1998	project area or proposed project area is located; or
1999	(iii) posting notice, excluding the map described in Subsection (3)(b), at least 14 days
2000	before the day on which the hearing is held on:
2001	(A) the Utah Public Notice Website described in Section 63F-1-701; and
2002	(B) the public website of a community located within the boundaries of the project
2003	area; and
2004	(b) at least 30 days before the hearing, mailing notice to:
2005	(i) [mailing notice to] each record owner of property located within the project area or
2006	proposed project area; [and]
2007	[(ii) mailing notice to:]
2008	[(A)] (ii) the State Tax Commission;
2009	[(B)] (iii) the assessor and auditor of the county in which the project area or proposed
2010	project area is located; [and]
2011	[(C) (I)] (iv) (A) each member of the taxing entity committee, if applicable; or
2012	[(H)] (B) if a taxing entity committee has not yet been formed, the State Board of

2013	Education and the legislative body or governing board of each taxing entity[-]; and
2014	(v) for a community development project area plan or community reinvestment project
2015	area plan that is subject to interlocal agreement, each taxing entity party to an interlocal
2016	agreement.
2017	(2) The mailing of the notice to record property owners required under Subsection
2018	(1)(b)(i) shall be conclusively considered to have been properly completed if:
2019	(a) the agency mails the notice to the property owners as shown in the records,
2020	including an electronic database, of the county recorder's office and at the addresses shown in
2021	those records; and
2022	(b) the county recorder's office records used by the agency in identifying owners to
2023	whom the notice is mailed and their addresses were obtained or accessed from the county
2024	recorder's office no earlier than 30 days before the mailing.
2025	(3) The agency shall include in each notice required under Section [17C-2-501]
2026	<u>17C-1-805</u> :
2027	(a) (i) a specific description of the boundaries of the project area or proposed project
2028	area; or
2029	(ii) (A) a mailing address or telephone number where a person may request that a copy
2030	of the description be sent at no cost to the person by mail or facsimile transmission; and
2031	(B) if the agency has an Internet website, an Internet address where a person may gain
2032	access to an electronic, printable copy of the description;
2033	(b) a map of the boundaries of the project area or proposed project area;
2034	(c) an explanation of the purpose of the hearing; and
2035	(d) a statement of the date, time, and location of the hearing.
2036	(4) The agency shall include in each notice under Subsection (1)(b)(ii):
2037	(a) a statement that property tax revenues resulting from an increase in valuation of
2038	property within the project area or proposed project area will be paid to the agency for urban
2039	renewal purposes rather than to the taxing entity to which the tax revenues would otherwise
2040	have been paid if:
2041	(i) the taxing entity committee consents to the project area budget; and
2042	(ii) the project area plan provides for the agency to receive tax increment; and
2043	(b) an invitation to the recipient of the notice to submit to the agency comments

2044	concerning the subject matter of the hearing before the date of the hearing.
2045	(5) An agency may include in a notice under Subsection (1) any other information the
2046	agency considers necessary or advisable, including the public purpose served by the project and
2047	any future tax benefits expected to result from the project.
2048	Section 50. Section 17C-1-807, which is renumbered from Section 17C-2-503 is
2049	renumbered and amended to read:
2050	[17C-2-503]. <u>17C-1-807.</u> Additional requirements for notice of a blight
2051	hearing.
2052	Each notice under Section [17C-2-502] <u>17C-1-806</u> for a blight hearing shall include:
2053	(1) a statement that:
2054	(a) [an urban renewal] a project area is being proposed;
2055	(b) the proposed [urban renewal] project area may be declared to have blight;
2056	(c) the record owner of property within the proposed project area has the right to
2057	present evidence at the blight hearing contesting the existence of blight;
2058	(d) except for a hearing continued under Section [17C-2-402] <u>17C-1-803</u> , the agency
2059	will notify the record property owners referred to in Subsection [17C-2-502]
2060	17C-1-806(1)(b)(i) of each additional public hearing held by the agency concerning the [urban
2061	renewal project prior to] proposed project area before the adoption of the [urban renewal]
2062	project area plan; and
2063	(e) persons contesting the existence of blight in the proposed [urban renewal] project
2064	area may appear before the [agency] board and show cause why the proposed [urban renewal]
2065	project area should not be designated as [an urban renewal] a project area; and
2066	(2) if the agency anticipates acquiring property in an urban renewal project area or a
2067	community reinvestment area by eminent domain, a clear and plain statement that:
2068	(a) the project area plan may require the agency to use eminent domain; and
2069	(b) the proposed use of eminent domain will be discussed at the blight hearing.
2070	Section 51. Section 17C-1-808, which is renumbered from Section 17C-2-504 is
2071	renumbered and amended to read:
2072	[17C-2-504]. <u>17C-1-808.</u> Additional requirements for notice of a plan
2073	hearing.
2074	Each notice under Section [17C-2-502] 17C-1-806 of a plan hearing shall include:

2075	(1) a statement that any person objecting to the [draft] proposed project area plan or
2076	contesting the regularity of any of the proceedings to adopt it may appear before the [agency]
2077	board at the hearing to show cause why the [draft] proposed project area plan should not be
2078	adopted; and
2079	(2) a statement that the proposed project area plan is available for inspection at the
2080	agency offices.
2081	Section 52. Section 17C-1-809, which is renumbered from Section 17C-2-505 is
2082	renumbered and amended to read:
2083	[17C-2-505]. <u>17C-1-809.</u> Additional requirements for notice of a budget
2084	hearing.
2085	Each notice under Section [17C-2-502] <u>17C-1-806</u> of a budget hearing shall contain:
2086	(1) the following statement:
2087	"The (name of agency) has requested \$ in property tax revenues that will be
2088	generated by development within the (name of project area) to fund a portion of project costs
2089	within the (name of project area). These property tax revenues will be used for the following:
2090	(list major budget categories and amounts). These property taxes will be taxes levied by the
2091	following governmental entities, and, assuming current tax rates, the taxes paid to the agency
2092	for this project area from each taxing entity will be as follows: (list each taxing entity levying
2093	taxes and the amount of total taxes that would be paid from each taxing entity). All of the
2094	property taxes to be paid to the agency for the development in the project area are taxes that
2095	will be generated only if the project area is developed.
2096	All concerned citizens are invited to attend the project area budget hearing scheduled
2097	for (date, time, and place of hearing). A copy of the (name of project area) project area budget
2098	is available at the offices of (name of agency and office address)."; and
2099	(2) other information that the agency considers appropriate.
2100	Section 53. Section 17C-2-101.1 is enacted to read:
2101	CHAPTER 2. URBAN RENEWAL
2102	<u>17C-2-101.1.</u> Title.
2103	This chapter is known as "Urban Renewal."
2104	Section 54. Section 17C-2-101.2 is enacted to read:
2105	17C-2-101.2. Applicability of chapter.

2106	This chapter applies to an urban renewal project area plan adopted before May 10,
2107	<u>2016.</u>
2108	Section 55. Section 17C-2-101.5, which is renumbered from Section 17C-2-101 is
2109	renumbered and amended to read:
2110	[17C-2-101]. <u>17C-2-101.5.</u> Resolution designating survey area Request
2111	to adopt resolution.
2112	(1) [An agency] \underline{A} board may begin the process of adopting an urban renewal project
2113	area plan by adopting a resolution that:
2114	(a) designates an area located within the agency's boundaries as a survey area;
2115	(b) contains a statement that the survey area requires study to determine whether:
2116	(i) one or more urban renewal projects within the survey area are feasible; and
2117	(ii) blight exists within the survey area; and
2118	(c) contains a description or map of the boundaries of the survey area.
2119	(2) (a) Any person or any group, association, corporation, or other entity may submit a
2120	written request to the board to adopt a resolution under Subsection (1).
2121	(b) A request under Subsection (2)(a) may include plans showing the urban renewal
2122	proposed for an area within the agency's boundaries.
2123	(c) The board may, in [its] the board's sole discretion, grant or deny a request under
2124	Subsection (2)(a).
2125	Section 56. Section 17C-2-102 is amended to read:
2126	17C-2-102. Process for adopting urban renewal project area plan Prerequisite
2127	Restrictions.
2128	(1) (a) In order to adopt an urban renewal project area plan, after adopting a resolution
2129	under Subsection 17C-2-101(1) the agency shall:
2130	(i) unless a finding of blight is based on a finding made under Subsection
2131	17C-2-303(1)(b) relating to an inactive industrial site or inactive airport site:
2132	(A) cause a blight study to be conducted within the survey area as provided in Section
2133	17C-2-301;
2134	(B) provide notice of a blight hearing as required under Part 5, Urban Renewal Notice
2135	Requirements; and
2136	(C) hold a blight hearing as provided in Section 17C-2-302;

2137	(ii) after the blight hearing has been held or, if no blight hearing is required under
2138	Subsection (1)(a)(i), after adopting a resolution under Subsection 17C-2-101(1), hold a board
2139	meeting at which the board shall:
2140	(A) consider:
2141	(I) the issue of blight and the evidence and information relating to the existence or
2142	nonexistence of blight; and
2143	(II) whether adoption of one or more urban renewal project area plans should be
2144	pursued; and
2145	(B) by resolution:
2146	(I) make a finding regarding the existence of blight in the proposed urban renewal
2147	project area;
2148	(II) select one or more project areas comprising part or all of the survey area; and
2149	(III) authorize the preparation of a [draft] proposed project area plan for each project
2150	area;
2151	(iii) prepare a [draft] proposed of a project area plan and conduct any examination,
2152	investigation, and negotiation regarding the project area plan that the agency considers
2153	appropriate;
2154	(iv) make the [draft] proposed project area plan available to the public at the agency's
2155	offices during normal business hours;
2156	(v) provide notice of the plan hearing as provided in Sections [17C-2-502 and
2157	17C-2-504] <u>17C-1-806 and 17C-1-808</u> ;
2158	(vi) hold a public hearing on the [draft] proposed project area plan and, at that public
2159	hearing:
2160	(A) allow public comment on:
2161	(I) the [draft] proposed project area plan; and
2162	(II) whether the [draft] proposed project area plan should be revised, approved, or
2163	rejected; and
2164	(B) receive all written and hear all oral objections to the [draft] proposed project area
2165	plan;
2166	(vii) before holding the plan hearing, provide an opportunity for the State Board of
2167	Education and each taxing entity that levies a tax on property within the proposed project area

2168 to consult with the agency regarding the [draft] proposed project area plan; 2169 (viii) if applicable, hold the election required under Subsection 17C-2-105(3); 2170 (ix) after holding the plan hearing, at the same meeting or at a subsequent meeting consider: 2171 2172 (A) the oral and written objections to the [draft] proposed project area plan and 2173 evidence and testimony for and against adoption of the [draft] proposed project area plan; and 2174 (B) whether to revise, approve, or reject the [draft] proposed project area plan; 2175 (x) approve the draft project area plan, with or without revisions, as the project area plan by a resolution that complies with Section 17C-2-106; and 2176 2177 (xi) submit the project area plan to the community legislative body for adoption. 2178 (b) (i) If an agency makes a finding under Subsection (1)(a)(ii)(B) that blight exists in 2179 the proposed urban renewal project area, the agency may not adopt the project area plan until 2180 the taxing entity committee approves the finding of blight. 2181 (ii) (A) A taxing entity committee may not disapprove an agency's finding of blight unless the committee demonstrates that the conditions the agency found to exist in the urban 2182 2183 renewal project area that support the agency's finding of blight under Section 17C-2-303: 2184 (I) do not exist; or 2185 (II) do not constitute blight. 2186 (B) (I) If the taxing entity committee questions or disputes the existence of some or all 2187 of the blight conditions that the agency found to exist in the urban renewal project area or that 2188 those conditions constitute blight, the taxing entity committee may hire a consultant, mutually 2189 agreed upon by the taxing entity committee and the agency, with the necessary expertise to 2190 assist the taxing entity committee to make a determination as to the existence of the questioned 2191 or disputed blight conditions. 2192 (II) The agency shall pay the fees and expenses of each consultant hired under 2193 Subsection (1)(b)(ii)(B)(I). 2194 (III) The findings of a consultant under this Subsection (1)(b)(ii)(B) shall be binding on 2195 the taxing entity committee and the agency. 2196 (2) An agency may not propose a project area plan under Subsection (1) unless the community in which the proposed project area is located: 2197

(a) has a planning commission; and

2198

2199	(b) has adopted a general plan under:
2200	(i) if the community is a [city or town] municipality, Title 10, Chapter 9a, Part 4,
2201	General Plan; or
2202	(ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
2203	(3) (a) Subject to Subsection (3)(b), [an agency] <u>a</u> board may not approve a project area
2204	plan more than one year after adoption of a resolution making a finding of blight under
2205	Subsection (1)(a)(ii)(B).
2206	(b) If a project area plan is submitted to an election under Subsection 17C-2-105(3),
2207	the time between the plan hearing and the date of the election does not count for purposes of
2208	calculating the year period under Subsection (3)(a).
2209	(4) (a) Except as provided in Subsection (4)(b), a [draft] proposed project area plan
2210	may not be modified to add real property to the proposed project area unless the board holds a
2211	plan hearing to consider the addition and gives notice of the plan hearing as required under
2212	Sections [17C-2-502 and 17C-2-504] <u>17C-1-806 and 17C-1-808</u> .
2213	(b) The notice and hearing requirements under Subsection (4)(a) do not apply to a
2214	[draft] proposed project area plan being modified to add real property to the proposed project
2215	area if:
2216	(i) the property is contiguous to the property already included in the proposed project
2217	area under the [draft] proposed project area plan;
2218	(ii) the record owner of the property consents to adding the real property to the
2219	proposed project area; and
2220	(iii) the property is located within the survey area.
2221	Section 57. Section 17C-2-103 is amended to read:
2222	17C-2-103. Urban renewal project area plan requirements.
2223	(1) Each urban renewal project area plan and [draft] proposed project area plan shall:
2224	(a) describe the boundaries of the project area, subject to Section 17C-1-414, if
2225	applicable;
2226	(b) contain a general statement of the land uses, layout of principal streets, population
2227	densities, and building intensities of the project area and how they will be affected by the urban
2228	renewal;
2229	(c) state the standards that will guide the urban renewal;

2230	(d) show how the purposes of this title will be attained by the urban renewal;
2231	(e) be consistent with the general plan of the community in which the project area is
2232	located and show that the urban renewal will conform to the community's general plan;
2233	(f) describe how the urban renewal will reduce or eliminate blight in the project area;
2234	(g) describe any specific project or projects that are the object of the proposed urban
2235	renewal;
2236	(h) identify how [private developers, if any,] a participant will be selected to undertake
2237	the urban renewal and identify each [private developer] participant currently involved in the
2238	urban renewal process;
2239	(i) state the reasons for the selection of the project area;
2240	(j) describe the physical, social, and economic conditions existing in the project area;
2241	(k) describe any tax incentives offered private entities for facilities located in the
2242	project area;
2243	(l) include the analysis described in Subsection (2);
2244	(m) if any of the existing buildings or uses in the project area are included in or eligible
2245	for inclusion in the National Register of Historic Places or the State Register, state that the
2246	agency shall comply with Section 9-8-404 as though the agency were a state agency; and
2247	(n) include other information that the agency determines to be necessary or advisable.
2248	(2) Each analysis under Subsection (1)(l) shall consider:
2249	(a) the benefit of any financial assistance or other public subsidy proposed to be
2250	provided by the agency, including:
2251	(i) an evaluation of the reasonableness of the costs of the urban renewal;
2252	(ii) efforts the agency or [developer] participant has made or will make to maximize
2253	private investment;
2254	(iii) the rationale for use of tax increment, including an analysis of whether the
2255	proposed development might reasonably be expected to occur in the foreseeable future solely
2256	through private investment; and
2257	(iv) an estimate of the total amount of tax increment that will be expended in
2258	undertaking urban renewal and the length of time for which it will be expended; and
2259	(b) the anticipated public benefit to be derived from the urban renewal, including:
2260	(i) the beneficial influences upon the tax base of the community;

2261	(ii) the associated business and economic activity likely to be stimulated; and
2262	(iii) whether adoption of the project area plan is necessary and appropriate to reduce or
2263	eliminate blight.
2264	Section 58. Section 17C-2-105 is amended to read:
2265	17C-2-105. Objections to urban renewal project area plan Owners' alternative
2266	project area plan Election if 40% of property owners object.
2267	(1) At any time before the plan hearing, any person may file with the agency a written
2268	statement of objections to the [draft] proposed urban renewal project area plan.
2269	(2) If the record owners of property of a majority of the private real property included
2270	within the proposed urban renewal project area file a written petition before or at the plan
2271	hearing, proposing an alternative project area plan, the agency shall consider that proposed plan
2272	in conjunction with the project area plan proposed by the agency.
2273	(3) (a) If the record property owners of at least 40% of the private land area within the
2274	proposed urban renewal project area object in writing to the [draft] proposed project area plan
2275	before or at the plan hearing and do not withdraw their objections, an agency may not approve
2276	the project area plan until approved by voters within the boundaries of the agency in which the
2277	proposed project area is located at an election as provided in Subsection (3)(b).
2278	(b) (i) Except as provided in this section, each election required under Subsection
2279	(3)(a) shall comply with Title 20A, Election Code.
2280	(ii) An election under Subsection (3)(a) may be held on the same day and with the
2281	same election officials as an election held by the community in which the proposed project area
2282	is located.
2283	(iii) If a majority of those voting on the proposed project area plan vote in favor of it,
2284	the project area plan shall be considered approved and the agency shall confirm the approval by
2285	resolution.
2286	(4) If the record property owners of 2/3 of the private land area within the proposed
2287	project area object in writing to the [draft] proposed project area plan before or at the plan
2288	hearing and do not withdraw their objections, the project area plan may not be adopted and the
2289	agency may not reconsider the project area plan for three years.
2290	Section 59. Section 17C-2-106 is amended to read:
2291	17C-2-106. Board resolution approving urban renewal project area plan

2292	Requirements.
2293	Each board resolution approving a [draft] proposed urban renewal project area plan as
2294	the project area plan under Subsection 17C-2-102(1)(a) (x) shall contain:
2295	(1) a [legal] boundary description of the boundaries of the project area that is the
2296	subject of the project area plan;
2297	(2) the agency's purposes and intent with respect to the project area;
2298	(3) the project area plan incorporated by reference;
2299	(4) a statement that the board previously made a finding of blight within the project
2300	area and the date of the board's finding of blight; and
2301	(5) the board findings and determinations that:
2302	(a) there is a need to effectuate a public purpose;
2303	(b) there is a public benefit under the analysis described in Subsection 17C-2-103(2);
2304	(c) it is economically sound and feasible to adopt and carry out the project area plan;
2305	(d) the project area plan conforms to the community's general plan; and
2306	(e) carrying out the project area plan will promote the public peace, health, safety, and
2307	welfare of the community in which the project area is located.
2308	Section 60. Section 17C-2-108 is amended to read:
2309	17C-2-108. Notice of urban renewal project area plan adoption Effective date
2310	of plan Contesting the formation of the plan.
2311	(1) (a) Upon the community legislative body's adoption of an urban renewal project
2312	area plan, or an amendment to a project area plan under Section 17C-2-110, the legislative
2313	body shall provide notice as provided in Subsection (1)(b) by:
2314	(i) (A) publishing or causing to be published a notice in a newspaper of general
2315	circulation within the agency's boundaries; or
2316	(B) if there is no newspaper of general circulation within the agency's boundaries,
2317	causing a notice to be posted in at least three public places within the agency's boundaries; and
2318	(ii) posting a notice on the Utah Public Notice Website described in Section
2319	63F-1-701.
2320	(b) Each notice under Subsection (1)(a) shall:
2321	(i) set forth the community legislative body's ordinance adopting the project area plan
2322	or a summary of the ordinance: and

2323	(ii) include a statement that the project area plan is available for general public
2324	inspection and the hours for inspection.
2325	(2) The project area plan shall become effective on the date of:
2326	(a) if notice was published under Subsection (1)(a), publication of the notice; or
2327	(b) if notice was posted under Subsection (1)(a), posting of the notice.
2328	(3) (a) For a period of 30 days after the effective date of the project area plan under
2329	Subsection (2), any person in interest may contest the project area plan or the procedure used to
2330	adopt the project area plan if the plan or procedure fails to comply with applicable statutory
2331	requirements.
2332	(b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
2333	project area plan or procedure used to adopt the project area plan for any cause.
2334	(4) Upon adoption of the project area plan by the community's legislative body, the
2335	agency may carry out the project area plan.
2336	(5) Each agency shall make the adopted project area plan available to the general
2337	public at [its offices] the agency's office during normal business hours.
2338	Section 61. Section 17C-2-109 is amended to read:
2339	17C-2-109. Agency required to transmit and record documents after adoption of
2340	an urban renewal project area plan.
2341	Within 30 days after the community legislative body adopts, under Section 17C-2-107,
2342	an urban renewal project area plan, the agency shall:
2343	(1) record with the recorder of the county in which the project area is located a
2344	document containing:
2345	(a) a description of the land within the project area;
2346	(b) a statement that the project area plan for the project area has been adopted; and
2347	(c) the date of adoption;
2348	(2) transmit a copy of the description of the land within the project area and an accurate
2349	map or plat indicating the boundaries of the project area to the Automated Geographic
2350	Reference Center created under Section 63F-1-506; and
2351	(3) for a project area plan that provides for the payment of tax increment to the agency,
2352	transmit a copy of the description of the land within the project area, a copy of the community
2353	legislative body ordinance adopting the project area plan, and a map or plat indicating the

2354	boundaries of the project area to:
2355	(a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
2356	part of the project area is located;
2357	(b) the officer or officers performing the function of auditor or assessor for each taxing
2358	entity that does not use the county assessment roll or collect [its] the taxing entity's taxes
2359	through the county;
2360	(c) the legislative body or governing board of each taxing entity;
2361	(d) the State Tax Commission; and
2362	(e) the State Board of Education.
2363	Section 62. Section 17C-2-110 is amended to read:
2364	17C-2-110. Amending an urban renewal project area plan.
2365	(1) An adopted urban renewal project area plan may be amended as provided in this
2366	section.
2367	(2) If an agency proposes to amend an adopted urban renewal project area plan to
2368	enlarge the project area:
2369	(a) subject to Subsection (2)(e), the requirements under this part that apply to adopting
2370	a project area plan apply equally to the proposed amendment as if it were a proposed project
2371	area plan;
2372	(b) for a pre-July 1, 1993 project area plan, the base year taxable value for the new area
2373	added to the project area shall be determined under Subsection 17C-1-102(6)(a)(i) using the
2374	effective date of the amended project area plan;
2375	(c) for a post-June 30, 1993 project area plan:
2376	(i) the base year taxable value for the new area added to the project area shall be
2377	determined under Subsection 17C-1-102(6)(a)(ii) using the date of the taxing entity
2378	committee's consent referred to in Subsection (2)(c)(ii); and
2379	(ii) the agency shall obtain the consent of the taxing entity committee before the agency
2380	may collect tax increment from the area added to the project area by the amendment;
2381	(d) the agency shall make a finding regarding the existence of blight in the area
2382	proposed to be added to the project area by following the procedure set forth in Subsections
2383	17C-2-102(1)(a)(i) and (ii); and
2384	(e) the agency need not make a finding regarding the existence of blight in the project

area as described in the original project area plan, if the agency made a finding of the existence of blight regarding that project area in connection with adoption of the original project area plan.

- (3) If a proposed amendment does not propose to enlarge an urban renewal project area, [an agency] <u>a</u> board may adopt a resolution approving an amendment to an adopted project area plan after:
- (a) the agency gives notice, as provided in Section [17C-2-502] <u>17C-1-806</u>, of the proposed amendment and of the public hearing required by Subsection (3)(b);
- (b) the [agency] board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;
- (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is collected;
- (ii) to permit the agency to receive a greater percentage of tax increment or to receive tax increment for a longer period of time, or both, than allowed under the adopted project area plan; or
- (iii) for an amendment to a project area plan that was adopted before April 1, 1983, to expand the area from which tax increment is collected to exceed 100 acres of private property; and
- (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to receive tax increment for a longer period of time, or both, than allowed under the adopted project area plan.
- (4) (a) An adopted urban renewal project area plan may be amended without complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
- (i) makes a minor adjustment in the [legal] boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
 - (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area

2416	because the agency determines that:
2417	(A) the parcel is no longer blighted; or
2418	(B) inclusion of the parcel is no longer necessary or desirable to the project area.
2419	(b) An amendment removing a parcel of real property from a project area under
2420	Subsection (4)(a)(ii) may not be made without the consent of the record property owner of the
2421	parcel being removed.
2422	(5) (a) An amendment approved by board resolution under this section may not take
2423	effect until adopted by ordinance of the legislative body of the community in which the project
2424	area that is the subject of the project area plan being amended is located.
2425	(b) Upon a community legislative body passing an ordinance adopting an amendment
2426	to a project area plan, the agency whose project area plan was amended shall comply with the
2427	requirements of Sections 17C-2-108 and 17C-2-109 to the same extent as if the amendment
2428	were a project area plan.
2429	Section 63. Section 17C-2-201 is amended to read:
2430	17C-2-201. Project area budget Requirements for adopting Contesting the
2431	budget or procedure Time limit.
2432	(1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993 urban
2433	renewal project area plan with tax increment, the agency shall, subject to Section 17C-2-202,
2434	adopt a project area budget as provided in this part.
2435	(b) An urban renewal project area budget adopted on or after March 30, 2009 shall
2436	specify:
2437	(i) for a project area budget adopted on or after March 30, 2009:
2438	(A) the number of tax years for which the agency will be allowed to receive tax
2439	increment from the project area; and
2440	(B) the percentage of tax increment the agency is entitled to receive from the project
2441	area under the project area budget; and
2442	(ii) for a project area budget adopted on or after March 30, 2013, unless approval is
2443	obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of
2444	tax increment that the agency may receive from the project area under the project area budget.
2445	(2) To adopt an urban renewal project area budget, the agency shall:
2446	(a) prepare a [draft of a] proposed project area budget:

2447 (b) make a copy of the [draft] proposed project area budget available to the public at 2448 the agency's offices during normal business hours; 2449 (c) provide notice of the budget hearing as required by [Part 5, Urban Renewal Notice 2450 Requirements | Chapter 1, Part 8, Hearing and Notice Requirements; 2451 (d) hold a public hearing on the [draft] proposed project area budget and, at that public 2452 hearing, allow public comment on: 2453 (i) the [draft] proposed project area budget; and 2454 (ii) whether the [draft] proposed project area budget should be revised, adopted, or 2455 rejected: 2456 (e) (i) if required under Subsection 17C-2-204(1), obtain the approval of the taxing 2457 entity committee on the [draft] proposed project area budget or a revised version of the [draft] 2458 proposed project area budget; or 2459 (ii) if applicable, comply with the requirements of Subsection 17C-2-204(2); 2460 (f) if approval of the taxing entity committee is required under Subsection (2)(e)(i), 2461 obtain a written certification, signed by an attorney licensed to practice law in this state, stating 2462 that the taxing entity committee followed the appropriate procedures to approve the project 2463 area budget: and 2464 (g) after the budget hearing, hold a board meeting in the same meeting as the public 2465 hearing or in a subsequent meeting to: 2466 (i) consider comments made and information presented at the public hearing relating to 2467 the [draft] proposed project area budget; and (ii) adopt by resolution the [draft] proposed project area budget, with any revisions, as 2468 2469 the project area budget. 2470 (3) (a) For a period of 30 days after the agency's adoption of the project area budget 2471 under Subsection (2)(g), any person in interest may contest the project area budget or the 2472 procedure used to adopt the project area budget if the budget or procedure fails to comply with 2473 applicable statutory requirements. 2474 (b) After the 30-day period under Subsection (3)(a) expires, a person, for any cause, 2475 may not contest: 2476 (i) the project area budget or procedure used by either the taxing entity committee or 2477 the agency to approve and adopt the project area budget:

2478	(ii) a payment to the agency under the project area budget; or
2479	(iii) the agency's use of tax increment under the project area budget.
2480	Section 64. Section 17C-2-204 is amended to read:
2481	17C-2-204. Consent of taxing entity committee required for urban renewal
2482	project area budget Exception.
2483	(1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
2484	agency shall obtain the consent of the taxing entity committee for each urban renewal project
2485	area budget under a post-June 30, 1993 project area plan before the agency may collect any tax
2486	increment from the urban renewal project area.
2487	(b) For an urban renewal project area budget adopted from July 1, 1998 through May 1,
2488	2000 that allocates 20% or more of the tax increment for housing as provided in Section
2489	17C-1-412, an agency:
2490	(i) need not obtain the consent of the taxing entity committee for the project area
2491	budget; and
2492	(ii) may not collect any tax increment from all or part of the project area until after:
2493	(A) the loan fund board has certified the project area budget as complying with the
2494	requirements of Section 17C-1-412; and
2495	(B) the [agency] board has approved and adopted the project area budget by a
2496	two-thirds vote.
2497	(2) (a) Before a taxing entity committee may consent to an urban renewal project area
2498	budget adopted on or after May 1, 2000 that is required under Subsection 17C-2-203(1)(a) to
2499	allocate 20% of tax increment for housing, the agency shall:
2500	(i) adopt a housing plan showing the uses for the housing funds; and
2501	(ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
2502	board.
2503	(b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
2504	shall provide a copy of the amendment to the taxing entity committee and the loan fund board.
2505	Section 65. Section 17C-2-207 is amended to read:
2506	17C-2-207. Extending collection of tax increment in an urban renewal project
2507	area budget.
2508	(1) An amendment or extension approved by a taxing entity or taxing entity committee

2509	before May 10, 2011, is not subject to this section.
2510	(2) (a) An agency's collection of tax increment under an adopted urban renewal project
2511	area budget may be extended by:
2512	(i) following the project area budget amendment procedures outlined in Section
2513	17C-2-206; or
2514	(ii) following the procedures outlined in this section.
2515	(b) The base taxable value for an urban renewal project area budget may not be altered
2516	as a result of an extension under this section unless otherwise expressly provided for in an
2517	interlocal agreement adopted in accordance with Subsection (3)(a).
2518	(3) To extend under this section the agency's collection of tax increment from a taxing
2519	entity under a previously approved project area budget, the agency shall:
2520	(a) obtain the approval of the taxing entity through an interlocal agreement;
2521	(b) (i) hold a public hearing on the proposed extension in accordance with Subsection
2522	17C-2-201(2)(d) in the same manner as required for a [draft] proposed project area budget; and
2523	(ii) provide notice of the hearing:
2524	(A) as required by Part 5, Urban Renewal Notice Requirements; and
2525	(B) including the proposed period of extension of the project area budget; and
2526	(c) after obtaining the approval of the taxing entity in accordance with Subsection
2527	(3)(a), at or after the public hearing, adopt a resolution approving the extension.
2528	(4) After the expiration of a project area budget, an agency may continue to receive tax
2529	increment from those taxing entities that have agreed to an extension through an interlocal
2530	agreement in accordance with Subsection (3)(a).
2531	(5) (a) A person may contest the agency's adoption of a budget extension within 30
2532	days after the day on which the agency adopts the resolution providing for the extension.
2533	(b) A person who fails to contest a budget extension under Subsection (5)(a):
2534	(i) shall forfeit any claim against the agency's adoption of the extension; and
2535	(ii) may not contest:
2536	(A) a payment to the agency under the budget, as extended; or
2537	(B) an agency's use of tax increment under the budget, as extended.
2538	Section 66. Section 17C-2-303 is amended to read:
2539	17C-2-303. Conditions on board determination of blight Conditions of blight

2540	caused by the participant.
2541	(1) [An agency] \underline{A} board may not make a finding of blight in a resolution under
2542	Subsection 17C-2-102(1)(a)(ii)(B) unless the board finds that:
2543	(a) (i) the proposed project area consists predominantly of nongreenfield parcels;
2544	(ii) the proposed project area is currently zoned for urban purposes and generally
2545	served by utilities;
2546	(iii) at least 50% of the parcels within the proposed project area contain nonagricultural
2547	or nonaccessory buildings or improvements used or intended for residential, commercial,
2548	industrial, or other urban purposes, or any combination of those uses;
2549	(iv) the present condition or use of the proposed project area substantially impairs the
2550	sound growth of the municipality, retards the provision of housing accommodations, or
2551	constitutes an economic liability or is detrimental to the public health, safety, or welfare, as
2552	shown by the existence within the proposed project area of at least four of the following
2553	factors:
2554	(A) one of the following, although sometimes interspersed with well maintained
2555	buildings and infrastructure:
2556	(I) substantial physical dilapidation, deterioration, or defective construction of
2557	buildings or infrastructure; or
2558	(II) significant noncompliance with current building code, safety code, health code, or
2559	fire code requirements or local ordinances;
2560	(B) unsanitary or unsafe conditions in the proposed project area that threaten the
2561	health, safety, or welfare of the community;
2562	(C) environmental hazards, as defined in state or federal law, that require remediation
2563	as a condition for current or future use and development;
2564	(D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
2565	urban use and served by utilities;
2566	(E) abandoned or outdated facilities that pose a threat to public health, safety, or
2567	welfare;
2568	(F) criminal activity in the project area, higher than that of comparable nonblighted
2569	areas in the municipality or county; and
2570	(G) defective or unusual conditions of title rendering the title nonmarketable; and

2571	(v) (A) at least 50% of the privately-owned parcels within the proposed project area are
2572	affected by at least one of the factors, but not necessarily the same factor, listed in Subsection
2573	(1)(a)(iv); and
2574	(B) the affected parcels comprise at least 66% of the privately-owned acreage of the
2575	proposed project area; or
2576	(b) the proposed project area includes some or all of a superfund site, inactive
2577	industrial site, or inactive airport site.
2578	(2) No single parcel comprising 10% or more of the acreage of the proposed project
2579	area may be counted as satisfying Subsection (1)(a)(iii) or (iv) unless at least 50% of the area of
2580	that parcel is occupied by buildings or improvements.
2581	(3) (a) For purposes of Subsection (1), if a [developer] participant involved in the
2582	urban renewal project has caused a condition listed in Subsection (1)(a)(iv) within the proposed
2583	project area, that condition may not be used in the determination of blight.
2584	(b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
2585	tenant who becomes a [developer] participant.
2586	Section 67. Section 17C-2-601 is amended to read:
2587	17C-2-601. Use of eminent domain in an urban renewal project area
2588	Conditions Acquiring single family owner occupied residential property or commercial
2589	property Acquiring property already devoted to a public use Relocation assistance
2590	requirement.
2591	(1) Subject to Section 17C-2-602, an agency may, in accordance with Title 17B,
2592	Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire property:
2593	(a) within an urban renewal project area if:
2594	(i) the [agency] board makes a finding of blight under Part 3, Blight Determination in
2595	Urban Renewal Project Areas;
2596	(ii) the urban renewal project area plan provides for the use of eminent domain; and
2597	(iii) the agency commences the acquisition of the property within five years after the
2598	effective date of the urban renewal project area plan; or
2599	(b) within a project area established after December 31, 2001 but before April 30, 2007
2600	if:
2601	(i) the [agency] board made a finding of blight with respect to the project area as

2602	provided under the law in effect at the time of the finding;
2603	(ii) the project area plan provides for the use of eminent domain; and
2604	(iii) the agency commences the acquisition of the property before January 1, 2010.
2605	(2) (a) As used in this Subsection (2):
2606	(i) "Commercial property" means a property used, in whole or in part, by the owner or
2607	possessor of the property for a commercial, industrial, retail, or other business purpose,
2608	regardless of the identity of the property owner.
2609	(ii) "Owner occupied property" means private real property:
2610	(A) whose use is single-family residential or commercial; and
2611	(B) that is occupied by the owner of the property.
2612	(iii) "Relevant area" means:
2613	(A) except as provided in Subsection (2)(a)(iii)(B), the project area; or
2614	(B) the area included within a phase of a project under a project area plan if the phase
2615	and the area included within the phase are described in the project area plan.
2616	(b) For purposes of each provision of this Subsection (2) relating to the submission of a
2617	petition by the owners of property, a parcel of real property is included in the calculation of the
2618	applicable percentage if the petition is signed by:
2619	(i) except as provided in Subsection (2)(b)(ii), owners representing a majority
2620	ownership interest in that parcel; or
2621	(ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
2622	of owners of that parcel.
2623	(c) An agency may not acquire by eminent domain single-family residential owner
2624	occupied property unless:
2625	(i) the owner consents; or
2626	(ii) (A) a written petition requesting the agency to use eminent domain to acquire the
2627	property is submitted by the owners of at least 80% of the owner occupied property within the
2628	relevant area representing at least 70% of the value of owner occupied property within the
2629	relevant area; and
2630	(B) 2/3 of all [agency] board members vote in favor of using eminent domain to
2631	acquire the property.
2632	(d) An agency may not acquire commercial property by eminent domain unless:

2633	(1) the owner consents; or
2634	(ii) (A) a written petition requesting the agency to use eminent domain to acquire the
2635	property is submitted by the owners of at least 75% of the commercial property within the
2636	relevant area representing at least 60% of the value of commercial property within the relevant
2637	area; and
2638	(B) 2/3 of all [agency] board members vote in favor of using eminent domain to
2639	acquire the property.
2640	(3) An agency may not acquire any real property on which an existing building is to be
2641	continued on [its] the building's present site and in [its] the building's present form and use
2642	unless:
2643	(a) the owner consents; or
2644	(b) (i) the building requires structural alteration, improvement, modernization, or
2645	rehabilitation;
2646	(ii) the site or lot on which the building is situated requires modification in size, shape,
2647	or use; or
2648	(iii) (A) it is necessary to impose upon the property any of the standards, restrictions,
2649	and controls of the project area plan; and
2650	(B) the owner fails or refuses to agree to participate in the project area plan.
2651	(4) (a) Subject to Subsection (4)(b), an agency may acquire by eminent domain
2652	property that is already devoted to a public use and located in:
2653	(i) an urban renewal project area; or
2654	(ii) a project area described in Subsection (1)(b).
2655	(b) An agency may not acquire property of a public entity under Subsection (4)(a)
2656	without the public entity's consent.
2657	(5) Each agency that acquires property by eminent domain shall comply with Title 57,
2658	Chapter 12, Utah Relocation Assistance Act.
2659	Section 68. Section 17C-2-603 is amended to read:
2660	17C-2-603. Court award for court costs and attorney fees, relocation expenses,
2661	and damage to fixtures or personal property.
2662	[If a property owner brings an action in district court contesting an agency's exercise of
2663	eminent domain against that owner's property] In an eminent domain action under this chapter,

2664	the court may:
2665	(1) award court costs and a reasonable attorney fee, as determined by the court, to the
2666	[owner] condemnee, if the amount of the court or jury award for the property exceeds the
2667	amount offered by the agency;
2668	(2) award a reasonable sum, as determined by the court or jury, as compensation for
2669	any costs and expenses of relocating an owner who occupied the acquired property, a party
2670	conducting a business on the acquired property, or a person displaced from the property, as
2671	permitted by Title 57, Chapter 12, Utah Relocation Assistance Act; and
2672	(3) award an amount, as determined by the court or jury, to compensate for any fixtures
2673	or personal property that is:
2674	(a) owned by the owner of the acquired property or by a person conducting a business
2675	on the acquired property; and
2676	(b) damaged as a result of the acquisition or relocation.
2677	Section 69. Section 17C-3-101.1 is enacted to read:
2678	CHAPTER 3. ECONOMIC DEVELOPMENT
2679	<u>17C-3-101.1.</u> Title.
2680	This chapter is known as "Economic Development."
2681	Section 70. Section 17C-3-101.2 is enacted to read:
2682	<u>17C-3-101.2.</u> Applicability.
2683	This chapter applies to an economic development project area plan adopted before May
2684	<u>10, 2016.</u>
2685	Section 71. Section 17C-3-101.5, which is renumbered from Section 17C-3-101 is
2686	renumbered and amended to read:
2687	$[\frac{17C-3-101}{2}]$. Resolution authorizing the preparation of a
2688	proposed economic development project area plan Request to adopt resolution.
2689	(1) [An agency] \underline{A} board may begin the process of adopting an economic development
2690	project area plan by adopting a resolution that authorizes the preparation of a [draft] proposed
2691	project area plan.
2692	(2) (a) Any person or any group, association, corporation, or other entity may submit a
2693	written request to the board to adopt a resolution under Subsection (1).

(b) A request under Subsection (2)(a) may include plans showing the economic

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2695	development proposed for an area within the agency's boundaries.
2696	(c) The board may, in [its] the board's sole discretion, grant or deny a request under
2697	Subsection (2)(a).
2698	Section 72. Section 17C-3-102 is amended to read:
2699	17C-3-102. Process for adopting an economic development project area plan
2700	Prerequisites Restrictions.
2701	(1) In order to adopt an economic development project area plan, after adopting a
2702	resolution under Subsection 17C-3-101(1) the agency shall:
2703	(a) prepare a [draft] proposed of an economic development project area plan and
2704	conduct any examination, investigation, and negotiation regarding the project area plan that the
2705	agency considers appropriate;
2706	(b) make the [draft] proposed project area plan available to the public at the agency's
2707	offices during normal business hours;
2708	(c) provide notice of the plan hearing as provided in [Part 4, Economic Development
2709	Notice Requirements] Chapter 1, Part 8, Hearings and Notice Requirements;
2710	(d) hold a public hearing on the [draft] proposed project area plan and, at that public
2711	hearing:
2712	(i) allow public comment on:
2713	(A) the [draft] proposed project area plan; and
2714	(B) whether the [draft] proposed project area plan should be revised, approved, or
2715	rejected; and
2716	(ii) receive all written and hear all oral objections to the [draft] proposed project area
2717	plan;
2718	(e) before holding the plan hearing, provide an opportunity for the State Board of
2719	Education and each taxing entity that levies a tax on property within the proposed project area
2720	to consult with the agency regarding the [draft] proposed project area plan;
2721	(f) after holding the plan hearing, at the same meeting or at a subsequent meeting
2722	consider:
2723	(i) the oral and written objections to the [draft] proposed project area plan and evidence
2724	and testimony for or against adoption of the [draft] proposed project area plan; and
2725	(ii) whether to revise, approve, or reject the [draft] proposed project area plan;

2726	(g) approve the [draft] proposed project area plan, with or without revisions, as the
2727	project area plan by a resolution that complies with Section 17C-3-105; and
2728	(h) submit the project area plan to the community legislative body for adoption.
2729	(2) An agency may not propose a project area plan under Subsection (1) unless the
2730	community in which the proposed project area is located:
2731	(a) has a planning commission; and
2732	(b) has adopted a general plan under:
2733	(i) if the community is a [city or town] municipality, Title 10, Chapter 9a, Part 4,
2734	General Plan; or
2735	(ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
2736	(3) [An agency] \underline{A} board may not approve a project area plan more than one year after
2737	the date of the plan hearing.
2738	(4) (a) Except as provided in Subsection (4)(b), a [draft] proposed project area plan
2739	may not be modified to add real property to the proposed project area unless the board holds a
2740	plan hearing to consider the addition and gives notice of the plan hearing as required under Part
2741	4, Economic Development Notice Requirements.
2742	(b) The notice and hearing requirements under Subsection (4)(a) do not apply to a
2743	[draft] proposed project area plan being modified to add real property to the proposed project
2744	area if:
2745	(i) the property is contiguous to the property already included in the proposed project
2746	area under the [draft] proposed project area plan; and
2747	(ii) the record owner of the property consents to adding the real property to the
2748	proposed project area.
2749	Section 73. Section 17C-3-103 is amended to read:
2750	17C-3-103. Economic development project area plan requirements.
2751	(1) Each economic development project area plan and [draft] proposed project area
2752	plan shall:
2753	(a) describe the boundaries of the project area, subject to Section 17C-1-414, if
2754	applicable;
2755	(b) contain a general statement of the land uses, layout of principal streets, population
2756	densities, and building intensities of the project area and how they will be affected by the

2131	economic development;
2758	(c) state the standards that will guide the economic development;
2759	(d) show how the purposes of this title will be attained by the economic development;
2760	(e) be consistent with the general plan of the community in which the project area is
2761	located and show that the economic development will conform to the community's general
2762	plan;
2763	(f) describe how the economic development will create additional jobs;
2764	(g) describe any specific project or projects that are the object of the proposed
2765	economic development;
2766	(h) identify how [private developers, if any,] a participant will be selected to undertake
2767	the economic development and identify each [private developer] participant currently involved
2768	in the economic development process;
2769	(i) state the reasons for the selection of the project area;
2770	(j) describe the physical, social, and economic conditions existing in the project area;
2771	(k) describe any tax incentives offered private entities for facilities located in the
2772	project area;
2773	(l) include an analysis, as provided in Subsection (2), of whether adoption of the
2774	project area plan is beneficial under a benefit analysis;
2775	(m) if any of the existing buildings or uses in the project area are included in or eligible
2776	for inclusion in the National Register of Historic Places or the State Register, state that the
2777	agency shall comply with Subsection 9-8-404(1) as though the agency were a state agency; and
2778	(n) include other information that the agency determines to be necessary or advisable.
2779	(2) Each analysis under Subsection (1)(l) shall consider:
2780	(a) the benefit of any financial assistance or other public subsidy proposed to be
2781	provided by the agency, including:
2782	(i) an evaluation of the reasonableness of the costs of economic development;
2783	(ii) efforts the agency or [developer] participant has made or will make to maximize
2784	private investment;
2785	(iii) the rationale for use of tax increment, including an analysis of whether the
2786	proposed development might reasonably be expected to occur in the foreseeable future solely
2787	through private investment; and

2788	(iv) an estimate of the total amount of tax increment that will be expended in
2789	undertaking economic development and the length of time for which it will be expended; and
2790	(b) the anticipated public benefit to be derived from the economic development,
2791	including:
2792	(i) the beneficial influences upon the tax base of the community;
2793	(ii) the associated business and economic activity likely to be stimulated; and
2794	(iii) the number of jobs or employment anticipated to be generated or preserved.
2795	Section 74. Section 17C-3-105 is amended to read:
2796	17C-3-105. Board resolution approving an economic development project area
2797	plan Requirements.
2798	Each board resolution approving a [draft] proposed economic development project area
2799	plan as the project area plan under Subsection 17C-3-102(1)(g) shall contain:
2800	(1) a [legal] boundary description of the boundaries of the project area that is the
2801	subject of the project area plan;
2802	(2) the agency's purposes and intent with respect to the project area;
2803	(3) the project area plan incorporated by reference; and
2804	(4) the board findings and determinations that:
2805	(a) there is a need to effectuate a public purpose;
2806	(b) there is a public benefit under the analysis described in Subsection 17C-3-103(2);
2807	(c) it is economically sound and feasible to adopt and carry out the project area plan;
2808	(d) the project area plan conforms to the community's general plan; and
2809	(e) carrying out the project area plan will promote the public peace, health, safety, and
2810	welfare of the community in which the project area is located.
2811	Section 75. Section 17C-3-107 is amended to read:
2812	17C-3-107. Notice of economic development project area plan adoption
2813	Effective date of plan Contesting the formation of the plan.
2814	(1) (a) Upon the community legislative body's adoption of an economic development
2815	project area plan, or an amendment to the project area plan under Section 17C-3-109, the
2816	legislative body shall provide notice as provided in Subsection (1)(b) by:
2817	(i) publishing or causing to be published a notice:
2818	(A) in a newspaper of general circulation within the agency's boundaries; or

2819	(B) if there is no newspaper of general circulation within the agency's boundaries,
2820	causing a notice to be posted in at least three public places within the agency's boundaries; and
2821	(ii) on the Utah Public Notice Website described in Section 63F-1-701.
2822	(b) Each notice under Subsection (1)(a) shall:
2823	(i) set forth the community legislative body's ordinance adopting the project area plan
2824	or a summary of the ordinance; and
2825	(ii) include a statement that the project area plan is available for general public
2826	inspection and the hours for inspection.
2827	(2) The project area plan shall become effective on the date of:
2828	(a) if notice was published under Subsection (1)(a), publication of the notice; or
2829	(b) if notice was posted under Subsection (1)(a), posting of the notice.
2830	(3) (a) For a period of 30 days after the effective date of the project area plan under
2831	Subsection (2), any person in interest may contest the project area plan or the procedure used to
2832	adopt the project area plan if the plan or procedure fails to comply with applicable statutory
2833	requirements.
2834	(b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
2835	project area plan or procedure used to adopt the project area plan for any cause.
2836	(4) Upon adoption of the economic development project area plan by the community's
2837	legislative body, the agency may carry out the project area plan.
2838	(5) Each agency shall make the adopted economic development project area plan
2839	available to the general public at [its offices] the agency's office during normal business hours.
2840	Section 76. Section 17C-3-108 is amended to read:
2841	17C-3-108. Agency required to transmit and record documents after adoption of
2842	economic development project area plan.
2843	Within 30 days after the community legislative body adopts, under Section 17C-3-106,
2844	an economic development project area plan, the agency shall:
2845	(1) record with the recorder of the county in which the economic development project
2846	area is located a document containing:
2847	(a) a description of the land within the project area;
2848	(b) a statement that the project area plan for the project area has been adopted; and
2849	(c) the date of adoption;

2850	(2) transmit a copy of the description of the land within the project area and an accurate
2851	map or plat indicating the boundaries of the project area to the Automated Geographic
2852	Reference Center created under Section 63F-1-506; and
2853	(3) for a project area plan that provides for the payment of tax increment to the agency,
2854	transmit a copy of the description of the land within the project area, a copy of the community
2855	legislative body ordinance adopting the project area plan, and a map or plat indicating the
2856	boundaries of the project area to:
2857	(a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
2858	part of the project area is located;
2859	(b) the officer or officers performing the function of auditor or assessor for each taxing
2860	entity that does not use the county assessment roll or collect [its] the taxing entity's taxes
2861	through the county;
2862	(c) the legislative body or governing board of each taxing entity;
2863	(d) the State Tax Commission; and
2864	(e) the State Board of Education.
2865	Section 77. Section 17C-3-109 is amended to read:
2866	17C-3-109. Amending an economic development project area plan.
2867	(1) An adopted economic development project area plan may be amended as provided
2868	in this section.
2869	(2) If an agency proposes to amend an adopted economic development project area
2870	plan to enlarge the project area:
2871	(a) the requirements under this part that apply to adopting a project area plan apply
2872	equally to the proposed amendment as if it were a proposed project area plan;
2873	(b) the base year taxable value for the new area added to the project area shall be
2874	determined under Subsection 17C-1-102(6)(a)(ii) using the date of the taxing entity
2875	committee's consent referred to in Subsection (2)(c); and
2876	(c) the agency shall obtain the consent of the taxing entity committee before the agency
2877	may collect tax increment from the area added to the project area by the amendment.
2878	(3) If a proposed amendment does not propose to enlarge an economic development
2879	project area, [an agency] a board may adopt a resolution approving an amendment to an
2880	adopted project area plan after:

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

- (b) the [agency] board holds a public hearing on the proposed amendment that meets the requirements of a plan hearing;
- (c) the agency obtains the taxing entity committee's consent to the amendment, if the amendment proposes:
 - (i) to enlarge the area within the project area from which tax increment is collected; or
- (ii) to permit the agency to receive a greater percentage of tax increment or to receive tax increment for a longer period of time than allowed under the adopted project area plan; and
- (d) the agency obtains the consent of the legislative body or governing board of each taxing entity affected, if the amendment proposes to permit the agency to receive, from less than all taxing entities, a greater percentage of tax increment or to receive tax increment for a longer period of time, or both, than allowed under the adopted project area plan.
- (4) (a) An adopted project area plan may be amended without complying with the notice and public hearing requirements of Subsections (2)(a) and (3)(a) and (b) and without obtaining taxing entity committee approval under Subsection (3)(c) if the amendment:
- (i) makes a minor adjustment in the [legal] boundary description of a project area boundary requested by a county assessor or county auditor to avoid inconsistent property boundary lines; or
- (ii) subject to Subsection (4)(b), removes a parcel of real property from a project area because the agency determines that inclusion of the parcel is no longer necessary or desirable to the project area.
- (b) An amendment removing a parcel of real property from a project area under Subsection (4)(a) may not be made without the consent of the record property owner of the parcel being removed.
- (5) (a) An amendment approved by board resolution under this section may not take effect until adopted by ordinance of the legislative body of the community in which the project area that is the subject of the project area plan being amended is located.
- (b) Upon a community legislative body passing an ordinance adopting an amendment to a project area plan, the agency whose project area plan was amended shall comply with the requirements of Sections 17C-3-107 and 17C-3-108 to the same extent as if the amendment

2912	were a project area plan.
2913	Section 78. Section 17C-3-201 is amended to read:
2914	17C-3-201. Economic development project area budget Requirements for
2915	adopting Contesting the budget or procedure Time limit.
2916	(1) (a) If an agency anticipates funding all or a portion of a post-June 30, 1993
2917	economic development project area plan with tax increment, the agency shall, subject to
2918	Section 17C-3-202, adopt a project area budget as provided in this part.
2919	(b) An economic development project area budget adopted on or after March 30, 2009
2920	shall specify:
2921	(i) for a project area budget adopted on or after March 30, 2009:
2922	(A) the number of tax years for which the agency will be allowed to receive tax
2923	increment from the project area; and
2924	(B) the percentage of tax increment the agency is entitled to receive from the project
2925	area under the project area budget; and
2926	(ii) for a project area budget adopted on or after March 30, 2013, unless approval is
2927	obtained under Subsection 17C-1-402(4)(b)(vi)(C), the maximum cumulative dollar amount of
2928	tax increment that the agency may receive from the project area under the project area budget.
2929	(2) To adopt an economic development project area budget, the agency shall:
2930	(a) prepare a [draft] proposed of an economic development project area budget;
2931	(b) make a copy of the [draft] proposed project area budget available to the public at
2932	the agency's offices during normal business hours;
2933	(c) provide notice of the budget hearing as required by Part 4, Economic Development
2934	Notice Requirements;
2935	(d) hold a public hearing on the [draft] proposed project area budget and, at that public
2936	hearing, allow public comment on:
2937	(i) the [draft] proposed project area budget; and
2938	(ii) whether the [draft] proposed project area budget should be revised, adopted, or
2939	rejected;
2940	(e) (i) if required under Subsection 17C-3-203(1), obtain the approval of the taxing
2941	entity committee on the [draft] proposed project area budget or a revised version of the [draft]
2942	proposed project area budget; or

2943	(ii) if applicable, comply with the requirements of Subsection 17C-3-203(2);
2944	(f) if approval of the taxing entity committee is required under Subsection (2)(e)(i),
2945	obtain a written certification, signed by an attorney licensed to practice law in this state, stating
2946	that the taxing entity committee followed the appropriate procedures to approve the project
2947	area budget; and
2948	(g) after the budget hearing, hold a board meeting in the same meeting as the public
2949	hearing or in a subsequent meeting to:
2950	(i) consider comments made and information presented at the public hearing relating to
2951	the [draft] proposed project area budget; and
2952	(ii) adopt by resolution the [draft] proposed project area budget, with any revisions, as
2953	the project area budget.
2954	(3) (a) For a period of 30 days after the agency's adoption of the project area budget
2955	under Subsection (2)(g), any person in interest may contest the project area budget or the
2956	procedure used to adopt the project area budget if the budget or procedure fails to comply with
2957	applicable statutory requirements.
2958	(b) After the 30-day period under Subsection (3)(a) expires, a person, for any cause,
2959	may not contest:
2960	(i) the project area budget or procedure used by either the taxing entity committee or
2961	the agency to approve and adopt the project area budget;
2962	(ii) a payment to the agency under the project area budget; or
2963	(iii) the agency's use of tax increment under the project area budget.
2964	Section 79. Section 17C-3-203 is amended to read:
2965	17C-3-203. Consent of taxing entity committee required for economic
2966	development project area budget Exception.
2967	(1) (a) Except as provided in Subsection (1)(b) and subject to Subsection (2), each
2968	agency shall obtain the consent of the taxing entity committee for each economic development
2969	project area budget under a post-June 30, 1993 economic development project area plan before
2970	the agency may collect any tax increment from the project area.
2971	(b) For an economic development project area budget adopted from July 1, 1998
2972	through May 1, 2000 that allocates 20% or more of the tax increment for housing as provided
2973	in Section 17C-1-412, an agency:

2974	(i) need not obtain the consent of the taxing entity committee for the project area
2975	budget; and
2976	(ii) may not collect any tax increment from all or part of the project area until after:
2977	(A) the loan fund board has certified the project area budget as complying with the
2978	requirements of Section 17C-1-412; and
2979	(B) the [agency] board has approved and adopted the project area budget by a
2980	two-thirds vote.
2981	(2) (a) Before a taxing entity committee may consent to an economic development
2982	project area budget adopted on or after May 1, 2000 that allocates 20% of tax increment for
2983	housing under Subsection 17C-3-202(2)(a) or (3), the agency shall:
2984	(i) adopt a housing plan showing the uses for the housing funds; and
2985	(ii) provide a copy of the housing plan to the taxing entity committee and the loan fund
2986	board.
2987	(b) If an agency amends a housing plan prepared under Subsection (2)(a), the agency
2988	shall provide a copy of the amendment to the taxing entity committee and the loan fund board.
2989	Section 80. Section 17C-3-206 is amended to read:
2990	17C-3-206. Extending collection of tax increment under an economic
2991	development project area budget.
2992	(1) An amendment or extension approved by a taxing entity or taxing entity committee
2993	before May 10, 2011, is not subject to this section.
2994	(2) (a) An agency's collection of tax increment under an adopted economic
2995	development project area budget may be extended by:
2996	(i) following the project area budget amendment procedures outlined in Section
2997	17C-3-205; or
2998	(ii) following the procedures outlined in this section.
2999	(b) The base taxable value for an urban renewal project area budget may not be altered
3000	as a result of an extension under this section unless otherwise expressly provided for in an
3001	interlocal agreement adopted in accordance with Subsection (3)(a).
3002	(3) To extend under this section the agency's collection of tax increment from a taxing
3003	entity under a previously approved project area budget, the agency shall:
3004	(a) obtain the approval of the taxing entity through an interlocal agreement;

3005	(b) (i) hold a public hearing on the proposed extension in accordance with Subsection
3006	17C-2-201(2)(d) in the same manner as required for a [draft] proposed project area budget; and
3007	(ii) provide notice of the hearing:
3008	(A) as required by Part 4, Economic Development Notice Requirements; and
3009	(B) including the proposed period of extension of the project area budget; and
3010	(c) after obtaining the approval of the taxing entity in accordance with Subsection
3011	(3)(a), at or after the public hearing, adopt a resolution approving the extension.
3012	(4) After the expiration of a project area budget, an agency may continue to receive tax
3013	increment from those taxing entities that have agreed to an extension through an interlocal
3014	agreement in accordance with Subsection (3)(a).
3015	(5) (a) A person may contest the agency's adoption of a budget extension within 30
3016	days after the day on which the agency adopts the resolution providing for the extension.
3017	(b) A person who fails to contest a budget extension under Subsection (5)(a):
3018	(i) shall forfeit any claim against the agency's adoption of the extension; and
3019	(ii) may not contest:
3020	(A) a payment to the agency under the budget, as extended; or
3021	(B) an agency's use of tax increment under the budget, as extended.
3022	Section 81. Section 17C-4-101.1 is enacted to read:
3023	CHAPTER 4. COMMUNITY DEVELOPMENT
3024	<u>17C-4-101.1.</u> Title.
3025	This chapter is known as "Community Development."
3026	Section 82. Section 17C-4-101.2 is enacted to read:
3027	17C-4-101.2. Applicability.
3028	This chapter applies to a community development project area plan adopted before May
3029	<u>10, 2016.</u>
3030	Section 83. Section 17C-4-101.5, which is renumbered from Section 17C-4-101 is
3031	renumbered and amended to read:
3032	[17C-4-101]. <u>17C-4-101.5.</u> Resolution authorizing the preparation of a
3033	community development proposed project area plan Request to adopt resolution.
3034	(1) [An agency] \underline{A} board may begin the process of adopting a community development
3035	project area plan by adopting a resolution that authorizes the preparation of a [draft] proposed

3036	community development project area plan.
3037	(2) (a) Any person or any group, association, corporation, or other entity may submit a
3038	written request to the board to adopt a resolution under Subsection (1).
3039	(b) A request under Subsection (2)(a) may include plans showing the community
3040	development proposed for an area within the agency's boundaries.
3041	(c) The board may, in [its] the board's sole discretion, grant or deny a request under
3042	Subsection (2)(a).
3043	Section 84. Section 17C-4-102 is amended to read:
3044	17C-4-102. Process for adopting a community development project area plan
3045	Prerequisites Restrictions.
3046	(1) In order to adopt a community development project area plan, after adopting a
3047	resolution under Subsection 17C-4-101(1) the agency shall:
3048	(a) prepare a [draft] proposed of a community development project area plan and
3049	conduct any examination, investigation, and negotiation regarding the project area plan that the
3050	agency considers appropriate;
3051	(b) make the [draft] proposed project area plan available to the public at the agency's
3052	offices during normal business hours;
3053	(c) provide notice of the plan hearing as provided in [Section 17C-4-402] Sections
3054	17C-1-806 and 17C-1-808;
3055	(d) hold a public hearing on the [draft] proposed project area plan and, at that public
3056	hearing:
3057	(i) allow public comment on:
3058	(A) the [draft] proposed project area plan; and
3059	(B) whether the [draft] proposed project area plan should be revised, approved, or
3060	rejected; and
3061	(ii) receive all written and hear all oral objections to the [draft] proposed project area
3062	plan;
3063	(e) after holding the plan hearing, at the same meeting or at one or more subsequent
3064	meetings consider:
3065	(i) the oral and written objections to the [draft] proposed project area plan and evidence
3066	and testimony for or against adoption of the [draft] proposed project area plan; and

3067	(11) whether to revise, approve, or reject the [draft] proposed project area plan;
3068	(f) approve the [draft] proposed project area plan, with or without revisions, as the
3069	project area plan by a resolution that complies with Section 17C-4-104; and
3070	(g) submit the project area plan to the community legislative body for adoption.
3071	(2) An agency may not propose a community development project area plan under
3072	Subsection (1) unless the community in which the proposed project area is located:
3073	(a) has a planning commission; and
3074	(b) has adopted a general plan under:
3075	(i) if the community is a [city or town] municipality, Title 10, Chapter 9a, Part 4,
3076	General Plan; or
3077	(ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
3078	(3) (a) Except as provided in Subsection (3)(b), a [draft] proposed project area plan
3079	may not be modified to add real property to the proposed project area unless the board holds a
3080	plan hearing to consider the addition and gives notice of the plan hearing as required under
3081	[Section 17C-4-402] Sections 17C-1-806 and 17C-1-808.
3082	(b) The notice and hearing requirements under Subsection (3)(a) do not apply to a
3083	[draft] proposed project area plan being modified to add real property to the proposed project
3084	area if:
3085	(i) the property is contiguous to the property already included in the proposed project
3086	area under the [draft] proposed project area plan; and
3087	(ii) the record owner of the property consents to adding the real property to the
3088	proposed project area.
3089	Section 85. Section 17C-4-103 is amended to read:
3090	17C-4-103. Community development project area plan requirements.
3091	Each community development project area plan and [draft] proposed project area plan
3092	shall:
3093	(1) describe the boundaries of the project area, subject to Section 17C-1-414, if
3094	applicable;
3095	(2) contain a general statement of the land uses, layout of principal streets, population
3096	densities, and building intensities of the project area and how they will be affected by the
3097	community development;

3098	(3) state the standards that will guide the community development;
3099	(4) show how the purposes of this title will be attained by the community development
3100	(5) be consistent with the general plan of the community in which the project area is
3101	located and show that the community development will conform to the community's general
3102	plan;
3103	(6) describe any specific project or projects that are the object of the proposed
3104	community development;
3105	(7) identify how [private developers, if any,] a participant will be selected to undertake
3106	the community development and identify each [private developer] participant currently
3107	involved in the community development process;
3108	(8) state the reasons for the selection of the project area;
3109	(9) describe the physical, social, and economic conditions existing in the project area;
3110	(10) describe any tax incentives offered private entities for facilities located in the
3111	project area;
3112	(11) include an analysis or description of the anticipated public benefit to be derived
3113	from the community development, including:
3114	(a) the beneficial influences upon the tax base of the community; and
3115	(b) the associated business and economic activity likely to be stimulated; and
3116	(12) include other information that the agency determines to be necessary or advisable.
3117	Section 86. Section 17C-4-104 is amended to read:
3118	17C-4-104. Board resolution approving a community development project area
3119	plan Requirements.
3120	Each board resolution approving a [draft] proposed community development project
3121	area plan as the project area plan under Subsection 17C-4-102(1)(f) shall contain:
3122	(1) a [legal] boundary description of the boundaries of the project area that is the
3123	subject of the project area plan;
3124	(2) the agency's purposes and intent with respect to the project area;
3125	(3) the project area plan incorporated by reference; and
3126	(4) the board findings and determinations that adoption of the community development
3127	project area plan will:
3128	(a) satisfy a public purpose;

3129	(b) provide a public benefit as shown by the analysis described in Subsection
3130	17C-4-103(11);
3131	(c) be economically sound and feasible;
3132	(d) conform to the community's general plan; and
3133	(e) promote the public peace, health, safety, and welfare of the community in which the
3134	project area is located.
3135	Section 87. Section 17C-4-106 is amended to read:
3136	17C-4-106. Notice of community development project area plan adoption
3137	Effective date of plan Contesting the formation of the plan.
3138	(1) (a) Upon the community legislative body's adoption of a community development
3139	project area plan, the legislative body shall provide notice as provided in Subsection (1)(b) by:
3140	(i) (A) publishing or causing to be published a notice in a newspaper of general
3141	circulation within the agency's boundaries; or
3142	(B) if there is no newspaper of general circulation within the agency's boundaries,
3143	causing a notice to be posted in at least three public places within the agency's boundaries; and
3144	(ii) publishing or causing to be published in accordance with Section 45-1-101.
3145	(b) Each notice under Subsection (1)(a) shall:
3146	(i) set forth the community legislative body's ordinance adopting the community
3147	development project area plan or a summary of the ordinance; and
3148	(ii) include a statement that the project area plan is available for general public
3149	inspection and the hours for inspection.
3150	(2) The community development project area plan shall become effective on the date
3151	of:
3152	(a) if notice was published under Subsection (1)(a), publication of the notice; or
3153	(b) if notice was posted under Subsection (1)(a), posting of the notice.
3154	(3) (a) For a period of 30 days after the effective date of the community development
3155	project area plan under Subsection (2), any person in interest may contest the project area plan
3156	or the procedure used to adopt the project area plan if the plan or procedure fails to comply
3157	with applicable statutory requirements.
3158	(b) After the 30-day period under Subsection (3)(a) expires, no person may contest the
3159	community development project area plan or procedure used to adopt the project area plan for

3160	any cause.
3161	(4) Upon adoption of the community development project area plan by the
3162	community's legislative body, the agency may carry out the project area plan.
3163	(5) Each agency shall make the adopted project area plan available to the general
3164	public at [its offices] the agency's office during normal business hours.
3165	Section 88. Section 17C-4-107 is amended to read:
3166	17C-4-107. Agency required to transmit and record documents after adoption of
3167	community development project area plan.
3168	Within 30 days after the community legislative body adopts, under Section 17C-4-105,
3169	a community development project area plan, the agency shall:
3170	(1) record with the recorder of the county in which the project area is located a
3171	document containing:
3172	(a) a description of the land within the project area;
3173	(b) a statement that the project area plan for the project area has been adopted; and
3174	(c) the date of adoption;
3175	(2) transmit a copy of the description of the land within the project area and an accurate
3176	map or plat indicating the boundaries of the project area to the Automated Geographic
3177	Reference Center created under Section 63F-1-506; and
3178	(3) for a project area plan that provides for the payment of tax increment to the agency,
3179	transmit a copy of the description of the land within the project area, a copy of the community
3180	legislative body ordinance adopting the project area plan, and a map or plat indicating the
3181	boundaries of the project area to:
3182	(a) the auditor, recorder, attorney, surveyor, and assessor of each county in which any
3183	part of the project area is located;
3184	(b) the officer or officers performing the function of auditor or assessor for each taxing
3185	entity that does not use the county assessment roll or collect [its] the taxing entity's taxes
3186	through the county;
3187	(c) the legislative body or governing board of each taxing entity;
3188	(d) the State Tax Commission; and
3189	(e) the State Board of Education.
3190	Section 89. Section 17C-4-108 is amended to read:

3191	17C-4-108. Amending a community development project area plan.
3192	(1) Except as provided in Subsection (2) and Section 17C-4-109, the requirements
3193	under this part that apply to adopting a community development project area plan apply equally
3194	to a proposed amendment of a community development project area plan as though the
3195	amendment were a proposed project area plan.
3196	(2) (a) Notwithstanding Subsection (1), an adopted project area plan may be amended
3197	without complying with the notice and public hearing requirements of this part if the proposed
3198	amendment:
3199	(i) makes a minor adjustment in the [legal] boundary description of a project area
3200	boundary requested by a county assessor or county auditor to avoid inconsistent property
3201	boundary lines; or
3202	(ii) subject to Subsection (2)(b), removes a parcel of real property from a project area
3203	because the agency determines that inclusion of the parcel is no longer necessary or desirable to
3204	the project area.
3205	(b) An amendment removing a parcel of real property from a community development
3206	project area under Subsection (2)(a)(ii) may not be made without the consent of the record
3207	property owner of the parcel being removed.
3208	(3) (a) An amendment approved by board resolution under this section may not take
3209	effect until adopted by ordinance of the legislative body of the community in which the project
3210	area that is the subject of the project area plan being amended is located.
3211	(b) Upon a community legislative body passing an ordinance adopting an amendment
3212	to a community development project area plan, the agency whose project area plan was
3213	amended shall comply with the requirements of Sections 17C-4-106 and 17C-4-107 to the
3214	same extent as if the amendment were a project area plan.
3215	Section 90. Section 17C-4-109 is amended to read:
3216	17C-4-109. Expedited community development project area plan.
3217	(1) As used in this section, "tax increment incentive" means the portion of tax
3218	increment awarded to an industry or business.
3219	(2) A community development project area plan may be adopted or amended without
3220	complying with the notice and public hearing requirements of this part and [Section
3221	17C-4-402] Sections 17C-1-806 and 17C-1-808 if the following requirements are met:

3222	(a) the agency determines by resolution adopted in an open and public meeting the
3223	need to create or amend a project area plan on an expedited basis, which resolution shall
3224	include a description of why expedited action is needed;
3225	(b) a public hearing on the amendment or adoption of the project area plan is held by
3226	the agency;
3227	(c) notice of the public hearing is published at least 14 days before the public hearing
3228	on:
3229	(i) the website of the community that created the agency; and
3230	(ii) the Utah Public Notice Website created in Section 63F-1-701;
3231	(d) written consent to the amendment or adoption of the project area plan is given by
3232	all record property owners within the existing or proposed project area;
3233	(e) each taxing entity [and public entity] that will be affected by the tax increment
3234	incentive enter into or amend an interlocal agreement in accordance with Title 11, Chapter 13,
3235	Interlocal Cooperation Act, and Sections 17C-4-201, 17C-4-203, and 17C-4-204;
3236	(f) the primary market for the goods or services that will be created by the industry or
3237	business entity that will receive a tax increment incentive from the amendment or adoption of
3238	the project area plan is outside of the state;
3239	(g) the industry or business entity that will receive a tax increment incentive from the
3240	amendment or adoption of the project area plan is not primarily engaged in retail trade; and
3241	(h) a tax increment incentive is only provided to an industry or business entity:
3242	(i) on a postperformance basis as described in Subsection (3); and
3243	(ii) on an annual basis after the tax increment is received by the agency.
3244	(3) An industry or business entity may only receive a tax increment incentive under this
3245	section after entering into an agreement with the agency that sets postperformance targets that
3246	shall be met before the industry or business entity may receive the tax increment incentive,
3247	including annual targets for:
3248	(a) capital investment in the project area;
3249	(b) the increase in the taxable value of the project area;
3250	(c) the number of new jobs created in the project area;
3251	(d) the average wages of the jobs created, which shall be at least 110% of the
3252	prevailing wage of the county where the project area is located; and

3253	(e) the amount of local vendor opportunity generated by the industry or business entity.
3254	Section 91. Section 17C-4-201 is amended to read:
3255	17C-4-201. Consent of a taxing entity to an agency receiving tax increment or
3256	sales tax funds for community development project.
3257	(1) An agency may negotiate with a taxing entity [and public entity] for the taxing
3258	entity's [or public entity's] consent to the agency receiving the taxing entity's [or public entity's]
3259	tax increment or [sales tax revenues, or both,] sales and use tax revenue for the purpose of
3260	providing funds to carry out a proposed or adopted community development project area plan.
3261	(2) The consent of a taxing entity [or public entity] under Subsection (1) may be
3262	expressed in:
3263	(a) a resolution adopted by the taxing entity [or public entity]; or
3264	(b) an interlocal agreement, under Title 11, Chapter 13, Interlocal Cooperation Act,
3265	between the taxing entity [or public entity] and the agency.
3266	(3) Before an agency may use tax increment or [sales tax revenues] sales and use tax
3267	revenue collected under a resolution or interlocal agreement adopted for the purpose of
3268	providing funds to carry out a proposed or adopted community development project area plan,
3269	the agency shall:
3270	(a) obtain a written certification, signed by an attorney licensed to practice law in this
3271	state, stating that the agency and the taxing entity have each followed all legal requirements
3272	relating to the adoption of the resolution or interlocal agreement, respectively; and
3273	(b) provide a signed copy of the certification described in Subsection (3)(a) to the
3274	appropriate taxing entity.
3275	(4) A resolution adopted or interlocal agreement entered under Subsection (2) on or
3276	after March 30, 2009 shall specify:
3277	(a) if the resolution or interlocal agreement provides for the agency to be paid tax
3278	increment:
3279	(i) the method of calculating the amount of the taxing entity's tax increment from the
3280	project area that will be paid to the agency, including the agreed base year and agreed base
3281	taxable value;
3282	(ii) the number of tax years that the agency will be paid the taxing entity's tax
3283	increment from the project area; and

3284	(iii) the percentage of the taxing entity's tax increment or maximum cumulative dollar
3285	amount of the taxing entity's tax increment that the agency will be paid; and
3286	(b) if the resolution or interlocal agreement provides for the agency to be paid a
3287	[public] taxing entity's sales and use tax revenue:
3288	(i) the method of calculating the amount of the [public] taxing entity's sales and use tax
3289	revenue that the agency will be paid;
3290	(ii) the number of tax years that the agency will be paid the sales and use tax revenue;
3291	and
3292	(iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of
3293	sales and use tax revenue that the agency will be paid.
3294	(5) (a) Unless the taxing entity otherwise agrees, an agency may not be paid a taxing
3295	entity's tax increment:
3296	(i) that exceeds the percentage or maximum cumulative dollar amount of tax increment
3297	specified in the resolution or interlocal agreement under Subsection (2); or
3298	(ii) for more tax years than specified in the resolution or interlocal agreement under
3299	Subsection (2).
3300	(b) Unless the [public] taxing entity otherwise agrees, an agency may not be paid a
3301	[public] taxing entity's sales and use tax revenue:
3302	(i) that exceeds the percentage or maximum cumulative dollar amount of sales <u>and use</u>
3303	tax revenue specified in the resolution or interlocal agreement under Subsection (2); or
3304	(ii) for more tax years than specified in the resolution or interlocal agreement under
3305	Subsection (2).
3306	(6) A school district may consent to an agency receiving tax increment from the school
3307	district's basic levy only to the extent that the school district also consents to the agency
3308	receiving tax increment from the school district's local levy.
3309	(7) (a) A resolution or interlocal agreement under this section may be amended from
3310	time to time.
3311	(b) Each amendment of a resolution or interlocal agreement shall be subject to and
3312	receive the benefits of the provisions of this part to the same extent as if the amendment were
3313	an original resolution or interlocal agreement.
3314	(8) A taxing entity's [or public entity's] consent to an agency receiving funds under this

3315	section is not subject to the requirements of Section 10-8-2.
3316	(9) (a) For purposes of this Subsection (9), "successor taxing entity" means any taxing
3317	entity that:
3318	(i) is created after the date of adoption of a resolution or execution of an interlocal
3319	agreement under this section; and
3320	(ii) levies a tax on any parcel of property located within the project area that is the
3321	subject of the resolution or the interlocal agreement described in Subsection (9)(a)(i).
3322	(b) A resolution or interlocal agreement executed by a taxing entity under this section
3323	may be enforced by or against any successor taxing entity.
3324	Section 92. Section 17C-4-202 is amended to read:
3325	17C-4-202. Resolution or interlocal agreement to provide project area funds for
3326	the community development project area plan Notice Effective date of resolution or
3327	interlocal agreement Time to contest resolution or interlocal agreement Availability
3328	of resolution or interlocal agreement.
3329	(1) The approval and adoption of each resolution or interlocal agreement under
3330	Subsection 17C-4-201(2) shall be in an open and public meeting.
3331	(2) (a) Upon the adoption of a resolution or interlocal agreement under Section
3332	17C-4-201, the agency shall provide notice as provided in Subsection (2)(b) by:
3333	(i) (A) publishing or causing to be published a notice in a newspaper of general
3334	circulation within the agency's boundaries; or
3335	(B) if there is no newspaper of general circulation within the agency's boundaries,
3336	causing a notice to be posted in at least three public places within the agency's boundaries; and
3337	(ii) publishing or causing to be published a notice on the Utah Public Notice Website
3338	created in Section 63F-1-701.
3339	(b) Each notice under Subsection (2)(a) shall:
3340	(i) set forth a summary of the resolution or interlocal agreement; and
3341	(ii) include a statement that the resolution or interlocal agreement is available for
3342	general public inspection and the hours of inspection.
3343	(3) The resolution or interlocal agreement shall become effective on the date of:
3344	(a) if notice was published under Subsection (2)(a)(i)(A) or (2)(a)(ii), publication of the
3345	notice; or

346	(b) if notice was posted under Subsection (2)(a)(i)(B), posting of the notice.
347	(4) (a) For a period of 30 days after the effective date of the resolution or interlocal
3348	agreement under Subsection (3), any person in interest may contest the resolution or interlocal
349	agreement or the procedure used to adopt the resolution or interlocal agreement if the
3350	resolution or interlocal agreement or procedure fails to comply with applicable statutory
3351	requirements.
3352	(b) After the 30-day period under Subsection (4)(a) expires, a person may not, for any
3353	cause, contest:
3354	(i) the resolution or interlocal agreement;
3355	(ii) a payment to the agency under the resolution or interlocal agreement; or
3356	(iii) the agency's use of [tax increment] project area funds under the resolution or
3357	interlocal agreement.
3358	(5) Each agency that is to receive <u>project area</u> funds under a resolution or interlocal
3359	agreement under Section 17C-4-201 and each taxing entity [or public entity] that approves a
3360	resolution or enters into an interlocal agreement under Section 17C-4-201 shall make the
3361	resolution or interlocal agreement, as the case may be, available at [its] the taxing entity's
3362	offices to the general public for inspection and copying during normal business hours.
3363	Section 93. Section 17C-4-203 is amended to read:
3364	17C-4-203. Requirement to file a copy of the resolution or interlocal agreement
3365	County payment of tax increment to the agency.
366	(1) Each agency that is to receive funds under a resolution or interlocal agreement
3367	under Section 17C-4-201 shall, within 30 days after the effective date of the resolution or
3368	interlocal agreement, file a copy of it with:
369	(a) the State Tax Commission, the State Board of Education, and the state auditor; and
3370	(b) the auditor of the county in which the project area is located, if the resolution or
3371	interlocal agreement provides for the agency to receive tax increment from the taxing entity [or
3372	public entity] that adopted the resolution or entered into the interlocal agreement.
3373	(2) Each county that collects property tax on property within a community
3374	development project area shall, in the manner and at the time provided in Section 59-2-1365,
3375	pay and distribute to the agency the tax increment that the agency is entitled to receive under a
376	resolution approved or an interlocal agreement adopted under Section 17C-4-201.

3377	Section 94. Section 17C-4-204 is amended to read:
3378	17C-4-204. Adoption of a budget for a community development project area plan
3379	Amendment.
3380	(1) An agency may prepare and, by resolution adopted at a regular or special meeting
3381	of the [agency] board, adopt a budget setting forth:
3382	(a) the anticipated costs, including administrative costs, of implementing the
3383	community development project area plan; and
3384	(b) the tax increment, sales tax, and other revenue the agency anticipates receiving to
3385	fund the project.
3386	(2) An agency may, by resolution adopted at a regular or special meeting of the
3387	[agency] board, amend a budget adopted under Subsection (1).
3388	(3) Each resolution to adopt or amend a budget under this section shall appear as an
3389	item on the agenda for the regular or special [agency] board meeting at which the resolution is
3390	adopted without additional required notice.
3391	(4) An agency is not required to obtain approval of the taxing entity committee for a
3392	community development project area budget.
3393	Section 95. Section 17C-5-101 is enacted to read:
3394	CHAPTER 5. COMMUNITY REINVESTMENT
3395	Part 1. Community Reinvestment Project Area Plan
3396	<u>17C-5-101.</u> Title.
3397	(1) This chapter is known as "Community Reinvestment."
3398	(2) This part is known as "Community Reinvestment Project Area Plan."
3399	Section 96. Section 17C-5-102 is enacted to read:
3400	17C-5-102. Applicability.
3401	This chapter applies to a community reinvestment project area plan.
3402	Section 97. Section 17C-5-103 is enacted to read:
3403	17C-5-103. Initiating a community reinvestment project area plan.
3404	(1) A board shall initiate the process of adopting a community reinvestment project
3405	area plan by adopting a survey area resolution that:
3406	(a) designates an area located within the agency's boundaries as a survey area;
3407	(b) contains a description or man of the boundaries of the survey area:

3408	(c) contains a statement that the survey area requires study to determine whether
3409	project area development is feasible within one or more proposed community reinvestment
3410	project areas within the survey area; and
3411	(d) authorizes the agency to:
3412	(i) prepare a proposed community reinvestment project area plan for each proposed
3413	community reinvestment project area; and
3414	(ii) conduct any examination, investigation, or negotiation regarding the community
3415	reinvestment project area plan that the agency considers appropriate.
3416	(2) If an agency anticipates using eminent domain to acquire property within the survey
3417	area, the resolution described in Subsection (1) shall include:
3418	(a) a statement that the survey area requires study to determine whether blight exists
3419	within the survey area; and
3420	(b) authorization for the agency to conduct a blight study in accordance with Section
3421	<u>17C-5-407.</u>
3422	Section 98. Section 17C-5-104 is enacted to read:
3423	17C-5-104. Process for adopting a community reinvestment project area plan
3424	Prerequisites Restrictions.
3425	(1) If an agency anticipates using eminent domain to acquire property within the
3426	community reinvestment project area, before the agency adopts a community reinvestment
3427	project area plan under this section, the agency shall make a blight determination in accordance
3428	with Section 17C-5-406.
3429	(2) To adopt a community reinvestment project area plan, an agency shall:
3430	(a) prepare a proposed community reinvestment project area plan in accordance with
3431	Section 17C-5-105;
3432	(b) make the proposed community reinvestment project area plan available to the
3433	public at the agency's office during normal business hours;
3434	(c) before holding the plan hearing described in Subsection (2)(e), provide an
3435	opportunity for the State Board of Education and each taxing entity that levies a tax on property
3436	within the proposed community reinvestment project area to consult with the agency regarding
3437	the proposed community reinvestment project area plan;
3438	(d) provide notice of the plan hearing in accordance with Section 17C-1-806;

3439	(e) hold a plan hearing on the proposed community reinvestment project area plan and,
3440	at the public hearing:
3441	(i) allow public comment on:
3442	(A) the proposed community reinvestment project area plan; and
3443	(B) whether the agency should revise, approve, or reject the proposed community
3444	reinvestment project area plan; and
3445	(ii) receive all written and hear all oral objections to the proposed community
3446	reinvestment project area plan;
3447	(f) following the plan hearing described in Subsection (1)(e) or at a subsequent agency
3448	meeting, consider:
3449	(i) the oral and written objections to the proposed community reinvestment project area
3450	plan and evidence and testimony for and against adoption of the proposed community
3451	reinvestment project area plan; and
3452	(ii) whether to revise, approve, or reject the proposed community reinvestment project
3453	area plan;
3454	(g) adopt a resolution approving the proposed community reinvestment project area
3455	plan, with or without revisions, as the community reinvestment project area plan by a
3456	resolution that complies with Section 17C-5-108; and
3457	(h) submit the community reinvestment project area plan to the community legislative
3458	body for adoption.
3459	(3) An agency may not propose a community reinvestment project area plan unless the
3460	community in which the proposed community reinvestment project area plan is located:
3461	(a) has a planning commission; and
3462	(b) has adopted a general plan under:
3463	(i) if the community is a municipality, Title 10, Chapter 9a, Part 4, General Plan; or
3464	(ii) if the community is a county, Title 17, Chapter 27a, Part 4, General Plan.
3465	(4) If applicable, a board may not approve a community reinvestment project area plan
3466	more than one year after adoption of a resolution making a finding of blight under Section
3467	<u>17C-5-406.</u>
3468	(5) (a) Except as provided in Subsection (5)(b), an agency may not modify a proposed
3469	community reinvestment project area plan to add real property to the proposed community

3470	reinvestment project area unless the board holds a plan hearing to consider the addition and
8471	gives notice of the plan hearing in accordance with Sections 17C-1-806 and 17C-1-808.
3472	(b) The notice and hearing requirements described in Subsection (5)(a) do not apply to
3473	a proposed community reinvestment project area plan being modified to add real property to
3474	the proposed community reinvestment project area if:
3475	(i) the property is contiguous to the property already included in the proposed
3476	community reinvestment project area under the proposed community reinvestment project area
3477	plan;
3478	(ii) the record owner of the property consents to adding the real property to the
3479	proposed community reinvestment project area; and
3480	(iii) the property is located within the survey area.
3481	Section 99. Section 17C-5-105 is enacted to read:
3482	17C-5-105. Community reinvestment project area plan requirements.
3483	(1) Each community reinvestment project area plan and proposed community
3484	reinvestment project area plan shall:
3485	(a) include a boundary description of the community reinvestment project area, subject
3486	to Section 17C-1-414, if applicable;
3487	(b) contain a general statement of the existing land uses, layout of principal streets,
3488	population densities, and building intensities of the community reinvestment project area and
3489	how each will be affected by the project area development;
3490	(c) state the standards that will guide the project area development;
3491	(d) show how the project area development will further purposes of this title;
3492	(e) be consistent with the general plan of the community in which the community
3493	reinvestment project area is located and show that the project area development will conform to
3494	the community's general plan;
3495	(f) if applicable, describe how project area development will eliminate or reduce blight
3496	in the community reinvestment project area;
3497	(g) describe any specific project area development that is the object of the community
3498	reinvestment project area plan;
3499	(h) identify:
3500	(i) how the agency will select a participant; and

3501	(ii) each participant currently undertaking project area development;
3502	(i) state the reasons that the agency selected the community reinvestment project area;
3503	(j) describe the physical, social, and economic conditions that exist in the community
3504	reinvestment project area;
3505	(k) describe the types of financial assistance that the agency anticipates offering a
3506	participant;
3507	(1) report the results of the public benefit analysis as described in Subsection (2);
3508	(m) if any of the existing buildings or uses in the community reinvestment project area
3509	are included in or eligible for inclusion in the National Register of Historic Places or the State
3510	Register, state that the agency shall comply with Section 9-8-404 as though the agency were a
3511	state agency;
3512	(n) state whether the community reinvestment project area plan or proposed
3513	community reinvestment project area plan is subject to a taxing entity committee or an
3514	interlocal agreement; and
3515	(o) include other information that the agency determines to be necessary or advisable.
3516	(2) (a) An agency shall conduct an analysis in accordance with Subsection (2)(b) to
3517	determine whether the community reinvestment project area plan will provide a public benefit.
3518	(b) The analysis described in Subsection (2)(a) shall consider:
3519	(i) the benefit of any financial assistance or other public subsidy proposed to be
3520	provided by the agency, including:
3521	(A) an evaluation of the reasonableness of the costs of the project;
3522	(B) efforts that have been or will be to maximize private investment;
3523	(C) the rationale for use of project area funds, including an analysis of whether the
3524	proposed project area development might reasonably be expected to occur in the foreseeable
3525	future solely through private investment; and
3526	(D) an estimate of the total amount of project area funds that the agency expend
3527	undertaking project area development and the length of time for which project area funds will
3528	be expended; and
3529	(ii) the anticipated public benefit derived from the project, including:
3530	(A) the beneficial influences upon the tax base of the community;
3531	(B) the associated business and economic activity the project will likely stimulate; and

3532	(C) whether adoption of the community reinvestment project area plan is necessary and
3533	appropriate to undertake project area development.
3534	Section 100. Section 17C-5-106 is enacted to read:
3535	17C-5-106. Existing and historic buildings and uses in a community reinvestment
3536	project area.
3537	(1) This section only applies to a community reinvestment project area for which the
3538	agency has made a finding of blight under Subsection 17C-5-406.
3539	(2) If any of the existing buildings or uses in a community reinvestment project area
3540	are included in or eligible for inclusion in the National Register of Historic Places or the State
3541	Register, the agency shall comply with Section 9-8-404 as though the agency were a state
3542	agency.
3543	Section 101. Section 17C-5-107 is enacted to read:
3544	17C-5-107. Objections to a community reinvestment project area plan.
3545	(1) At any time before or during a plan hearing, a person may file with the agency a
3546	written statement of objections to the proposed community reinvestment project area plan.
3547	(2) If at the time of the plan hearing, the record property owners of at least 51% of the
3548	private land area within the proposed community reinvestment project area object in writing to
3549	the proposed community reinvestment project area plan, an agency shall not approve the
3550	community reinvestment project area plan.
3551	Section 102. Section 17C-5-108 is enacted to read:
3552	17C-5-108. Board resolution approving a community reinvestment project area
3553	plan - Requirements.
3554	Each board resolution approving a proposed community reinvestment area plan as the
3555	community reinvestment project area plan under Subsection 17C-5-104(2)(g) shall contain:
3556	(1) a legal description of the boundaries of the community reinvestment project area
3557	that is the subject of the community reinvestment project area plan;
3558	(2) the agency's purposes and intent with respect to the community reinvestment
3559	project area;
3560	(3) the community reinvestment project area plan incorporated by reference;
3561	(4) the board findings and determinations that:
3562	(a) there is a need to effectuate a public purpose;

3563	(b) there is a public benefit under the analysis described in Subsection 17C-5-105(2);
3564	(c) it is economically sound and feasible to adopt and carry out the community
3565	reinvestment project area plan;
3566	(d) the community reinvestment project area plan conforms to the community's general
3567	plan; and
3568	(e) carrying out the community reinvestment project area plan will promote the public
3569	peace, health, safety, and welfare of the community in which the community reinvestment
3570	project area is located; and
3571	(5) if the board made a finding of blight under Section 17C-5-406, a statement that the
3572	board previously made a finding of blight within the community reinvestment project area and
3573	the day on which the board made the finding of blight.
3574	Section 103. Section 17C-5-109 is enacted to read:
3575	17C-5-109. Community reinvestment project area plan to be adopted by
3576	community legislative body.
3577	(1) A community reinvestment project area plan approved by board resolution under
3578	Section 17C-5-104 may not take effect until:
3579	(a) the community reinvestment project area plan is adopted by ordinance of the
3580	legislative body of the community that created the agency; and
3581	(b) the community legislative body provides notice under Section 17C-5-110.
3582	(2) Each ordinance described in Subsection (1)(a) shall:
3583	(a) be adopted by the community legislative body after the board adopts a resolution
3584	under Section 17C-5-104; and
3585	(b) designate the community reinvestment project area plan as the official plan of the
3586	community reinvestment project area.
3587	Section 104. Section 17C-5-110 is enacted to read:
3588	17C-5-110. Notice of community reinvestment project area plan adoption -
3589	Effective date of plan - Contesting the formation of the plan.
3590	(1) (a) Upon a community legislative body's adoption of a community reinvestment
3591	project area plan, or an amendment to a community reinvestment project area plan under
3592	Section 17C-5-112, the community legislative body shall provide notice in accordance with
3593	Subsection (1)(b) by:

3594	(i) (A) causing a notice to be published in a newspaper of general circulation within the
3595	agency's boundaries; or
3596	(B) if there is no newspaper of general circulation within the agency's boundaries,
3597	causing a notice to be posted in at least three public places within the agency's boundaries; and
3598	(ii) posting a notice on the Utah Public Notice Website described in Section
3599	<u>63F-1-701.</u>
3600	(b) A notice described in Subsection (1)(a) shall include:
3601	(i) a copy of the community legislative body's ordinance, or a summary of the
3602	ordinance, that adopts the community reinvestment project area plan; and
3603	(ii) a statement that the community reinvestment project area plan is available for
3604	general public inspection and the hours for inspection.
3605	(2) A community reinvestment project area plan is effective on the date of:
3606	(a) if notice is published or posted in accordance Subsection (1)(a)(i), publication of
3607	the notice; or
3608	(b) if notice is posted in accordance Subsection (1)(a)(ii), posting of the notice.
3609	(3) (a) For a period of 30 days after the day on which the community reinvestment
3610	project area plan is effective, a person in interest may contest the community reinvestment
3611	project area plan or the procedure used to adopt the community reinvestment project area plan
3612	if the community reinvestment project area plan or the procedure fails to comply with a
3613	provision of this title.
3614	(b) After the 30-day period described in Subsection (3)(a) expires, no person may
3615	contest the community reinvestment project area plan or procedure used to adopt the
3616	community reinvestment project area plan for any cause.
3617	(4) Upon adoption of the community reinvestment project area plan by the
3618	community's legislative body, the agency may implement the community reinvestment project
3619	area plan.
3620	(5) The agency shall make the adopted community reinvestment project area plan
3621	available to the public at the agency's office during normal business hours.
3622	Section 105. Section 17C-5-111 is enacted to read:
3623	17C-5-111. Agency required to transmit and record documentation after adoption
3624	of community reinvestment project area plan.

3625	Within 30 days after the day on which the community legislative body adopts a
3626	community reinvestment project area plan under Section 17C-5-109, the agency shall:
3627	(1) record with the recorder of the county in which the community reinvestment project
3628	area is located a document containing:
3629	(a) the name of the community reinvestment project area;
3630	(b) a boundary description of the community reinvestment project area;
3631	(c) a statement that the community legislative body adopted the community
3632	reinvestment project area plan; and
3633	(d) the date of adoption;
3634	(2) transmit a copy of the description of the land within the community reinvestment
3635	project area and an accurate map or plat indicating the boundaries of the community
3636	reinvestment project area to the Automated Geographic Reference Center created in Section
3637	63F-1-506; and
3638	(3) for a community reinvestment project area plan that provides for the payment of tax
3639	increment to the agency, transmit a copy of the description of the land within the community
3640	reinvestment project area, a copy of the community legislative body ordinance adopting the
3641	community reinvestment project area plan, and a map or plat indicating the boundaries of the
3642	community reinvestment project area to:
3643	(a) the auditor, recorder, county or district attorney, surveyor, and assessor of each
3644	county in which any part of the community reinvestment project area is located;
3645	(b) the officer or officers performing the function of auditor or assessor for each taxing
3646	entity that does not use the county assessment roll or collect the taxing entity's taxes through
3647	the county;
3648	(c) the legislative body or governing board of each taxing entity;
3649	(d) the State Tax Commission; and
3650	(e) the State Board of Education.
3651	Section 106. Section 17C-5-112 is enacted to read:
3652	17C-5-112. Amending a community reinvestment area plan.
3653	(1) An agency may amend a community reinvestment project area plan in accordance
3654	with this section.
3655	(2) If an agency proposes to amend a community reinvestment project area plan to

3656	enlarge the community reinvestment project area:
3657	(a) subject to Subsection (2)(c), the agency shall comply with this part as though the
3658	agency was adopting a community reinvestment project area plan;
3659	(b) before the agency may collect project area funds from the area added to the
3660	community reinvestment project area by amendment, the agency shall obtain the consent:
3661	(i) for a community reinvestment project area plan that is subject to a taxing entity
3662	committee, from the taxing entity committee; or
3663	(ii) for a community reinvestment project area plan that is subject to an interlocal
3664	agreement, from each taxing entity with which the agency has an interlocal agreement;
3665	(c) (i) except as provided in Subsection (2)(c)(ii), if the agency has made a finding
3666	regarding the existence of blight in the area proposed to be added to the community
3667	reinvestment project area, the agency shall follow the procedure described in Subsection
3668	<u>17C-5-406(1);</u>
3669	(ii) the agency need not make a finding regarding the existence of blight in the
3670	community reinvestment project area as described in the original community reinvestment
3671	project area plan if the agency made a finding of the existence of blight regarding that
3672	community reinvestment project area in connection with adoption of the original community
3673	reinvestment project area plan.
3674	(3) If a proposed amendment does not propose to enlarge the geographic area of the
3675	community reinvestment project area, a board may adopt a resolution approving the
3676	amendment after the agency:
3677	(a) gives notice, in accordance with Section 17C-1-806, of the proposed amendment
3678	and of the public hearing described in Subsection (3)(b);
3679	(b) holds a public hearing on the proposed amendment that meets the requirements
3680	described in Section 17C-5-104(2);
3681	(c) obtains either the taxing entity committee's consent to the amendment or consent of
3682	a taxing entity by interlocal agreement, if the amendment proposes:
3683	(i) to enlarge the area within the community reinvestment project area from which tax
3684	increment is collected; or
3685	(ii) to permit the agency to receive a greater percentage of tax increment or to receive
3686	tax increment for a longer period of time, or both, than allowed under the community

3687	reinvestment project area plan; and
3688	(d) obtains the consent of the legislative body or governing board of each affected
3689	taxing entity, if the amendment proposes to permit the agency to receive, from less than all
3690	taxing entities, a greater percentage of tax increment or to receive tax increment for a longer
3691	period of time, or both, than allowed under the adopted community reinvestment project area
3692	<u>plan.</u>
3693	(4) (a) An agency may amend a community reinvestment project area plan without
3694	complying with the notice and public hearing requirements described in Subsections (2)(a) and
3695	(3)(a) and (b) and without obtaining taxing entity committee or taxing entity approval under
3696	Subsection (3)(c) if the amendment:
3697	(i) makes a minor adjustment in the community reinvestment project area boundary
3698	that is requested by a county assessor or county auditor to avoid inconsistent property boundary
3699	<u>lines; or</u>
3700	(ii) subject to Subsection (4)(b), removes a parcel of real property from a community
3701	reinvestment project area because the agency determines that:
3702	(A) the parcel is no longer blighted; or
3703	(B) inclusion of the parcel is no longer necessary or desirable to the community
3704	reinvestment project area.
3705	(b) An agency may not amend a community reinvestment project area plan to remove a
3706	parcel of real property from a community reinvestment project area under Subsection (4)(a)(ii)
3707	without the consent of the record property owner of the parcel being removed.
3708	(5) (a) An amendment approved by board resolution under this section may not take
3709	effect until adopted by ordinance of the legislative body of the community in which the
3710	community reinvestment project area that is the subject of the community reinvestment project
3711	area plan being amended is located.
3712	(b) Upon a community legislative body adopting an ordinance that amends a
3713	community reinvestment project area plan, the agency shall comply with the requirements
3714	described in Sections 17C-5-110 and 17C-5-111 as if the amendment were a community
3715	reinvestment project area plan.
3716	Section 107. Section 17C-5-113 is enacted to read:
3717	17C-5-113. Expedited community reinvestment project area plan.

3718	(1) As used in this section, "tax increment incentive" means the portion of an agency's
3719	tax increment that is given to an industry or business for the purpose of implementing a
3720	community reinvestment project area plan.
3721	(2) As provided in this section, an agency may expedite a community reinvestment
3722	project area plan adoption or amendment for the purpose of providing a tax increment
3723	incentive.
3724	(3) An agency may adopt or amend a community reinvestment project area plan
3725	without complying with the notice and public hearing requirements of Chapter 1, Part 8,
3726	Hearings and Notice Requirements, if:
3727	(a) the agency:
3728	(i) holds a public hearing to consider the need to create or amend a community
3729	reinvestment project area plan on an expedited basis;
3730	(ii) posts notice at least 14 days before the day on which the public hearing described
3731	in Subsection (3)(a)(i) is held on:
3732	(A) the community that created the agency's website; and
3733	(B) the Utah Public Notice Website as described in Section 63F-1-701; and
3734	(iii) at the hearing described in this Subsection (3)(a)(i), the agency adopts a resolution
3735	to create or amend a community reinvestment project area plan on an expedited basis;
3736	(b) all record property owners within the existing or proposed community reinvestment
3737	project area plan give written consent;
3738	(c) each taxing entity affected by the tax increment incentive consents and enters into
3739	an interlocal agreement with the agency; and
3740	(d) the industry or business entity receiving a tax increment incentive from the
3741	amendment or adoption of the community reinvestment project area plan:
3742	(i) has a primary market for the industry's or business entity's goods or services outside
3743	of the state;
3744	(ii) is not primarily engaged in retail trade; and
3745	(ii) is paid a tax increment incentive on:
3746	(A) a postperformance basis as described in Subsection (4); and
3747	(b) an annual basis after the agency receives tax increment from a taxing entity.
3748	(4) (a) Before an agency may award a tax increment incentive, the agency and a

3749	business or industry shall execute an agreement that sets annual postperformance targets for:
3750	(i) capital investment within the community reinvestment project area;
3751	(ii) the number of new jobs created within the community reinvestment project area;
3752	(iii) the average wage of the jobs created under Subsection (4)(a)(ii) that shall be at
3753	least 110% of the prevailing wage of the county within the community reinvestment project
3754	area; and
3755	(iv) the amount of local vendor opportunity generated by the industry or business
3756	entity.
3757	(b) An industry or business entity shall not receive a tax increment incentive until the
3758	industry or business entity complies with the agreement and postperformance targets described
3759	in Subsection (4)(a).
3760	Section 108. Section 17C-5-201 is enacted to read:
3761	Part 2. Community Reinvestment Project Area Funds
3762	<u>17C-5-201.</u> Title.
3763	This part is known as "Community Reinvestment Project Area Funds."
3764	Section 109. Section 17C-5-202 is enacted to read:
3765	17C-5-202. Community reinvestment project area funding options.
3766	(1) For the purpose of funding project area development within a community
3767	reinvestment project area, an agency shall:
3768	(a) create a taxing entity committee as described in Section 17C-1-403 and collect tax
3769	increment in accordance with Section 17C-5-203; or
3770	(b) negotiate and enter into an interlocal agreement with a taxing entity in accordance
3771	with Section 17C-5-205 and collect all or a portion of the taxing entity's tax increment or sales
3772	and use tax revenue in accordance with the interlocal agreement.
3773	(2) Notwithstanding the agency's election under Subsection (1), the agency shall
3774	comply with Chapter 5, Part 3, Community Reinvestment Project Area Budget.
3775	(3) An agency may only exercise eminent domain under Chapter 5, Part 4, Eminent
3776	Domain in a Community Reinvestment Area, if the agency creates a taxing entity committee as
3777	described in Subsection (1)(a).
3778	Section 110. Section 17C-5-203 is enacted to read:
3779	17C-5-203. Community reinvestment project area subject to taxing entity

3780	committee - Tax increment.
3781	(1) This section applies to a community reinvestment project area that is subject to a
3782	taxing entity committee.
3783	(2) Subject to the taxing entity committee's approval of a community reinvestment
3784	project area budget under Section 17C-5-306, and for the purpose of implementing a
3785	community reinvestment project area plan, a board may receive up to 100% of a taxing entity's
3786	tax increment, or any specified dollar amount of tax increment for any period of time.
3787	(3) A community reinvestment project area that is subject to a taxing entity committee
3788	may negotiate and enter into an interlocal agreement with a taxing entity to receive all or a
3789	portion of the taxing entity's sales and use tax revenue.
3790	Section 111. Section 17C-5-204 is enacted to read:
3791	17C-5-204. Extending collection of project area funds in a community
3792	reinvestment project area.
3793	(1) After a community reinvestment project area budget expires, an agency may
3794	continue to receive project area funds as provided in this section.
3795	(2) (a) Subject to Subsection (4), an agency may extend the collection of project area
3796	funds by following the community reinvestment project area budget amendment procedures
3797	described in Section 17C-5-308.
3798	(3) An extension under this section shall be approved by:
3799	(a) for a community reinvestment project area plan that is subject to a taxing entity
3800	committee, the taxing entity committee; or
3801	(b) for a community reinvestment project area plan that is subject to an interlocal
3802	agreement, the taxing entity that is party to the interlocal agreement.
3803	(4) Before a taxing entity committee or taxing entity may approve an extension, the
3804	agency shall provide:
3805	(a) the reasons why the extension is required;
3806	(b) a description of the project area development for which the extended project area
3807	funds will be used;
3808	(c) a statement of whether the extended project area funds will be used within an active
3809	project area or a proposed project area; and
3810	(d) a revised community reinvestment project area budget that includes:

8811	(i) the annual and total amount of project area funds that the agency collects under the
8812	extension; and
8813	(ii) the number of years that the agency collects project area funds under the extension.
8814	(5) A taxing entity committee or taxing entity party to an interlocal agreement may
8815	consent to:
8816	(a) allow an agency to use project area funds collected under an extension within a
8817	different or a new project area from which the project area funds are generated; or
8818	(b) alter the base taxable value for a community reinvestment project area budget.
8819	Section 112. Section 17C-5-205 is enacted to read:
8820	17C-5-205. Community reinvestment project area subject to interlocal agreement
8821	- Consent of a taxing entity to an agency receiving project area funds.
8822	(1) As used in this section, "successor taxing entity" means any taxing entity that:
8823	(a) is created after the date of execution of an interlocal agreement under this section;
8824	<u>and</u>
8825	(b) levies or imposes a tax within the community reinvestment project area that is the
8826	subject of the interlocal agreement described in Subsection (4).
8827	(2) This section applies to a community reinvestment project area that is subject to an
3828	interlocal agreement under 17C-5-202(1)(b).
8829	(3) For the purpose of implementing a community reinvestment project area plan, an
8830	agency may negotiate with a taxing entity for all or a portion of the taxing entity's tax
3831	increment or sales and use tax revenue.
3832	(4) A taxing entity may consent to paying an agency the taxing entity's tax increment or
8833	sales and use tax revenue by executing an interlocal agreement with the agency.
8834	(5) Before an agency may use tax increment or sales and use tax revenue collected
3835	under an interlocal agreement, the agency shall:
8836	(a) obtain a written certification, signed by an attorney licensed to practice law in the
8837	state, stating that the agency and the taxing entity have each followed all legal requirements
8838	relating to the adoption the interlocal agreement; and
8839	(b) provide a signed copy of the certification described in Subsection (5)(a) to the
8840	taxing entity.
8841	(6) An interlocal agreement described in Subsection (4) shall specify:

3842	(a) if the interlocal agreement provides for the taxing entity to pay tax increment:
3843	(i) the method of calculating the amount of the taxing entity's tax increment from the
3844	community reinvestment project area that the taxing entity will pay to the agency, including the
3845	base year and base taxable value;
3846	(ii) the number of tax years that the taxing entity will pay the taxing entity's tax
3847	increment from the community reinvestment project area; and
3848	(iii) the percentage of the taxing entity's tax increment or the maximum cumulative
3849	dollar amount of the taxing entity's tax increment that the taxing entity will pay the agency; and
3850	(b) if the interlocal agreement provides for the taxing entity to pay the agency the
3851	taxing entity's sales and use tax revenue:
3852	(i) the method of calculating the amount of the taxing entity's sales and use tax revenue
3853	that the taxing entity will pay the agency;
3854	(ii) the number of tax years that the taxing entity will pay the taxing entity's sales and
3855	use tax revenue; and
3856	(iii) the percentage of sales tax revenue or the maximum cumulative dollar amount of
3857	sales and use tax revenue that the taxing entity will pay the agency.
3858	(7) Unless the taxing entity otherwise agrees, an agency may not receive a taxing
3859	entity's project area funds:
3860	(a) that exceeds the percentage or maximum cumulative dollar amount of tax
3861	increment specified in the interlocal agreement; or
3862	(b) for more tax years than specified in the interlocal agreement.
3863	(8) A school district may consent to an agency receiving tax increment from the school
3864	district's basic levy only to the extent that the school district also consents to the agency
3865	receiving tax increment from the school district's local levy.
3866	(9) An interlocal agreement under this section may be amended by consent of the
3867	parties.
3868	(10) A taxing entity's consent to an agency receiving funds under this section is not
3869	subject to the requirements of Section 10-8-2.
3870	(11) An interlocal agreement executed by a taxing entity under this section may be
3871	enforced by or against any successor taxing entity.
3872	Section 113. Section 17C-5-206 is enacted to read:

3873	17C-5-206. Interlocal agreement to provide project area funds for the community
3874	reinvestment project area subject to interlocal agreement Notice Effective date of
3875	interlocal agreement Time to contest interlocal agreement Availability of interlocal
3876	agreement.
3877	(1) The approval and adoption of each interlocal agreement under Subsection
3878	17C-5-205 shall be in an open and public meeting.
3879	(2) (a) Upon the execution of an interlocal agreement, the agency shall provide notice
3880	in accordance with Subsection (2)(b) by:
3881	(i) (A) publishing or causing to be published a notice in a newspaper of general
3882	circulation within the agency's boundaries; or
3883	(B) if there is no newspaper of general circulation within the agency's boundaries,
3884	causing a notice to be posted in at least three public places within the agency's boundaries; and
3885	(ii) publishing or causing to be published a notice on the Utah Public Notice Website
3886	created in Section 63F-1-701.
3887	(b) A notice described in Subsection (2)(a) shall:
3888	(i) set forth a summary of the interlocal agreement; and
3889	(ii) include a statement that the interlocal agreement is available for general public
3890	inspection and the hours of inspection.
3891	(3) The interlocal agreement is effective on the day on which:
3892	(a) if notice is published under Subsection (2)(a)(i)(A) or (2)(a)(ii), the notice is
3893	published; or
3894	(b) if notice is posted under Subsection (2)(a)(i)(B), the notice is posted.
3895	(4) (a) For a period of 30 days after the effective date of the interlocal agreement, a
3896	person in interest may contest the interlocal agreement or the procedure used to adopt the
3897	interlocal agreement if the interlocal agreement or procedure fails to comply with applicable
3898	statutory requirements.
3899	(b) After the 30-day period described in Subsection (4)(a) expires, a person may not
3900	contest:
3901	(i) the interlocal agreement;
3902	(ii) a payment to the agency under the interlocal agreement; or
3903	(iii) the agency's use of project area funds under the interlocal agreement.

3904	(5) A taxing entity that enters into an interlocal agreement under Section 17C-5-205
3905	shall make a copy of the interlocal agreement available at the taxing entity's office to the public
3906	for inspection and copying during normal business hours.
3907	Section 114. Section 17C-5-207 is enacted to read:
3908	17C-5-207. Requirement to file a copy of the interlocal agreement County
3909	payment of tax increment.
3910	(1) An agency that receives project area funds under an interlocal agreement shall,
3911	within 30 days after the effective date of the interlocal agreement, file a copy of the interlocal
3912	agreement with:
3913	(a) the State Tax Commission, the State Board of Education, and the state auditor; and
3914	(b) the auditor of the county in which the community reinvestment project area is
3915	located, if the interlocal agreement provides for the agency to receive tax increment from the
3916	taxing entity that entered into the interlocal agreement.
3917	(2) A county that collects property tax on property within a community reinvestment
3918	project area that is subject to interlocal agreement shall, in accordance with Section 59-2-1365,
3919	pay and distribute to the agency the tax increment that the agency is entitled to receive under
3920	the interlocal agreement.
3921	Section 115. Section 17C-5-301 is enacted to read:
3922	Part 3. Community Reinvestment Project Area Budget
3923	<u>17C-5-301.</u> Title.
3924	This part is known as "Community Reinvestment Project Area Budget."
3925	Section 116. Section 17C-5-302 is enacted to read:
3926	17C-5-302. Requirements for adopting a community reinvestment project area
3927	budget - Contesting the budget - Time limit.
3928	(1) An agency shall adopt a community reinvestment project area budget as provided in
3929	this part.
3930	(2) To adopt a community reinvestment project area budget, an agency shall:
3931	(a) prepare a proposed community reinvestment project area budget in accordance with
3932	Section 17C-5-303;
3933	(b) make a copy of the proposed community reinvestment project area budget available
3934	to the public at the agency's office during normal business hours;

3935	(c) provide notice of the budget hearing in accordance with Chapter 1, Part 8, Hearing
3936	and Notice Requirements;
3937	(d) hold a public hearing on the proposed community reinvestment project area budget
3938	and, at that public hearing, allow public comment on:
3939	(i) the proposed community reinvestment project area budget; and
3940	(ii) whether the agency should revise, adopt, or reject the proposed community
3941	reinvestment project area budget;
3942	(e) comply with the requirements of Section 17C-5-306;
3943	(f) obtain a written certification, signed by an attorney licensed to practice law in the
3944	state, stating that the taxing entity committee followed the appropriate procedures to approve
3945	the community reinvestment project area budget; and
3946	(g) after the budget hearing, hold a board meeting in the same meeting as the budget
3947	hearing or in a subsequent meeting to:
3948	(i) consider comments made and information presented at the budget hearing relating
3949	to the proposed community reinvestment project area budget; and
3950	(ii) adopt by resolution the proposed community reinvestment project area budget, with
3951	any revisions, as the community reinvestment project area budget.
3952	(3) (a) For a period of 30 days after the day on which the agency adopts the community
3953	reinvestment project area budget under Subsection (2)(g), a person in interest may contest the
3954	community reinvestment project area budget or the procedure used to adopt the community
3955	reinvestment project area budget if the community reinvestment project area budget or
3956	procedure fails to comply with applicable statutory requirements.
3957	(b) After the 30-day period described in Subsection (3)(a) expires, no person may
3958	contest:
3959	(i) the community reinvestment project area budget or the procedure used by the taxing
3960	entity, the taxing entity committee, or the agency to approve and adopt the community
3961	reinvestment project area budget;
3962	(ii) a payment to the agency under the community reinvestment project area budget; or
3963	(iii) the agency's use of project area funds under the community reinvestment project
3964	area budget.
3965	Section 117 Section 17C-5-303 is enacted to read:

3966	17C-5-303. Community reinvestment area budget - Requirements.
3967	A community reinvestment project area budget shall include:
3968	(1) if the agency receives tax increment:
3969	(a) the base taxable value of property in the community reinvestment project area;
3970	(b) the projected tax increment to be generated within the community reinvestment
3971	project area;
3972	(c) the amount of tax increment to be shared with other taxing entities in accordance
3973	with Section 17C-1-411;
3974	(d) whether the area from which tax increment will be collected is less than the entire
3975	community reinvestment project area, or if tax increment will be taken from different portions
3976	of the community reinvestment project area during different periods of time:
3977	(i) the tax identification number of each parcel from which tax increment will be
3978	collected; or
3979	(ii) a legal description of the portion or portions of the community reinvestment project
3980	area form which the agency will collect tax increment;
3981	(e) the percentage of tax increment the agency is entitled to receive from the
3982	community reinvestment project area under the community reinvestment project area budget;
3983	<u>and</u>
3984	(f) the maximum cumulative dollar amount of tax increment the agency may receive
3985	from the community reinvestment project area under the community reinvestment project area
3986	budget;
3987	(2) if the agency will receive sales and use tax revenue:
3988	(a) the amount of sales and use tax revenue to be paid to the agency;
3989	(b) the number of tax years for which the agency is allowed to receive tax increment
3990	from the community reinvestment project area; and
3991	(c) (i) the number of years that the agency is entitled to receive sales and use tax
3992	revenue; and
3993	(ii) the percentage and total amount of sales and use tax revenue the agency expects to
3994	receive;
3995	(3) the amount of project area funds the agency will use to implement the community
3996	reinvestment project area plan, including the estimated amount of project area funds that will

3997	be used for land acquisition, public improvements, infrastructure improvements, and any loans,
3998	grants, or other incentives to private or public entities;
3999	(4) the project area funds that will be used to cover the cost of administering the
4000	community reinvestment project area plan; and
4001	(5) for property that the agency owns and expects to sell, the expected total cost of the
4002	property to the agency and the expected selling price.
4003	Section 118. Section 17C-5-304 is enacted to read:
4004	17C-5-304. Combined incremental value Restriction against adopting a
4005	community reinvestment project area budget Taxing entity committee may waive
4006	restriction.
4007	(1) Except as provided in Subsection (2), an agency may not adopt a community
4008	reinvestment project area budget if, at the time the community reinvestment project area budget
4009	is considered, the combined incremental value for the agency exceeds 10% of the total taxable
4010	value of property within the agency's boundaries in the year that the community reinvestment
4011	project area budget is being considered.
4012	(2) (a) A taxing entity committee may waive the provisions of Subsection (1).
4013	(b) Subsection (1) does not apply if the agency makes a finding of blight in the
4014	community reinvestment project area under Subsection 17C-5-406.
4015	Section 119. Section 17C-5-305 is enacted to read:
4016	17C-5-305. Consent of each taxing entity or taxing entity committee required for
4017	community reinvestment project area budget.
4018	(1) Before an agency may collect any project funds from a community reinvestment
4019	project area, the agency shall obtain consent for each community reinvestment project area
4020	<u>budget:</u>
4021	(a) for a community reinvestment project area that is subject to interlocal agreement,
4022	from each taxing entity with which the agency has an interlocal agreement; or
4023	(b) for a community reinvestment project area that is subject to a taxing entity
4024	committee, from the taxing entity committee.
4025	Section 120. Section 17C-5-306 is enacted to read:
4026	17C-5-306. Filing a copy of the community reinvestment project area budget.
4027	An agency that adopts a community reinvestment project area budget shall within 30

4028	days after the day on which the agency adopts the community reinvestment project area budget
4029	file a copy of the community reinvestment project area budget with the auditor of the county in
4030	which the community reinvestment project area is located, the State Tax Commission, the state
4031	auditor, the State Board of Education, and each taxing entity affected by the agency's collection
4032	of project area funds under the community reinvestment project area budget.
4033	Section 121. Section 17C-5-307 is enacted to read:
4034	17C-5-307. Amending a community reinvestment project area plan budget.
4035	(1) An agency may, by resolution, amend a community reinvestment project area
4036	budget in accordance with this section.
4037	(2) To amend a community reinvestment project area budget, the agency shall:
4038	(a) advertise and hold a public hearing on the proposed amendment as provided in
4039	accordance with Subsection (3);
4040	(b) obtain the approval of the taxing entity committee or a taxing entity through
4041	interlocal agreement to the same extent that the agency was required for the community
4042	reinvestment project area budget as originally adopted;
4043	(c) obtain a written certification, signed by an attorney licensed to practice law in the
4044	state, stating that the taxing entity committee or taxing entity followed the appropriate
4045	procedures to approve the amended community reinvestment project area budget; and
4046	(d) adopt a resolution amending the community reinvestment project area budget.
4047	(3) The public hearing required under Subsection (2)(a) shall be conducted in
4048	accordance with Chapter 1, Part 8, Hearings and Notice Requirements, except that if the
4049	amended community reinvestment project area budget proposes that the agency be paid a
4050	greater proportion of tax increment from a community reinvestment project area than was to be
4051	paid under the original community reinvestment project area budget, the notice shall state the
4052	percentage paid under the previous community reinvestment project area budget and the
4053	percentage proposed under the amended community reinvestment project area budget.
4054	(4) If the agency does not adopt a proposed amendment, the agency shall continue to
4055	operate under the previously adopted community reinvestment project area budget without the
4056	proposed amendment.
4057	(5) (a) A person may contest the agency's adoption of an amended community
4058	reinvestment project area budget within 30 days after the day on which the agency adopts the

4059	amended community reinvestment project area budget.
4060	(b) A person who fails to contest an amended community reinvestment project area
4061	budget under Subsection (5)(a):
4062	(i) forfeits any claim against an agency's adoption of the amended community
4063	reinvestment project area budget; and
4064	(ii) may not contest:
4065	(A) a payment to the agency under the amended community reinvestment project area
4066	budget; or
4067	(B) an agency's use of project area funds under the amended community reinvestment
4068	project area budget.
4069	Section 122. Section 17C-5-401 is enacted to read:
4070	Part 4. Eminent Domain in a Community Reinvestment Project Area
4071	<u>17C-5-401.</u> Title.
4072	This part is known as "Eminent Domain in a Community Reinvestment Project Area."
4073	Section 123. Section 17C-5-402 is enacted to read:
4074	17C-5-402. Use of eminent domain in community reinvestment project area
4075	Blight determination Taxing entity committee requirement.
4076	(1) Except as provided in Section 17C-1-207 and Subsection (2), an agency may not
4077	use eminent domain to acquire property.
4078	(2) Subject to Section 17C-5-403, an agency may in accordance with Title 78B,
4079	Chapter 6, Part 5, Eminent Domain, use eminent domain to acquire property within a
4080	community reinvestment project area if:
4081	(a) the agency makes a finding of blight under Section 17C-5-406;
4082	(b) the community reinvestment project area plan provides for the use of eminent
4083	domain;
4084	(c) the agency creates a taxing entity committee as described in Subsection
4085	17C-5-202(1)(a); and
4086	(d) the agency commences the acquisition of the property within five years after the
4087	effective date of the community reinvestment project area plan.
4088	Section 124. Section 17C-5-403 is enacted to read:
4089	17C-5-403. Prerequisites to the acquisition of property by eminent domain Civil

4090	action authorized Record of good faith negotiations to be retained.
4091	(1) Before an agency may acquire property by eminent domain, the agency shall:
4092	(a) negotiate in good faith with the affected record property owner;
4093	(b) provide to each affected record property owner a written declaration that includes:
4094	(i) an explanation of the eminent domain process and the reasons for using eminent
4095	domain, including:
4096	(A) the need for the agency to obtain an independent appraisal that indicates the fair
4097	market value of the property and how the fair market value is determined;
4098	(B) a statement that the agency may adopt a resolution authorizing the agency to make
4099	an offer to the record property owner to purchase the property for the fair market value amount
4100	determined by the independent appraiser and that, if the offer is rejected, the agency has the
4101	right to acquire the property through an eminent domain proceeding; and
4102	(C) a statement that the agency will prepare an offer that will include the price the
4103	agency is offering for the property, an explanation of how the agency determined the price
4104	being offered, the legal description of the property, conditions of the offer, and the time at
4105	which the offer will expire;
4106	(ii) an explanation of the record property owner's relocation rights under Title 57,
4107	Chapter 12, Utah Relocation Assistance Act, and how to receive relocation assistance; and
4108	(iii) a statement that the record property owner has the right to receive just
4109	compensation and an explanation of how to obtain just compensation; and
4110	(c) provide to the affected record property owner, or the owner's designated
4111	representative, a notice that is printed in at least ten-point type and contains:
4112	(i) a description of the property to be acquired;
4113	(ii) the name of the agency acquiring the property and the agency's contact person and
4114	telephone number; and
4115	(iii) a copy of Title 57, Chapter 12, Utah Relocation Assistance Act.
4116	(2) A person may bring a civil action against an agency for a violation of Subsection
4117	(1)(b) that results in damage to the person.
4118	(3) Each agency shall keep a record and evidence of the good faith negotiations
4119	required under Subsection (1)(a) and retain the record and evidence as provided in:
4120	(a) Title 63G, Chapter 2, Government Records and Access and Management Act; or

4121	(b) an ordinance or policy that the agency has adopted under Section 63G-2-701.
4122	(4) A record property owner whose property is the subject of an agency's exercise of
4123	eminent domain may elect to receive for the real property being take:
4124	(a) fair market value; or
4125	(b) replacement property under Section 57-12-7.
4126	Section 125. Section 17C-5-404 is enacted to read:
4127	17C-5-404. Acquiring single family owner occupied residential property or
4128	commercial property Acquiring property already devoted to a public use Relocation
4129	assistance requirement.
4130	(1) As used in this section:
4131	(a) "Commercial property" means real property used, in whole or in part, by the owner
4132	or possessor of the property for a commercial, industrial, retail, or other business purpose,
4133	regardless of the identity of the property owner.
4134	(b) "Owner occupied property" means private real property that is:
4135	(i) used for single-family residential or commercial; and
4136	(ii) occupied by the owner of the property.
4137	(c) "Relevant area" mean:
4138	(i) except as provided in Subsection (2)(a)(iii)(B), the community reinvestment project
4139	area; or
4140	(ii) the area included within a phase of a project under a community reinvestment
4141	project area plan if the phase and the area included within the phase are described in the
4142	community reinvestment project area plan.
4143	(2) For purposes of each provision of this section relating to the submission of a
4144	petition by the owners of property, a parcel of real property is included in the calculation of the
4145	applicable percentage if the petition is signed by:
4146	(a) except as provided in Subsection (2)(b), owners representing a majority ownership
4147	interest in that parcel; or
4148	(b) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number
4149	of owners of that parcel.
4150	(3) An agency may not acquire by eminent domain a residential owner occupied
4151	property unless:

1152	(a) the owner consents; or
1153	(b) (i) a written petition requesting the agency to use eminent domain to acquire the
1154	property is submitted by the owners of at least 80% of the owner occupied property within the
1155	relevant area representing at least 70% of the value of owner occupied property within the
1156	relevant area;
1157	(ii) a written petition of 90% of the owners of real property, including property owned
1158	by the agency or a public entity within the community reinvestment project area is submitted to
1159	the agency, requesting the use of eminent domain to acquire property; or
1160	(iii) 2/3 of all board members vote in favor of using eminent domain to acquire the
1161	property.
1162	(4) An agency may not acquire commercial property by eminent domain unless:
1163	(a) the property is determined to be blighted in accordance with Section 17C-5-406;
1164	<u>and</u>
1165	(b) the owner consents; or
1166	(c) (i) a written petition requesting the agency to use eminent domain to acquire the
1167	property is submitted by the owners of at least 75% of the commercial property within the
1168	relevant area representing at least 60% of the value of commercial property within the relevant
1169	area; and
1170	(ii) 2/3 of all board members vote in favor of using eminent domain to acquire the
171	property.
1172	(5) An agency may not acquire any real property on which an existing building is to be
1173	continued on the building's present site and in the building's present form and use unless:
1174	(a) the property is determined to be blighted in accordance with 17C-5-406;
1175	(b) the owner consents; or
1176	(c) (i) the building requires structural alteration, improvement, modernization, or
1177	rehabilitation;
1178	(ii) the site or lot on which the building is situated requires modification in size, shape,
1179	or use; or
1180	(iii) (A) it is necessary to impose upon the property any of the standards, restrictions,
1181	and controls of the community reinvestment project area plan; and
182	(B) the owner fails or refuses to agree to participate in the community reinvestment

4183	project area plan.
4184	(6) An agency that acquires property by eminent domain shall comply with Title 57,
4185	Chapter 12, Utah Relocation Assistance Act.
4186	Section 126. Section 17C-5-405 is enacted to read:
4187	17C-5-405. Court award for court costs and attorney fees, relocation expenses,
4188	and damage to fixtures or personal property.
4189	In an eminent domain action under this chapter, the court may award:
4190	(1) court costs and reasonable attorney fees to the condemnee, if the amount of the
4191	court or jury award for the property exceeds the amount offered by the agency;
4192	(2) a reasonable sum, as determined by the court or jury, as compensation for any costs
4193	or expenses related to relocating:
4194	(a) an owner who occupied the acquired property;
4195	(b) a party conducting a business on the acquired property; or
4196	(c) a person displaced from the property, as permitted by Title 57, Chapter 12, Utah
4197	Relocation Assistance Act; and
4198	(3) an amount to compensate for any fixtures or personal property that is:
4199	(a) owned by the owner of the acquired property or by a person conducting a business
4200	on the acquired property; and
4201	(b) damaged as a result of the acquisition.
4202	Section 127. Section 17C-5-406 is enacted to read:
4203	17C-5-406. Blight determination in a Community Reinvestment Area
4204	Prerequisites Restrictions.
4205	(1) Before an agency may exercise eminent domain under this part, the agency shall,
4206	after adopting a resolution as described in Subsection 17C-5-103:
4207	(a) cause a blight study to be conducted within the survey area in accordance with
4208	Section 17C-5-407;
4209	(b) provide notice of a blight hearing in accordance with Sections 17C-1-806 and
4210	<u>17C-1-808;</u>
4211	(c) hold a blight hearing in accordance with Section 17C-1-809; and
4212	(d) after the blight hearing, hold a board meeting at which the board shall:
4213	(i) consider:

1214	(A) the issue of blight and the evidence and information relating to the existence or
4215	nonexistence of blight; and
4216	(B) whether the agency should pursue adoption of one or more community
4217	reinvestment project area plans; and
4218	(ii) by resolution, make a finding regarding whether blight exists in the proposed
1219	community reinvestment project area.
1220	(2) (a) If an agency makes a finding of blight under Subsection (1), the agency may not
1221	adopt the community reinvestment project area plan until the taxing entity committee approves
1222	the finding of blight.
1223	(b) (i) A taxing entity committee shall approve an agency's finding of blight unless the
1224	taxing entity committee demonstrates that the conditions the agency found to exist in the
1225	community reinvestment project area that support the agency's finding of blight:
1226	(A) do not exist; or
1227	(B) do not constitute blight under Section 17C-5-409.
1228	(ii) (A) If the taxing entity committee questions or dispute the existence of some or all
1229	of the blight conditions that the agency found to exist in the proposed community reinvestment
4230	area, or that those conditions constitute blight, the taxing entity committee may hire a
4231	consultant, mutually agreed upon by the taxing entity committee and the agency, with the
1232	necessary expertise to assist the taxing entity committee in making a determination as to the
1233	existence of the questioned or disputed blight conditions.
1234	(B) The agency shall pay the fees and expenses of each consultant hired under
1235	Subsection (2)((ii)(A).
1236	(C) The findings of a consultant under this Subsection (2) are binding on the taxing
1237	entity committee and the agency.
1238	Section 128. Section 17C-5-407 is enacted to read:
1239	17C-5-407. Blight Study - Requirements - Deadline.
1240	(1) A blight study shall:
1241	(a) undertake a parcel by parcel survey of the survey area;
1242	(b) provide data so the board and taxing entity committee may determine:
1243	(i) whether the conditions described in Subsection 17C-5-409(1):
1244	(A) exist in part or all of the survey area; and

4245	(B) meet the qualifications for a finding of blight in all or part of the survey area; and
4246	(ii) whether the survey area contains all or part of a superfund site;
4247	(c) include a written report setting forth:
4248	(i) the conclusions reached;
4249	(ii) any recommended area within the survey area qualifying as meeting the statutory
4250	criteria of blight under 17C-5-409; and
4251	(iii) any other information requested by the agency to determine whether blight exists
4252	within the survey area; and
4253	(d) be completed within one year after the day on which the survey area resolution is
4254	adopted.
4255	(2) (a) If a blight study is not completed within the time described in Subsection (1)(d),
4256	the agency may not approve community reinvestment project area plan based on that blight
4257	study unless the agency first adopts a new resolution under Subsection 17C-25-103(1).
4258	(b) A new resolution described in Subsection (2)(a) shall in all respects be considered
4259	to be a resolution under Subsection 17C-5-103(1) adopted for the first time, except that any
4260	actions taken toward completing a blight study under the resolution that the new resolution
4261	replaces shall be considered to have been taken under the new resolution.
4262	Section 129. Section 17C-5-408 is enacted to read:
4263	17C-5-408. Blight hearing Owners may review evidence of blight.
4264	(1) In a hearing required under Subsection 17C-5-406(1)(c), the agency shall:
4265	(a) permit all evidence of the existence or nonexistence of blight within the proposed
4266	community reinvestment project area to be presented; and
4267	(b) permit each record owner of property located within the proposed community
4268	reinvestment project area or the record property owner's representative the opportunity to:
4269	(i) examine and cross-examine witnesses providing evidence of the existence or
4270	nonexistence of blight; and
4271	(ii) present evidence and testimony, including expert testimony, concerning the
4272	existence or nonexistence of blight.
4273	(2) The agency shall allow each record owner of property located within a proposed
4274	community reinvestment project area the opportunity, for at least 30 days before the day on
4275	which the hearing takes place, to review the evidence of blight compiled by the agency or by

