

2nd Sub. H.B. 190
ASSESSMENT AREA ACT MODIFICATIONS

Senator **Curtis S. Bramble** proposes the following amendments:

1. *Page 3, Lines 59 through 62:*

59 (1) "Adequate protests" means timely filed, written protests under Section 11-42-203
60 that represent at least [50%] ~~{40%}~~ 30% of the frontage, area, taxable value, fair market value, lots,
61 number of connections, or equivalent residential units of the property proposed to be assessed,
62 according to the same assessment method by which the assessment is proposed to be levied,

2. *Page 12, Line 362 through Page 13, Line 370:*

362 assessment may not be commenced, and a court may not inquire into those matters.

363 (6) ~~{(a)}~~ This section may not be interpreted to insulate a local entity from a claim of
364 misuse of assessment funds after the expiration of the 60-day period described in Subsection
365 (2)(b).

366 ~~{(b) (i) Except as provided in Subsection (6)(b)(ii), an action in the nature of mandamus~~
367 ~~is the sole form of relief available to a party challenging the misuse of assessment funds.~~
368 ~~— (ii) The limitation in Subsection (6)(b)(i) does not prohibit the filing of criminal~~
369 ~~charges against or the prosecution of a party for the misuse of assessment funds.}~~

370 Section 4. Section 11-42-201 is amended to read:

3. *Page 31, Lines 926 through 948:*

926 assessment area.]

927 (9) ~~{(a) An owner who fails to make an objection setting forth all claims, in accordance~~
928 ~~with Subsection (9)(b), to the board of equalization waives all objections, except as provided in~~
929 ~~Subsection (10), to the levy.}~~

930 ~~{(b)}~~ An owner may set forth a claim and object to a levy by:

931 ~~{(i)}~~ (a) appearing before the board of equalization in person or through a designated agent;

932 or

933 ~~{(ii)}~~ (b) submitting the objection in writing if the objection is received by the board of
934 equalization before:

935 ~~{(A)}~~ (i) the first hearing as described in Subsection (3)(a); or

936 ~~{(B)}~~ (ii) if applicable to the owner, a subsequent hearing described in Subsection

937 (4)(c)(i)(B).

938 ~~{(10) The provisions of Subsection (9)(a) do not prohibit an owner's objection that the~~
939 ~~governing body failed to obtain jurisdiction to order that the improvements which the~~

940 ~~assessment is intended to pay be provided to the assessment area.}~~

941 ~~{(11)(a)}~~ (10) This section may not be interpreted to insulate a local entity from a claim of
942 misuse of assessment funds.

943 ~~{(b)(i) Except as provided in Subsection (11)(b)(ii), an action in the nature of~~
944 mandamus is the sole form of relief available to a party challenging the misuse of assessment
945 funds.

946 ~~——(ii) The limitation in Subsection (11)(b)(i) does not prohibit the filing of criminal~~
947 charges against or the prosecution of a party for the misuse of assessment funds.}

948 Section 13. Section ~~11-42-404~~ is amended to read: