

Effective 5/10/2016

17C-1-403 Tax increment under a pre-July 1, 1993, project area plan.

- (1) Notwithstanding any other provision of law, this section applies retroactively to tax increment under all pre-July 1, 1993, project area plans, regardless of when the applicable project area was created or the applicable project area plan was adopted.
- (2)
 - (a) Beginning with the first tax year after April 1, 1983, for which an agency accepts tax increment, an agency is authorized to receive:
 - (i)
 - (A) for the first through the fifth tax years, 100% of tax increment;
 - (B) for the sixth through the tenth tax years, 80% of tax increment;
 - (C) for the eleventh through the fifteenth tax years, 75% of tax increment;
 - (D) for the sixteenth through the twentieth tax years, 70% of tax increment; and
 - (E) for the twenty-first through the twenty-fifth tax years, 60% of tax increment; or
 - (ii) for an agency that has caused a taxing entity committee to be created under Subsection 17C-1-402(1)(a), any percentage of tax increment up to 100% and for any length of time that the taxing entity committee approves.
 - (b) Notwithstanding any other provision of this section:
 - (i) an agency is authorized to receive 100% of tax increment from a project area for 32 years after April 1, 1983, to pay principal and interest on agency indebtedness incurred before April 1, 1983, even though the size of the project area from which tax increment is paid to the agency exceeds 100 acres of privately owned property under a project area plan adopted on or 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 authorized to receive 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 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
 - (III) within a project area in which substantially all of the land is publicly owned and a benefit to the community; or
- (ii)
- (A) the additional tax increment 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;
 - (B) construction of the recreational or cultural facility is commenced on or before December 31, 2005; and
 - (C) the additional tax increment is pledged on or before July 1, 2005, to pay all or part of the cost of the land for and the installation and construction of the recreational or cultural facility, including parking and infrastructure improvements related to the recreational or cultural facility.
- (c) Notwithstanding Subsection (3)(b)(ii), a school district may not, without the school district's consent, be paid less tax increment because of application of Subsection (3)(b)(ii) than it would have been paid without that subsection.
- (4) Notwithstanding any other provision of this section, an agency may use tax increment received under Subsection (2) for any of the uses indicated in Subsection (3).

Amended by Chapter 350, 2016 General Session