4276	the person or firm conducting the blight study for the agency, including any expert report.
4277	Section 130. Section 17C-5-409 is enacted to read:
4278	17C-5-409. Conditions on board determination of blight Conditions of blight
4279	caused by a participant.
4280	(1) A board may not make a finding of blight in a resolution under Subsection
4281	17C-5-406(1)(d)(ii) unless the board finds that:
4282	(a) (i) the proposed community reinvestment project area consists predominantly of
4283	nongreenfield parcels;
4284	(ii) the proposed community reinvestment project area is currently zoned for urban
4285	purposes and generally served by utilities;
4286	(iii) at least 50% of the parcels within the proposed community reinvestment project
4287	area contain nonagricultural or nonaccessory buildings or improvements used or intended for
4288	residential, commercial, industrial, or other urban purposes;
4289	(iv) the present condition or use of the proposed community reinvestment project area
4290	substantially impairs the sound growth of the community, delays the provision of housing
4291	accommodations, or constitutes an economic liability or is detrimental to the public health,
4292	safety, or welfare, as shown by the existence within the proposed community reinvestment
4293	project area of at least four of the following factors:
4294	(A) although sometimes interspersed with well maintained buildings and infrastructure,
4295	substantial physical dilapidation, deterioration, or defective construction of buildings or
4296	infrastructure, or significant noncompliance with current building code, safety code, health
4297	code, or fire code requirements or local ordinances;
4298	(B) unsanitary or unsafe conditions in the proposed community reinvestment project
4299	area that threaten the health, safety, or welfare of the community;
4300	(C) environmental hazards, as defined in state or federal law, that require remediation
4301	as a condition for current or future use and development;
4302	(D) excessive vacancy, abandoned buildings, or vacant lots within an area zoned for
4303	urban use and served by utilities;
4304	(E) abandoned or outdated facilities that pose a threat to public health, safety, or
4305	welfare;
4306	(F) criminal activity in the proposed community reinvestment project area, higher than

1307	that of comparable nonblighted areas in the municipality or county; and
4308	(G) defective or unusual conditions of title rendering the title nonmarketable; and
1309	(v) (A) at least 50% of the privately-owned parcels within the proposed community
4310	reinvestment project area are affected by at least one of the factors, but not necessarily the same
4311	factor, listed in Subsection (1)(a)(iv); and
4312	(B) the affected parcels comprise at least 66% of the privately-owned acreage of the
4313	proposed community reinvestment project area; or
4314	(b) the proposed community reinvestment project area includes some or all of a
4315	superfund site, inactive industrial site, or inactive airport site.
4316	(2) No single parcel comprising 10% or more of the acreage of the proposed
4317	community reinvestment project area may be counted as satisfying Subsection (1)(a)(iii) or (iv)
4318	unless at least 50% of the area of that parcel is occupied by buildings or improvements.
4319	(3) (a) For purposes of Subsection (1), if a participant or proposed participant involved
4320	in the project has caused a condition listed in Subsection (1)(a)(iv) within the proposed
4321	community reinvestment project area, that condition may not be used in the determination of
1322	blight.
1323	(b) Subsection (3)(a) does not apply to a condition that was caused by an owner or
1324	tenant who later becomes a participant.
1325	Section 131. Section 17C-5-410 is enacted to read:
4326	17C-5-410. Challenging a finding of blight Time limit De novo review.
4327	(1) If the board makes a finding of blight under Subsection 17C-5-406(1)(d)(i) and the
4328	finding is approved by resolution adopted by the taxing entity committee, a record owner of
1329	property located within the proposed community reinvestment project area may challenge the
4330	finding by filing an action with the district court in the county in which the property is located.
4331	(2) An action under Subsection (1) shall be filed within 30 days after the day on which
4332	the taxing entity committee approves the board's finding of blight.
1333	(3) In an action under this section, the district court shall review the finding of blight
1334	under the standards of review provided in Subsection 10-9a-801(3).
4335	Section 132. Section 59-2-924 is amended to read:
4336	59-2-924. Report of valuation of property to county auditor and commission
1337	Transmittal by auditor to governing bodies Certified tax rate Calculation of certified

4338	tax rate Rulemaking authority Adoption of tentative budget.
1339	(1) (a) Subject to Subsection (2), "new growth" means:
1340	(i) the difference between the increase in taxable value of the following property of the
4341	taxing entity from the previous calendar year to the current year:
1342	(A) real property assessed by a county assessor in accordance with Part 3, County
1343	Assessment; and
1344	(B) property assessed by the commission under Section 59-2-201; plus
1345	(ii) the difference between the increase in taxable year end value of personal property
1346	of the taxing entity from the year prior to the previous calendar year to the previous calendar
1347	year; minus
4348	(iii) the amount of an increase in taxable value described in Subsection (2)(b).
1349	(b) Except as provided in Subsection (1)(d), new growth shall equal the greater of:
4350	(i) the amount calculated under Subsection (1)(a); or
4351	<u>(ii) zero.</u>
4352	(c) (i) When a project area, as defined in Section 17C-1-102, dissolves, the project
4353	area's incremental value, as defined in Section 17C-1-102, shall be:
1354	(A) considered new growth; and
1355	(B) added to the amount described in Subsection (1)(b).
1356	(ii) The amount calculated in Subsection (1)(c)(i)(B) shall not equal less than zero.
1357	(2) (a) For purposes of Subsection (1)(a)(i) taxable value of personal property of the
1358	taxing entity does not include the taxable value of personal property that is:
1359	(i) contained on the tax rolls of the taxing entity if that property is assessed by a county
4360	assessor in accordance with Part 3, County Assessment; and
4361	(ii) semiconductor manufacturing equipment.
4362	(b) Subsection (1)(a)(iii) applies to the following increases in taxable value:
1363	(i) the amount of increase to locally assessed real property taxable values resulting
1364	from factoring, reappraisal, or any other adjustments; or
1365	(ii) the amount of an increase in the taxable value of property assessed by the
4366	commission under Section 59-2-201 resulting from a change in the method of apportioning the
4367	taxable value prescribed by:
1368	(A) the Legislature;

4369	(B) a court;
4370	(C) the commission in an administrative rule; or
4371	(D) the commission in an administrative order.
4372	[(1)] (2) Before June 1 of each year, the county assessor of each county shall deliver to
4373	the county auditor and the commission the following statements:
4374	(a) a statement containing the aggregate valuation of all taxable real property assessed
4375	by a county assessor in accordance with Part 3, County Assessment, for each taxing entity; and
4376	(b) a statement containing the taxable value of all personal property assessed by a
4377	county assessor in accordance with Part 3, County Assessment, from the prior year end values.
4378	[(2)] (3) The county auditor shall, on or before June 8, transmit to the governing body
4379	of each taxing entity:
4380	(a) the statements described in Subsections [(1)] (2)(a) and (b);
4381	(b) an estimate of the revenue from personal property;
4382	(c) the certified tax rate; and
4383	(d) all forms necessary to submit a tax levy request.
4384	$[\frac{3}{4}]$ (a) The "certified tax rate" means a tax rate that will provide the same ad
4385	valorem property tax revenues for a taxing entity as were budgeted by that taxing entity for the
4386	prior year.
4387	(b) For purposes of this Subsection [(3)] <u>(4)</u> :
4388	(i) "Ad valorem property tax revenues" do not include:
4389	(A) interest;
4390	(B) penalties; and
4391	(C) revenue received by a taxing entity from personal property that is:
4392	(I) assessed by a county assessor in accordance with Part 3, County Assessment; and
4393	(II) semiconductor manufacturing equipment.
4394	(ii) "Aggregate taxable value of all property taxed" means:
4395	(A) the aggregate taxable value of all real property assessed by a county assessor in
4396	accordance with Part 3, County Assessment, for the current year;
4397	(B) the aggregate taxable year end value of all personal property assessed by a county
4398	assessor in accordance with Part 3, County Assessment, for the prior year; and
4399	(C) the aggregate taxable value of all real and personal property assessed by the

4400 commission in accordance with Part 2, Assessment of Property, for the current year. 4401 (c) (i) Except as otherwise provided in this section, the certified tax rate shall be 4402 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the 4403 taxing entity by the amount calculated under Subsection [(3)] (4)(c)(ii). 4404 (ii) For purposes of Subsection $[\frac{(3)}{2}]$ (4)(c)(i), the legislative body of a taxing entity 4405 shall calculate an amount as follows: 4406 (A) calculate for the taxing entity the difference between: 4407 (I) the aggregate taxable value of all property taxed; and 4408 (II) any redevelopment adjustments for the current calendar year: 4409 (B) after making the calculation required by Subsection [(3)] (4)(c)(ii)(A), calculate an 4410 amount determined by increasing or decreasing the amount calculated under Subsection [(3)] 4411 (4)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for the 4412 equalization period for the three calendar years immediately preceding the current calendar 4413 year; 4414 (C) after making the calculation required by Subsection [(3)] (4)(c)(ii)(B), calculate the 4415 product of: 4416 (I) the amount calculated under Subsection [(3)] (4)(c)(ii)(B); and 4417 (II) the percentage of property taxes collected for the five calendar years immediately 4418 preceding the current calendar year; and 4419 (D) after making the calculation required by Subsection [(3)] (4)(c)(ii)(C), calculate an 4420 amount determined by subtracting from the amount calculated under Subsection [(3)]4421 (4)(c)(ii)(C) any new growth as defined in this section: 4422 (I) within the taxing entity; and 4423 (II) for the following calendar year: 4424 (Aa) for new growth from real property assessed by a county assessor in accordance 4425 with Part 3, County Assessment and all property assessed by the commission in accordance 4426 with Section 59-2-201, the current calendar year; and 4427 (Bb) for new growth from personal property assessed by a county assessor in 4428 accordance with Part 3, County Assessment, the prior calendar year. 4429 (iii) For purposes of Subsection [(3)] (4)(c)(ii)(A), the aggregate taxable value of all 4430 property taxed:

4431	(A) except as provided in Subsection [(3)] (4) (c)(iii)(B) or [(3)] (4) (c)(ii)(C), is as
4432	defined in Subsection [(3)] (4)(b)(ii);
4433	(B) does not include the total taxable value of personal property contained on the tax
4434	rolls of the taxing entity that is:
4435	(I) assessed by a county assessor in accordance with Part 3, County Assessment; and
4436	(II) semiconductor manufacturing equipment; and
4437	(C) for personal property assessed by a county assessor in accordance with Part 3,
4438	County Assessment, the taxable value of personal property is the year end value of the personal
4439	property contained on the prior year's tax rolls of the entity.
4440	(iv) For purposes of Subsection [(3)] (4)(c)(ii)(B), for calendar years beginning on or
4441	after January 1, 2007, the value of taxable property does not include the value of personal
4442	property that is:
4443	(A) within the taxing entity assessed by a county assessor in accordance with Part 3,
4444	County Assessment; and
4445	(B) semiconductor manufacturing equipment.
4446	(v) For purposes of Subsection $[\frac{(3)}{(4)}]$ $\underline{(4)}(c)(ii)(C)(II)$, for calendar years beginning on or
4447	after January 1, 2007, the percentage of property taxes collected does not include property taxes
4448	collected from personal property that is:
4449	(A) within the taxing entity assessed by a county assessor in accordance with Part 3,
4450	County Assessment; and
4451	(B) semiconductor manufacturing equipment.
4452	(vi) For purposes of Subsection $[(3)]$ (4) (c)(ii)(B), for calendar years beginning on or
4453	after January 1, 2009, the value of taxable property does not include the value of personal
4454	property that is within the taxing entity assessed by a county assessor in accordance with Part 3,
4455	County Assessment.
4456	(vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
4457	the commission may prescribe rules for calculating redevelopment adjustments for a calendar
4458	year.
4459	(viii) (A) Except as provided in Subsections $[(3)]$ (4) (c)(ix) and (x), for purposes of
4460	Subsection $[(3)]$ (4) (c)(i), a taxing entity's ad valorem property tax revenues budgeted for the
4461	prior year shall be decreased by an amount of revenue equal to the five-year average of the

most recent prior five years of redemptions adjusted by the five-year average redemption calculated for the prior year as reported on the county treasurer's final annual settlement required under Subsection 59-2-1365(2).

- (B) A decrease under Subsection [(3)] (4)(c)(viii)(A) does not apply to the multicounty assessing and collecting levy authorized in Subsection 59-2-1602(2)(a), the certified revenue levy, or the minimum basic tax rate established in Section 53A-17a-135.
 - (ix) As used in Subsection [(3)] (4)(c)(x):

- (A) "One-fourth of qualifying redemptions excess amount" means a qualifying redemptions excess amount divided by four.
- (B) "Qualifying redemptions" means that, for a calendar year, a taxing entity's total amount of redemptions is greater than three times the five-year average of the most recent prior five years of redemptions calculated for the prior year under Subsection [(3)] (4)(c)(viii)(A).
- (C) "Qualifying redemptions base amount" means an amount equal to three times the five-year average of the most recent prior five years of redemptions for a taxing entity, as reported on the county treasurer's final annual settlement required under Subsection 59-2-1365(2).
- (D) "Qualifying redemptions excess amount" means the amount by which a taxing entity's qualifying redemptions for a calendar year exceed the qualifying redemptions base amount for that calendar year.
- (x) (A) If, for a calendar year, a taxing entity has qualifying redemptions, the redemption amount for purposes of calculating the five-year redemption average required by Subsection [(3)] (4)(c)(viii)(A) is as provided in Subsections [(3)] (4)(c)(x)(B) and (C).
- (B) For the initial calendar year a taxing entity has qualifying redemptions, the taxing entity's redemption amount for that calendar year is the qualifying redemptions base amount.
- (C) For each of the four calendar years after the calendar year described in Subsection [(3)] (4)(c)(x)(B), one-fourth of the qualifying redemptions excess amount shall be added to the redemption amount.
- (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission shall make rules determining the calculation of ad valorem property tax revenues budgeted by a taxing entity.
 - (ii) For purposes of Subsection $[\frac{(3)}{2}]$ (4)(d)(i), ad valorem property tax revenues

budgeted by a taxing entity shall be calculated in the same manner as budgeted property tax revenues are calculated for purposes of Section 59-2-913.

(e) The certified tax rates for the taxing entities described in this Subsection [(3)] (4)(e) shall be calculated as follows:

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- (i) except as provided in Subsection [(3)] (4)(e)(ii), for new taxing entities the certified tax rate is zero;
 - (ii) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:
- 4500 (A) in a county of the first, second, or third class, the levy imposed for municipal-type 4501 services under Sections 17-34-1 and 17-36-9; and
- 4502 (B) in a county of the fourth, fifth, or sixth class, the levy imposed for general county 4503 purposes and such other levies imposed solely for the municipal-type services identified in 4504 Section 17-34-1 and Subsection 17-36-3(22); and
 - (iii) for debt service voted on by the public, the certified tax rate shall be the actual levy imposed by that section, except that the certified tax rates for the following levies shall be calculated in accordance with Section 59-2-913 and this section:
- 4508 (A) school levies provided for under Sections 53A-16-113, 53A-17a-133, and 4509 53A-17a-164; and
- 4510 (B) levies to pay for the costs of state legislative mandates or judicial or administrative orders under Section 59-2-1602.
 - (f) (i) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be established at that rate which is sufficient to generate only the revenue required to satisfy one or more eligible judgments, as defined in Section 59-2-102.
 - (ii) The ad valorem property tax revenue generated by the judgment levy shall not be considered in establishing the taxing entity's aggregate certified tax rate.
- 4517 (g) The ad valorem property tax revenue generated by the capital local levy described 4518 in Section 53A-16-113 within a taxing entity in a county of the first class:
- 4519 (i) may not be considered in establishing the school district's aggregate certified tax 4520 rate; and
- 4521 (ii) shall be included by the commission in establishing a certified tax rate for that capital outlay levy determined in accordance with the calculation described in Subsection 59-2-913(3).

4524	[(4)] (5) (a) For the purpose of calculating the certified tax rate, the county auditor shall
4525	use:
4526	(i) the taxable value of real property assessed by a county assessor contained on the
4527	assessment roll;
4528	(ii) the taxable value of real and personal property assessed by the commission; and
4529	(iii) the taxable year end value of personal property assessed by a county assessor
4530	contained on the prior year's assessment roll.
4531	(b) For purposes of Subsection $[(4)]$ (5) (a)(i), the taxable value of real property on the
4532	assessment roll does not include new growth as defined in Subsection $[\frac{(4)(c)}{2}]$.
4533	[(c) "New growth" means:]
4534	[(i) the difference between the increase in taxable value of the following property of
4535	the taxing entity from the previous calendar year to the current year:]
4536	[(A) real property assessed by a county assessor in accordance with Part 3, County
4537	Assessment; and]
4538	[(B) property assessed by the commission under Section 59-2-201; plus]
4539	[(ii) the difference between the increase in taxable year end value of personal property
4540	of the taxing entity from the year prior to the previous calendar year to the previous calendar
4541	year; minus]
4542	[(iii) the amount of an increase in taxable value described in Subsection (4)(e).]
4543	[(d) For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the
4544	taxing entity does not include the taxable value of personal property that is:]
4545	[(i) contained on the tax rolls of the taxing entity if that property is assessed by a
4546	county assessor in accordance with Part 3, County Assessment; and]
4547	[(ii) semiconductor manufacturing equipment.]
4548	[(e) Subsection (4)(c)(iii) applies to the following increases in taxable value:]
4549	[(i) the amount of increase to locally assessed real property taxable values resulting
4550	from factoring, reappraisal, or any other adjustments; or]
4551	[(ii) the amount of an increase in the taxable value of property assessed by the
4552	commission under Section 59-2-201 resulting from a change in the method of apportioning the
4553	taxable value prescribed by:]
4554	[(A) the Legislature;]

4555	[(B) a court;]
4556	[(C) the commission in an administrative rule; or]
4557	[(D) the commission in an administrative order.]
4558	$[\frac{(f)}{2}]$ For purposes of Subsection $[\frac{(4)}{2}]$ $\underline{(5)}$ (a)(ii), the taxable year end value of
4559	personal property on the prior year's assessment roll does not include:
4560	(i) new growth as defined in Subsection $[\frac{(4)(c)}{(1)}]$ or
4561	(ii) the total taxable year end value of personal property contained on the prior year's
4562	tax rolls of the taxing entity that is:
4563	(A) assessed by a county assessor in accordance with Part 3, County Assessment; and
4564	(B) semiconductor manufacturing equipment.
4565	$[\frac{(5)}{(6)}]$ (a) On or before June 22, each taxing entity shall annually adopt a tentative
4566	budget.
4567	(b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
4568	auditor of:
4569	(i) its intent to exceed the certified tax rate; and
4570	(ii) the amount by which it proposes to exceed the certified tax rate.
4571	(c) The county auditor shall notify property owners of any intent to levy a tax rate that
4572	exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.
4573	Section 133. Repealer.
4574	This bill repeals:
4575	Section 17C-1-303, Summary of sale or other disposition of agency property
4576	Publication of summary.
4577	Section 17C-3-301, Combining hearings.
4578	Section 17C-3-302, Continuing a hearing.
4579	Section 17C-3-303, Notice required for continued hearing.
4580	Section 17C-3-401, Agency to provide notice of hearings.
4581	Section 17C-3-402, Requirements for notice provided by agency.
4582	Section 17C-3-403, Additional requirements for notice of a plan hearing.
4583	Section 17C-3-404, Additional requirements for notice of a budget hearing.
4584	Section 17C-4-301, Continuing a plan hearing.
4585	Section 17C-4-302, Notice required for continued hearing.

4586	Section 17C-4-401, Agency required to provide notice of plan hearing
4587	Section 17C-4-402, Requirements for notice provided by agency.